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Chair

Mr. Michael Levitt

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● (1305)

[*English*]

The Chair (Mr. Michael Levitt (York Centre, Lib.)): Good afternoon, colleagues.

Welcome to the 84th meeting of the Subcommittee on International Human Rights.

Today is the second of two hearings on the human rights situation in Somalia. These meetings were initiated in response to the horrific October 14 truck bombing in Mogadishu, which claimed the lives of 358 people, and the October 28 bombing, which claimed 27 lives, perpetrated by the terrorist group al Shabaab.

As we heard yesterday, the Somali people have endured awful violations of their fundamental rights and freedoms, and a perpetual state of insecurity, including famine.

With the 2016 election and the international community's re-engagement, there has been a sense of hope for a more peaceful future in Somalia, but the situation remains extremely precarious. It is in this context that the Subcommittee on International Human Rights is holding these hearings.

Before us today are three witnesses.

Fowsia Abdulkadir is a founding member of the Ogaden Human Rights Committee of Canada. She has researched transnational justice and the role of customary law in Somalia, as well as the role of women in governance and conflict resolution in the Horn of Africa.

Welcome to you, Ms. Abdulkadir.

Ms. Fowsia Abdulkadir (Independent Researcher, As an Individual): Thank you.

The Chair: I am just learning that Mr. Aw-Osman, executive director of Canadian Friends of Somalia, has had a situation on the way here, so he is unlikely to be here to provide testimony. We will ask him to possibly send us a written briefing.

Finally, we have Laetitia Bader, senior researcher in the African division of Human Rights Watch, focusing primarily on Somalia. She has investigated human rights abuses related to conflict, focusing in particular on abuses against children, internally displaced persons, and political detainees.

Thank you, all, for making yourselves available to the subcommittee. I am going to invite you to make your opening remarks. We'll begin with Ms. Bader, just because of the precariousness, on occasion, of the video connection. We have you now, so we'll take advantage of that, and then we'll proceed to Ms. Abdulkadir.

You can begin, Ms. Bader. Thank you very much.

Ms. Laetitia Bader (Senior Researcher, Human Rights Watch): I don't even have the excuse of being in Mogadishu at the moment.

Honourable subcommittee members, thank you very much for inviting me to present on the current situation of human rights in Somalia.

● (1310)

[*Translation*]

Members of the committee, thank you very much for inviting me to appear today. My presentation will be in English, but I will be pleased to answer your questions in French at the end.

[*English*]

Armed conflict abuses by all parties to the conflict in Somalia, coupled with this new humanitarian crisis, continue to take a very heavy toll on civilians in Somalia. As we know and as you have mentioned, in February, following a very protracted and quite controversial selection process, a new president came to power, and also a new government came in.

The new administration has definitely taken some important steps, notably, first and foremost, by making this humanitarian crisis a priority from the start, taking steps to clarify the structure of the security forces, and at the same time taking steps to establish a national human rights commission. But political infighting, and in particular infighting with the new interim federal member states, has greatly delayed critical justice and security sector reforms.

I'd like to focus my comments on a few areas. First of all are ongoing attacks, including targeted attacks against civilians, in the context of ongoing conflicts and in the context of security operations against the armed Islamic group al Shabaab; abuses by al Shabaab; impunity for abuses by security forces and others on the ground; the situation of the internally displaced population; sexual violence; and recruitment and use of children, including detention of children for security-related offences.

To start off with, military operations in Somalia continue to have a devastating impact on civilians, resulting in deaths, injuries, and also massive displacement of the civilian population, as does a reigniting of the whole range of inter-clan conflict in many different parts of south central Somalia. Security forces have continued to unlawfully kill and wound civilians, often during infighting between these forces over land, control over roadblocks, disarmament operations, but also during aid distribution.

On June 9, for example, 13 civilians were killed and 20 injured during a food distribution in Baidoa, which was very much one of the towns at the epicentre of the humanitarian crisis this year when different regional forces started fighting amongst themselves.

Civilians have also been targeted and also face indiscriminate attacks in fighting over resources and political positions, clan militia, and regional forces. For example, in Lower Shabelle, very much a hot spot since 2013 in particular, there is a very long-term clan conflict and tensions. In the contested town of Galkayo, we have seen on several occasions in 2013 and again last year, etc., fighting at the border between the two parts of Galkayo.

According to the UN, the African Union forces on the ground as well as other foreign forces have been responsible for a significant number of civilian casualties during ground operations and air strikes.

I was just in Mogadishu interviewing survivors of a Kenyan air strike that took place on September 26 in the Gedo region. Four camel herders were injured in that strike, and they lost 20 camels. This is not the first; there have been many strikes by the Kenyan forces that have wrongfully targeted civilians and killed livestock in an incredibly poor region.

At the same time, in this context we are seeing very limited accountability. In terms of what exists by way of accountability structures, in Mogadishu the government has relied very much on its national intelligence agency, which has no legal mandate to arrest or detain, to try to investigate a whole range of cases. I continue to document very serious abuses by this intelligence agency—due process abuses, but also coerced confessions.

Linked to this, the government continues to rely, both in south central but, we've seen, increasingly in Puntland as well, on military courts that do not comply with international due process in trials of individuals who are passing before these courts.

Since 2011, these courts have been trying almost all of the terrorism-related cases. As we know, these courts are also sentencing people to death following very questionable and controversial proceedings.

At the same time, as in peacekeeping missions, the African Union forces on the ground basically rely on troop-contributing countries to hold their own troops to account. Again and again over the years, we have documented abuses by these African Union forces, but also very limited willingness on the part of troop-contributing countries to hold their forces to account.

In one relatively recent example in 2016, the Ethiopian forces in the Bay region went into a village and killed 14 elders, which devastated the village. The African Union forces' headquarters at the time said they would investigate. They did send in a board of inquiry to investigate. The report was never made public and the community was never compensated.

Obviously, one of the key perpetrators of abuses in the country continues to be al Shabaab, which continues to control large swaths of south central Somalia. Al Shabaab continues to commit very serious abuses in areas under their control, like arbitrary executions. Over the last week, we have again seen the execution of individuals who were accused of spying for foreign forces and for the government forces. As I will explain a bit more, it continues to forceably recruit adults, but also children, and to extort taxes through threats on incredibly poor communities, including communities that have been most devastated by the drought.

We've also seen how al Shabaab has often played a very key role in clan conflict. I think coming back once again to the Lower Shabelle region where you have very big animosities between the Habar Gidir and Bimaal clan. Over the years, al Shabaab has shifted sides and hats and we have documented, just this year, how they were involved in attacks on a whole range of villages in Lower Shabelle, targeting the Bimaal community, by abducting civilians, particularly elders, stealing livestock, and also committing arson. They literally devastated this tiny community and are burning down villages. I spoke to many of those who were displaced at the time who fled to Mogadishu and there were at least 15,000 people displaced just from those concentrated attacks in May.

At the same time, we've definitely seen an increase in civilian casualties, as a result of al Shabaab claimed or attributed attacks by vehicle-borne improvised explosive devices in Mogadishu. I was in Mogadishu when the second bomb attack recently happened, which you mentioned. Obviously, the October 14 bomb is indescribable on many levels. The junction where this attack happened is one where a whole range of individuals would go through. School buses were coming through. It's where internally displaced people would go looking for menial and daily tasks. As you know, the figure at the moment is 358 killed. The reality is that there are probably many more who we will never identify.

There are abuses against children, who are obviously key to the future of Somalia. Time and again, very much the first victims of the human rights and humanitarian crisis are children. We continue to see how armed groups kill and maim children and also target schools.

For example, on April 18, unidentified rebel groups fired mortars in the middle of the day in central Mogadishu. No one claimed responsibility for this attack, but it hit a school and a home and it killed an eight-year old girl and another civilian. I spoke to many of the children who were inside that school when the mortar hit. Imagine the trauma of the children and the fear of going back to school after such an attack and so, obviously, think of long-term consequences on individuals who are going through this ongoing fear and trauma.

At the same time, according to the UN, al Shabaab has doubled recruitment of children since 2016. I was in Baidoa two weeks ago, where I was speaking to communities that have been targeted since June this year, by what is the most recent pressure on communities to hand over children to attend al Shabaab-controlled Koranic schools, or madrasas. I was speaking to relatives, but also to children themselves who have been pushed towards government-controlled towns, so that they would not be recruited by al Shabaab. Therefore, they're dropping out of their schools. They're often being separated from their parents and they're in towns where the humanitarian conflict is already pretty dire and this is obviously not helping matters.

● (1315)

Obviously, abuses against children don't end when they escape for the children who have been recruited by al Shabaab. I have spoken to many children who had been with al Shabaab and escaped but then faced abuses at the hands of the government.

The federal government has committed to rehabilitating children linked to al Shabaab. On the one hand, we have seen some improvements in terms of handing over children to UNICEF and child protection actors, but our recent research shows very much how this is still very arbitrary. Many children spend a prolonged time in intelligence detentions and face very abusive treatment inside, with no access to their families, no access to lawyers, and some of them, a handful of them, are then handed over to the military courts and prosecuted.

We have documented a number of such cases in Mogadishu, and also in Puntland. In Puntland, over the last year, 11 children were sentenced to death. In other cases, their sentences were overturned, but still, very lengthy prison terms were upheld. It's a real issue in terms of evidence of government commitment to treat children as what they are first and foremost: victims who require support and rehabilitation.

Given the significant humanitarian support that Canada gives to Somalia, I would like to turn to the humanitarian context and obviously, in particular, the situation of the displaced community. As I said, there has been massive displacement over the last year. According to the UN, we've seen about 900,000 new displacements. Obviously a lot of that is linked to the drought, but in Somalia, drought, insecurity, and conflict are often very closely linked. At the moment, there is most likely to be a population of about 2.1 million who are displaced, mainly into government-controlled towns, on the outskirts of towns, where humanitarian access in itself is very difficult.

In terms of abuses, there is a whole range of indiscriminate violence, sexual violence, but also forced evictions, including by government forces. Over the first four or five months of this year, we saw again about 60,000 forced evictions of displaced communities, primarily in Mogadishu. That means they're basically being pushed more and more to the outskirts of town, to places where humanitarian access is very limited but also where vulnerability and insecurity is much higher.

It is important to underline also within this context the shrinking asylum space for Somalis, notably in neighbouring Kenya. We've done a lot of research over the last year or so, looking at the impact of the Kenyan government's decision to close what was the world's largest refugee camp, Dadaab. We investigated the UN's alleged voluntary returns program for Somalis at the time, and we came to the conclusion that, given the push factors in Kenya, this could not be a voluntary return.

● (1320)

The Chair: Ms. Bader, perhaps I will give you another 30 seconds or so to wrap up. I want to make sure we have time for questions. I'm sure you'll be able to come back to some of your additional content during the questions as well.

Ms. Laetitia Bader: Brilliant.

Why I raise this is that, obviously, a lot of the returnees from Kenya are ending up in internally displaced camps.

I will end with three recommendations.

First, make sure that Canada, in terms of its engagement with the Somali government but obviously also with contributing countries and other foreign forces on the ground, really makes clear that accountability, transparency, and building accountability mechanisms are key, whether within the African Union forces or within the Somali government forces.

Second, also in terms of humanitarian planning and programming, protection should be a priority, including protection monitoring, which is all too often ignored in Somalia but we have seen time and again results in new vulnerabilities to crisis.

Finally, given the shrinking asylum space for Somalis in the region, making sure that Canada remains a haven for Somalis who continue to face persecution is absolutely essential.

Thank you.

The Chair: Thank you very much.

Now we'll move to Ms. Abdulkadir, please.

Ms. Fowsia Abdulkadir: Thank you. Let me also say thank you very much to the honourable members of this committee for inviting me to speak about this today. I am glad that Laetitia went first, because there is much more detail and specificity to her talk.

I am going to take you through a bit to emphasize the context. I am sure that the complexity of what Somalia is today and where we are is no secret, but I think it is really important to underscore some of the complexities. I am interested in and have been doing social justice research, particularly looking at what could be a viable transitional justice mechanism for Somalia. We have, with other researchers, published in that area, to try to see how Somalis and Somalia can heal from what went down. As you all know, Somalia has been declared a failed state for more than two decades. Now that it has a government, it's still a very fragile government.

Since the 1990s, the failed state has resulted in human rights abuses and conflict. The country is really fragmented politically and socially, war has been waged along clan lines, entire communities have been implicated—not that necessarily they all participated, but a few armed militia teens used and mobilized people along clan lines. There is thus large communal violence and people whose grievances have not really been dealt with.

There are numerous studies that talk about and highlight the need for transitional justice and ways to address these pervasive, systemic human rights violations that have been taking place in Somalia. Human Rights Watch is one of them; Amnesty has written about it. All kinds of research is out there.

It should be noted that human rights violations in Somalia predate the civil war. The country was under a military dictatorship for 21 years, between 1969 and 1990.

When you think about this complexity, which is why I want to underline it, consider a historian, Charles Geshekter who wrote early in the nineties, in 1993, that:

> The disintegration of Somalia raises major policy questions about the culture of power in the modern state, the definition of good governance, principles of national sovereignty, and the concept of "humanitarian intervention".

The complexity around that context brings not only human rights but the humanitarian stuff that has followed.

The Somali state processes and the lack of justice institutions and accountability, as the previous speaker highlighted, and the impunity of people who were misusing the power that they have, and the display of absolutely disregarding respect for human life and people's property raise all kinds of challenges. Those challenges are compounded by the limitations and the total collapse of all state institutions.

Concerning human rights abuses, the complexity of Somalia is that the human rights abuses that started with the military regime, then went to the militia and then to the clan warlords, have been now.... We have witnessed foreigners, in the sense that they are non-Somali actors, committing human rights abuses in Somalia, whether it's through front-line states coming into the border and doing whatever they want at the border, whether it's from the African Union mission soldiers who, just like any peacekeeping groups, are also committing human rights abuses and causing civilian casualties, or whether it is through coercing children.

When you think about the last 27 years, there was no sector other than the so-called security or armed teams hiring kids, coercing them to become somebody's security guard, soldier, or foot soldier, for that matter. We have an entire two if not three generations of children who have grown up, been recruited, and become killing machines for people.

I remember that I went to Somalia for about eight months in 2016 to lead a team of researchers to support the UNSOM and the AMISOM mission in Mogadishu.

● (1325)

When al Shabaab attacked Puntland, a large number of kids were captured as al Shabaab soldiers. They just surrendered because they were so scared. They were put in boats from south central and taken to Puntland, and I know that UNICEF and everybody was trying to talk to the Puntland government to not persecute these kids and not put them through military court processes, but then again, there are no really viable institutions. In the case of human rights abuses when it comes to child soldiers or recruiting kids, in the context of abject poverty and lawlessness, that becomes the only avenue. Kids get hired because they are free to be coerced.

Challenges have been brought on by the civil war and the large communal scales. When you talk to Somalis about this, there are layers. Some are stuck on saying, "You know what? My property in the capital city is still under the people who took it." There is no acknowledgement. These are like open wounds. When you talk to Somalis, you find they have not moved on and have not resolved these things and dealt with them. The gaping hole that we see is that there hasn't been any attempt to properly reconcile people and communities.

Laetitia talked about examples in Lower Shabelle, in Marka. What we have seen is that warlords who have been pillaging these communities are now called "national security personnel". Because of the clan dynamics, they are now wearing national military uniforms, but when you talk to the local communities, they'll tell you that they know so-and-so, that he was here in the late 1990s and the 2000s as a warlord, and now he is supposedly government. There are very complex layered issues that need to be sorted out, and as much as the African Union Mission and the UN and everybody is trying through the international community to build these institutions, there needs to be a space for these socio-political conflict processes to come up with an organic way for these communities to come together and acknowledge.

Those challenges are there in the case of any civil war. The casualties of the Somali civil war are complex, but they are particularly complex in the context of Somalia because the political reconciliations are not deep enough: you need reconciliation at the very low-level communal neighbourhood levels, and you need it at the regional level and at the national level.

When I look at the international community, and particularly places like Canada, I think that is what is lacking. There is military presence all around. There is the African Union Mission. There are the drones. Everybody is trying to contain these terror groups inside Somalia, but the socio-political processes seem to be left out. That is where I see that these things can be really reined in and these governance institutions can be then deepened. Right now they are somewhat superficial impositions.

You have clans still taking revenge on each other. You have people who are continuously internally displaced, and the internally displaced communities are the most vulnerable after the children, because they are pushed out of the places where they were farming or had livestock and are brought into some urban centre and then are in gated internally displaced camps where they don't have freedom to go anywhere. For aid organizations to even reach those people, they have to deal with what they're calling “gatekeepers”. There are people who are actually benefiting from keeping these people internally displaced.

These internally displaced communities are disproportionately women and children, and they are vulnerable to sexual violence by everybody. The Somali community is divided along clan lines; in every society, there are minorities and so-called major clans, and those people who are displaced might be from a minority clan or might be displaced in a town they are not from. They have fled there from another part of the country, and they are really the most vulnerable groups.

● (1330)

Rape is rampant, not only by Somali soldiers but by everybody. We need to address that as well, because there is sexual violence happening. I know that Human Rights Watch, Amnesty International, and everybody wrote about it, but civilians, internally displaced children and internally displaced civilians, endure the most abuses as well. The warring parties create these humanitarian conditions that continue to really devastate people.

The government, as fragile as it is, tries to commit to something, but sometimes you will hear that their own security forces who are not being paid regularly are pillaging people. I remember, from talking to some of the AMISOM troops who are carrying out some missions and want to work with the Somali National Army, they would leave the Somali National Army in a village they had just liberated, but then those very people will create roadblocks and start extorting people. The communities will sometimes say, “You know what? When the al Shabaab team was here, we were only paying one person. Now we have multiple roadblocks and multiple people wanting us to pay.” That is another thing, the lack of capacity of the government to actually hold on to these territories and then provide security to the people.

With regard to targeted killing, there is absolutely a style of targeted killing of people who might be from the diaspora, who might be political leaders, who might be active human rights defenders. They are targeted on a daily basis and they are killed. The extremist groups target them. The warlords target them, and the militias and whoever is benefiting. When you think about almost 30 years of lawlessness, it's not going to be a vacuum. There is a war economy and there are those who benefit and profiteer from that war economy, and they settle scores and commit human rights abuses.

The other group that really has borne the brunt of it are journalists and the media. The media is continuously targeted and killed. I don't have the statistics with me today, but every single year there are large numbers of journalists killed and media houses attacked.

● (1335)

The Chair: Ms. Abdulkadir, perhaps I can get you to wrap up in the next minute so that we at least leave time to get questions from all the groups at the table.

Ms. Fowsia Abdulkadir: Okay.

One other thing I want to highlight is the convoluted processes that are supposedly the justice frameworks at play and operationalized in Somalia. With the complexity around the total collapse of the state, you now have sharia frameworks being operationalized; the Somali indigenous customary law, known as Xeer, is also operationalized; and government's civil and criminal law. You have three, if not more, justice frameworks being operationalized.

People do have the option to actually say to the government, since its institutions are not that strong, “We will settle our cases with the elders and the customary law,” or “We would opt for sharia.” Who, then, has access to these things? Where does that leaves us, women and children, most of the time? Because business people and warlords control these arenas, whether it's the sharia arena, whether it's the clan elder arena, or whether it's government, people are really left with lack of access to justice, especially women.

I'm just going to stop there.

The Chair: Thank you very much, both of you, for your testimony.

We'll move right into questions, beginning with MP Sweet.

Mr. David Sweet (Flamborough—Glanbrook, CPC): Thank you very much, Chair. I very much appreciate our witnesses' testimony. However dark it may be certainly is not their issue. This is certainly one of the worst situations we've heard about in this committee in this session of Parliament.

We had two witnesses yesterday, Ian Spears and Ken Menkhaus, who made some observations. I might want to confirm some of their observations with you so that we have it on the record for our report.

You've mentioned, now, al Shabaab shaking down and killing people, the clan violence between each other, and the security forces killing civilians. There must be a diminishment to make things worse, a diminishment of NGOs that would have the capacity to be there and keep themselves safe. Because of the security situation, is there a significant number of NGOs that have left the area that would normally serve these displaced people?

Ms. Bader.

Ms. Laetitia Bader: Obviously I am not a humanitarian expert, but this is definitely something we've looked into.

I'm not sure whether there's been a diminished space. I was doing research in 2011, looking at all the gatekeepers' communities in Mogadishu at the time. I would say the difference is that you have a few more spots closer to the epicentre—Baidoa town, for example, which in 2011 IDPs could not go to—that have opened up. It means that in some ways, humanitarian actors have somewhat closer access to some of the communities most at need, but that access is incredibly limited.

In Mogadishu, many of the international humanitarian organizations don't go past kilometre 13; they're not going further out of town. What we've seen over the last six months—just two weeks ago around Baidoa, and it has happened around Belet Weyne—is local NGO staff going out into slightly more al Shabaab-controlled areas and basically being abducted for ransom. All of them have been released, but after quite significant negotiations. From the standpoint of the al Shabaab narrative, I think it's quite often wanting individuals to deal in their communities on their terms, but from the point of view of access, this obviously limits things significantly.

We've also seen a lot of targeted attacks on humanitarian actors over the last year, so it remains incredibly difficult. It means that there is limited monitoring of what is going on. At the end of the day, this then has very significant impacts also on those most in need, in terms of making sure that those who really are in need are getting the assistance.

This comes back to the comment Fowsia was making about these gatekeepers, who very much run the show around internally displaced settlements, especially in Mogadishu, where there's a very entrenched system because there's no one else. The government does not manage any of these IDP settlements; it is these private individuals, generally linked to local clan militia, who are controlling entrance, access, etc. to these facilities and who often determine which IDPs get access to assistance as well.

It's still a very difficult context.

● (1340)

Mr. David Sweet: Ms. Abdulkadir, in the child soldier concern, is there a role for the United Nations to play; instead of apprehending them and getting them to a facility where they can begin, for lack of a better word, to deprogram them and bring them to a cultural sensitivity such that they can go back into their community? Is there a role for the UN to bring in an amalgam of countries that have already had to deal with this and negotiate with Somalia—rather than incarcerating them, to hand them over to a safe facility where they could be rehabilitated?

Ms. Fowsia Abdulkadir: Absolutely there is a role.

There is a small-scale attempt at this. There is a centre in Baidoa. Baidoa is a southern city. The UN's demobilization, disarmament, and reintegration, DDR, program has built a centre in which they're trying to.... There are kids who might have joined al Shabaab, have become disillusioned, and then come back. There is a training centre. It's really limited. When I was there, they had about 16 kids.

There is a process whereby the UNSOM, the UN mission in Somalia, is trying to create communication strategies to reduce the number of kids who become attracted to al Shabaab, and they're consulting the community on this. I know that there was an attempt to open another centre in Kismayo, which is another port city in the south. I think they started building it, but I don't know whether it's open yet.

UNICEF and the UN are trying, but there is absolutely a need to support that effort and to broaden it. Not too many people can travel by road in the country, but now that there are federal member states and these federal member states have interim capital cities, there are several centres that can now be utilized; it's not as though everything is in Mogadishu. Now, with the federalism process being implemented, there is an opportunity to maybe establish several centres in these various regions, and yes, there is a role for the international community and the UN to build it up.

Mr. David Sweet: For our recommendations, could I ask that the researchers maybe get a report regarding the DDR to see if its one of the UN projects that's underfunded and what we might be able to suggest when it comes down to the completion of the study?

● (1345)

The Chair: Thank you.

Ms. Laetitia Bader: Maybe if I could come in on that question because I have a report coming out on this very issue in hopefully two months.

The Chair: Ms. Bader, if I can get you to give a very short answer then because we want to be able to give the other members time to ask a question and the clock is ticking, so a quick response for sure.

Ms. Laetitia Bader: The very short answer is that there needs to be much more oversight over this process that is happening at the moment. For the children who do end up in these centres, as there are a number of them now, it's often dependent on their clan and their economic status whether they end up in those centres or whether they end up in prison. At the moment, I think one of the big concerns we have is that there is no oversight over the intelligence screening of children, so this leaves a lot of arbitrariness in the process. I think also, at the political level, that's where the push needs to be as well.

The Chair: Thank you.

Go ahead, MP Tabbara.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thank you, Mr. Chair, and thank you to both witnesses for being here and giving your insights on this situation and the ongoing crisis in Somalia.

We had witnesses who came yesterday, Mr. Menkhaus and Mr. Spears, and they elaborated on weak national state structures. As we can see, during independence in 1960, those state structures weren't very solid and they were very weak. There was anarchy during the civil war and the government fell at the time, so we see a failed state.

How do we ensure that we strengthen these state structures? Al Shabaab is controlling large quarters in Somalia. They have been able to recruit a lot of young adults. Ms. Abdulkadir, you mentioned that the recruitment has doubled since 2016. The African Union has been ineffective in some ways and the Government of Somalia has been ineffective to ensure that al Shabaab doesn't control large quarters of Somalia.

How can we strengthen these state structures whether, as you mentioned, local structures, regional structures, and even at the national level?

Ms. Fowsia Abdulkadir: That is the million-dollar question: how do you rebuild the state apparatus and the state institutions? They are fragmented, and rightly so. Post-independence states in many parts of Africa and particularly in Somalia were not viable enough to cater to the needs of the people. They were limited to capital cities. We witnessed and have seen and have lived through a one-state city: everything that you didn't have in the rest of the country was in Mogadishu.

The fall of Mogadishu was the fall of the entire government then. Now that is coupled with people who have been mobilized through political identities. Communities were not at war before then, but now people don't feel safe to go to certain parts of the country. Everybody retreated to their region. The federal system is a sort of compromise to decentralize that one-city state.

How do you contextualize it and create...? I think the intervention from the 1990s was heavy on the military side. There was a lot of military intervention. There were periods when the international community didn't even do anything, and Somalis were left to their own devices. With the African Union Mission, you have the military. There are more than 24,000 African troops from various countries on the ground, plus whatever national security people who are there, yet they can't seem to beat these groups than are not even 10,000 in size. They're more like 5,000 or something.

What is missing...and the crux of it would be to try to deepen these governance structures and build trust with the communities at the local level while you are simultaneously trying to reconcile and address grievances. I don't know if that answers the question, but I see the gap as being that as you have these military and humanitarian interventions, there needs to be some comprehensive political and social reconciliation at every level.

People are beginning to have conferences inside the country. For the longest time, conferences were happening in Nairobi and Kampala, even for the politicians to talk to each other. Now that we have federal member states and cities, politicians can actually go and meet inside the country, not only in Mogadishu but in different parts. Decentralizing the power and taking it away from just one city is the beginning of something good. Now we need to couple the military interventions and security apparatus with some sort of social and political reconciliation, as well as conflict resolution processes that are informed by the indigenous mechanisms.

I hope that covers it.

● (1350)

Mr. Marwan Tabbara: Thank you very much.

My second question is this: for the Canadian Somali community that has been affected by the Mogadishu attacks, can you elaborate on what the Somali community here in Canada can do to mobilize and somehow assist in helping some of their extended family members who are in crisis in the situation in Somalia?

Ms. Fowsia Abdulkadir: I think the diaspora, particularly the Canadian diaspora, has been connected to the country and has been helping, and I know you all hear about the remittances. Somalia survived without a state for the last 30 years mainly because the diaspora people have been sending money back. The Canadian diaspora was particularly active, and we have federal members of Parliament at the Somali national and regional levels. There are many Somali Canadians who went back.

The killings of the extremists have been ongoing, and the casualties were always Somali civilians. However, we're hoping the October 14 attack had some sort of a silver lining, in that people are coming together. Somalis are galvanized to stand together against these atrocious killings. Now momentum is building and people are saying that we need to hold politicians accountable and come together. There have been massive rallies inside and outside the country. There was fundraising that occurred here. We have had several events. We had a vigil here at Parliament. The community is coming together, saying that enough is enough and asking if we can now be a little more effective in how we put pressure on those who are leading the country and demand better accountability and better response to human rights issues.

There is a role for the Canadian diaspora, for sure.

Mr. Marwan Tabbara: Thank you very much.

The Chair: Now we'll move to MP Hardcastle.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): I want to thank our guests for some very thought-provoking information. I'd like to start off with Ms. Bader.

I'd like to hear you continue a bit more on the issue of rehabilitating our child soldiers. You mentioned to my colleague that you have a report coming out. Do we have some concrete recommendations that we should be focusing on as we go through this study?

My other question would be of a general nature and to the both of you.

We heard from previous witnesses that part of the issue with impunity, besides a structure through which we need access to justice —so maybe you can talk about how we can contribute to that.

Apparently one of the low-hanging fruits, if you will, would be if we were to address dual citizenship. There are people who hold citizenship in various countries as well as in Somalia, and there may be an opportunity there.

That's all I'm going to ask, and the two of you can share the time as long as our chairperson allows.

I appreciate this. Thanks.

Ms. Laetitia Bader: I'll go first on the first question.

One of the problems at the moment is both, I would say, a kind of concerted lack of political will to treat all children equally in this context, but also that some very concrete recommendations involve, as I mentioned before, oversight over intelligence detention facilities. There's obviously a lot of international support going to the intelligence agency, both in Mogadishu and in Puntland.

Making sure that there is oversight over the screening process and over interrogations is essential, and calling for basic due process. When children are picked up in mass sweeps—in Mogadishu, the majority of children are actually not picked up off the battlefield, but are picked up in very regular mass sweeps in the town—their parents don't find out often for weeks where they are. Oversight, due process within the intelligence system, then, are needed. One very concrete call is to make sure that no cases of children are heard before military courts.

Concerning the cases Fowsia was mentioning about Puntland last year, the Puntland courts basically tried, in the end, about 40-plus children in military court trials that left much to be desired. Those children have been handed over to rehabilitation, but actually the court sentences have not been overturned.

I think, therefore, that another whole area of recommendations is that the international community support DDR programming. They're supporting to a certain extent some activities around former combatants, but there are really grey zones around what these former combatants programmings are legally. Are these alternatives to prison sentences? Does a child, once they turn 18, have to go back to prison to serve out...? There are massive grey zones, which lead to real risks of prolonged detention of children.

I'll let Fowsia respond more on the whole question of access to justice, maybe coming to the initial point Fowsia was making about the need to start thinking about transitional justice. I think now is the right time. As we speak, the Security Council Somalia-Eritrea monitoring report that came out today has been discussed at the Security Council. One of their recommendations, which is one we've supported for years, is for there to be a mapping report on Somalia that would look at the gravest abuses over time, and that the team of experts who would work on this mapping report basically come up with some very concrete recommendations.

I think this is something that would be useful for Canada to support. I think it would be useful for them to call on the Office of the High Commissioner for Human Rights, as they have done in Congo and are also doing in Sierra at the moment. I think it's now time for Somalia to have some sort of record that can then feed into transitional justice, can feed into vetting of worst abuses, whether on the civilian side or the military side.

Thank you.

● (1355)

Ms. Cheryl Hardcastle: Thank you.

Ms. Fowsia Abdulkadir: With regard to the child soldier situation and rehabilitation, when I was there, the African Union Mission commissioned research, and I'll try and dig that up for you. They spoke to the kids who came back and tried to come up with some recommendations and communication strategies. They spoke to the kids who were there at the Baidoa centre. I'll try to communicate that back to the clerk.

In terms of immunity, I think transitional justice and reconciliation are really where efforts need to put. As a Canadian Somalian, I think there is a role that Canada can play in that sense, starting with that mapping research that was just mentioned.

Also, in terms of people who have dual citizenship there and might be implicated in some of the atrocities themselves, I know that people are talking about how to engage. The centre for justice in the U.S. has been approached by a couple of people I know from the U. K. and whatnot, who are trying to say that these leaders who are there now could be implicated in what is happening. Is there a recourse whereby we can maybe hold them accountable through their dual citizenship? It's a slippery slope, but I think there needs to be some international pressure on some of these leaders, because as things go bad, they can just leave with their European and North American passports, but they might have taken part in some human rights abuses.

I think peace-building, conflict resolution, and transitional justice is where it's at now, because 20-some years of trying to do military intervention hasn't really led to any stable governance structures. Maybe this is the time to create those dialogues.

Somalia's constitution calls for a human rights commission, a truth and reconciliation commission. Since 2012, the government was supposed to have established that commission in its first 100 days. They have not moved on it. They're still trying to debate the draft constitution. There is a role that Canada can play in providing support for those processes.

Thank you.

● (1400)

The Chair: Thank you very much. That was literally seven minutes. I want to thank both of our witnesses for your testimony before us today.

Iqra is next.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you. I appreciate your testimony.

I had a bit of a preamble with respect to Somalis now leaving Kenya and coming back to Somalia, and the human rights atrocities, the clan wars, the dual citizenship, the lack of governance in that region, but I also wanted to mention the high level of the economy and the development of trade in the region. My question to both of you, if you can please answer briefly, is this: What concrete role can Canada play in helping the situation and forcing Somalia to come up and get out of the situation that it's in now?

Ms. Fowsia Abdulkadir: I think there is a role for sure. The refugees who are returning are coming back to basically nothing. There could be a small city or two in the south where they could be brought. I don't know what the longer-term plan is, but I know the UNHCR has an envoy for Somalia, and they're talking to donors to try to create communities for these people to settle in. There is a role for Canada if that can be mapped out.

There is a whole UNHCR-Kenya-Somalia agreement that can be looked at. I know that the Canadian ambassador in Nairobi is also keen on finding out more. I would say that between the Canadian Somalia diaspora and this committee and members of Parliament, we can look into that further and come up with some niches that Canada can support for sure.

The Chair: Thank you very much.

I am going to again thank the witnesses for their testimony here this afternoon. We had back-to-back days focusing on this issue and heard a lot of very important testimony that I think has been greatly enlightening to the members of this committee.

With that, I want to ask members if we have approval to put out the press release.

Some hon. members: Agreed.

The Chair: Thank you.

We shall adjourn.