

Preamble

The Transitional Federal Government of Somalia (herein after referred to as the "Government") and the Somali National Armed Forces ("SNAF"), recalling the UN Security Council Resolutions 1539 (2004), 1612 (2005), 1998 (2011) on children and armed conflict and in particular the Resolution 1882 (2009), in which the Security Council called upon parties listed in the annexes of the Secretary-General's Report on Children and Armed conflict that commit, in contravention of applicable international law, killing and maiming of children in situations of armed conflict, to prepare time-bound action plans to halt those violations and abuses in close collaboration with the United Nations Country Task Force on Monitoring and Reporting ("hereafter referred to as the "UNCTFMR");

Acknowledging the statements made by the UN Security Council President, which condemns, *inter alia*, the killing and maiming of children in armed conflict, and taking into account the recommendations made by the UN Secretary General in his reports on Children and Armed conflict of 13 April 2010 (A/64/742-S/2010/181) and this of 23 April 2011 (A/65/820-S/2011/250) as well as the conclusions adopted by the UN Security Council Working Group on Children and Armed Conflict for Somalia on 1 March 2011;

Mindful of the Secretary General's reports on Children and Armed Conflict in Somalia which refers to the high number of civilian casualties during military operations, including children having been injured or killed as a result of gunfire, mortar attacks, or grenade launches, return fire during military operations against insurgent groups and concerned also that children continue to be the victims of explosive remnants of war, predominantly unexploded shells, grenades and mortars from the recent conflict, but also landmines or pieces of ordnance remaining from previous years of fighting;

Convinced that the children and armed conflict concerns should be an integral part and a priority of the post-conflict peace consolidation and peace building processes and should be consistently addressed by the Somali Government, its SNAF, members of civil society, as well as by the UN, donor and international community which seek to promote and protect the rights of the child;

Further reaffirming its commitment to uphold the highest standards of the applicable international law relating to the rights and protection of children in armed conflict, and in particular, the Geneva Conventions of 1949 and obligations applicable under the Additional Protocols thereto of 1977, the Convention on the Rights of the Child of 1989, the Optional Protocol thereto dated 25th May 2000, and the amended Protocol II and Protocol V to the

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maiming of children and other grave violation of children's right, including by initiating investigations, arrests and trials against members of SNAF or armed groups.

Recalling its commitments made to the Secretary General's Special Representative for Children and Armed Conflict in November 2011 including, *inter alia* the development and implementation of concrete time-bound Action Plans to halt and prevent the recruitment and use and killing and maiming of children in armed conflict.

Working in close collaboration with the UNCTFMR, relevant United Nations agencies, and through the participation of civil society and grass-roots organizations, especially those involving women and girls, to devise and implement national strategies to address grave violations against children that would include prevention, the provision of health, psychosocial, security and protection, legal/justice services and social and economic reintegration for child victims of grave violations.

The Government of Somalia, guided by principles of international human rights and humanitarian laws, principles of protection of civilians and international jurisprudence, hereby undertakes to implement this Action Plan to halt, prevent and respond to killing and maiming of children in armed conflict.

Article 1 – Scope

1.1. This Action Plan applies to the Government of Somalia and to the SNAF, all its units and personnel as defined in Article 2.1. and 2.3 of this Action Plan and/or any personnel acting on behalf of or in the name of said party.

1.2. This Action Plan will be implemented in conjunction with the Action Plan on release and reintegration of children associated with the SNAF signed by the Government of Somalia on the 3rd July 2012, based on the principle of mutual reinforcement of the provisions contained in each of the Action Plans that envisage the use of mechanisms established for coordination, monitoring and implementation of the framework of activities established under the two Action Plans, including but not limited to the appointed Government civil and military focal points, Inter - Ministerial Task Force and the Joint Monitoring Committee as defined in Article 2 of this Action Plan.

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refer to the Somali military.

2.3. The “UNCTFMR” shall refer to the Somalia UN Country Task Force on Monitoring and Reporting on grave violations against children in armed conflict, responsible for monitoring and reporting on grave violation of children rights in Somalia and advocacy in support of preventive measures.

2.4 The “Inter-Ministerial Task Force for Children” shall refer to the committee formed by the Government to coordinate, support and facilitate implementation of activities outlined in the framework of the Action Plan and will also be responsible for addressing core issues affecting children’s rights in line with international norms and standards.

2.5 “The Joint Technical Committee” (JTC) refers to the mechanism set up to facilitate implementation and monitoring of this Action Plan and shall be composed of the UN, Government and the SNAF representatives. The JTC will begin its work from the date of its establishment and will continue for the duration of the Action Plan.

2.6 “The High Level Military and Civilian Focal Points” of the Government of Somalia (Focal Points) refers to those persons appointed by the Government of Somalia to ensure timely and regular interaction with the UNCTFMR concerning implementation of the Action Plan.

2.7 For the purposes of this Action Plan, and in accordance with the Convention on the Rights of the Child “a child” refers to any person below 18 years of age.

2.8 For the purposes of this Action Plan “killing” shall refer to any action that result in the death of one or more persons under the age of 18 years, where the perpetrator belonged to the SNAF or non-state entity under the Government control. The conduct took place in the context of and was associated with an armed conflict.. This includes but is not limited to extrajudicial (outside the legal process), summary (spot decision), arbitrary (without due process) or indiscriminate killings.

2.9 For the purposes of this Action Plan “maiming” shall refer to the intentional or indiscriminate cause of permanent or disabling injury, scarring and/or defacing, or mutilation to one or more persons under the age of 18 years. The conduct was neither justified by a medical, dental or hospital treatment of the person or persons concerned nor carried out in the interest of such person or persons. The perpetrator belonged to the state

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3.2 The Government and the SNAF shall be eligible for delisting from the annexes to the Reports of the Secretary-General on Children and Armed Conflict upon UN verification that the killing or maiming of children in contravention of international law and that the terms of this action plan have been fulfilled and the measures are in place to prevent the reoccurrence of these violations as spelled out in the commitments and activities below.

Article 4 - Commitments

4.1 The Government and the SNAF commit specifically to implement fully and effectively the following provisions:

- a) To halt immediately the killing and maiming of children, in contravention of international law, committed by members of the SNAF, allied militia/ military groups under its control or private persons associated with the SNAF and to identify actions to prevent their recurrence.
- b) To issue and disseminate appropriate and clear political executive directives to non-military persons associated with the SNAF and military orders to all military commanders, officers and all military and non-military personnel prohibiting the killing and maiming of children; to detail the sanctions for any breaches; and to ensure the execution of such orders and directives. The Government should take measures to inform them about the precise terms and aims of this Action Plan and the obligation of cooperation and compliance.
- c) To actively engage members of the SNAF and persons associated with the SNAF in the prevention and ending of the killing and maiming of children in armed conflict, including by incorporating the provisions into disciplinary codes that sanction any killing and maiming of children by a party to an armed conflict.
- d) To assign the focal points appointed at the highest level within the Government and the SNAF under the Action Plan on release and reintegration of children associated with the SNAF also to coordinate, provide oversight, monitor, and implement the activities set out in Article 5.3 of this Action Plan in collaboration with the UNCTFMR and in cooperation with relevant partners.
- e) To respect the independent verification of implementation of this Action Plan, including providing unimpeded and regular access to its territory, including military

and unidentified remains, or personal effects of deceased children and to ensure that no retaliatory action is taken against monitors, victims, witnesses or any third party in connection to monitoring and verification activities.

- g) To ensure that UNCTFMR monitoring and reporting personnel have access to all members of the SNAF, military groups and private persons associated with the SNAF.
- h) To promptly investigate allegations of killing and/or maiming of children in contravention of international law and to ensure accountability for violations that have occurred by ensuring the prosecution of and/or the taking of disciplinary measures, with due regard to international standards against all perpetrators, including commanders, and to provide verifiable information with respect to such measures taken to ensure the accountability of perpetrators.
- i) In partnership with the UN, to implement an agreed preventive strategy to address the killing and maiming of children by the SNAF as referred to in the list of activities of this Action Plan, including, *inter alia*, by training and advocacy with all commanders and military personnel on child rights and child protection.
- j) As much as possible, the SNAF commit to avoid the use of explosive weapons in populated areas, and particularly explosive weapons with wide-area impact in densely populated areas, and to this effect will put in place appropriate internal directives and regulations to comply with this commitment.
- k) The SNAF will gather and make available information on deaths and injuries to children resulting from the use of explosive weapons.

4.2 The United Nations Country Task Force on Monitoring and Reporting (CTFMR) in collaboration with the Government as well as relevant partners, is committed:

- a) To support programmatic initiatives, including psycho-social and medical services, rehabilitation, educational and vocational programs for the social and economic reintegration of children who were maimed, as well as programs that address prevention such as mine clearance and mine/ERW risk education.

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technical or other backstopping the parties deem necessary.

Article 5 – V. IMPLEMENTATION OF THE ACTION PLAN: PRINCIPLES, FRAMEWORK AND WORK PLAN

5.1 The signatories to the Action Plan are responsible for the implementation of this Action Plan in accordance with the terms of this Action Plan as particularly delineated in framework set out in Article 5.3 below.

5.1.1 In addition to the institutions stipulated in Article 1.2 above, and the institutions and Government authorities referred to in the Action Plan on release and reintegration of Children Associated with the Somali National Armed Forces signed by the Government of Somalia on the 3rd July 2012 the following institutions and Government authorities are also made particularly responsible for overseeing, facilitating and ensuring timely and effective execution of this Action Plan:

- a) The high-level civilian and military focal points of the Government and SNAFAre responsible for ensuring timely and regular interaction with the UNCTFMR. The focal points and the UNCTFMR should meet once a month or more often as necessary.
- b) The aforementioned high-level focal points are also responsible for ensuring timely implementation of the Action Plan, liaising with governmental and local authorities and monitoring and reporting on progress and challenges.
- c) The Joint Technical Committee established by the Government and the UNCTFMR are responsible for facilitating the implementation and monitoring of the Action Plan. The Joint Technical Committee will provide quarterly report on progress on implementation of the Action Plan that will be shared with the Co-Chairs of the UNCTFMR (UNPOS and UNICEF), with the Office of the Special Representative on Children and Armed Conflict and with the Inter-Ministerial Task Force for Children. This report will be shared for information with the UN Security Council Working Group on Children and Armed Conflict.

prevention of future violations of killing and maiming shall be determined by the best interests of children.

5.2.3 Participation and respect for the views of the child – All children associated with the SNAF who were maimed will be provided protection. Their reintegration into society shall include the active participation of the communities, children and families concerned. All activities to provide protection shall respect the views of the child.

5.2.4 Respect for the child's right not to be subjected to killings and/or maiming in contravention of applicable international law. Children are especially protected under international humanitarian law, international criminal law and human rights law from acts of killing or maiming.

5.2.5 Non-discrimination – There shall be no advantage given or denied to children based on their ethnicity, race, gender, age, nor any other trait, characteristic, vulnerability or arbitrary criteria.

5.2.6 Accountability and transparency – The Government will be accountable for implementation of its Commitments; interact transparently with the UNCTFMR, the SRSG for Children and Armed Conflict, and others; will establish and use mechanisms for monitoring and reporting violations and holding those responsible to account.

5.2.7 Confidentiality – Personal information related to violations of children's right to be protected from killing and maiming shall be treated as confidential and will be held by the UNCTFMR. The confidentiality of the information collected by the UNCTFMR through the Monitoring and Reporting Mechanism will be respected. The informed consent of the parent or guardian, as well as that of the child shall be given due regard in all monitoring and reporting activities covered in this Action Plan. Guarantees of protection, security and confidentiality for victims, witnesses, families, sources of information, third parties such as medical, social or psychological care providers, or administrators shall also be given due regard.

5.2.8. Families and local communities who have been affected by the armed conflict need to be included in planning, implementation, monitoring and evaluation of the child protection programming.

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		UNCTFMR for Somalia	
<p>2.a). Assign responsibility to the high level civilian and military focal points appointed by the Government of Somalia to coordinate and facilitate all activities in support of this Action Plan implementation in close cooperation with the UNCTFMR and child protection actors.</p> <p>b). The Government of Somalia and SNAF focal points (military and civilian as mentioned in Paragraph 2 a. above) shall undertake coordination meetings with the UNCTFMR on a monthly basis or more often as necessary.</p>	<p>Immediate and ongoing</p> <p>Monthly meetings</p>	<p>Government, SNAF</p> <p>Government, SNAF and the UNCTFMR</p>	<p>Issuance of formal letter /directive from the TFG confirming the assignment of the focal points. The Focal Points assume their responsibilities within the framework of the Action Plan</p> <p>Once per month at least</p>
<p>3. Expedite timely approved clearance for entry into territory, areas, facilities, institutions, detention centers, displacement camps, burial sites, or other relevant locations to the UN staff, relevant partners and to their interpreters in order to monitor, report and verify the implementation of the Action Plan.</p>	<p>Immediately and ongoing</p>	<p>Government and SNAF.</p>	<p>As required and agreed between UNCTFMR staff and Government/SNAF.</p>

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monitor, report and verify the implementation of the Action Plan.			
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PREVENTION OF KILLING AND MAIMING, AWARENESS RAISING AND CAPACITY BUILDING

Activity	Timeframe	Responsible Authority	
5. Issue and disseminate appropriate and clear political executive directive(s) to non-military persons associated with the SNAF and military orders to all military commanders, officers and all military and non-military personnel prohibiting the killing and maiming of children; to cease, stop/prevent the use of indiscriminate weapons in populated areas where there are likely to kill/maim children and to detail the sanctions for any breaches; and to ensure the execution of such orders and directives.	Immediately and ongoing	Government (Ministry of Defense) and SNAF, with support of UNCTFMR	Effective and efficient procedures are in place
6. Take measures to inform the SNAF and all military commanders, officers and all military and non-military personnel about the precise terms and aims of this Action Plan and the obligation of cooperation and compliance.	Within 2 months of signing the Action Plan	The Government (Ministry of Defence to lead on this) and SNAF with support from UNCTFMR.	1. Copy of the Action Plans shared with every Commanding Officer within the SNAF and Minister/Director General/key senior staff of Ministries who are also members of the inter-ministerial task force as
Translate into Somali language, print and distribute the copies of the Action Plan to all SNAF formations and units	Complete within two (2) months from signing Action		

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			Government have troops/military camp and Minister/Director General/key senior staff of Ministries who are members of the inter-ministerial task force as defined in this Action Plan;
7. a) The Government and the SNAF will develop and adopt a focused plan to address the killing and the maiming of children in armed conflict, which: <ul style="list-style-type: none"> - identifies gaps and initiates concrete measures to fulfill the State's international and national legal obligations - promotes the adoption of necessary laws, or the issuance of directives, ordinances and rules to further protect children from the impact of military operations - enforce a policy of "zero tolerance" for the killing and maiming of children in contravention of international law -develop, adopt and disseminate the Standard Operating Procedures (SOPs) for the protection of children in the conduct of military operations. 	Within three months after signing Action Plan	Government and SNAF, with support and in partnership with AMISOM and EU and UNCTFMR	Plans aforementioned developed and adopted

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attributable to members of the SNAF and associated persons with the aim to prevent and forewarn the SNAF command and control structures and appropriate ministerial bodies of the potential for future incidents.			
8. To ensure that children maimed, or at risk of being maimed or killed, have access to safe environments, including access to medical evacuation, and the opportunity to reunite with their families, when feasible.	Immediate and on-going	Government and SNAF with support from the UNCTFMR and relevant partners.	Referral pathways established for this purpose

AWARENESS RAISING AND CAPACITY BUILDING

Activity	Timeframe	Responsible Authority	
9. a) Initiate discussions to develop a sustained nation-wide campaign to alert citizens, governmental entities, schools, hospitals, schools, religious and education institutions, social service providers, etc., of the prohibition of killing and/or maiming children in contravention of International Law.	Within three months and ongoing	Government and SNAF, with support of UNCTFMR and civil society organizations	
b) The Government will utilize the campaign to inform citizens of the measures to be taken to prevent such crimes and to punish offenders, including commanders. The campaign will	Within five months and ongoing	Government and SNAF, with support of UNCTFMR	Communications plan and campaign adopted

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<p>affected by children who were killed or maimed by the SNAF, other military groups/forces or associated persons, which:</p> <ul style="list-style-type: none"> - denounces the killing and maiming of children - disseminates the aforementioned order and directive to halt killing and maiming of children - reiterates the SNAF' duty to investigate, prosecute and punish or take relevant disciplinary measures should a crime have been committed - informs the affected communities of the Governments' duty to comply with international and national law governing children during periods of armed conflict. 			
<p>10. Coordinate with the UNCTFMR, and other partners to monitor the awareness among military forces, especially commanders, of obligations concerning child protection and the rights of the child, especially prohibitions against killing or maiming.</p>	<p>Within 6 months and ongoing</p>	<p>Government and SNAF, with support of UNCTFMR</p>	<p>Surveys undertaken (at least one every six months) on this among selected battalions</p>
<p>11. Incorporate into training curricula for the SNAF the child rights, child protection, children in armed conflict and protection of civilians materials, including development and translation of such training materials Together</p>	<p>Within three months and ongoing material made available including on Somali</p>	<p>Government and SNAF, with support of UNCTFMR, EUTM and UNSOA</p>	<p>Curricula developed and incorporated Training</p>

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Support Services to Survivors, their Families and Communities			
Activity	Timeframe	Responsible Authority	
12. Coordinate with UNCTFMR, (which will coordinate with the wider UN Country Team (UNCT) and relevant partners) to provide, strengthen, or support access to services such as medical care, psychosocial support and psychological treatment where necessary, social, economic, educational reintegration and/or rehabilitative and re-integrative programmes for children who were maimed, including children formerly associated with the SNAF, as well as initiatives that address prevention, such as Mine clearance or risk education.	Immediate and ongoing	Government, SNAF, Ministry of Education and Health, UNCTFMR and relevant partners	Mapping of relevant services undertaken and gaps identified/initiatives implemented to address gaps
13. Set up emergency services, in conjunction with UNCTFMR and relevant partners including with local health, psychosocial/psychological and economic and social service providers for new survivors of maiming or for the needs of previous victims of maiming.	Immediate and ongoing	Government, SNAF, UNCTFMR and relevant partners	Mapping of relevant services undertaken and gaps identified/initiatives implemented to address gaps
REDRESS, LEGAL ENFORCEMENT AND DISCIPLINE Legal Framework, Enforcement and Accountability			
Activity	Timeframe	Responsible Authority	
14. Establish or re-enforce accessible, confidential and effective complaint procedures,	Within three months after the signing of the	Government, SNAF, UNCTFMR and	Complaints procedures in place

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These procedures should allow for monitoring by the UNCTFMR.			
15. Diligently investigate, prosecute adjudicate or discipline prior incidents, recent cases and on-going complaints of killing and maiming committed by members of the SNAF or persons associated with the SNAF, including commanders responsible for their subordinates' acts. Investigations, prosecutions and disciplinary measures should take into due consideration the interests and rights to confidentiality of child victims, witnesses and of any support persons.	Immediate and ongoing	Government, SNAF with support from AMISOM.	Monitor number of cases that are investigated, adjudicated or personnel disciplined in this regard
16. Issue a directive that requires commanders to initiate an investigation upon receipt of any allegation of child killing and maiming. The result of investigations to be reported to the Minister of Defence and SNAF, Commander Level and shared with the UNCTFMR	Immediate and ongoing	Government, SNAF with support from AMISOM	Directive drafted and implemented
17. Grant reparations, compensation or other forms of recognition to families of killed or maimed children as a result of judicial, disciplinary, reconciliation or other means of acknowledgement.	Immediate and ongoing	Government, SNAF.	Monitor number of cases that are investigated, adjudicated or personnel disciplined in this regard

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need for clarification.

6.3 This Action Plan takes effect on the date of signature.

In witness whereof, the duly authorized representatives of the parties to this Action Plan have put their signature on this day being...6 August...2012.

FOR AND ON BEHALF OF THE TRANSITIONAL FEDERAL GOVERNMENT OF SOMALIA

Name: Mr. Hussein Arab Isse

Title: Minister of Defense/Deputy Prime Minister

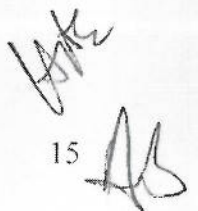
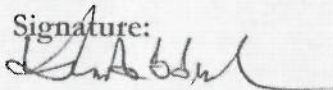
Signature:



Name: General Abdulkadir Sh. Ali Dini

Title: Chief of Defence Forces

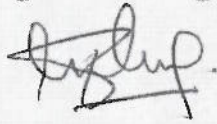
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Representative for Somalia and Head of the United Nations Political Office
for Somalia Mr. Augustine Mahiga

Signature:



WITNESSED BY

Name:

Title:

Signature:

Date:



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