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Report of the Secretary-General on children and armed conflict in Somalia

Summary

The present report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). It is presented to the Council and its Working Group on Children and Armed Conflict as the first country report emanating from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution. The report covers the period from 1 January 2006 to 15 March 2007. It provides information on grave violations being committed against children in situations affected by armed conflict in Somalia.

There were several months of intensive conflict in 2006 throughout southern and central Somalia. Mogadishu was particularly affected between March and July, during which period more than 350 people are thought to have been killed. Among the victims of this violence were more than 30 children killed and injured. In December 2006 there was again an escalation in fighting as the Transitional Federal Government and allied Ethiopian troops fought the Union of Islamic Courts for control of southern and central Somalia. The early months of 2007 have been marked by widespread insecurity and violence throughout this region as the Transitional Federal Government strives to consolidate its control of the area.

The insecurity and violence in southern and central Somalia are characterized by grave child rights violations. In 2007, there have been consistent reports of children being injured, maimed or killed as a consequence of fighting in and around Mogadishu. Humanitarian access has been severely compromised during the reporting period. In the absence of institutionalized rule of law, crimes against civilians, including women and children, are committed with impunity.

The recruitment and use of child soldiers is a significant concern, with confirmed reports of this violation by both the Transitional Federal Government and the Union of Islamic Courts.

This report also outlines progress in dialogue to end violations and programmatic responses to address the situation of children. It presents a series of recommendations with a view to securing strengthened action for the protection of children in Somalia.



I. Introduction

1. The present report specifies grave violations of child rights, as referred to in Security Council resolution 1612 (2005), by parties to armed conflict in Somalia from the beginning of 2006 to 15 March 2007.

2. Owing to the precarious and unpredictable security situation in Somalia, the United Nations country team and the monitoring and reporting task force of the country team, established pursuant to Security Council resolution 1612 (2005), are based outside the country, in Nairobi. It should be noted in particular that central and southern Somalia, where the vast majority of grave child rights violations by parties to armed conflict occur, remains a Phase V security environment which has severely limited humanitarian access by international and national child protection actors. Restriction and denial of humanitarian access has represented a significant constraint on monitoring and reporting on grave violations of children's rights, and continues to be a significant underlying challenge in the establishment of a rigorous monitoring and reporting mechanism and the implementation of other aspects of Security Council resolutions on children and armed conflict, including the establishment of systematic dialogue with parties to conflict for the preparation of time-bound action plans to end the recruitment and use of child soldiers and other grave violations of children's rights and applicable international humanitarian law. The individual incidents reported are indicative of the gravity and trends of violations.

3. The information presented below is based primarily on reports received from a variety of Somali non-governmental organizations engaged in child protection monitoring inside Somalia and confirmed to the fullest extent possible by the United Nations country team. Those reports are supplemented by additional reporting from other sources such as observer groups and Somali and international media, also verified to the extent possible by the United Nations. The incidents of grave child rights violations included in the present report have been compiled from investigation reports by 30 trained child protection monitors across the country, employed by reputable Somali non-governmental organizations involved in human rights and child protection programmes. The monitors conduct confidential first-hand interviews as a way of verifying initial information received through various sources such as local child protection networks, local non-governmental organizations, other civil society groups monitoring the human rights situation and media reports. Investigation results are entered into a database for further analysis and reporting. Child protection monitoring partners also work on a local level to try and ensure that victims receive the required services.

4. The report looks in particular at the changes in the situation of children arising from the periods of conflict in southern and central Somalia during 2006 and the first three months of 2007. While some of the incidents reported were a result of inter-clan conflict, the majority occurred as a result of the high-intensity conflict between the Union of Islamic Courts and the Transitional Federal Government and their respective allied forces, the current instability of the Transitional Federal Government and the presence of Ethiopian troops in southern and central Somalia. Specifically, the report provides information on grave violations perpetrated by the Union of Islamic Courts and the Transitional Federal Government.

II. Political, military and social developments in Somalia

5. Somalia has been without a functioning central government since the fall of the Siad Barre regime in 1991. In late 2004, the current Transitional Federal Government was formed, but was paralysed by internal division and instability until February 2006, when parliamentary sessions began following an accord between President Abdullahi Yusuf Ahmed and the Speaker of Parliament Sharif Hassan Sheikh Adan. That accord and the consequent unification of the Government in Baidoa town (the capital Mogadishu being deemed too unsafe to act as a seat for Parliament) brought tentative hope that some stability might emerge in southern Somalia. The international community reconfirmed its support to the Transitional Federal Government, the peace process and the beginnings of a comprehensive reconstruction and development phase in Somalia in early 2006. Among other issues discussed was a partial lifting of the Security Council arms embargo and the possible deployment of an Intergovernmental Authority on Development (IGAD) or African Union (AU) peacekeeping mission to Somalia.

6. The initial optimism over an improved political and security situation in Somalia was greatly eroded during 2006 with the ascendancy of the Union of Islamic Courts based in Mogadishu. The Union of Islamic Courts is a complex union of moderate and radical clerics attached to clan-based sharia courts, and dominated by the Hawiye clan. It was originally set up as a response to the lawlessness and violence prevalent in Mogadishu.

7. Between March and June 2006, the forces of the Union of Islamic Courts fought a four-month war against a grouping of southern Somalia's warlords who had come together under the banner of a coalition known as the Alliance for the Restoration of Peace and Counter-Terrorism. During this period, there was a considerably higher level of civilian deaths and injuries in the capital, including at least 30 children, as the conflict was focused in residential areas of the city.

8. The Alliance was defeated by the groups comprising the Union of Islamic Courts in June 2006, and subsequently the Union expanded its hold on the urban centres of southern Somalia. Towards the end of 2006, the Union controlled more than half the territory of the south, with the notable exception of Baidoa town which remained the temporary seat of the Transitional Federal Government.

9. For a time the Union of Islamic Courts brought a degree of peace and stability to the territory it controlled, which was unprecedented in the past 15 years. This was particularly true of Mogadishu, where armed groups had controlled different sections of the city and daily life had been characterized by lawlessness, high levels of militarization, restriction of movement for civilians and almost total impunity for acts of armed violence, killings, rapes and other crimes. The victory of the Union of Islamic Courts over the warlords in mid-2006 was greeted with widespread relief and enthusiasm by the citizens of Mogadishu, and it was reported to have brought greatly reduced levels of crime for the first time in many years.

10. In the latter part of 2006, the transitional federal institutions were considerably weakened by serious internal divisions among their leaders and reported defections of some of their forces to the Union of Islamic Courts. Their influence was largely limited to the town of Baidoa and its confines. The Government of Ethiopia had expressed serious concern at the territorial expansion of the Union of Islamic Courts and its alleged support to insurgent groups within Ethiopia. It views the growing

influence of the Union as a threat to its national security and had reportedly sent “armed military trainers” into Somalia to instruct Transitional Federal Government forces and protect the transitional federal institutions. The United States of America, Kenya and Ethiopia have expressed concern about the possibility of the Union of Islamic Courts harbouring Al-Qaida operatives alleged to be linked with the bombing of the United States embassies in Kenya and the United Republic of Tanzania in 1998.

11. The Union of Islamic Courts has received support from several States including Eritrea. The reported presence of Eritrean and Ethiopian troops has exacerbated existing tensions in Somalia.

12. In a bid to avert a war, peace talks were initiated by the League of Arab States under the chairmanship of the Sudan in June 2006. However, after two rounds of talks in Khartoum, the peace process stalled with both sides stipulating preconditions for resumption of the negotiations.

13. Although the expansion of control by the Union of Islamic Courts outside Mogadishu was largely peaceful (in most cases, towns fell to the Union without a fight or with a minimum of resistance), the atmosphere of uncertainty and the threat of conflict caused significant displacement of civilian populations in the second half of 2006. Approximately 32,000 people fled to the refugee camps in Kenya, most of them in September and October 2006, as the Union’s control over southern Somali territory spread.

14. The Union of Islamic Courts, which had gained control of 18 of the country’s administrative districts, was dislodged between 24 December 2006 and early January 2007 by the military forces of the Transitional Federal Government and Ethiopia.

15. Remnants of the Union forces withdrew to the southern reaches of Ras Kamboni and Afmadow in Lower Juba, where they fought against the Transitional Federal Government/Ethiopian coalition. On 8 January 2007, the United States announced that it had carried out an air strike against suspected terrorists linked with Al-Qaida who were believed to be fighting alongside the Union forces near Afmadow. Child protection monitors report that these air strikes also resulted in civilian casualties, among them children. At the same time, the Transitional Federal Government announced the closure of Somalia’s borders on security grounds and called upon the international community, particularly the neighbouring States, to help enforce the closure. Sheikh Sharif Sheikh Ahmed, the former head of the Executive Committee of the Union of Islamic Courts, reportedly surrendered to the Kenyan authorities on 21 January 2007.

16. After the fall of the Union of Islamic Courts, the semblance of order and security that it had created in Mogadishu began to deteriorate. Roadblocks and checkpoints have returned together with banditry and violence, despite the efforts of the Transitional Federal Government to improve security in the capital. The Prime Minister nominated a 30-member committee to work on modalities for restoring peace and stability in the capital, but violent incidents targeting Ethiopian and Transitional Federal Government forces prompted the Transitional Federal Government, with parliamentary approval, to impose emergency laws allowing President Yusuf to govern the country by decree for a period of three months.

17. Insecurity continues to increase dramatically in Somalia, with almost daily gun, grenade and mortar attacks, most of them hitting the capital. The security situation also remains volatile in the south-west, Lower and Middle Juba regions and the Kismayo area. The fall of the Union of Islamic Courts has also brought to the fore some of the inter- and intra-clan rivalries that had been suppressed during the presence of the Union of Islamic Courts. Serious clan-related fighting has been reported in Bardera (Gedo region), Tayeglo (Bakool region) and elsewhere.

18. Public resentment of the continued presence of Ethiopians in Somalia has created a volatile situation and seriously constrained humanitarian deliveries and emergency operations in the centre and south of the country. Although the Transitional Federal Government has claimed that it is making substantial gains against Union of Islamic Courts remnants, fighting continues, especially in the Ras Kamboni and Bad-Madow areas. Security, especially in the capital Mogadishu, remains the most serious challenge for the Transitional Federal Government.

19. Pursuant to Security Council resolution 1744 (2007), which authorized States members of the African Union to establish a mission in Somalia, a first contingent of 1,100 Ugandan troops was deployed in Mogadishu in March 2007. Additional contingents from Nigeria, Ghana, Malawi and Burundi are anticipated.

III. Grave violations of children's rights

20. Children continue to be a highly vulnerable group in Somalia. Their voiceless status in culture and society, the traditional reliance on their labour for household income and their participation in defence of the clan/household (and thus in conflict) have rendered them vulnerable to abuse in the public sphere as well as their own homes. Especially vulnerable are the many displaced children living in dire conditions in internally displaced persons settlements.

21. The extremely large number of illegal small arms available in all parts of Somalia has resulted in a situation where civilian perpetrators commit acts of violence against children in an increasingly militarized society. During the reporting period, the killing and maiming of children as well as rape and other sexual violence has been carried out by armed civilians who are not necessarily associated with the political conflict. Appreciation and analysis of the patterns of violence against children in Somalia requires an understanding of the ready availability of weapons in civilian spheres, the breakdown of law and order and the climate of impunity for crimes against children and violation of their rights.

22. In 2006 and the early months of 2007, there has been a marked shift in the context of grave violations from intermittent, isolated inter-clan confrontations to more systematic conflict of a political nature, resulting in more pronounced effects on children. The increased and targeted recruitment of children along with the greater number of children killed and maimed as a result of open and sustained hostilities have been a significant feature of the conflict between the Union of Islamic Courts and the Transitional Federal Government as well as the current state of insecurity in southern and central Somalia.

A. Denial of humanitarian access and targeting of humanitarian workers

23. Denial and restriction of humanitarian access represents the most serious challenge to effective monitoring and reporting on grave child rights violations by parties to the conflict, not to mention the delivery of aid. Humanitarian access has been impacted by perceptions concerning the independence of humanitarian actors from partisan foreign efforts in support of one or the other side in the current conflict. For instance, the Monitoring Group on Somalia noted in its November 2006 report (S/2006/913, para. 10) the arrival in Mogadishu of a Djibouti Airlines aircraft carrying medicines and military uniforms intended for the Union of Islamic Courts. The equipment is reported to have been supplied by the Government of Djibouti, although they have denied it. The cargo was disguised to appear as a consignment from the Red Crescent Society of Djibouti. It is clear that these sorts of shipments can jeopardize future humanitarian efforts. As it is, humanitarian access to important regions of Somalia is tenuous.

24. For approximately a decade, Mogadishu has not been sufficiently secure to be used as a base for the United Nations country team, which operates out of Nairobi. The Somali capital has thus been inaccessible to international humanitarian personnel for many years, and this has had serious consequences for the monitoring and accountability of programmes. Since Mogadishu hosts an estimated population of 250,000 internally displaced persons, lack of access has severely affected the most vulnerable and needy. There are several other areas of southern Somalia, notably Kismayo town and other parts of Lower Juba, which have been inaccessible to international aid workers for some time, including the whole of 2006 and to date in 2007.

25. During the reporting period, the security situation in Somalia has fluctuated, resulting in periodic prohibitions on international travel to other parts of southern Somalia. From July 2006, this ban was extended to Jowhar in Middle Shabelle, which until then had been a base of operations for many United Nations agencies. Briefly, during August 2006, one-day missions were made by some United Nations staff to Mogadishu in the light of the new sense of peace and security brought about by the victory of the Union of Islamic Courts. Given the context of heightened insecurity in southern and central Somalia during the first months of 2007, travel restrictions have been reimposed and much of the region remains inaccessible to the international humanitarian community.

26. In addition, for several years piracy off the coast of Somalia has been a serious problem for aid agencies attempting to deliver food and other supplies. A spate of ship hijackings in 2005, including the detention of two ships contracted by the World Food Programme (WFP), made sea transport to Somalia extremely dangerous and forced WFP to use overland routes to transport food from the port of Mombasa in Kenya. Maritime piracy is reported to have been significantly reduced during the takeover of much of southern Somalia by the Union of Islamic Courts. In February 2007, a WFP-chartered vessel was again hijacked off the north-east coast of Somalia after unloading 1,800 tons of food aid in Bossaso. Since then, WFP has had difficulty contracting additional ships to deliver necessary food aid.

27. The closing of the Kenya-Somalia border since January 2007 has also resulted in the denial of humanitarian access. Reports in January and February estimated that

as many as 1,160 families were displaced in the border areas of Doobley, Tabda, Qoqani and Hayo in Juba Hoose district. Although many of them did receive some humanitarian assistance, there has been an urgent need among them for health services. The displaced had earlier been crossing into Kenya for medical assistance but that is now prohibited by the border closure. Further, permission for humanitarian cargo to cross the Kenyan border into Somalia is being granted on an ad hoc basis, causing significant concern, especially in anticipation of the rainy season due to begin in April.

28. In the beginning of 2007 there have been several reported attacks on human rights advocates. On 14 March, a prominent child rights activist, Isse Abdi Isse, Chairman of the Somali human rights organization Kisima of Kismayo, was shot and killed by unidentified assailants in Mogadishu. The Humanitarian Coordinator for Somalia has called for the Somali authorities to conduct a full investigation of this incident.

29. A non-governmental organization reported that on 13 March a mortar landed in a sports ground where children were being trained under one of its projects, resulting in the death of one child and injuries to another child and the instructor. The organization has temporarily suspended programme activities in Mogadishu.

B. Killing and maiming of children

30. During 2006 and the beginning of 2007 children have been victims of armed violence in several areas of Somalia as a result of a variety of unrelated conflicts and disputes, including clan-based conflict as well as politically and criminally motivated violence. The violence peaked during the four months of intense fighting for control of Mogadishu in 2006 (see para. 7 above); during the fighting between the Union of Islamic Courts and the Transitional Federal Government and Ethiopian troops throughout central and southern Somalia in December 2006; and in the ongoing strife between different parties in Mogadishu since the beginning of 2007.

31. During the period from March to June 2006, children were disproportionately affected by violence as much of the fighting took place in residential quarters of Mogadishu. Confirmed reports by the International Committee of the Red Cross and Somali Red Crescent Society in May 2006 indicated that over 350 people had lost their lives in the fighting and more than 1,500 had been treated in hospitals for conflict-related injuries. The total number of child victims is unknown, but reports from child protection organizations cite more than 30 children killed or injured in the capital during this period, of which five were confirmed killed in May 2006.

32. Child protection monitors report that children actively involved in the fighting in southern Somalia in December 2006 were among the casualties resulting from that conflict. Monitors also report children being indirect victims of the fighting during that period. For example, on 28 December, an 11-year-old street child was killed by a bomb reportedly exploded by the Transitional Federal Government in Dhusamareb.

33. Violence in Mogadishu has escalated since the Ethiopian troops arrived in December 2006. Targeted attacks against the Transitional Federal Government and Ethiopian troops take place almost daily, followed by retaliations. Civilians are frequently caught in the cross-fire, particularly displaced people living in

settlements close to military or government buildings. Child protection monitors have reported cases of children injured or killed as a result of indiscriminate shooting and shelling, caught in their homes, in the street, in vehicles or walking home from school. The ages of child victims range from seven months to 18 years. In February two such incidents were confirmed: the death of a 16-year-old girl from injuries caused by explosives reportedly fired by the Ethiopian Forces, and a 14-year-old girl seriously wounded in her family home in Hodan District, Mogadishu, by mortars fired by Ethiopian Forces.

34. A non-governmental organization reported on 25 February 2007 that since the beginning of the year more than 430 war-wounded had been admitted to two of Mogadishu's three hospitals. In February alone, Keysaney Hospital, run by the Somali Red Crescent Society, and Medina Hospital admitted more than 200 wounded, including at least 30 women and 24 children. The exact death toll, estimated at several dozen, remains unconfirmed. Owing to a lack of means, some displaced people wounded in these attacks do not even make it to the hospital.

35. In addition to the conflict in Mogadishu, children were victims of killing and maiming as a direct consequence of the ready availability of small arms in Somalia. Personal quarrels, arguments over prices, clan disputes, land disputes and other types of friction can lead to violence with children often caught in the cross-fire. Generalized violence by clan groups for criminal reasons or for purposes of revenge is widespread and takes place in a climate of impunity.

36. Disputes over khat (a green leaf chewed for its narcotic effect by adult men in Somalia), the procurement and sale of which is mainly carried out by women and children, have resulted in a significant number of killings of children during the reporting period. The khat industry represents a \$300,000 per day business mainly controlled by armed groups, warlords and prominent businessmen.

37. Due to security constraints and difficulties of access, landmine incidents are not systematically reported and statistics are rarely disaggregated by age. More common are accidents involving unexploded ordnance and other explosive remnants of war. For example, in June 2006, two children were hurt and one injured in an unexploded ordnance incident in Burco, "Somaliland". At least three accidents involving children killed or hurt by tampering with unexploded ordnance have been recorded since the outbreak of conflict in southern Somalia, including one such incident in August 2006 in Kongo, near Jowhar, in which a 4-year-old was fatally wounded and three of his siblings were injured while playing with a hand grenade.

C. Recruitment and use of children in armed forces and groups

38. One of the challenges in addressing the recruitment and use of children in fighting forces is the fact that this is a long-standing practice in Somali culture. Boys over the age of 15 are considered adults and as such it is considered acceptable for them to carry arms. Moreover, given the nomadic and clan-based structure of traditional Somali life, boys have historically been expected to defend family or clan property from a young age. The use of children in conflict is thus particularly pervasive and difficult to challenge. Furthermore, displacement, abandonment and neglect, orphanhood and destitution have made many children, especially those living and working on the streets, particularly vulnerable to recruitment.

39. Reports indicate that the recruitment of children significantly increased in 2006 due to the conflict in Mogadishu between the Union of Islamic Courts and the warlord groups of the Alliance for the Restoration of Peace and Counter-Terrorism, as well as the conflict throughout central and southern Somalia between the Union of Islamic Courts and the Transitional Federal Government. However, the number of children recruited or involved in the hostilities cannot easily be verified as there is no birth registration in Somalia, making it difficult to determine the age of an adolescent or young person involved with an armed group.

40. Beyond the widespread eyewitness reporting of children as young as 11 years of age at checkpoints and in the vehicles of various parties to the conflict in Mogadishu in 2006, interviews were conducted by child protection monitors with 14 boys actively serving in the Union of Islamic Courts and armed groups. More specific information pertaining to recruitment and use of child soldiers includes the following:

(a) In mid-2006, in Mogadishu in particular, the armed group of warlords Abdi Qeybidid and Musa Sudi Yalahow recruited children as young as 13 years. There were also reports of several children as young as 7 years old in the employ of armed groups in Galgadud, in Dusamareb;

(b) Youths from the North Eastern Province of Kenya, according to the Provincial Commissioner, were recruited in the last three months of 2006 by rival armed groups preparing to fight in Somalia. Reports indicate that young people were crossing into Somalia during this time to take part in a jihad declared by the Union of Islamic Courts;

(c) The Union of Islamic Courts were responsible for significant levels of new child recruitment in the latter part of 2006. In the name of the jihad which they had declared against Ethiopian troops allegedly present on Somali soil, identification and training of new recruits became a priority. The Union of Islamic Courts declared publicly its intention to recruit from schools, and appointed Sheikh Fu'aad Mohamed Khalaf to be in charge of training students for this purpose. Intensive recruitment of boys and girls from schools in Mogadishu and elsewhere was undertaken in the last months of 2006. Headmasters from a variety of Mogadishu schools were called to meetings in September 2006 in which they were each required to commit a quota of 300 to 600 adolescent schoolchildren to a military training programme of up to six months;

(d) Significant photographic evidence from credible news outlets and sometimes the armed groups themselves shows the use of children in armed forces in Somalia. For instance, a photograph from 3 December 2006 shows a child in full uniform and armed with an assault rifle participating in the confiscation of khat by the Union of Islamic Courts in Mogadishu. The child's age is estimated at 13 years. Photographs from a demonstration against the IGAD peacekeeping mission held on 8 December 2006 in Mogadishu, displayed on the official website of the Union of Islamic Courts, showed children who looked as young as five in full uniform carrying assault rifles. In one photograph, Indhacade, a prominent warlord allied to the Union from Merka, is shown with the children. Also on 8 December 2006, several photographs of adolescents in school uniforms carrying assault rifles and demonstrating against foreign troops coming to Somalia were shown on a local news website. A photograph from 14 December 2006 shows young Somali Government

recruits, including children appearing at most 16 years old, lined up in formation in a forward training camp near Manas, 30 kilometres north-west of Baidoa;

(e) There are several reports of children figuring among Union of Islamic Courts troops injured or killed in the fighting in December 2006. A United Nations staff member in Baidoa reported that his 12-year-old son was recruited from a Mogadishu school by the Union and brought to Deynunay front (20 kilometres east of Baidoa) in late December. Several of the boy's classmates died in the fighting.

41. Following the fighting between the Transitional Federal Government and the Union of Islamic Courts in December, reports were received from child protection monitors of children who had fought with the Union being held in detention by the Transitional Federal Government. Reports were received of children fleeing their homes, and of injured child combatants fleeing hospitals, for fear of retaliation by the Transitional Federal Government. The United Nations Children's Fund (UNICEF) has urged the Transitional Federal Government to ensure the protection and return to their families of any children who were involved in the hostilities. The Transitional Federal Government has assured UNICEF of its commitment in this regard. By the middle of January, reports were received from some protection monitors of children associated with the Union of Islamic Courts being released by the Transitional Federal Government, although the lack of access to detention centres has made it difficult to confirm such reports.

42. In January 2007, a senior United Nations official visited Mogadishu and was an eyewitness to children under 18 years of age in military uniform patrolling the airport. The Transitional Federal Government has subsequently recognized that it does have children in its military ranks. In February 2007, the Ministers of Health and of Women's Development and Family Affairs attended a conference in Paris that endorsed the Paris Commitments to protect children unlawfully recruited or used by armed forces or armed groups. The Ministers requested assistance from the international community to address the problem of children in the Transitional Federal Government armed forces.

43. One report was received from a child protection monitor regarding the recruitment in January of children by Transitional Federal Government forces in "Puntland". The United Nations subsequently communicated its concern regarding child recruitment to "Puntland" authorities who gave their commitments to prevent such actions.

D. Sexual violence

44. Of the more than 40 child rape cases reported in 2006 by the child protection monitors, fewer than half are alleged to have been carried out by parties to the conflict. The fighting in Mogadishu and in other southern towns has not been characterized by sexual violence against members of the civilian population. Nevertheless, women and girls are rendered more vulnerable to sexual violence by displacement, destitution and the breakdown of the rule of law, factors that are exacerbated by the conflict.

45. There have been no reports of rape or sexual violence committed by members of armed groups or soldiers in the context of the fighting. The Union of Islamic Courts reportedly took measures to improve the security situation in Mogadishu and

elsewhere. Much of the criminal activity that was carried out with impunity by the soldiers of former warlords, from extortion at checkpoints to rape of women in displaced persons settlements, was brought to an end while the Union of Islamic Courts had control in most of southern and central Somalia. During that time women reported feeling safer from attack on the streets of the city than they had in many years.

46. In 2007, high levels of insecurity and criminal activity have returned to southern and central Somalia and reports of rapes, killings, extortion and torture at checkpoints controlled by local militias are once again being received from protection monitors. There are several reports of girls being raped at checkpoints or within their communities. Due to a lack of government control and institutionalized rule of law, such violations are often carried out with impunity.

47. Sexual violence against women and girls, particularly in situations of population displacement, is a recognized phenomenon throughout Somalia and such crimes are often carried out with impunity. Frequently, traditional and community justice mechanisms propose solutions such as payments to the family of the victim by the perpetrator or his clan, or even marriage of the victim to the perpetrator. Early and forced marriage are also a long-standing custom in Somali culture, rendering young girls especially vulnerable to rape and sexual violence. Some of the reported rape cases during 2006 involved girls as young as 11 years of age. Domestic violence, particularly against women and girls, is a significant problem.

48. Research carried out by UNICEF and the United Nations Development Programme (UNDP) on traditional response to justice for children in “Somaliland” revealed that many communities are concerned about gang rapes being carried out by young men against girls. Traditional and community justice is reportedly responding to such cases in much the same way as it has to rape cases involving one perpetrator.

49. The following specific incidents were among those reported:

- (a) On 22 February, two girls were raped in Labmar Lixdan village in Merka district, Lower Shabelle region, when the civilian transport vehicle they were travelling in was hijacked at a check point by an unidentified militia;
- (b) On 23 February, a girl was raped by a well-known former militiaman;
- (c) On 24 February, a 12-year-old girl was raped by unidentified men in Baidoa.

E. Attacks on schools and hospitals

50. Attacks on schools and hospitals have not been a prominent characteristic of the conflict in Somalia. However, amid the clashes that occurred between March and June 2006, the Alliance for the Restoration of Peace and Counter-Terrorism was the main perpetrator of the attacks on a school bus and hospital in the incidents cited below:

- (a) In February 2006, a school bus carrying children in central Mogadishu was attacked by gunmen loyal to one of the warlords participating on the side of the Alliance in the conflict. The bus was commandeered but the children were released unhurt. However, some of the children tried to escape through the windows of the

bus and were hurt falling from the vehicle, with a marked public outcry over the incident;

(b) On 29 May 2006, in a clear breach of international humanitarian law, fighters from the groups of the warlord Musa Sudi Yalahow, a member of the Alliance, occupied a major hospital run by the International Committee of the Red Cross (ICRC) and the Somali Red Crescent Society in northern Mogadishu, one of two facilities offering free medical assistance to victims of war. Most of the patients were evacuated in the course of the morning and medical operations were hampered despite pleas from ICRC and the Somali Red Crescent Society. The occupation lasted several days until the Union of Islamic Courts drove the groups out in the course of their take-over of the capital.

F. Abductions

51. Abduction in Somalia is generally done for the extortion of ransom money. A 2005 Oxfam human rights status report indicates that people believed to have relatives abroad are the most likely targets. However, abduction and kidnapping are some occasions also connected to clan disputes or political manoeuvrings.

52. In April 2006, two boys aged 12 and 13, were kidnapped in separate incidents in connection with the fighting between the Alliance for the Restoration of Peace and Counter-Terrorism and the Union of Islamic Courts in Mogadishu. Both were sons of prominent religious leaders associated with the sharia courts. In both cases, ransoms were demanded but the political nature of the incidents and the links to the fighting were clear. Both boys were released unharmed by the armed groups of the Union of Islamic Courts and in one case those responsible were handed over to the police. Public and media reaction to the abductions was notable, with a widespread outcry in Mogadishu. It appears that public pressure contributed to the safe conclusion of both incidents.

53. A number of internally displaced persons' settlements in "Somaliland" and "Puntland" are located on private land and landlords reportedly resort to various coercive measures, including abduction of children, to force parents to pay the rent.

IV. Dialogue and action plans to redress violations of children's rights

54. At the beginning of 2006, a working group of humanitarian agencies involved in protection issues in Somalia was established in Nairobi in accordance with the global cluster approach adopted by the Inter-Agency Standing Committee. The focus of the group is to coordinate joint advocacy and response to negative trends in the broad area of protection of civilians, with a special focus on women, children, internally displaced persons and other vulnerable groups. This group has been mirrored by the creation of protection clusters for "Somaliland" and "Puntland" and by a proposed working group of protection agencies in Mogadishu. A protection monitoring sub-group, which includes the Task Force on resolution 1612 (2005), was also set up in Nairobi to develop a more systematic mechanism for monitoring protection violations, in particular the child rights violations specified in Security Council resolution 1612 (2005).

55. Joint advocacy has centred around an advocacy plan developed by the Inter-Agency Standing Committee in 2006. The advocacy strategy focuses on humanitarian access and adherence by all parties in Somalia to humanitarian principles and international human rights standards. The main audiences for this advocacy will be the various institutions of government existing in “Somaliland”, “Puntland” and central and southern Somalia, in particular the Transitional Federal Government, as well as donors and other stakeholders in Somalia. Joint advocacy led by the Humanitarian Coordinator will also be directed at groups such as traditional leaders, the media and religious leaders.

56. Child protection monitoring partners, all of whom are Somali non-governmental organizations in partnership with UNICEF, are members of regional child protection networks to whom they report violations. The networks take decisions at regional level as to how they can respond to the most egregious violations. These responses often take the form of advocacy with local government and sometimes with perpetrators. Other members of the networks are sometimes able to provide services for survivors of such violations.

57. UNICEF has supported ongoing advocacy through radio to appeal to parties to the conflict to respect the rights of children and other civilians, and to refrain from using children in the conflict. Although public reaction to the killing and maiming of children during the conflict has reportedly been strong, and the media reaction was equally forceful, warring parties have not refrained from indiscriminate exchange of fire and shelling in residential areas of the city.

58. UNICEF has supported Somali non-governmental organizations in conducting dissemination and advocacy sessions with parliamentarians from the Transitional Federal Government, and in 2006 with prominent members of the Union of Islamic Courts, focusing in particular on the illegality under international criminal law of using children in conflict, as well as on other child protection issues.

59. The Office of the United Nations High Commissioner for Refugees (UNHCR) has trained a pool of 36 protection monitors representing 18 local non-governmental organizations in protection monitoring principles and methodologies. The monitors report on a regular basis on human rights violations in Somalia, with a particular focus on violations of the rights of internally displaced persons, including displaced children.

60. The United Nations country team undertook several missions to Mogadishu between July and September 2006 to consult with the leadership of the Union of Islamic Courts. During the first of these visits the issue of landmines and unexploded ordnance was raised, as several accidents involving children and resulting in the death of at least one child had been reported in recent months. The Union made verbal commitments to ensure that the issue of unexploded ordnance would be addressed. During the second mission, the issue of child recruitment was raised by representatives of the country team, including the Humanitarian Coordinator. Once again, the Union of Islamic Courts responded positively, acknowledging that child recruitment should be halted, but there was no evidence of any action taken to that effect.

61. Somalia is a signatory to the Convention on the Rights of the Child, but has still not ratified this instrument. UNICEF has made some initial overtures to the Transitional Federal Government on the issue of ratification, including some

awareness-raising work with parliamentarians. However, given the developments in 2006 and the extreme fragility of the Transitional Federal Government in 2007, this process has been suspended pending greater stability and clarity.

62. In 2007, the country team hopes to orient its advocacy with the Transitional Federal Government towards a closer examination of child rights issues as enshrined in Islam, and an appeal to respect the Islamic requirement that all people protect children. This is likely to be done in cooperation with Islamic scholars and groups from other Muslim countries of the region and elsewhere.

63. In February 2007 UNICEF supported the participation of the Transitional Federal Government in the conference on the Paris Commitments (see para. 42 above). Following this event UNICEF offered to support the Transitional Federal Government in developing a programme of action for the demobilization of children from its armed forces and the prevention of future child recruitment. A response and follow-up to this offer is still pending.

V. Follow-up and programmatic response to violations

64. During late 2005, in May 2006 and in March 2007, UNICEF and Oxfam held training sessions for almost 50 persons from the current pool of child protection monitoring organizations. The training focused on the background to Security Council resolution 1612 (2005), the requirements of reporting and the necessary security elements for sound information-gathering and management. The trainings also stressed the importance of joint advocacy efforts by child protection networks and organizations.

65. Sensitization training was also conducted in 2006 for selected members of the radio media from all zones of Somalia, in order to promote correct reporting of child rights violations and broader understanding of the significance of these crimes in the context of international law. In Nairobi, UNICEF and agencies of the protection cluster have established a database for storage and management of the information collected. The database is accessible to a limited number of protection-oriented agencies and will provide the information base for future advocacy.

66. In March 2006, UNICEF conducted training sessions on sexual and gender-based violence for its team of child protection advocates who work at community level in all areas of Somalia and for other relevant staff of non-governmental organizations. The training was designed to strengthen the skills of protection workers who mobilize communities to protect children from sexual and gender-based violence in the many forms in which it manifests itself in Somalia. It was followed up with a workshop on service provision and referral in Hargeisa, "Somaliland", at the end of the year. Sexual and gender-based violence will feature as a priority area for advocacy and programming for protection agencies in 2007. UNICEF child protection advocates mobilize communities on a range of child protection issues throughout Somalia.

67. UNICEF is supporting capacity-building in psychosocial support and service delivery for local non-governmental organizations, teachers and health workers throughout Somalia.

68. Advocacy for prevention of child recruitment and integrated programming efforts to address the needs of children associated with armed conflict have been

developed during 2006 in a UNICEF strategy for the coming five-year period. This strategy is to be endorsed by the United Nations country team and will be used as a platform for concrete action as well as resource mobilization. It aims to harmonize efforts against child recruitment with ongoing demobilization and security sector reform programmes of UNDP and others, as well as to raise awareness of the issue of child recruitment at community level.

69. In January 2006, UNICEF supported mine risk education training for the Puntland Mines Action Centre. Mine risk education materials are being used in school clubs and will be utilized in 2007 in community mobilization programmes in the relevant areas of the country. Further training will be organized in 2007.

VI. Recommendations

70. I am deeply concerned over the continued lack of humanitarian access in Somalia, particularly in the central and southern regions, for international and national child protection actors. The lack of access has serious implications for child protection programmes and for the establishment of the mechanism for systematic monitoring and reporting on grave violations against children. I call upon all parties to the conflict to ensure unhindered and safe humanitarian access to children, denial of which is considered a grave violation of children's rights. I urge all parties to allow the free passage of consignments of humanitarian aid, to respect the exclusively humanitarian nature and impartiality of aid, and to respect the markings and emblems of humanitarian organizations without distinction, noting that failure to do so place the lives of humanitarian workers in grave danger.

71. I call upon the Transitional Federal Government to engage in a genuine reconciliation process with all factions within the country in building a Government and State institutions to ensure peace, security and stability and allow for the development and reconstruction of Somalia. I urge all parties concerned in the reconciliation process to ensure that the ongoing negotiations and eventual agreements explicitly reflect child protection considerations and provisions so as to secure adequate resources and attention for children in post-conflict rehabilitation and reconstruction programmes.

72. I strongly urge the Transitional Federal Government to take the necessary actions for the unconditional demobilization of all children present in any capacity in its armed forces and to stop all new recruitment of children. Furthermore, I call upon the Transitional Federal Government to explicitly renounce the recruitment and use of children in armed forces and to affirm its adherence and respect for international standards on the use of children in armed conflict, taking concrete steps towards ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as well as the Convention on the Rights of the Child itself, and to align national legislation with this commitment.

73. I call upon the Transitional Federal Government and all armed forces or groups in the country to fully comply with their obligations under international humanitarian law, particularly as it relates to the protection of civilian populations and property during combat, and urge that all efforts be made to minimize civilian casualties during fighting. I urge the international community to provide the necessary assistance in this regard.

74. I encourage the Transitional Federal Government, with the necessary assistance from the international community, to control the proliferation of small arms, as their ready availability renders children more vulnerable to grave violations such as killing and maiming and recruitment and use by armed groups, and increases the risk and level of crimes committed against children.

75. I appeal to the Transitional Federal Government to launch investigations into the incident of the killing of a child protection monitor as cited in the present report, as well as all incidents of grave child protection violations, and to bring the perpetrators to justice.

76. I strongly urge any remnants of Union of Islamic Courts forces and all other armed groups to cease the practice of recruitment and use of children in direct violation of international humanitarian law, and to take the necessary actions for the unconditional demobilization of all children present in any capacity in their armed forces.

77. Cognizant of the significant access and security constraints, I call upon the United Nations country team to continue to establish systematic protection dialogue with all the parties to the conflict for the development of concrete, time-bound action plans to end the recruitment and use of child soldiers as well as other grave violations against children.

78. I encourage relevant authorities in Somalia to build the child protection capacity and commitment of law enforcement and judiciary officials, including the prevention of excessive or illegal use of force that may result in arbitrary killings or other serious violations against children, and to ensure that grave violations against children are rigorously investigated and prosecuted to address the prevailing culture of impunity.

79. In view of the grave security situation in Somalia, the 1992 arms embargo on Somalia concerning provision of military material and other forms of military support should continue to be enforced. To this end, I commend the extension of the mandate of the Monitoring Group on Somalia under Security Council resolution 1724 (2006). I call upon Member States to immediately stop the exportation of arms to Somalia in violation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and in coordination with the United Nations, to destroy all anti-personnel mines that have recently been imported. I further urge all parties that have not done so to sign and adhere to the Geneva Call's Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action.

80. I appeal to Kenya to consider opening its border with Somalia to facilitate access to humanitarian aid, while putting in place necessary screening procedures to allow asylum-seekers, particularly women and children, to seek refuge and protection.

81. I stress the need for the international community, including donors, to dedicate adequate and timely support and resources, to make a longer-term commitment and to apply a more systematic approach to efforts to strengthen local capacity in the areas of advocacy, community awareness and response to child rights violations. The child protection mechanisms in the Somali refugee camps in Kenya and in the many existing and potential internally displaced persons settlements in Somalia, and

for more concerted international advocacy and awareness-raising on the plight of children in the country.

82. In view of the current deployment of troops of the AU Military Observer Mission in Somalia (AMISOM), I strongly appeal to the African Union to ensure that child protection is prioritized, including the establishment of an effective mechanism for the good conduct and discipline of AMISOM with regard to child and civilian protection in Somalia. In this regard, I urge the African Union to articulate a commitment to these issues in its code of conduct for AMISOM to appoint a child/civilian protection adviser within the Mission to serve as the focal point for training, monitoring, reporting and promoting good conduct on child and civilian protection by AMISOM troops.
