**Children’s Rights and Family Reunification in South Sudan and Somalia**

**Submitted by: Elizka relief Foundation**

**Introduction**

The phenomenon of children engaged in armed forces or groups is not new; it has evolved along with the changing characteristics of armed conflicts. Notably, weapons have become smaller, lighter and easier to use without even having to possess specific competences- which is a technological development that made it relatively easier to deploy children as tools of war. As a result, this issue has gained an international attention. Over the past five years, Somalia, South Sudan and Nigeria were among the countries with the largest number of armed organizations. Nevertheless, neither government bodies nor non-state actors have addressed the recruitment efforts targeting children inside the country.

Although the public international law includes a number of rules on children’s rights under armed conflicts, armed groups and government militias are still recruiting and using children in armed conflicts in some countries for a number of reasons. The first reason is the lack of alternative sources of income and livelihood due to armed conflicts, which triggers children to join armed groups or to be subjected to forced recruitment by such groups.

For this very reason, children feel a false sense of material security and belonging to a community. The second reason is that many children- especially in Somalia- were born in an environment of violence and insecurity that has normalized and routinized violence, leading them to believe that recruitment in armed conflicts is morally accepted and necessary for survival.

Accordingly, in this report, Elizka outlines children’s right under the ongoing conflicts in South Sudan and Somalia and provides a set of recommendations for family reunification in both countries.

**First: South Sudan**

Mortality rates in South Sudan are among the highest in the world. One in ten children dies before the age of five due to malnutrition and food insecurity. The high level of food insecurity in South Sudan is of particular concern, with approximately 1.4 million children severely malnourished in the current year, which is the highest rate since 2013. This is in addition to the compounded education crisis and the high dropout rates, with about 2.4 million children out of school, which represents 70% of school-age children. The closure of schools because of the COVID-19 pandemic has also pushed another two million children out of school[[1]](#footnote-1).

Additionally, a number of violations have been committed in South Sudan, including abductions, forced recruitment, sexual violence and the killing and maiming of children using small and light weapons. South Sudan has violated the arms embargo imposed by the United Nations in an attempt to stop the flow of weapons used against civilians that are likely to be used in committing such violations[[2]](#footnote-2).

South Sudan also does not have a clear minimum age for marriage to protect children from this harmful practice. Over half of the girls in South Sudan (52%) between the ages of 15 and 18 are married and most of them get married at the age of 12. The increasing phenomenon of child marriage in South Sudan is mainly caused by the ongoing conflict in the country and the COVID-19 pandemic. Immediately after the lockdown measures, at least 1535 girls were subjected to child marriage, child bearing and sexual exploitation in western, eastern and central states of South Sudan[[3]](#footnote-3).

South Sudan is committed to eliminate child marriage by 2030 in accordance with SDG 3 and SDG 5 and the Ministerial Commitment on raising awareness about sex education, child-bearing, and health services for adolescents and young people in Eastern and Southern African (ESA). The failure to address child marriage by South Sudan is likely to have a detrimental impact on the future development of the country, as it undermines education, health, security and economic progress for women and girls as well as their families and communities. Therefore, South Sudan must declare a zero-tolerance policy to child marriage and condemn the acts of violence against girls and women who explicitly and strongly resist child marriage[[4]](#footnote-4).

The humanitarian crisis in South Sudan is primarily related to children’s rights. South Sudan does not fulfill the commitments for children that are detailed in the Convention on the Rights of the Child (UNCRC)- ratified by South Sudan in 2015[[5]](#footnote-5). 4.5 million children, or two in three children, in South Sudan are in desperate need of humanitarian assistance[[6]](#footnote-6).

**Second: Somalia**

 The growth of Al-Shabaab movement has escalated the crisis in Somalia and caused serious risks to the population because they are caught in the middle of the civil war. This is shown in the increasing number of children recruited by Al-Shabaab in order to establish its control over some regions in South and Central Somalia, as forced recruitment of adults and children has become a common practice by the Al-Shabaab[[7]](#footnote-7).

The recruitment method by Al-Shabaab varies from luring children with gifts and money to directly threatening them or their families. Furthermore, the armed men of Al-Shabaab started abducting children by raiding schools, markets, playgrounds and crowded places in areas under the influence of the movement. These armed men also force the clan elders to provide a number of children for forced recruitment. Ultimately, many children join armed organizations, motivated by the possibility of escaping poverty. A notable feature of forced recruitment is that Al-Shabaab often punishes, whips or murders children or their family members in public places when they refuse to be recruited[[8]](#footnote-8).

Moreover, more than 11% of Somali girls marry before reaching the age of 18, the situation that has exacerbated under the circumstances of COVID-19 pandemic. The lockdown measures have led to an increase in child marriage rates, involving people of high social status, which deeply affects the physical and emotional well-being of children, hinders their education and growth and can also cause the death of young girls during childbirth[[9]](#footnote-9).

In addition to the above, the Federal Government of Somalia commits violations of children’s rights, as they are prosecuted and tried by adult courts. Children also serve their sentences in the same detention facilities as adults. Since 2015, Somalia has sentenced hundreds of children to these facilities, where they are sometimes held in the same cells with adults. Furthermore, children are sometimes subjected to rape or physical assault. These facilities are also overcrowded and have poor water quality and insufficient food rations. Given the unsanitary and harsh conditions, diseases are widespread and there are minimal medical resources for individuals imprisoned[[10]](#footnote-10).

**Recommendations:**

1. The government forces, South Sudan People’s Defense Forces and other armed groups must immediately release all the abducted civilians, particularly children.
2. The need to ensure unrestricted access by the United Nations, ceasefire monitors and relevant humanitarian partners to government and opposition locations where the abducted civilians, including children, can be detained. In addition, those abducted civilians, including children, women and girls who were subjected to sexual violence, must have access to immediate medical and psychological support as well as full and adequate compensations.
3. The need to issue clear public orders to all combatants in order to prevent and eliminate all the violations, including sexual and gender-based violence, in addition to providing comprehensive assistance to child victims of sexual violence and other gender-based crimes, inter alia, medical and psychological rehabilitation.
4. The need to develop legislations in line with the international human rights standards, including clearly setting the minimum age for marriage at 18 years for boys and girls, and to ensure that such legislations are enforced.
5. The need to take measures for the effective implementation of the Strategic National Action Plan (2017-2030) to End Child Marriage in South Sudan, including through securing the necessary financial resources.
6. To ensure the protection of children, Elizka calls on the Federal Government of Somalia to ratify the African Charter on the Rights and Welfare of the Child as soon as possible and to approve and promulgate a law on sex crimes.
7. Elizka urges the Federal Government of Somalia and its member territories to support children’s rights set out in the UNCRC and to eliminate all forms of violations against the rights of the child and gender-based violence in Somalia.
8. The need to enforce the court case law and ensure that all refugee family reunification procedures are flexible, prompt and effective in order to ensure the right to respect for their family life.
9. The need to urgently review the relevant state policies, sub-recipients and other beneficiaries of protection in accordance with the 1951 Refugee Convention and ensure that the best interests of the child are the primary consideration in all family reunification decisions and that refugee children’s requests for family reunification are dealt with in a positive, humane and expeditious manner.
1. UN, South Sudan: UNICEF warns of ‘desperation and hopelessness’ for children 10 years after independence, 6 July 2021 <https://bit.ly/3m7Qe06> [↑](#footnote-ref-1)
2. Hrw, Submission to the Committee on the Rights of the Child’s Review of South Sudan <https://bit.ly/3vJS62p> [↑](#footnote-ref-2)
3. ibid [↑](#footnote-ref-3)
4. ibid [↑](#footnote-ref-4)
5. Downtoearth, In South Sudan, 4.5 million children need humanitarian support: UNICEF <https://bit.ly/3EgkiNk> [↑](#footnote-ref-5)
6. Globaltimes, Two-thirds of South Sudanese children in desperate need of support: UNICEF <https://bit.ly/3bq6u6h> [↑](#footnote-ref-6)
7. Degruyter, Children in Armed Conflict: A Human Rights Crisis in Somalia <https://bit.ly/3GCKfJ5> [↑](#footnote-ref-7)
8. ibid [↑](#footnote-ref-8)
9. Savethechildren, CHILD RIGHTS ORGANIZATIONS IN SOMALIA ARE CONCERNED BY THE RECENT INCIDENTS OF CHILD MARRIAGE IN THE COUNTRY <https://bit.ly/2ZrTVp2> [↑](#footnote-ref-9)
10. Studentbriefs, REHABILITATION OF CHILD SOLDIERS IN SOMALIA <https://bit.ly/3mn5kiz> [↑](#footnote-ref-10)