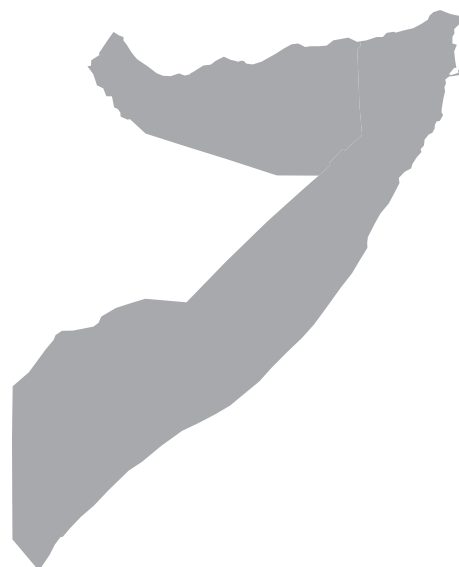


In 2013, Somalia made a minimal advancement in efforts to eliminate the worst forms of child labor. The Federal Government of Somalia (FGS) launched a Go-2-School Initiative with UNICEF support with a goal of enrolling one million children in school during the next 3 years. In addition, the Somalia National Army (SNA) made efforts to prevent recruitment and use of underage personnel, including through screening of soldiers before paying their salaries. The FGS and SNA also promulgated a Code of Conduct that, among other features, expressly prohibited recruitment of personnel below eighteen years of age. However, children in Somalia continue to engage in the worst forms of child labor as child soldiers and in child labor in agriculture. The terrorist organization Al-Shabaab remained the main perpetrator of the abduction and use of child soldiers in Somalia. The SNA also continued to use child soldiers. There are reports that the Ahlu Sunnah Wal Jama'a (ASWJ) militia, which to date has refused to become part of the SNA, also used child soldiers. Somalia continued to lack many elements necessary to effectively address the worst forms of child labor, including an established justice sector, policies, and programs.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Somalia are engaged in the worst forms of child labor as child soldiers and in child labor in agriculture. (1-12) 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

Source for primary completion rate: UNESCO Institute for Statistics, 2014.(13)

Source for all other data: Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2006.(14)

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	Work in agriculture, including threshing grain* and herding livestock* (1-5)
Industry	Construction, activities unknown, and breaking rocks* (1, 3, 4, 6)
Services	Street work, including begging, portering, shining shoes, washing cars, conducting minibuses, and selling cigarettes, khat (a legal amphetamine-like stimulant), sweets, and toothbrushes (1, 4-7) Domestic service (1, 4-6)
Categorical Worst Forms of Child Labor‡	Use by armed groups as child soldiers, sometimes as a result of forced recruitment, including to plant explosive devices, operate checkpoints, serve as human shields and suicide bombers, conduct assassinations, transport weapons, and provide intelligence and logistical support (1, 3, 6-12) Forced labor in domestic service, agriculture, livestock herding,* rock breaking for gravel,* and construction work* sometimes as a result of human trafficking (7-9, 12) Use in piracy (8, 15) Commercial sexual exploitation sometimes as a result of human trafficking (3, 8, 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.

Somolia

MINIMAL ADVANCEMENT




The terrorist organization *Al-Shabaab* engages in the widespread and systematic conscription and recruitment of children for armed groups and is the main perpetrator of the use of child soldiers in Somalia.(11, 17) Boys as young as age 8 are bribed or forcibly taken from their homes, schools, and the streets to serve as soldiers. Armed groups recruit girls through bribery or force for sexual servitude and for domestic labor.(1, 3, 8, 9) There are reports that the *Ablu Sunnah Wal Jama'a* (ASWJ) militia, which to date has not yet integrated into the Somali National Army (SNA), recruited children.(11, 17) There are also reports that Somalia's numerous clan and other militias use child soldiers.(8, 11, 17) The Federal Government of Somalia (FGS) condemns the use of child soldiers. However, there were reports of children associated with the SNA during 2013.(1, 11, 17) Children also were involved in the Somaliland forces in 2013.(17)

In Somalia, protracted violence has led to the breakdown of all basic services, including public education.(18-20) In addition, droughts, floods, and decades of violence have led to the displacement of over 1.5 million Somalis. These constraints, as well as the forced recruitment of children from schools by non-state terrorist and militia groups, have limited children's access to education, as schools are either unavailable or unsafe.(9, 18, 20-23) The cost of tuition and the lack of educational infrastructure also hinder children's access to school.(19, 20, 24)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Somalia has ratified one key international convention 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	

Somalia lacks a coherent central legal system.(18, 25, 26) 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 Republic of Somaliland in the northwest and the semi-autonomous region of Puntland in the northeast.(1, 8, 9, 23, 25, 27) Only the laws of the internationally recognized FGS are discussed in this section. The FGS ratified ILO C. 182 in March of 2013, but it has not ratified the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; or the Palermo Protocol on Trafficking in Persons.(28)

The FGS has established relevant 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	Labor Code (29)
Minimum Age for Hazardous Work	Yes	16, 18	Labor Code (29)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Provisional Constitution (30)
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	Yes		1962 Penal Code (31)
Prohibition of Using Children in Illicit Activities	No		

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Compulsory Military Recruitment	Yes	18	Provisional Constitution (30)
Minimum Age for Voluntary Military Service	Yes	18	Provisional Constitution (30)
Compulsory Education Age	No		
Free Public Education	Yes		Provisional Constitution (30)

The FGS did not pass any new laws related to child labor or child soldiers during the reporting period.(7) Furthermore, the Provisional Constitution does not include a minimum age for work or hazardous work, but the pre-1991 Labor Code contains provisions on this issue.(7) For hazardous work the labor code prescribes a range of minimum ages for certain activities. For example, the minimum age for construction is 16, and the minimum age for work underground is 18.(32) In April 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 legal provisions; however, no official determination has been issued.(29) Prohibition of the sexual exploitation of children is included in the 1962 Penal Code; however, the Penal Code requires extensive updating. Many fines in the Code equal less than one U.S. dollar today.(7, 33) It appears that under Article 405 of the Penal Code children involved in prostitution would not be protected from criminal charges for prostitution under Somali law.(31) The FGS did appoint a Minister of Labor and Social Affairs and the Parliament is currently considering a draft labor law. Despite the Provisional Constitution calling for free education to the secondary level, a universal free education system in Somalia is not in place.(7, 30) The FGS did open two public schools in Mogadishu, and the regional governments of Puntland and Somaliland operated other public schools.(7, 29)

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 (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministries of Labor and Social Affairs, Gender, and Family Affairs	Enforce laws related to the worst forms of child labor.(1)
Somali National Police	Investigate and enforce laws related to the worst forms of child labor, including forced labor, trafficking, commercial sexual exploitation, and the use of children in illicit activities.(7)

Research found no evidence that law enforcement agencies in Somalia took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2013, the FGS did not employ any inspectors to enforce child labor laws and conducted no inspections or investigations of reported violations of child labor laws.(7)

Criminal Law Enforcement

In 2013, no child labor related arrests or convictions were made. The Somali National Police Force, which remains understaffed and undertrained, lacks capacity to investigate or enforce laws such as the prohibition of forced labor and protection from armed conflict.(7)

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

Research found no evidence that the FGS established mechanisms to coordinate its efforts to address child labor, including its worst forms. The FGS does have two child soldier military focal points who communicate with UNICEF about claims of children present in military barracks and plans for four more positions to be added in more remote regions.(1, 29) The FGS has also formed a Children Associated with Armed Conflict (CAAC) Working Group, which

Somolia

MINIMAL ADVANCEMENT

met regularly in conjunction with the United Nations Assistance Mission to Somalia (UNSOM) and UNICEF during the year.(17, 29) The Working Group was first established in 2012 when UNICEF assisted the FGS in drafting the FGS' two Child Soldier Protection Plans in July and August 2012 respectively.(29)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The FGS has established policies related to child labor, including its worst forms (Table 6).

Table 6. Policies Related to Child Labor

Policy	Description
Child Soldier Action Plan	Addresses the recruitment and use of child soldiers by the Somali National Army (SNA).(1, 34)
Action Plan to End the Killing and Maiming of Children in Contravention of International Law	Addresses the killing and maiming of children as a result of conflict in Somalia.(34)
General Order Number One	Prohibits commanders from employing child soldiers, requires training on the protection of children's rights in armed conflict, and authorizes UNICEF to inspect all military camps to verify that child soldiers are not present. Issued by the Chief of Defense Forces.(7)

In 2013, the FGS made some progress on the Child Soldier Action Plan for the national army, including the drafting of Standard Operating Procedures (SOPs) for the reception and handover of children formerly associated with armed forces and armed groups.(7, 35) In February 2014, the Ministers of Defense and National Security signed the SOPs. The SNA also promulgated a Code of Conduct, which, among other provisions, prohibited recruitment of individuals younger than 18 years of age.(35) No additional information was available on the Joint Technical Committee (JTC) responsible for facilitating action plan implementation.(27) The FGS does not have any policies on providing free and compulsory education.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the FGS participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 7).

Table 7. Social Programs to Address Child Labor

Program	Description
ILO-IPEC Children in Armed Conflict Program	\$238,194 European Commission-funded, 2-year project implemented by ILO-IPEC to prevent child recruitment and reintegrate children associated with armed forces and groups in south central Somalia. Collaborates with UNICEF to focus on the economic reintegration of former child soldiers through vocational and entrepreneurship training and assistance with starting a business or accessing wage employment.(36, 37)
UNICEF Country Program	In cooperation with the Federal Government of Somalia (FGS), aims to equitably increase school enrollment, construct schools, develop curriculum, and train teachers. Also works to prevent the recruitment of children into armed groups and to place former child soldiers into rehabilitation programs.(1, 23) Program includes the construction of a rehabilitation facility solely for children and is expected to accommodate up to 660 children when at full capacity, compared to 100 to 150 children currently.(2)
Go-2-School Initiative*†	FGS program, with the support of UNICEF, that seeks to enroll 1 million children who are not currently in school between 2013 and 2014.(38)
SNA soldiers Pay Screening Plan	Governments of U.S. and Italy-funded program that establishes a screening process whereby soldiers' identity and age are verified before they receive their pay.(7)
Child-At-Risk Program	USAID program that provides services to some children at risk of finding employment in clan militias.(27)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

International donors who pay the stipends of SNA soldiers continued a screening program during the year. Screening teams comprised of African Union officers, local Somali tribal elders, and high-ranking SNA officers verify the identity and age of each soldier before they receive payment.(7) The SNA screened more than 1,000 new troops to identify and remove underage recruits.(1) Current forces undergoing training abroad and domestically underwent vetting by an international team that included senior SNA generals, international military advisors, and a technical monitor.(1, 2, 8, 39) For example, a U.S. civilian contractor and the European Union Training Mission (EUTM)

screen recruits that they train inside Somalia to weed out any underage individuals. Vetting also applies to members of a militia receiving stipends under the Gedo pilot project.(35) Other militias outside Mogadishu, such as those associated with ASWJ, have not yet agreed to incorporate themselves into the SNA, but such vetting would apply equally to them should they decide to do so.(35) Research identified no other FGS programs to assist children in other forms of child labor such as agriculture, or in worst forms of child labor such as forced labor.

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 8).

Table 8. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Ratify the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; or the Palermo Protocol on Trafficking in Persons.	2013
	Clarify if the Labor Code is still in effect under the FGS and ensure a legal framework on child labor is in place that includes a minimum age for work and hazardous work, and a list of hazardous work activities that are in line with international standards.	2009 – 2013
	Update the Penal Code.	2012 – 2013
	Ensure laws protect children involved in forced prostitution from criminal charges.	2011 – 2013
	Adopt laws prohibiting human trafficking and the use of children in illicit activities.	2009 – 2013
	Establish an age to which education is compulsory.	2009 – 2013
Enforcement	Establish an infrastructure to enforce laws relating to the worst forms of child labor and provide adequate resources and training to law enforcement.	2009 – 2013
	Enforce the prohibition laid out in the Provisional Constitution on forced labor and enforce the protection from armed conflict for children under age 18.	2012 – 2013
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor.	2009 – 2013
Government Policies	Conduct research to determine the activities carried out by children working in construction to inform policies and programs.	2013
	Adopt a comprehensive policy and national action plan to provide free and compulsory education for all children.	2010 – 2013
	Take steps to provide sufficient schools and facilities for children to access school.	2013
Social Programs	Develop programs to prevent and address child labor such as agriculture, and worst forms of child labor such as forced labor.	2009 – 2013

REFERENCES

- U.S. Department of State. "Somalia," in *Country Reports on Human Rights Practices- 2013*. Washington, DC; February 27, 2014; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dclid=220158>.
- U.S. Embassy- Nairobi. *reporting, January 29, 2013*.
- U.S. Embassy- Nairobi. *reporting, February 4, 2011*.
- Reydab Association for Social Development (REASD). *The List of the Interviewed Children Involved in Child Labour in Baidoa from 16th-19th July 2011*. Baidoa; 2011. [source on file].
- ILO-IPEC. *Child Labour in Somaliland: A rapid assessment in Hargeisa, Burao and Borama*. Geneva; December 2011 <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=20635>.
- Reydab Association for Social Development (REASD). *A Rapid Assessment on Child Labour in Baidoa from 16-19 July 2011*; July 27, 2011. [source on file].
- U.S. Embassy- Nairobi. *reporting, January 27, 2014*.
- U.S. Department of State. "Somalia " in *Trafficking in Persons Report- 2013*. Washington, DC; June 19, 2013; <http://www.state.gov/j/tip/rls/tiprpt/2013/>.
- Amnesty International. *In the Line of Fire: Somalia's Children under Attack*. London; July 20, 2011. <http://www.amnesty.org/en/library/info/AFR52/001/2011/en>.
- Child Soldiers International. *Louder Than Words: An agenda for action to end state use of child soldiers*. London; September 2012. http://www.child-soldiers.org/global_report_reader.php?id=562.
- UN General Assembly Security Council. *Children and Armed Conflict: Report of the Secretary-General*; May 15, 2013. <http://childrenandarmedconflict.un.org/annual-report-of-the-secretary-general-on-children-and-armed-conflict/>.
- Human Rights Watch. *No Place for Children: Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia*. New York; 2012. <http://www.hrw.org/reports/2012/02/19/no-place-children>.
- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*. [accessed February 4, 2013]; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. 3 OdfMICS, 2006 Analysis received February 13, 2014. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- Fritz, D. "Child Pirates From Somalia: A Call for the International Community to Support the Further Development of Juvenile Justice Systems in Puntland and Somaliland." *Case Western Reserve Journal of International Law*, no. 44(891)

- (2012); <http://law.case.edu/journals/JIL/Documents/%2816%29%20Fritz%20Corrected.pdf>.
16. IRIN. "Somalia: Human Trafficking on the Increase." IRINnews.org [online] April 2, 2010 [cited February 20, 2013]; <http://www.irinnews.org/report.asp?reportid=88668>.
 17. UN Secretary-General. *Children and armed conflict: Report of the Secretary-General*, May 15, 2014. http://www.un.org/ga/search/view_doc.asp?symbol=a/68/878.
 18. UN General Assembly Human Rights Council. *Report of the Working Group on the Universal Periodic Review: Somalia*; July 11, 2011. Report No. A/HRC/18/6. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/145/90/PDF/G1114590.pdf?OpenElement>.
 19. Forum for African Women Educationists (FAWE) Somalia Chapter. *Report Prepared for UPR*. Nur Z, November 1, 2010. http://lib.ohchr.org/HRBodies/UPR/Documents/Session11/SO/FAWESOM_ForumforAfricanWomenEducationists-eng.pdf.
 20. Somalia Education Cluster. *Joint Rapid Education Needs Assessment Central and Southern Somalia*; August 2011. [source on file].
 21. UNICEF. *UNICEF Humanitarian Action: Partnering for Children in Emergencies*. Mid-Year Review; 2010. http://www.unicef.org/har2010/files/HAR_Mid-Year_Review_2010.pdf.
 22. International Fountain of Hope Kenya (IFOH-K), IIDA Women Development Organization. *Human Rights in Somalia*. Alla Magan, Kalsan, FEPMA (Female Paramedical Association), FATXA, SWEA (Somali Women Entrepreneur Association), Somali Women Diaspora Network, et al., October 2010. http://lib.ohchr.org/HRBodies/UPR/Documents/Session11/SO/JS4_JointSubmission4-eng.pdf.
 23. UNICEF. *Somalia: Country Programme Document 2011-2015*. New York; February 11, 2011. http://www.unicef.org/about/execboard/files/Somalia_CPD_-_revised_11_February_2011.pdf.
 24. Save the Children. *Somaliland Child Rights Situation Analysis* 2010. [source on file].
 25. Child Rights Information Network. *Inhumane Sentencing of Children in Somalia: Universal Periodic Review*. London; March 2011. http://www.google.com/url?sa=t&rcct=j&q=somali%20penal%20code&source=web&cd=31&ved=0CCMQFjAAOB4&url=http%3A%2F%2Fwww.crin.org%2Fdocs%2FSomalia_final.doc&ei=W21XT8iyBMXl0QHNgZGWDw&usq=AFQjCNGNy6dGU_k6NHzyYpk1txOG5TiiZQ.
 26. ILO. *Success Africa III - Realising a New Era of Social Justice through Decent Work: Success Stories from Africa*. Geneva; 2011. http://www.ilo.org/addisababa/information-resources/publications/WCMS_166742/lang-en/index.htm.
 27. U.S. Department of State official. E-mail communication to USDOL official. June 4, 2013.
 28. ILO. "Somalia ratifies ILO Convention No. 182." [online] March 24, 2014 [cited February 8, 2014]; http://www.ilo.org/ipecc/news/WCMS_239612/lang-en/index.htm.
 29. U.S. Department of State official. E-mail communication to USDOL official. May 27, 2014.
 30. The Federal Republic of Somalia. *Constitution of the Federal Republic of Somalia*, enacted August 2012. <http://unpos.unmissions.org/LinkClick.aspx?fileticket=BoBdMxtErhc%3d&tabid=9744&language=en-US>.
 31. Government of Somalia. *Penal Code*, enacted December 1962. <http://www.unhcr.org/refworld/country.LEGAL..LEGISLATION.SOM.,4bc5906e2.0.html>.
 32. Government of Somalia. *Law No. 65 to Promulgate the Labour Code*, enacted October 18, 1972. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127639.pdf.
 33. U.S. Embassy- Nairobi. *reporting, February 14, 2014*.
 34. UN Security Council. *Report of the Secretary-General on Somalia*; September 3, 2013. Report No. S/2013/521. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/521.
 35. U.S. Department of State official. E-mail communication to USDOL official. May 15, 2014.
 36. ILO-IPEC Geneva official. E-mail communication to USDOL official. April 4, 2014.
 37. ILO. *Prevention of child recruitment and reintegration of children associated with armed forces and groups in south central Somalia*. Nairobi; 2014. http://www.ilo.org/addisababa/information-resources/publications/WCMS_239787/lang-en/index.htm.
 38. UN General Assembly. *Report of the Independent Expert on the Situation of Human Rights in Somalia*; August 16, 2013. Report No. A/HRC/24/40. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_24_40.pdf.
 39. U.S. Department of State. "Somalia," in *Country Reports on Human Rights Practices- 2012*. Washington, DC; April 19, 2013; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.