Children at Risk:
Protection of Children in Somalia

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Enhancing Capacity for Regional Peace and Security through Peace Operations Training

Children at Risk:
Protection of Children in Somalia

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Foreword

The International Peace Support Training Center (IPSTC) has made considerable contribution in research and training on peace support issues in the Great Lakes region and the Horn of Africa. The centre is a training and research institution focusing on capacity building at the strategic, operational and tactical levels within the African Peace and Security Architecture and has developed to be the regional center for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations through exposing actors to the multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention, management, and post conflict reconstruction.

The Peace and Security Research Department (PSRD) of the IPSTC presents Occasional Paper Series 4 of (2013) on various themes on peace and conflict situation in Eastern Africa. IPSTC produced seven Occasional Papers in 2013. Five of them focused on Somalia while the others dealt with drivers of conflict and integration of child soldiers in eastern DRC. This publication titled: *Children at Risk: Protection of Children in Somalia*, reviews the systems in place for the protection of children in Somalia.

These papers provide insight into pertinent peace and security issues in the region that are useful to policy makers. These publications also provide significant contribution to the security debate and praxis in the region. The research products from IPSTC have been developed by researchers from Kenya, Burundi and Uganda and will inform the design of training modules at IPSTC.

This Occasional Paper is an important contribution to the vision and mission of IPSTC. The research and publication of this Occasional Paper has been made possible by the support of the Government of Japan through UNDP and the European Union.

Brig. Robert Kabage
Director, IPSTC

International Peace Support Training Center (IPSTC)

The International Peace Support Training Center (IPSTC) is an international center of excellence in peace support operations training and research focusing on capacity building at the strategic, operational and tactical levels within the African Peace and Security Architecture. IPSTC is the regional training center for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/ AU integrated Peace Support Operations through exposing actors to the multi-dimensional nature of these operations.

The Research Department of the IPSTC undertakes research for two main purposes: a) the design of training curricula to support peace operations, and b) to contribute to the debate towards the enhancement of regional peace and security.

The Peace and Security Research Department (PSRD) develops annual occasional papers and issue briefs covering diverse themes from the Great Lakes region and the Horn of Africa. The 2013 Occasional Papers cover diverse topics in regional peace and security including the Eastern Democratic Republic of Congo (DRC) and Somalia. PSRD's Research Agenda is traditionally comprehensive and addresses issues related to a variety of regional issues. The research conducted covers a broad spectrum of peace and security concerns ranging from conflict prevention, management, and post conflict reconstruction. IPSTC has made considerable contribution in research and training on peace support issues in the Great Lakes region and the Horn of Africa.

The Target audiences for our publications are the decision makers in key peace and security institutions in the Great Lakes region and the Horn of Africa. These include policy makers in national security sector such as internal security, defence, judiciary and parliament and regional institutions dealing with conflict prevention and management such as East African Community (EAC), Inter Governmental Authority on Development (IGAD), International Conference of the Great Lakes region (ICGLR), Regional Center for the Control of Small Arms and Light Weapons (RECSA), African Union, Embassies of key development partners with special interests in regional peace and security issues and the United Nations agencies in the Great Lakes region and the Horn of Africa.

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Acronyms and Abbreviations

ACRWC   African Charter on the Rights and Welfare of the Child

AMISOM   African Union Mission in Somalia

APSA   African Peace and Security Architecture

ASF   African Standby Force

AU   African Union

CAAF/AG Children Associated with an Armed Force or Armed Group

CAFF/G   Children Associated with Fighting Forces or Groups

CCW   Convention on Conventional Weapons

CEDAW   Convention on the Elimination of Discrimination against Women

CPA   Child Protection Advisor

DDR   Disarmament, Demobilization and Reintegration

ERW   Explosive Remnants of War (ERW)

FGM/C   Female Genital Mutilation/ Cutting

GBV   Gender-Based Violence

ICRC   International Committee of the Red Cross

IDPs   Internally Displaced Persons

IGASOM   Inter-Governmental Authority on Development Peace Support Mission to Somalia

IHL   International Humanitarian Law

IPSTC   International Peace Support Training Centre

LRA   Lord's Resistance Army

MRE   Mine Risk Education

MRM   Monitoring and Reporting Mechanism

NCPS   National Child Protection System

NGOs   Non-Governmental Organizations

OHCHR   Office of High Commissioner on Human Rights

OVC   Orphans and Vulnerable Children

PSC	Peace and Security Council of the African Union
PSOs	Peace Support Operations
SEA/VAM	Sexual Exploitation and Abuse Victim Assistance Mechanism
UDHR	Universal Declaration of Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Organization
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UXO	Unexploded Ordnance
WHO	World Health Organization

Definition of Concepts

Child

Consistent with the United Nations Convention on the Rights of the Child (1989), a child is a person under the age of 18 years.

Family

The term 'family' is used as shorthand to refer to those within the caring circle of a child. This caring circle varies according to culture and circumstance and as such, the term recognizes that in many societies the care environment of a child is broader than the immediate family and includes the extended family. The term also recognizes that in some circumstances, children may be primary care givers.[1]

Child Protection

This refers to the struggle to prevent, respond to and resolve abuse, neglect, exploitation and violence experienced by children in all settings. The onus may be spelt out in specialist policy or vested in a service sector but is sometimes integrated with other sectors.

Child Protection System

For purposes of this research, a child protection system refers to a set of laws, policies, regulations and services operating across all social sectors, especially social welfare, education, health, security and justice, as well as community and faith-based groups and other private service providers, to ensure safety and growth of the child. It is part of social protection but may extend beyond it. In keeping with UNICEF's East and Horn of Africa child protection framework, the core sectors of the child protection system will be child and family welfare and justice for children while allied sectors will include education, health, labour and others.

Social Welfare System

Social welfare refers to a sense of human well-being that exists where "social problems are managed, where human needs are met and when social

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1   Krueger & Delaney, "An Overview of the Role of a Social Welfare System for Child Protection and Promoting Children's Well being", in UNICEF 2008 East Asia and the Pacific Child Protection Strategy: Toolkit, Bangkok, 2008

opportunities are maximized." A social welfare system is the organization of services to support and promote social welfare.[2]

Child and Family Welfare Systems

The child and family welfare system refers to those aspects nested within the social welfare system (or social protection system where applicable) that are aimed at promoting children's well-being and protection, while enhancing the capacity of families and communities to fulfill their responsibilities.

Prevention Services

These are the services that might include promotion of knowledge and skills that strengthen overall capacity of the community for keeping children safe and cared for.

Response Services

Child protection interventions respond to circumstances in which a child is at risk of harm or has been abused, exploited, neglected, abandoned, or without appropriate family care. The response services seek to reduce the possibility that harm will be repeated and to restore a child's well-being.

Justice for Children

In keeping with the United Nations' Common Approach to Justice for Children, "The goal of the justice for children approach is to ensure that children are better served and protected by justice systems. It specifically aims at ensuring full application of international norms and standards for all children who come into contact with justice systems as victims, witnesses and alleged offenders; or for other reasons where judicial intervention is needed, for example regarding their care, custody or protection.[3] A justice system comprises (i) state-run justice and law enforcement institutions, including the judiciary (criminal and civil), justice and interior ministries,

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2   As defined by Krueger & Delaney,2008

3   Justice for children goes beyond juvenile justice – i.e. work with children in conflict with the law – to include all children going through justice systems, for whichever reason (victims, witnesses, care, custody, alleged offenders, etc.).Child Frontiers notes that there is sensitivity around the use of the word "victim" as opposed to "survivor." In light of the regional context, however, where the word survivor may create confusion – especially when translated into French – Child Frontiers has opted not to use the word "survivor" in its reference manual but rather attempt to use not only the word "victim" but the "child who has experienced violence, exploitation, neglect, and abuse." Nonetheless, Child Frontiers notes that the use of these terms is in no way intended to diminish or downplay the resilience of children and their families.

the police, prisons, criminal investigation and prosecution services and (ii) non-state justice mechanisms, i.e. traditional, customary, religious and informal mechanisms that deal with disputes at community level.[4]

Formal system

Formal system refers to government, international organizations and local NGOs (including community and faith-based organizations) involved in providing child protection, recognized or endorsed by and subject to supervision and regulation by the government. It is important to note that some entities such as traditional leaders also have clear roles within both formal and informal systems.

Informal system

Informal system refers to child protection initiatives undertaken by families, communities and the children themselves. Formal and Informal should be considered as the two ends of a continuum and that there are likely to be elements of cross-over between the formal and informal systems. In several instances, it might be challenging to define some elements clearly due to ambivalent roles and mandates.

Congruence

Congruence is generally understood as the quality or state of agreeing or coinciding. It is important for a system to be congruent with national, regional and local child caring and child protection realities. The term is used throughout this framework to underpin the positive dynamic between the population and the formal system, which allows the system to support and build upon positive beliefs and practices while promoting rights and challenging those cultural norms, beliefs and practices that are detrimental to children and family wellbeing. In the context of this study, congruence does not imply condoning gross violations or ignoring aspects of culture that have adverse affects on the wellbeing of children.

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4   See UN Common Approach to Justice for Children (2008).

Abstract

This study shows how the challenges of effective child protection are especially great in the context of state breakdown, where years of conflict or neglect have weakened or destroyed previously existing protective mechanisms at both national and community levels. Somalia does not have a clear national policy framework for child and family welfare services. The child protection system is guided largely by a series of issue-specific National Plans of Actions, which include formal law, Sharia law and customary law. All the three laws overlap both in terms of the target group covered and the types of activities that are undertaken. The provisions in the Children's Act relating to the process of reporting and responding to cases of children in need of protection draw heavily from the Convention on the rights of the child and family support interventions rooted in the rules of international humanitarian law that are relevant to the child to ensure protection and care of children who are affected by armed conflict.

However, limited coordination amongst government ministries, departments and agencies is cited as a challenge. Stakeholders identified a number of other challenges to effective coordination, including unstable government and weak leadership, funding constraints, lack of commitment from stakeholders, absence of clearly defined tasks and priorities, infrequent meetings, weak or inconsistent representation from participating agencies, and lack of commitment to move discussion to action. Child protection information management systems are nonexistent and the formal or customary Sharia laws on child protection are quite weak. There is also lack of information sharing and data analysis between agencies involved in child protection. There is no clear structure for delivery of social welfare and child justice services. A number of child protection teams and humanitarian agencies have been operating in selected issue-areas such as IDPs though some focus on specific child protection issues without having clear linkages to national, district and community levels. However, there are existing community structures such as customary Somali law guided by xeer, and a set of customary rules,

regulations and values guarded and applied by elders. Stakeholders in child protection include community health workers, teachers, women's groups, family elders, and mediators whose synergies need to be harmonized for effective and efficient child protection service delivery.

1.0   Introduction

With an estimated population of 10,085,638 as of July 2012, Somalia is counted as one of the least developed countries in the world. The country is still recovering from decades of armed conflict. While there are numerous international aid agencies and local NGOs active in interventions targeting children, a review of the literature established that there is need for more focused attention to strengthen interventions in child protection. In Somaliland, different actors have initiated programmes aimed at stopping all forms of grave violations of children's rights. This research sought to enhance knowledge and capacity of policy makers, implementing institutions and civil society organizations to initiate actions to minimize the occurrence of violence against children.

Various studies have established that child recruitment, gender-based violence and traditional practices, including child rearing practices, female genital mutilation (FGM) and early marriage have greatly contributed to the prevalence of violence against children in Somalia. Various forms of violation are experienced by children who have been involved in conflict as well as those in the streets. The violations include recruitment into clan militia; sexual abuse; lack of health care, food, education and shelter; conflict with the law and other hostilities.

Every child has a right to a life free from violence. However, according to the World Health Organization (WHO), as many as 40 million children under the age of 15 years are victims of violence every year. The escalating violence perpetrated against children across economic, social and cultural boundaries has been of concern to many nations and organizations working with children. In Africa, the number of children exposed to different forms of violence is on the increase for various reasons which include negative cultural practices and an increase in the number of children living without parental care mainly due to HIV/AIDS and poverty. Violence against children has lasting negative consequences on their psychological and physical wellbeing and development, and may even lead to early death.

The African Child Policy Forum (ACPF 2013) in its post-2015 Agenda for Children in Africa reiterates that children are important stakeholders and their contribution to development is dependent on their safety, access to basic needs and rights. Though research across Africa has indicated reduction in poverty levels and conflict frequencies (ACPF 2013); this is not the case in war-ravaged countries such as Somalia.

Conflict researchers have noted that with the loss of central government in 1991, Somalia has been in a state of complete chaos leading to massive violation of children's rights and destruction of protective structures across sectors (Gentleman, 2009). Over the last eighteen years, there have been fourteen failed attempts at removing government accompanied by increased killings from suicide bombs, beheadings, and stoning. As warlords, pirates, and Islamist insurgents try to take control of the country, the Somali suffer under cruel and corrupt law enforcers. Violence, neglect, and discrimination against women and children have become the norm. Women and children, who are considered minorities in their communities, lack basic freedoms such as freedom of religion, speech, and privacy. They have become easy targets for warlords, gunmen, rapists, and kidnappers, leading to thousands of innocent people being injured, assaulted, raped, and/or displaced. Women and children, helpless victims of the war in Somalia, struggle to survive as they live by the effects of continuous war.

The human rights crisis in Somalia has triggered international attention. However, there is little awareness of the effects of conflict on the child. Due to continuing obstruction and extreme security concerns, humanitarian agencies find it difficult to provide assistance. As a result, there has been minimal improvement, if any, in the protection of Somali communities in general and children in particular. The hope to see and end to the Somali civil war remains fixed in the minds of many.

1.1   Statement of the Problem

Child rights violation, abuse and neglect are important factors in children's vulnerability but they seem to have received inadequate attention in social protection debates and policy frameworks in Somalia. Insecurity

and deliberate obstruction by some parties to the conflict continue to restrict protection of children, access to assistance and justice; and they also endanger the safety of humanitarian actors or workers (UNICEF, Human Rights Watch and ACAPS, 2013). Child protection programs in Somalia are weak, fragmented and under-funded, with very limited linkages to wider social protection programmes in other sectors. Nevertheless, there are important potential synergies which could be harmonized for better child protection. For instance, Somalia ratified the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa in 2011 but its ratification instrument has not yet been deposited with the AU.

However, Somalia lacks a multi-dimensional approach to child protection, which is based on four broad clusters of human rights enshrined in the United Nations Convention on the Rights of the Child. These are: rights to survival (including health, nutrition, water and sanitation); development rights (education and psycho-social development); rights to protection (from recruitment, sexual abuse, exploitation, violence and neglect); and participation rights (in decisions that affect children's lives). Failure to protect children undermines national development and leads to negative effects that continue well beyond childhood into an individual's adult life. Despite the existence of many international standards protecting the rights of children, the latter remain extremely vulnerable due to their separation from their natural settings and social support systems. In Somalia, the large displaced populations include children who, together with their communities, endure poor living conditions and extreme economic hardships. The study on which this paper is based sought to explore the mechanisms available for protection of children at risk in war ravaged environments with a view to recommending areas of special interest by the civilian component of PSOs.

1.2 Objectives of the Study

This study intends to examine child protection mechanisms in Somalia with particular reference to the threats and risks that children are exposed to in an insurgent environment. The efforts undertaken by humanitarian organizations to protect children at risk, the measures taken by the Federal

Government of Somalia and AMISOM, are central to the study. More specifically this study intends to:

- Provide an update on the child protection system in Somalia;

- Assess the capacity of specific child protection actors in Somalia; and

- Identify obstacles to child protection and the opportunities for effective participation of PSO actors in child protection in Somalia.

1.3 Conceptual Framework

This section discusses the factors or contexts that put children at risk in Somalia. It surveys the various theories surrounding child protection such as systems theory, human rights and the community-based child protection approach to empowerment and protection of vulnerable communities in Somalia. This theoretical framework provides a fuller picture of the existing components of the national child protection system whose components include the founding principles and approaches, the legal framework, the rationale informing the functioning of the system, available resources and services and their distribution, coordination efforts, data collection and evaluation mechanisms; the interaction of various actors and decision-making. It also seeks to understand how the child protection system actually functions "on the ground" in communities affected by conflict.

1.3.1 Contextualizing Child Protection

The conceptual framework attempts to analyze how child protection fits into the local context of social protection and governance. It further analyzes the degree to which community-based child protection mechanisms reflect local, national and international priorities; the relevance of the existing approaches, and formal interventions in community protection strategies.

However, the framework takes cognizance of the ambiguity in which the term 'child protection strengthening' has been used. Alexander Krueger, the director of Child Frontiers, argues that a systems approach is the more appropriate theoretical framework to inform the strategies that promote child protection. Such strategies might take different meanings depending on the

local context. He offers three perspectives of understanding child protection system strengthening:[5]

- System building (where national systems are virtually non-existent, and/or the state is very fragile). Where this situation exists, it offers the opportunity to design something that builds upon and integrates positive endogenous community practices and their principles and values. It begins with designing and building a system which creates a virtuous link between the state and citizens (recognized and understood by everyone).

- System reform (in contexts where the existing national system appears not fully relevant, appropriate, or where there is incongruence between the formal system and endogenous community practices).

- System strengthening is basically improving what is there as long as there is some sort of national system, a foundation that is relevant and more or less realistic for the context, as well as some recognition of both formal and informal elements of the system.

1.4 Scope and Limitations of the Study

The number and location of the study sites were determined by IPSTC because of the security situation and also the availability of human resources present during the field research. Much of the research was done in and around Hargeisa in Somaliland, Kismayu and Mogadishu, Somalia.

1.5 Methodology and Data analysis

1.5.1 Sampling and Geographical Scope

The respondents for this study were purposively sampled for holding a comparative advantage in knowledge about the subject under investigation. Selection of the study sites was carried out at two levels: through working groups at IPSTC's Peace and Security Research Department, and through a separate coordination meeting with working groups in Hargeisa and

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5   Lynch, M. A. (2000). *The Kempe Lecture. Children's rights and child protection: working together to meet new challenges.* Thirteenth International Congress on Child Abuse and Neglect, Durban.

Mogadishu. Geographically, the study was conducted in Hargeisa in Somaliland and Mogadishu and Kismayu in Somalia. Primary qualitative data were collected through interviews with AMISOM officials; Human Rights Officer, UNSOM; United Nations Political Officer for Somalia; United Nations Mine Action Service (Explosives Management); UNICEF; locally-based NGOs and OCVP, Mogadishu. In August and September 2013, in collaboration with The Observatory on Conflict and Violence Prevention (OCVP), field researchers were contracted to conduct research in Somaliland and Puntland. A group of 6 IPSTC researchers interviewed respondents from more than 10 Somalia-based organizations and key informants in both Mogadishu (Somalia) and Nairobi (Kenya).

The study used a triangulation of qualitative research methods. Literature review on child protection systems was conducted covering reports, publications and documentation of interventions by other agencies such as UNICEF, UNHCR, Save the Children, and WFP. Locally- based project documents were also reviewed. The study also employed participatory methodologies including focus group discussions with: men and women groups, boys and girls in school and those out-of-school, and young people, male and female, aged between 15 and 24 years. Key informant interviews were conducted with government officials, NGO staff and local leaders. Discussions were also held with children aged 6-14 years using both pictures and other participatory methodologies. The children of Somalia served as key participants in the study. They drew pictures representing forms of grave violations or abuses and the people who responded when abuses occurred. Facilitators analyzed these drawings with the children in order to comprehend their feelings about the realities behind the pictures, as well as what they liked or did not like about the people who responded to violence against children. The research tools were questionnaires and interview guides.

1.5.2 Data Analysis

Using qualitative content analysis, the data were sorted out and all responses categorized, compared and contrasted to establish the frequencies of the main views. After the compilation, inferences were made based on the similarities and differences observed in the different findings.

2.0   Literature Review

2.1 Introduction

The relevant for this study falls within the areas of children at risk; protection of children in conflict; separated children; and war-related sexual violence. Besides published works, there are also relevant reports from government ministries, UN agencies and NGOs. According to scholars on child protection, especially in conflict situations, there is need to consider ethical issues in protection of children (Alderson, 1995; Alderson and Morrow, 2011; Hill, 2005; Lindsay, 2000; Morrow and Richards, 1996). The key ethical issues discussed in the literature are informed consent, protection of children, anonymity and confidentiality (Powell et al., 2012). The limits of confidentiality in child protection are not always made explicit. However; there is a tendency within most recent documentation to state that a duty to ensure the safety of children and young people overrides the responsibility of other actors. The second recommendation in the WHO (2011b) draft safety and ethical guidance on sexual violence against children is that *"confidentiality must be protected, except where there is risk of significant harm to the participants or others"* (p. 9). A number of guidelines include a separate child protection policy or protocol. Most notably, the Save the Children (2003) child protection policy is the preferred child protection framework and is always referred to or appended in most guidelines.

2.2 Children Associated with Armed Forces/ Groups

Machel (1996) on the *Impact of Armed Conflict on Children* refers to poverty and how it makes children particularly vulnerable to recruitment during conflicts specially when some armed forces pay a small wage to the family. Poverty makes children vulnerable to recruitment into armed forces but also underpins their reintegration into the community. Skinner refers to the stigmatisation of child soldiers as "barbarians" (Skinner, 1999: 9) due to the violence they inflict on others. This is confirmed by Peters (2000) who sees the colonial attitudes of the urban elite in Freetown against people from

the interior rural communities as another cause. However, Peters' article quotes three male ex-combatants and no females on their attitudes towards the future of Somalia children. Peters repeats this imbalance in an article with Paul Richards (1998) published by Save the Children in "Rethinking the Trauma of War". This article reproduces interviews with child ex-combatants which can be compared directly with interviews done during this study.[6]

The main thrust of their argument is that many children join armed forces as a rational choice given the limited possibilities open to them for survival. The responses from this study indicate that only those who joined the Somalia Federal Government forces did so willingly. In contrast, those who joined Al-Shabaab did so mainly because of gifts such as mobile phones.

One similarity between these findings and those of this study is the importance of social protection services provided to young people on education. Peters and Richards (1998) argue that lack of educational opportunities is a major reason for young people to join Al-Shabaab or different armed groups. They argued that failure to address their educational aspirations not only caused their recruitment but also prolonged the conflict. All the respondents for Peters' and Richards' article expressed a desire for further education, training and psychosocial therapy. The 5o out of 70 respondents interviewed by OCVP expressed similar views.

Peters and Richards end by arguing against "undue focus on victim trauma" (Peters and Richards 1998: 110) while referring to psycho-social programmes for reintegration that focus on educational and economic opportunity. While these are important for the Somalia children, Peters and Richards may have come to a different conclusion had they attempted to discover the views of young girls who had been with the Al-Shabaab

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6   The issue of children in armed conflicts has received and still receives very serious attention. A crucial role in raising international awareness was played by the report Grac¸a Machel submitted to the General Assembly in 1996 (United Nations, 1996). The study was recommended by the Committee on the Rights of the Child to the General Assembly of the UN, which requested the Secretary-General to undertake such study (see art. 45 under c. CRC). Machel's report provided the first comprehensive assessment of the multiple ways in which children's rights are being violated in the context of armed conflicts. It emphasized the need to strengthen and develop existing international standards to protect children in armed conflicts such as Somalia.

armed group and suffered systematic physical abuse and rape. They might have decided that programmes that deal with the psychological trauma of rape and its consequences have a value beyond that which "merely sugars the pill" (Peters and Richards 1998: 110).

Article 38.1-2 of the United Nations Convention on the Rights of the Child (CRC) requires that *"State 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", and "…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."*

In January 2000, the Optional Protocol to the UNCRC raised the age under which children should not be recruited to 18 years. Save the Children (2002-2006) estimates that approximately 15,000 to 20,000 children, some as young as 9, were recruited into the armed groups in Somalia. One third of these were girls. All different armed groups in the Somalia conflict recruited children.

Article 28.1 (of CRC) requires that, *"State Parties recognize the right of the child to education…on the basis of equal opportunity…"* According to the Consolidated Inter-Agency Appeal for Somalia and UN Report, 55% of 6-12 year old children across Somalia were not attending school and girls formed the largest proportion of this figure.

2.3 Children's Rights

Children's rights protected by international human rights instruments (including the UNCRC and United Nations Universal Declaration of Human Rights, 1948, among others) have been ratified by the present *de facto government) and past de jure* governments of Somalia. Since 'ratifying' the UNCRC in November 2001, the Government of Somalia has not taken other legal or administrative measures to translate the Convention into domestic law. Government officials from Somalia participating in this research argued that the Federal Government lacked the institutional capacity and financial resources needed to implement the UNCRC in protecting children's rights.

2.4 Child Protection Actors

In Somalia, the child protection actors mandated by the UN to protect children and civilian populations in conflict include UNICEF, UNHCR, OCHA, WHO, WFP, and Save the Children. In recent years, Somalia has started to enjoy better peace and security among the population through the involvement of AMISOM and different international actors in protection of civilians and children in conflict. The international actors have increasingly prioritized the formation and provision of support to child protection from community-based child protection groups up to the national level in order to increase the impact and sustainability of child protection interventions. The support to child rights groups and child protection committees (CPCs) all aim at increasing knowledge and awareness of children's rights issues, monitoring and reporting violations of children's rights, and conducting advocacy and sensitization on child protection priorities in conflict. The international and locally-based working groups are now focusing on specific issues such as children formerly associated with armed forces and armed groups (CAAF/G), Sexual and gender-based violence, (SGBV) and orphans and other vulnerable children, (OVC).[7]

The Somalia Federal Government in collaboration with international and locally based child protection actors has mainstreamed the creation of child protection working groups[8] into national implementation strategies. The actors provide a basis for national protection by directly linking communities to child protection issues or helping to strengthen linkages between formal and non-formal structures. The common practice in the formation of child protection working groups has been to encourage the involvement of community members, which often includes people across all sectors of society (local leaders, parents, men and women, youth and children). Such support, though critical in emergency settings, has not

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7   Within the UN system, there is a range of actors and entities engaged with PoC. In addition to the UN General Assembly and the UNSC, the Human Rights Council (HRC) can play a strong role in speaking out on human rights abuses and conducting fact-finding missions. However, this report focuses on the role of the UNSC, in particular its role in authorizing political and military action to protect civilians. On humanitarian issues, OCHA, UNICEF, and UNHCR help to ensure that the right of vulnerable populations to receive assistance and protection is upheld. The DPKO is essential for operationalizing protection tasks for peacekeepers, and the Office for the High Commissioner for Human Rights plays an important role in responding to serious rights abuses. Indeed, to effectively protect people in harm's way, co-ordinated and complementary action across the UN system is needed, as well as engagement with regional and national governments and institutions.

8   Child protection working groups can be defined as "a collection of people, often volunteers, who aim to ensure protection and wellbeing of children in the IDP's, Refugees, village, urban neighborhood and other communities.

yet contributed much to the development and sustainability of child protection in Somalia.

According to UNICEF standards, child protection systems "comprise a set of laws, policies, regulations and services needed across all social sectors - especially social welfare, education, health, security and justice- to support prevention and respond to protection related risks." Therefore, in order to strengthen child protection systems in emergency situations such as Somalia's, the United Nations Children's Fund (UNICEF) in 2008 outlined in its Child Protection Strategy; a Protective Environments Framework, which includes:

1. Governmental commitment to fulfilling protection rights: includes social welfare policies, adequate budgets, public acknowledgement and ratification of international instruments;

2. Legislation and enforcement: includes an adequate legislative framework, its consistent implementation, accountability and a lack of impunity;

3. Attitudes, traditions, customs, behaviour and practices: includes social norms and traditions that condemn injurious practices and support those that are protective;

4. Open discussion, including the engagement of media and civil society: acknowledges silence as a major impediment to securing government commitment, supporting positive practices and ensuring the involvement of children and families;

5. Children's life skills, knowledge and participation: includes children, both girls and boys, as actors in their own protection through use of knowledge of their protection rights and ways of avoiding and responding to risks;

6. Capacity of those in contact with the child: includes the knowledge, motivation and support needed by families and by community members, teachers, health and social workers and police, in order to protect children;

7. Basic and Targeted Services: includes the basic social services, health and education to which children have the right, without discrimination, and also specific services that help to prevent violence and exploitation, and provide care, support and reintegration assistance in situations of violence, abuse and separation.

In emergency and post-conflict environments such as Somalia's, the notion of a functioning child protection system is often, at best, challenging. In these cases, support provided by NGOs may be the only assistance the IDPs, children and women living in conflict communities receive in strengthening their protection capacity. It is especially important in these contexts to recall that interventions are meant to empower the government to eventually assume its responsibilities. Support that is provided by child protection actors must endeavor to be appropriate and constructive in the longer term. Priority should be on understanding how external support can best be implemented without causing harm to pre-existing structures and mechanisms already in place.

2.5 Existing Child Protection Systems

In September 2012, the President of the Federal Republic of Somalia issued a Six Pillar Policy setting out priorities to alleviate the suffering of Somalis and create effective state institutions. Pillar 3 explicitly pledges to plan and achieve reintegration of refugees and IDPs in their homelands, thereby acknowledging the need for durable solutions to promote peace building and social reconciliation (Schrepfer, 2013).[9] On the other hand, (dealing with the rule of law, good governance, and service delivery such as in human rights based child protection) it contains elements conducive to durable solutions for child protection and their future. The pillar further includes legal, policy, and strategy frameworks, the key institutions and structures in child welfare; coordination, planning and information management; services for children and families; prevention and response to child protection. The framework outlines the child protection system (community-based child protection). It further looks at the perceptions on the relevance and functioning of community-based child protection systems including community perceptions of factors contributing to children's well-being and the key protection issues facing children in their communities. It explores the informal family and community protection strategies and the degree to which these informal mechanisms are linked to the formal system; and child and family satisfaction with the (formal and informal) child protection systems.

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9   Statement in (August 2012). H.E. Hassan Sheikh Mohamud President of the Republic of Somalia in his delivery
     address to the United Nations on Solutions for IDPs revealed as key for future peace and stability in Somalia

3.0 Child Protection in Somalia: Study Findings

3.1 The Child Protection Situation

Traditionally, Somalia children grew up in closely connected kinship groups, with strong cultural traditions governing their birth, socialization and upbringing. In many communities, particularly in rural areas, the upbringing of the child is considered to be the responsibility of the entire community. Extended families often play an influential role in children's lives and are actively involved in the care and socialization of children. The informal fosterage has traditionally been used as a protection mechanism or "safety net" for children from poor families.

There are a number of child protection problems that cut across socio-economic boundaries and are rooted more in the ongoing conflict and societal views about child rearing practices. The number of reported cases of early marriage, FGM, rape and other sexual offences against children has been steadily rising. This has been attributed to the conflict, high number of IDPs, street children and child labour; all contributing to an increase in the number of reported cases of gross violations of children's rights.

Despite being prohibited, early marriages and FGM/C still persist. FGM is practiced among certain groups in most parts of Somalia according to our research findings. About 10-15% of our respondents believed that people still engaged in FGM/C, particularly in the rural areas.

Somalia has been significantly affected by the on-going wars among different factions of armed groups. Terrorism and over twenty years of protracted insurgency have resulted in a situation which has had a profound impact on the protection of children throughout Somalia. The impact of armed violence, as well as the government's former policies of encampment and clan-based systems contributed to a total breakdown in child protection and traditional social support mechanisms. The on-going conflict and widespread poverty, coupled with high numbers of IDP's

and refugees has further weakened the customary extended family and clan-based child protection systems. According to the available data, the uptake of formal child protection services is quite limited and a majority of child protection cases either goes completely undetected, or is handled informally by families and communities.

In all communities visited, there was a strong reluctance to report child protection cases (abuse, exploitation and offenders) to NGOs or government authorities.[10] Community members expressed the view that government officials were generally seen as "intruders in child matters." In addition, because of the community- based child protection systems that have evolved, the formal government system is perceived by the community as primarily an enforcement mechanism to punish and deter perpetrators, rather than a means of accessing support and assistance for children and their families. In general, communities resorted to the formal system only in very serious cases that were perceived to be beyond the jurisdiction of community leaders.[11]

> ### *The story of a 15 year-old boy who was rescued from the Al-Shabaab*
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> *"I, together with 18 boys, was taken to the al-Shabaab base at Girileey on the outskirts of Bardhere town in the Gedo region in mid-2010. We were gathered in one place where there were almost 40 other boys that were collected from different learning institutions and from different towns in the Gedo region. We were given lectures on the topic of jihad before we started our training. During the training we were always made to remember our main objective which was to fight for Al-Shabaab, even if it costs us our lives". "The training was tough and not all would finish it successfully. We used to wake up as early as 4:00 am and start our training sessions which entailed various activities like shootings, fighting with knives, and carrying out explosions by use of remote control systems. We were also taught how to make explosives from readily available materials like bullet gunpowder and the heads of matchsticks. We were also taught how to repair the guns and pistols," he added.*

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10   Veale, A. M. (2000). Dilemmas of community in post-emergency Rwanda. *Community, Work, and Family,* 3 (3), 233–240.

11   Marvasti (Ed.), *Child suffering in the world: child maltreatment by parents, culture, and governments in different countries and cultures* (pp. 93–113). Connecticut: Sexual Trauma Center Publications.

According to UNICEF Somalia (2003), child protection covers a wide range of activities that aim at ensuring respect for the rights of all individuals regardless of their age, gender, social, ethnic, national, religious or other background, in accordance with the relevant bodies of law (e.g. human rights law, international humanitarian law and refugee law). It requires a collaborative and coordinated response by various national and international actors with diverse mandates, expertise and experience in promoting social protection. States have the primary responsibility of protecting all individuals within their jurisdiction in accordance with international and national legal provisions. However, serious child protection challenges exist throughout Somalia. In Puntland, the surge of Al-Shabaab attacks late in 2012 continued into 2013. Insurgents regularly undertook attacks, including the first suicide bombing in north Gaalkayo on February 11, 2013. Repeated threats against Puntland, discovery of explosives, and reports of insurgents' movements were all indicative of Al-Shabaab's increased capability in the region and its disturbing presence in nearby "Galmudug". Clan disputes and political tensions continued to disrupt security in Puntland and "Galmudug".[12]

Children are faced with physical, sexual and psychological violence in all social environments including schools, health facilities and justice facilities that are weak to handle such cases both at home and at community level. A participatory research project carried out by UNICEF on children in armed conflict in Mogadishu showed how children both in and out of school were being exposed to multiple forms of grave violation of their rights such as child recruitment, sexual, physical and emotional abuse and also coming into conflict with the law. Acute poverty in the entire Somalia region means that many children are resorting to negative survival strategies such as petty crime among street children, child labour and child recruitment into fighting militia.

Girls are at a particular risk since they tend to drop out of school for multiple socio-economic reasons, and especially because of continuous conflict and

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12   See Report of the Secretary-General on Somalia (S/2013/326). The report covers major developments that occurred in Somalia on the three major tracks of the United Nations activities — political, security, and humanitarian; recovery and development; and human rights, during the period from 16 January to 15 May 2013. It provides a final update on the implementation of the mandate of the United Nations Political Office for Somalia (UNPOS), ahead of its closure on 3 June 2013, and on planning for the deployment of the United Nations Assistance Mission in Somalia (UNSOM) authorized under Security Council resolution 2102/2013 of 2 May 2013.

high rates of exploitation. During the research, children frequently cited schools as places where they feel unsafe because of Al-Shabaab attacks and recruitment; they reported fears of Al-Shabaab presence, the problem of inadequate sanitation facilities and unsafe drinking water both in school and in the camps where they lived. UNICEF (2013) shows that approximately 60% of girls drop out of school by the end of primary school. With lack of education, girls are unable to learn, know their rights, or be encouraged to stand up for themselves (Smith, 2012). The few young women who had made it to university were still vulnerable to abuse but were aware of the unjust system where Somali women are expected to submit to men and to fulfill their duties as daughters, wives, and mothers. Parents usually sold off their young daughters into marriage in exchange for money, especially due to poverty. They also forced their daughters to undergo a dangerous procedure known as female genital mutilation, which has high risks of physical, mental and psycho-social damages to the child.

In marriage, husbands become the decision makers on all matters concerning the family. Many women were afraid of speaking out against their husbands in cases of disagreement or abuse because they were scared of losing their possessions and children or having their husbands throw them out. By speaking out, they risked their lives and the safety of their family members. According to UNICEF (2013), an estimated 60% of the population of Somalia and their children lived as internally displaced persons (IDPs), an experience that has destroyed the traditional family and community attitudes on child protection systems. As it was reported during the interviews, often families and communities no longer felt willing to assume the responsibility for the care of marginalized children who were out of school, especially girls. Camp life was also marked by idleness which compelled the parents and children to engage in violence, thus effectively erasing the positive role modeling for children (Lynch, 2000). Social and economic constraints experienced by the vast population living in IDP's throughout Somalia still lie at the foundation of the main traditional child protection concerns in Somalia today. Despite being in post-conflict transition and receiving overwhelming international aid, basic survival in Somalia is still a challenge for many people.

Government infrastructure and services, including clean water, sanitation, education and basic health care are not easily available in most parts of Somalia. A significant proportion of children are not in school due to their inability to pay school fees. In such a context, education, the basic mechanism of protecting children and which is related to financial security, has almost completely broken down. Having lost their means of livelihood, parents who participated in the study, narrated how they have lost their ability to meet even the most basic needs of their children. Unable to provide these, the parents release their children to go out and earn for themselves and their families. In Mogadishu, young people's options for income generation were found to be bleak, threatening new forms of security risks. The concerned parents expressed frustration at their lack of capacity to protect their children. Demoralized and disempowered by wars, they were at a loss for what they might do to re-assume their roles as family protectors.

A total of 552 grave violations against children were ascertained in the first quarter of 2013, representing a decline of more than half from the 1,288 cases reported during the same period in 2012. The reported violations were as follows: 37 killed (27 boys, 10 girls); 63 maimed (43 boys, 20 girls); 219 recruited (214 boys, 5 girls); 19 sexually abused (all girls); 205 abducted (187 boys, 18 girls); seven attacks on schools; one attack on a hospital; and one denial of humanitarian access. The downward trend in killing, maiming and recruitment was attributed to a decrease in open fighting between Al-Shabaab and government forces, while rates of abduction remained worryingly high.[13] Overall, most reported violations were committed by Al-Shabaab (63 per cent) followed by the Somali National Forces (27 per cent), which was comparable to the same period in 2012. The Somali National Forces and allied militia were the main perpetrators of the killings (38 per cent) while Al-Shabaab committed the most abductions (63 per cent), recruitments (82 per cent), sexual violence (42 per cent) and attacks on schools (71 per cent)[14]. Despite many attempts by United Nations agencies and the Government of Somalia to target girls in DDR processes, little has

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13   The report covers major developments that occurred in Somalia on the three major tracks of the United Nations activities — political, security, and humanitarian; recovery and development; and human rights — during the period from 16 January to 15 May 2013.
14   See the Report of the Security Council Secretary-General on Somalia S/2013/326; 31 May 2013.

been achieved. However, the challenge of separating girls and preventing their re-recruitment remains a great challenge in the on-going conflict with Al-Shabaab today as it was more than a decade ago.

3.2 Gender Based Violence (GBV)

The African Union's commitment to preventing sexual and other gender-based violence in conflict-ridden Somalia, and the initial efforts to address these concerns are being undertaken by the United Nations, AU and AMISOM, in collaboration with the federal government of Somalia. They investigate suspected cases of abuse and provide technical advice to military courts established by the government. AMISOM is now in the process of engaging with the UN to support training initiatives in the prevention of and response to sexual and gender-based violence. Steps will be taken to ensure information sharing between AMISOM and UN to raise awareness on sexual and gender-based violence on the newly recovered areas. The development and implementation of the AMISOM strategy on sexual and gender based violence will be given the highest level of attention.

> *As told by Aisa, whose daughter was forcefully recruited and brainwashed*
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> *Young girls are often taken as wives for Al-Shabaab militiamen without consulting or asking for their parents' consent on the marriage of their daughters. Asha, a mother whose daughter was brainwashed by the al-Shabaab teachers in the Madrasa and was married to an Al-Shabaab fighter said how it happens. "The girls, who are still very young, like 15 years of age, are taken by the Al-Shabaab fighters. Some of the girls agree to marry the armed men and others are forced into these marriages. The girls who agree to marry the Al-Shabaab militia men are the ones who were brainwashed in the Madrasas and who are lured by the stories and the future promises made to them by the Al-Shabaab militia. On the other hand, those who are married by force are told that an Al-Shabaab fighter wants to marry you and he is a good man who can take care of you. If the girl refuses, she is said to have betrayed a fellow brother who is fighting for the religion. In the process, the girl's father is talked to and threatened with death. Fearing for his life, he agrees to the marriage."*

While there was some form of gender-based child protection service available in each region, the majority of respondents in all regions were unaware of these services. However, it was clear that in most regions, the services available were insufficient. Respondents reported that parents or close relatives were the main resource persons for survivors of gender-based violence. Few respondents reported that they would seek support from health care professionals. In Banari (Mogadishu), majority of women respondents and children reported that young girls were most susceptible to sexual violation while alone in areas without protection such as collecting firewood (30%) or water (21%) or during population movements (15%). In one case, a respondent reported that her young sister was raped while she was in her house during the day while people went to collect food rations.

One of the primary objectives of the Somalia Federal Government, United Nations, UNICEF and the AMISOM is to respond to the needs of girls associated with armed groups and to prevent their future recruitment. Given the political and military dynamics in Somalia, the recruitment of girls in armed conflict in Somalia is currently not the main protection concern. The conflict still poses a threat in most areas controlled by Al-Shabaab as well as communities living in IDP camps. This means that child recruitment could still become a risk in Somalia. Any efforts to prevent current or future recruitment must focus on root causes of recruitment, such as difficulties to attend school and earn a viable livelihood. The Somalia Disarmament, Demobilization and Reintegration (DDR) programmes for children have not yielded any fruit and have not been operational in Somalia since 2006 as compared to other countries such as Uganda where children's DDR programmes have been implemented. Therefore, reaching the Somali girls still remains one of the greatest challenges for child protection actors.

Somalia is a fragile state based on its unique political, economic, social, cultural, historical, and geographical and security contexts. These factors influence conceptions of childhood and the ways in which children are protected and must be carefully considered by child protection actors when developing programmes to strengthen community rights-based child protection mechanisms. Looking at the past, several key lessons emerge. These include the importance of state presence and effectiveness; the impacts of violence

on children and women; displacement; poverty; the role of different actors such as AMISOM, UNICEF and traditional mechanisms; as well as need to consider the appropriateness of supporting community-based mechanisms.

3.3 Effective Somali Federal Government

An evaluation of state presence and effectiveness is critical in developing plans to support child protection from the national down to the community or local level. The aim of child protection actors should be to strengthen child protection systems for which the federal government should play a leading role in order to make child protection policies acceptable to the community. Somalia still faces the challenge of a dysfunctional government and its line ministries and this presents a severe constraint to effective child protection programmes. As a result, child protection relies heavily on Non-Governmental actors. Child protection actors should contribute to building the capacity and facilitating the work of government ministries and structures as they establish themselves during the stabilization period that is currently supported by both the United Nations and African Union Mission in Somalia.

In the context of conflict or weak state presence in most of the affected areas, child protection actors such as UNICEF may be called upon to provide greater support with a clear goal of increasing government ownership and community participation. Where the government is present such as Mogadishu, efforts should be directed towards strengthening government capacity to assume a leadership role in child protection issues. The Federal Government of Somalia and the United Nations were reported to be working towards implementation of the action plan aimed at ending child recruitment, killing and maiming. The Somali National Forces were in the process of releasing 41 children to UNICEF for re-integration. In addition, discussions on formally adopting a standard operating procedure (SOP) for the release and handover of children were on-going with the Ministry of Defence, Ministry of the Interior and AMISOM[15] (Report of the UN Secretary-General on Somalia, 31 May 2013).

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15   In March, the Federal Government established a "New Deal" task force to help implement a new system of aid delivery with international partners. The United Nations (on behalf of the World Bank) and the European Union (on behalf of the donors) and on the Somali side the Offices of the President and Prime Minister, the Ministry of Finance and Planning, civil society and parliament are represented in the task force. Meetings were held on 10 April and 1 May. The Federal Government decided to conduct an assessment to determine the underlying causes of fragility in Somalia and allow the country to chart its own path forward. The "New Deal" process was officially launched by Prime Minister Shirdon in Mogadishu on 14 May 2013.

3.4 Capacity of Child Protection Actors

UNICEF had been training Child Protection Advocates (CPAs) throughout Somalia, to mobilize vulnerable communities to identify, prioritize and address the key child protection challenges they faced. UNICEF was also working towards reuniting separated and unaccompanied children with their families using community-based networks, local radio and through setting up of an identification, documentation, and tracing and reunification system across the region. A network of 15 organizations with 58 trained monitors had been established across Somalia to collect data on grave violations against children in situations of armed conflict, killing or maiming, recruitment into armed groups, attacks on schools and hospitals, rape and other forms of sexual violence, abduction, and denial of humanitarian access for children.

In an effort to better protect children affected by armed conflict, the Peace and Security Department of the African Union Commission and the Office of the Special Representative for Children in Armed Conflict were designed to 'reinforce, support and sustain national efforts to improve child protection systems'. To help move the child protection agenda forward, the Somalia federal governments and advocates were working together with a coalition of regional organizations (e.g. the African Child Policy Forum, Save the Children International, Terre des Hommes, UNICEF, World Vision International and others) to reach agreement on approaches and 'best practices' that were consistent with strengthening child protection mechanisms.[16]

3.5 Violence, Displacement and Poverty

Continuous violence, conflict and population displacements have had negative impacts on community-based child protection capacities. The chronic and protracted violence experienced in Somalia has severely compromised previously existing social support networks, as repeated experiences of constant flight, displacement and insecurity have broken down trust and collective coping mechanisms. For people returning home from displacement and refugee camps in neighboring countries, years of forced encampment have had a massive impact on livelihood means and social services. While in the IDP camps, people continue to

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16   See, World Bank Social Protection Strategy 2012-2022).

benefit from the disbursement of aid and basic services thus making the re-establishment of functional livelihoods at home extremely difficult. In Mogadishu and other parts still being controlled by Al-Shabaab, continued insecurity means that displacement and recruitment into militia groups is likely continue. Extended families will be expected to receive displaced relatives as reported by UN agencies, hence overloading the already strained coping capacities.

In Somalia, continued aid disbursements seem to have weakened resilience, making vulnerability an asset rather than a liability. Aid dependence has also weakened child protection capacities in IDPs and refugee settlements as parents and communities expect external child actors to provide the necessary care for their children. Although poverty affects all communities, it is more severe on women and children, a condition which has a profound impact on households. Efforts to strengthen child protection mechanisms need to be grounded in a realistic understanding of the risks children face, and why community level support is not adequately provided.

3.6 Role of Traditional Child Protection Mechanisms

This study sought to explore the importance of the role that government structures can play in revamping community-based child protection systems. In Somalia, it is evident that government structures were derived from traditional social structures of child protection especially during conflict. These mechanisms have wielded significant authority and should therefore be key in any initiative to improve the protection of children at local levels. However, it also became clear that child protection systems were used as formal justice-dispensing mechanisms within the community, and have in one way or another contributed to marginalizing girls and women with negative results such as forced marriage and sexual violence. Child protection actors should, therefore, consider carefully the best ways of engaging both government and local leaders in positively influencing child protection practices. Such efforts should be taken gradually, with full participation of all stakeholders.

3.7 Formal Child Protection Mechanisms in Somalia

3.7.1 Government Structures

The provisional constitution of the Federal Republic of Somalia, promulgated in August 2012, provides protection to children and all citizens of Somalia. It sets out the rights and freedoms that all Somali shall enjoy without discrimination. Child protection mechanisms exist at the government level as evidenced in the recently formed Child Protection Units (CPUs) within the Police, schools and child rights clubs, all of which have important roles in the protection of children. They identify and report child protection violations, encourage counseling and mediation, and provide follow-up on child protection cases.

3.7.2 Donor-led Child Protection Committees

Child Protection Committees (CPCs) were reported to have been established through the assistance of UNICEF, Save the Children and other international NGOs. CPCs have been adopted by the government as a key strategy in its child protection policies. The strong support given to the government by UNICEF and other child protection actors is a key factor in the implementation of government policy and practice. The CPCs were reported to be educating communities on child protection issues, identifying child protection cases and reporting violations to local leaders and other government authorities. They were also making referrals where the jurisdiction of the matter was beyond the mandate of a specific institution. They (CPCs) were working closely with the traditional mechanisms, Islamic Courts and other community structures in handling conflict-related cases.

3.7.3 Civil Society and UN Mechanisms

Several networks or mechanisms for child protection referrals and response have been developed by NGOs and other civil society actors. Of these networks, the referral and response for sexual violence and for children in conflict with the law were yet to be effective due to the on-going conflict. The monitoring and reporting mechanism established by UN Security

Council Resolution 1612 for grave child rights violations functions at an organizational level, but is less relevant at the community level due to certain traditions that may block the process if pushed to the extreme.

The UN Security Council Resolution 1612 on monitoring and reporting grave violations of children's rights has been adopted and is functioning only in Mogadishu and not other parts of Somalia due to the conflict. Through UNISOM, UN child protection officers were being recruited to monitor child rights violations in collaboration with UNICEF and the federal government of Somalia. Besides monitoring and reporting the violations, they were mandated to document and channel them into a centralized database for eventual submission to the 1612 Working Group. Follow-up and advocacy are supposed to be conducted locally by UN and NGO actors based in Mogadishu. This mechanism plays an important role in the response to and prevention of grave child rights violations including child recruitment, killing and sexual violence, and allows for high-level advocacy with state authorities including the military.

While it was important at the official level, the 1612 Mechanism was less relevant at the community level, particularly in areas where Al-Shabaab still posed a threat. A major limitation in protecting children is when local actors who report abuses to authorities are targeted by the armed groups. Given the weak state capacity, the limitations of the current justice system, and the use of force, reporting grave violations potentially creates threats of reprisal which the children and local actors remain unprotected from. According to the study, the xeer dealt with issues concerning physical, sexual and verbal abuse of children. Punishments usually included payment of livestock or money as compensation, and also payment of medical costs, as illustrated in the quote below.

"We divide men, women and children into different vulnerable categories and anyone who hurts them pays 15 camels. The punishment for murder is 100 camels." (Elder,) "When a man makes a girl cry elders will deal with it. We say "girls cry for a reason", they are either in love or hurt. Elders will investigate the reason and if they find out that the girl is in love the man has to marry her. If the girl is hurt, whether it is physical, sexual or verbal, the man has to pay 15 camels." (Community Leader, Mogadishu).

3.7.4 Other Child Protection Mechanisms

The current child protection mechanisms rely heavily on government support to community-based child protection systems that ensure that children are not victims of recruitment, gender-based violence and child labour. Through the AU and AMISOM and with support from the UN, funding has been channeled to establishing child protection committees and other locally-based groups involved in preventing child recruitment. Different actors can be effective when there is a functional government and well facilitated line ministries. Different agencies in Somalia have experienced mixed results with child protection committees in places such as IDP or refugee camps. Continuous conflict, limited project reach, little funding and withdrawal of some international actors from Somalia have been cited as major caveats.

The success of these efforts is less evident in places where there is little or no AMISOM or government presence and where daily survival is a profound challenge. It is in these situations that child protection actors should consider sustainability as a necessary priority. For example, in Mogadishu, children were involved in different protection mechanisms because they had received knowledge and skills in responding to child protection risks in emergency settings such as family tracing and re-unification during conflict or following natural disasters such as 2011 drought. Such capacities need to be up-scaled in the future through refresher courses on child protection.

3.8 Challenges of Child Protection in Somalia

3.8.1 Institutional Weaknesses

In Somalia, legislation on children was found to be rather weak and poorly enforced and the social welfare services were too weak to prevent or respond to violations of rights. Weak justice and penal systems allow for children to be tried in adult courts and detained in sells meant for adults. Low levels (or lack) of birth registration undermined the right to identity and access to public services.

3.8.2 Socio-cultural Attitudes

Due to the prolonged conflict in Somalia, there still exist discriminatory and harmful attitudes and practices. Girls and women are still subjected to FGM. Other girl children face early marriage and domestic servitude,

and are thereby more vulnerable to violence and/or sexual abuse. All these factors underscore the urgency of child protection systems.

3.8.3 Poverty, Health and Related Shocks

Most Somali families still live in absolute poverty and struggle to withstand single or persistent shocks due to the 20 years of continuous conflict and a break down of social services. Poverty has forced upon families and their children long term social disintegration which has opened the way for recruitment into Al-Shabaab and other militia groups, child labour, trafficking and commercial sex work. These factors not only inform child morbidity and mortality, but also exacerbate poverty and create orphans, and make children more vulnerable to a wide range of other risks. Although HIV prevalence is low, child vulnerability heightens the associated risk in the affected households.[17]

3.9   Factors Affecting Child Protection Systems

3.9.1 Physical Disability

According to Hassan (2010), Access to basic services such as primary education, healthcare, and safe drinking water is still a challenge in many areas. In such an environment, children living with disabilities are often further marginalized by communities, their special needs are not addressed, and they are not given the opportunity to contribute to society. According to Rosalyn Higgins, (1996), disability should be factored into planning and budgeting initiatives for the welfare of the most marginalized i.e. orphans and vulnerable children.

"War violates every right of a child- the right to life the right to be with a family and community, the right to health, the right to development of a personality and the right to be nurtured and protected." Graca Machel, during her tenure as expert for the UN Secretary General on the impact of armed conflict on children.

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17   *Economic.* At all levels, from family to government, lack of funds, in its worst form, poverty, makes the economic burden of caring for orphans frequently close to intolerable and at other times impractical. In fact it has been observed that poverty and HIV/AIDS reinforce each other (Maeda, 2000).

3.9.2 HIV and AIDS

According to Sandiya-Bundy (Fall 2002) and *Robert* McCormick (Apr 12, 2007), the socio-psychological and material consequences of the HIV and AIDS pandemic in Somalia for child protection is complex and dynamic. They are part of the impact felt by society and are in no way unique to children. Rather, children experience a particular pattern of effects determined by their family of origin, and position and status in life. AIDS affects children in many ways for example, a mother may be absent for long periods of time during which she is unable to care adequately for her children because she is caring for a family member in another household. A particular set of problems relate to schooling where funds are unavailable for the purchase of school uniforms, books, various school levies and fees. As a result, children drop out of school and are denied the right to education. In the most extreme cases of deprivation that results from orphan-hood, children are vulnerable to extremes of hunger and starvation, sexual abuse and exploitation.[18]

3.9.3 Grave Violation of Children's Rights

In reference to the Security Council Resolution 1612 (2005), civilians including children continue to be the majority of casualties primarily as a result of being caught in the cross fire between parties in conflict. Adequate attention to the violations is rendered difficult due to the challenges of collecting data on children in Somalia. About 1.8 million children were reported to have been relying on humanitarian assistance and food supply remained disrupted. Access to clean water and medical assistance were hindered as the available health facilities were stretched to capacity. Children continue to be acutely affected by displacement, exhaustion, separation, emotional trauma and deprivation of basic services.[19]

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18   The Convention on the Rights of the Child (CRC) places primary responsibility for children on parents and guardians and, as the case may be, on the extended family (Article 5). So too does the African Charter on the Rights and Welfare of the Child (AC) (Articles 9[3] and 18). In more traditional times not only was the extended family more involved in the bringing up of children than it is today, but the community also played a stronger and more visible role. "The child belonged to everyone" it was said.
Sometimes now as conflict continues, however, the child belongs to no one. HIV/AIDS has wreaked havoc on the lives of children and families in Somalia. The extended family, which previously absorbed orphaned children, is now overstretched, especially economically, and the stigma that often accompanies children whose parents have died of AIDS sometimes results in relatives being reluctant to take in orphaned children. Consequently, children now look after themselves, bringing up other children in their homes and on the streets. Their numbers are unknown. (Child Abuse & Neglect 26 (2002) 587–617)

19   Detrick, S. (Ed.) (1992). *The United Nations Convention on the Rights of the Child guide to the "travaux pre´paratoires."* Dordrecht: Martinus Nijhoff Publishers.

The availability of large numbers of small arms has led to widespread violence by military personnel as well as militia and civilians. Violations on children have occurred in the context of the conflict, but some individuals have also taken advantage of the lack of rule of law and the availability of arms to commit crime against children and other vulnerable members of the population. This was borne out by evidence of rising levels of acts of sexual violence against children in Puntland and Somaliland. In addition to the challenges of lack of systematic monitoring and reporting of grave violations against children, there have been no reliable birth records in nearly 20 years with which to verify the age of victims as a basis for accessing services. Moreover, cultural norms put 15 years as the threshold of adult-hood in Somalia, leading to less reporting of sexual abuses on children below that age.

3.9.4 Recruitment and Use of Children in Armed Forces

In May and June 2009, the UN confirmed the recruitment and use of children by all parties to the conflict during the past years. Although the total number of children recruited and used in the conflict is not known, estimates suggest that they were several. The presence of children cannot be discounted in the forces of the Somalia Federal Government and its associated militias, and several thousand among the insurgent groups. Children have been trained in basic arms techniques as well as the more sophisticated skills such as assassination, intelligence collection, and use of improvised explosive devices for suicide missions. Continued displacement, abandonment, neglect, orphan-hood and destitution have made children, especially those living in the streets and internally displaced settlements, particularly vulnerable to recruitment. Revenge and radical teachings also play a role in some children's decisions to join armed groups.

The forces of the Federal Government, Hizbull Islam, Al-Shabaab and Ahlu Sunnah Wal Jama'a and clan-based armed groups throughout central and southern Somalia have all been accused of recruiting and using children in the conflict. From May 2008 to March 2010, United Nations partner organizations interviewed 208 boys and 2 girls who had been recruited and used in armed conflict or policing activities. All but 6 of those children were between 13 and 17 years of age. It has been difficult to reach the affected children and monitors have been concerned that the reporting of recruitment activities might endanger their safety, following death threats against them.

3.9.5 Sexual/Gender Based Violence

The UN Security Council report on children and armed conflict (2010) indicates that the number of reported cases of rape and other sexual assaults has significantly increased to a total of 576, compared to 128 cases in the last reporting period (20.6% in the Southern and Central region, 23.6% in Puntland, and 55.7% in Somaliland). It should be noted that gender-based violence has significantly increased in Somalia due to lack of child protection workers and related services, as well as the associated social stigma.

The two issues prevent most victims from seeking justice or support. However, most cases have been recorded in Somaliland due to a more robust system of identifying and processing rape victims. Of the rape cases reported by child protection monitors, less than 5% were carried out by parties to the conflict. Nonetheless, the continued fighting has rendered women and children more vulnerable to sexual violence because of displacement, breakdown of the rule of law and the re-emergence of armed groups and freelance militias. The most disadvantaged groups at great risk remain women and young girls living on the streets and in open and unprotected internally displaced settlements such as those in Bosaso, Gaalkayo, Hargeisa and along the Afgooye corridor, especially those who belong to minority clans. [20]

3.10 Conclusion

The challenges to effective community-based child protection mechanisms in the context of Somalia are enormous. With so many years of war, extreme violence and repeated waves of forced displacement have led to a near-total breakdown of social networks and trust, as well as key elements of child protection response. While in rural villages, communities may be more cohesive, genuine notions of "community" are elusive in much of Mogadishu and other areas. Children and young people no longer feel protected by their communities from all forms of violence and abuse and any attempt to work at the community-base should take these existential limitations into account. There are certain interventions, however, that can strengthen the chances for effective community-based support for child protection.

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[20] As a result of conflicts, children and their families become fragmented and disintegrate. At the individual level, 10%–20% of children exposed to war are likely to develop psychiatric conditions without intervention (Dawes, 1994; Magwaza, Killian, Petersen, & Pillay, 1993). When children grow up without protective parents, observing parental humiliation and terror, revenge fantasies are likely to develop. Children's education is disrupted, with consequent limited educational opportunities. Intervention strategies need to be directed simultaneously at the individual, family, small group, and community levels.

The various actors working in Somalia should carefully rethink their child protection interventions. To achieve this, there is need for a stakeholders' forum to develop a joint roadmap for child protection in Somalia. Participation in this forum should be in the form of working with grassroots communities such as teachers and religious leaders in child protection interventions. Even with the huge number of NGOs working in Somalia, the gains achieved in child protection seem to be minimal. Efficiency in the use of resources dedicated to child protection is needed. To avoid resource wastage among different actors, there is need to explore new ways of creating synergy among them, rather than competing in serving the same client.

The networks already established through UNICEF, UNSOM, AMISOM, other UN agencies, international, national and local organizations seem to be making great impact. However, there is need for other actors to join and bring in resources rather than continue working in isolation. The amount of funds going to waste through duplication of projects is immense and this cycle should be reversed through increased collaboration and common strategy development in child protection. Lastly, the Federal Government of Somalia has a critical role to play in child protection such as by enacting legislation, coming up with policy frameworks, providing security and services, and coordinating the efforts of the various actors.

3.10.1 Recommendations

The following recommendations target and factor in the contributions of the Federal Government, UN, International donor community, Local authorities, Religious, Health and Education workers.

To begin with, the Somalia Federal Government should come up with **up-to-date laws, policies and regulations** that target and support vulnerable children and are consistent with overarching child-centred values, principles and international conventions. This element includes both civil and customary law (recognizing that legal frameworks are changing as new laws are being amended or written that need to integrate the child protection issue).

Provide effective **partnerships and coordination mechanisms** to ensure inclusion and participation of all the relevant actors that have responsibility for the care, protection and overall wellbeing of children and their

families. This includes a range of ministries (district, national or regional) such as social welfare, gender, health, education and justice. It includes potential partnerships and coordination with a broad range of civil society organizations (CBOs, FBOs, NGOs) as well as donors that address issues of funding and sustainability.

The Federal Government of Somalia will need to ensure that the **social service workforce** provides critical child protection services in a reasonably equitable and qualitative manner, given the limitations of resources and circumstances. Being inclusive of informal or traditional community-based providers (family and kinship networks and volunteers) it should focus on reporting and monitoring of child rights abuses; information sharing/public education; and training and education for parents and community volunteers. In all these, transportation and communication facilities will need to be provided to staff and clients in a effort to increase coverage and outreach.

There is need to **strengthen the child and family welfare system** by designing a community-based child and family welfare service delivery system that draws on the successes of existing community structures and traditions. This should be sustainable, culturally appropriate and based on a dynamic partnership between the formal and community systems. Emphasis should be on community-based models of service provision. Regular consultations should be held with key child protection stakeholders and community leaders to identify appropriate child protection systems applicable to the various settings. The Regional Social Welfare and Community Development Departments need to dialogue more with communities in exploring opportunities for incorporating existing formal and informal community structures, and the involving community health workers, teachers, and religious leaders into the child and family welfare delivery system. Interventions by child protection committees may help inform the design of community-based service delivery mechanisms.

There is need to **strengthen inter-agency coordination and revive the national Multi-Sectoral Committee** on Child Protection as a key mechanism for policy dialogue and strategic planning across all ministries, agencies and organizations. This committee should have a clear mandate and objectives. Membership should include representatives of existing

issue-specific coordinating committees (child recruitment, child labour, OVCs, Child Abuse Network, etc) to promote more integrated planning across all child protection issues.

There is a definite need to **strengthen Information Management Systems** by introducing mechanisms for consistent collection, analysis and sharing of child protection data. This will require strengthening of community-based child rights protection capacities through regular pooling of data and periodic information sharing by all actors involved in child protection.

The Somalia Federal Government will need to pilot a child protection system in selected districts and regions. It is recommended that the selected pilot area be tested on comprehensive, integrated child protection systems with linkages to other partner sectors such as health and education. In this, efforts should be made to include action-oriented or applied research to identify and build locally appropriate community networks from the ground up. The piloting should mix urban and rural settings and help in capacity building and harmonization of synergies.

The Federal Government with support from UN, AU, AMISOM, UNICEF and other international organizations should develop standardized training courses to be delivered on an in-service basis with development partner support. The training should be skills-based rather than informational or motivational and should be grounded in Somalia national laws and culture.

Last but not least, **data gathering and information systems should be used to provide quantitative and qualitative information t**hat can be used to advocate for investments on a particular thematic issue such as grave violence against children, child labour, or disability. Such data can also be used to support investments in specific elements of the system such as workforce strengthening or expanding the structure of services so that children and families are provided with wider life options.

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Children at Risk: *Protection of Children in Somalia*

The objectives of this study is to provide an update on child protection in Somalia, examine the current child protection systems, behaviour and practices and to investigate the degree, underlying causes and impact of children associated with armed conflict/ groups (CAAG), with particular reference to the School environment.

Somalia Government has not yet made significant strides in addressing obstacles that stand in the way of full realization of Child Rights, the UN Convention on the Rights of the child that need to be domesticated and incorporated into Somalia law through child Act. It is vital that Somalia has an effective and functional child protection systems which is guided by a frame work that protect children from violence and exploitation this will require a Scale up of release and reintegrate programs for formerly associated children.

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