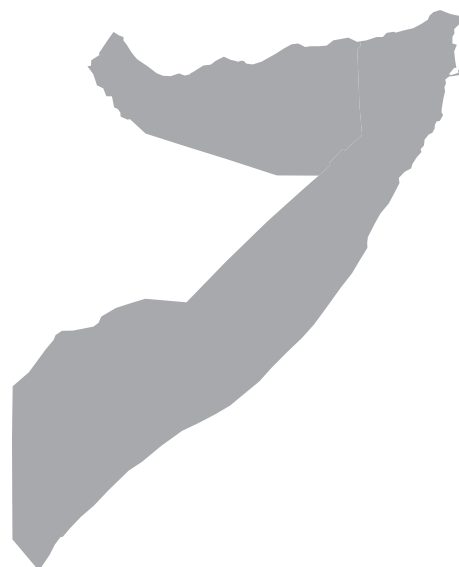


In 2015, Somalia made a minimal advancement in efforts to eliminate the worst forms of child labor. Despite new initiatives to address child labor, Somalia is receiving this assessment because it implemented a regression in practice that delayed advancement in eliminating the worst forms of child labor. The Somali National Army recruited and used children in armed conflict during the reporting period. Otherwise, the Government made efforts by ratifying the UN CRC and taking steps to implement the National Action Plan on Sexual Violence in Conflict. Children in Somalia are also engaged in child labor, including in street work. Laws do not identify hazardous occupations or activities prohibited for children, and child trafficking for labor and sexual exploitation is not criminally prohibited. In addition, the Government did not employ labor inspectors and conducted no inspections.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Somalia are engaged in child labor, including in street work.(1-5) Children are also engaged in the worst forms of child labor, including in armed conflict.(6-9) Table 1 provides key indicators on children’s work and education in Somalia. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	39.8 (1,012,863)
Attending School (%)	5-14 yrs.	48.9
Combining Work and School (%)	7-14 yrs.	20.2
Primary Completion Rate (%)		Unavailable

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2015.(10)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Multiple Indicator Cluster Survey 3, 2006.(11)

Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including threshing grain* (1, 4, 5, 12)
	Herding livestock* (2, 4, 5)
	Fishing,* including cleaning* (12)
Industry	Construction, including digging* (3, 5, 12)
	Mining* and quarrying,* including breaking rock for gravel* (1, 3, 5, 12)
Services	Street work, including begging,* portering,* shining shoes, washing cars,* conducting minibuses* transporting <i>khat</i> * (a legal, amphetamine-like stimulant), and selling cigarettes,* <i>khat</i> , sweets,* and toothbrushes* (1-5)
	Washing dishes* and working as maids* in hotels and tea shops* (2, 4)
	Repairing cars* and assisting mechanics* (1-3)
	Domestic work (1-5)

Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Use in armed conflict, sometimes as a result of forced recruitment (4, 6, 7, 13)
	Forced labor in domestic work, agriculture,* livestock herding,* breaking rock for gravel,* selling or transporting <i>khat</i> ,* and construction work,* each sometimes as a result of human trafficking (7, 12, 14)
	Commercial sexual exploitation, sometimes as a result of human trafficking (7, 15, 16)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Due to poverty and the inability to provide for all family members, some Somalis willingly turn over custody of their children to extended family members. Some of these children may be used in commercial sexual exploitation and for forced labor.(7) Research also found that many of these children are trafficked to Europe and North America.(17) Internally displaced persons, including children, are vulnerable to human trafficking for sex and labor exploitation. Trucks transporting goods to Somalia return to Kenya with girls who are trafficked for commercial sexual exploitation in brothels in Nairobi, Mombasa, and destinations outside of Kenya.(7) Children are trafficked to Saudi Arabia through Djibouti, where their traffickers force them to beg on the streets. Research found that children seeking refuge in Kenya to avoid recruitment by the terrorist organization al-Shabaab were subsequently trafficked for labor and commercial sexual exploitation.(7)




In 2015, al-Shabaab engaged in the widespread and systematic conscription and recruitment of children for use in armed conflict. (4, 6, 7, 9) Al-Shabaab forcibly recruited children at mosques, Koranic schools, and facilities for neglected children.(7) Children plant explosive devices, act as human shields, conduct assassinations and suicide attacks, carry loads, and gather intelligence; girls were forced into sexual servitude.(4, 7) Research found that the Ahlu Sunnah Wal Jama’a militia, which to date has not yet integrated into the Somali National Army (SNA), recruited children; Somalia’s numerous clan militias also use child soldiers.(9) The Federal Government of Somalia (FGS) condemns the use of child soldiers; however, there were reports of children associated with the SNA and its allied militia during the reporting period.(9) Limited evidence found that the National Intelligence and Security Agency used children formerly associated with al-Shabaab for intelligence purposes.(13)

As of February 2015, there were 1.1 million people internally displaced, mainly in the south and central regions of Somalia.(18) In addition, the protracted violence has contributed to the shortage of all basic services, including public education.(19, 20) Attacks on schools have resulted in the forced recruitment of children, military occupancy of schools, and damaged facilities.(9, 20, 21) The lack of educational infrastructure further hinders children’s access to education.(12, 20)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Somalia has ratified some key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age ILO C. 182, Worst Forms of Child Labor	✓
	✓
 UN CRC UN CRC Optional Protocol on Armed Conflict UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	

In October 2015, Somalia ratified the UN Convention on the Rights of the Child.(22)

Somalia lacks a coherent central legal system.(19, 23, 24) The FGS does not have effective control over some parts of the country, and most essential governance functions were provided by regional administrations, including the self-declared independent

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Republic of Somaliland in the northwest and the semi-autonomous Federal State of Puntland in the northeast.(5, 7, 23, 25) Only the laws of the internationally recognized FGS are discussed in this section.

The FGS has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 93 of the Labour Code (26)
Minimum Age for Hazardous Work	Yes	18	Article 90 of the Labour Code; Article 29 of the Provisional Constitution (26, 27)
Prohibition of Hazardous Occupations or Activities for Children	No		
Prohibition of Forced Labor	Yes		Articles 455 and 464 of the Penal Code (28)
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 403 and 404 of the Penal Code (28)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	Yes	18	Article 29 of the Provisional Constitution (27)
Minimum Age for Voluntary Military Service	Yes	18	Article 29 of the Provisional Constitution (27)
Compulsory Education Age	No		
Free Public Education	Yes		Article 30 of the Provisional Constitution (27)

In 2014, Parliament issued a public statement on a commercial contract, in which it cited pre-1991 laws, suggesting that the FGS continued to recognize relevant historic laws; however, no official determination has been issued by the Government.(29) The Provisional Constitution does not provide a minimum age for employment. However, the pre-1991 Labour Code establishes 15 as the minimum age.(4, 26) Additionally, although the Labour Code establishes a minimum age of 12 years for light work and describes the conditions under which light work may be undertaken, it does not determine the activities in which light work may be permitted nor does it prescribe the number of hours per week for light work.(26)

Although the Labour Code allows the Secretary to prescribe the types of work that are prohibited to children under age 18, legislation prohibiting hazardous occupations and activities for children does not appear to exist.(26)

Laws related to forced labor are not sufficient as debt bondage is not criminally prohibited.(27, 28)

Although the Penal Code criminally prohibits distributing and possessing pornography, the law does not appear to criminally prohibit using, procuring, offering, or financially benefitting from a transaction involving the sexual exploitation of a child for prostitution, pornography, and pornographic performances. The Penal Code requires extensive updating. Many fines in the Code equal less than \$1 today, which does not serve as an effective deterrent.(4, 28) Furthermore, it appears that under Article 405 of the Penal Code, children involved in prostitution would not be protected from criminal charges.(28)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The FGS has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms. However, research found no evidence that law enforcement agencies in Somalia took actions to combat child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Somali National Police	Investigate and enforce laws related to the worst forms of child labor.(4)

Labor Law Enforcement

In 2015, the FGS did not employ labor inspectors and conducted no inspections.(4)

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Criminal Law Enforcement

In 2015, criminal law enforcement agencies in Somalia did not take actions to combat the worst forms of child labor (Table 6).

Table 6. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	No (4)	No (4)
■ Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
■ Refresher Courses Provided	No (4)	No (4)
Number of Investigations	0 (4)	0 (4)
Number of Violations Found	N/A	N/A
Number of Prosecutions Initiated	0 (4)	0 (4)
Number of Convictions	0 (4)	0 (4)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (30)	Yes (7)

In 2015, the Somali National Police remained understaffed, undertrained, and lacked the capacity to investigate or enforce laws on the worst forms of child labor.(4)

During the reporting period, the SNA recruited children for use in armed conflict, even though General Order No. 1 prohibits military personnel from recruiting and employing child soldiers.(7, 31) Research found no information that the Government investigated or prosecuted SNA officials who employed child soldiers.

During the reporting period, the SNA detained more than 300 children for alleged association with armed groups.(9) Research found that the existing referral mechanism for victims of the worst forms of child labor only addresses children in armed conflict.(7)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Although the FGS has established the Child Protection Unit, research found no evidence of mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 7).

Table 7. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Child Protection Unit	Raise awareness of child soldier issues, work with UNICEF to implement the standard operating procedures of protecting children associated with armed conflict, and monitor Somali National Army (SNA) troops for cases of child soldiers.(12, 17, 32) Coordinate with Ministry of Defense officials through the Children Associated With Armed Conflict Working Group to implement the Child Soldier Action Plan and the Action Plan to End the Killing and Maiming of Children in Contravention of International Law.(17, 32) In March 2015, the Ministry of Defense nominated six officers to serve as regional military focal points within the Child Protection Unit.(15, 34) These focal points arrange site visits for the Child Protection Unit to raise awareness of child soldiers and monitor SNA troops for child recruitment; in mid-2015, one military focal point conducted workshops in Baidoa and the Bay region for military personnel on ending the SNA's use of children.(34) In December, the UN trained 22 members of the Child Protection Unit and Ministry of Defense on child protection.(34)
Ministry of Labor and Social Affairs	Refer victims of child abuse and exploitation to social service providers.(33)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The FGS has established policies related to child labor, including its worst forms (Table 8).

Table 8. Policies Related to Child Labor

Policy	Description
Children, Not Soldiers Campaign	Aims to prevent and eliminate the recruitment and use of children by the SNA by 2016. Launched jointly by the Special Representative for the Secretary General for Children and Armed Conflict and UNICEF, the campaign supports eight countries through negotiating and implementing action plans.(34)

Table 8. Policies Related to Child Labor (cont)

Policy	Description
Child Soldier Action Plan	Establishes a strategy for the reception and stabilization of children found within the SNA, and for the prevention of child soldiers through education of soldiers and monitoring of military camps.(17)
Action Plan to End the Killing and Maiming of Children in Contravention of International Law	Commits the SNA and allied militia to end the killing and maiming of children.(35, 36) Aims to properly investigate cases in which children are killed or maimed and ensure that perpetrators are prosecuted.(36)
General Order No. 1	Issued by the Somali Armed Forces Chief of Staff in 2011.(31) Requires all Somali military personnel to prevent recruitment, training, employment, deployment, or providing equipment to any child under age 18. States that any member of the Somali National Armed Forces may be punished for violation of the Order.(31)
National Action Plan on Sexual Violence in Conflict	Aims to establish a unit within the SNA to handle sexual violence and exploitation complaints and referrals, increase the number and capacity of Somali National Police officers to enforce laws regarding sexual violence, and establish a Sexual Offences Law.(37) In September 2015, the steering committee met to discuss plans for implementation.(4)
United Nations Integrated Strategic Framework (2014–2016)	Aims to prevent underage recruitment and ensure the release of children associated with armed forces and groups. Prioritizes the need to implement a national program to disengage combatants, particularly children associated with armed conflict.(38)

Although the FGS has adopted policies on children in armed conflict, research found no evidence of a policy on other worst forms of child labor.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the FGS participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 9).

Table 9. Social Programs to Address Child Labor

Program	Description
UNICEF Country Program (2011–2015)	In cooperation with the FGS, aimed to equitably increase school enrollment, construct schools, develop curriculum, and train teachers. Program also coordinated reintegration programs for children formerly associated with armed conflict and children vulnerable to recruitment.(25) In 2015, 749 children associated with armed conflict received community-based reintegration services. In addition, the FGS assisted in the transfer of 79 children formerly associated with al-Shabaab from a government-run rehabilitation center to NGOs for community reintegration services.(9)
SNA Soldiers Pay Screening Plan	Government of the United States and Italy-funded program that establishes a screening process whereby soldiers' identity and age are verified before they receive their pay. Screening teams are comprised of African Union officers, local Somali tribal elders, and high-ranking SNA soldiers.(39)
Strengthening the National Criminal Justice Response to Trafficking in Persons Through Legislative Assistance and Capacity Building in Somalia	\$750,000, USDOS-funded, 3-year project implemented by UNODC to enhance the criminal justice response to trafficking in persons within the territories of the FGS and Somaliland. Aims to strengthen legal frameworks to meet international standards; and develop and provide training on victim identification, conducting investigations, and prosecuting human trafficking cases.(8)
Go-2-School Initiative	\$117 million, European Union, USAID, and UK Department for International Development-funded, 3-year project implemented by UNICEF, WFP, UNESCO, and international NGOs in partnership with the FGS that aims to expand and improve school infrastructure, train teachers, and provide vocational training.(4, 40)

Although the FGS has implemented programs to address child soldiers, research found no evidence that it has carried out programs to assist children in other forms of child labor, including its worst forms. Existing programs fail to address the scope of children in armed conflict.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Somalia (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography; and the Palermo Protocol on Trafficking in Persons.	2013 – 2015
	Clarify whether the pre-1991 Labour Code is still in effect under the FGS. Ensure that a legal framework on child labor is in place which includes a minimum age for work and hazardous work; determines the activities in which light work may be permitted and prescribes the number of hours per week for light work; and determines the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2009 – 2015
	Ensure that the law prohibits debt bondage.	2015
	Ensure that the law criminally prohibits child trafficking for labor and sexual exploitation.	2009 – 2015
	Ensure that the law criminally prohibits using, procuring, offering, or financially benefitting from a transaction involving the sexual exploitation of a child for prostitution, pornography, and pornographic performances.	2015
	Update the Penal Code to ensure that penalties for the commercial sexual exploitation of children are sufficiently stringent to deter violations.	2013 – 2015
	Ensure that the law protects children involved in commercial sexual exploitation from criminal charges.	2011 – 2015
	Ensure that the law criminally prohibits the use of children in illicit activities.	2009 – 2015
	Establish a compulsory education age that is equal to or higher than the minimum age for work.	2009 – 2015
	Enforcement	Establish an infrastructure to enforce laws related to child labor, including adequate funding, human resources, and training for personnel.
Ensure that criminal investigations on the worst forms of child labor take place, and violators are prosecuted and convicted in accordance with the law. Institutionalize training for the Somali National Police, including by training new officers at the beginning of their employment and providing refresher courses.		2012 – 2015
Cease the recruitment and use of child soldiers by the SNA and its allied militia. Investigate, prosecute, and punish, as appropriate, SNA commanders who recruit and use children.		2015
Ensure that children associated with armed groups are not detained and refer these children to social service providers.		2015
Establish a referral mechanism between the Somali National Police and social welfare services for children engaged in forced labor and commercial sexual exploitation.		2014 – 2015
Establish coordinating mechanisms to combat child labor, including in all its worst forms.		2009 – 2015
Coordination	Establish coordinating mechanisms to combat child labor, including in all its worst forms.	2009 – 2015
Government Policies	Adopt a policy that addresses all of the worst forms of child labor.	2014 – 2015
Social Programs	Take steps to provide sufficient educational infrastructure for children to access school. Remove all armed groups and forces from schools and compounds.	2013 – 2015
	Develop programs to address child labor, including in street work, and the worst forms of child labor, including in forced labor. Expand existing programs to address the scope of children in armed conflict.	2009 – 2015

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