

Somalia

During the reporting period, the Transitional Federal Government established a Focal Point for Human Rights and Child Protection to address child soldiering issues and other forms of child labor. However, there is currently no clear minimum age for employment, no compulsory education, and no instruments for monitoring or combating child labor. Children engage in the worst forms of child labor in agriculture and continue to be recruited by armed groups for use in conflict, including the Transitional Federal Government's armed forces.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8
Attending School	5-14 yrs.	48.9
Combining Work and School	7-14 yrs.	20.2



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Somalia,⁵²⁶⁹ many of them in agriculture, including caring for livestock. Children also reportedly work in the production of bananas, lemon, mangoes, sesame and maize.⁵²⁷⁰ Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Furthermore, children handling livestock are vulnerable to kicks, crushes, falls and infectious diseases transmitted from animals to humans.⁵²⁷¹

Children also work on the streets selling cigarettes, washing cars and shining shoes.⁵²⁷² Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. Children are forced to break rocks for gravel, work in quarries and perform construction.⁵²⁷³ There are also reports of children being forced into prostitution.⁵²⁷⁴






Armed groups and militias, including al-Shabaab and Hizbul Islam, systematically recruit children. There are also reports that the Transitional Federal Government (TFG) continues to recruit and use children in military operations. Some of the conscripted children plant roadside bombs, operate checkpoints and are trained to conduct assassinations.⁵²⁷⁵

Somalia is believed to be a source, destination and transit country for child trafficking.⁵²⁷⁶ Children are reportedly trafficked for forced labor and sexual exploitation by armed militias. There have also been reports that children are trafficked from Somalia to Djibouti, Malawi, Saudi Arabia, Yemen and Tanzania for commercial sexual exploitation and exploitative labor, and to South Africa for prostitution.⁵²⁷⁷

Laws and Regulations on the Worst Forms of Child Labor

Due to the collapse of the Central Government in 1991, Somalia lacks a clear legal framework on child labor. Three distinct entities have

concurrently governed Somalia since 1991: the self-declared Republic of Somaliland in the northwest; the semi-autonomous region of Puntland in the northeast; and iterations of a southern Central Government, the most recent of which is the TFG in Mogadishu.⁵²⁷⁸

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	No
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	No

It is unclear if there is currently a minimum age for employment in any governing entity, and there is no list of hazardous activities prohibited for children.⁵²⁷⁹ The pre-1991 Labor Code established the minimum age for employment at 15.⁵²⁸⁰ Additionally the pre-1991 Labor Code prescribed different minimum ages for certain hazardous activities. For example, the minimum age for employment in construction was 16, and for work on a vessel or underground, the minimum age was 18.⁵²⁸¹ However, it is unclear whether the Labor Code still applies because the 2004 TFG charter requires the government to establish a minimum age for employment.⁵²⁸² This legal gap leaves children unprotected under the law from the worst forms of child labor.

The 2004 TFG Charter prohibits forced labor and military service for children under age 18.⁵²⁸³ It also prohibits child prostitution.⁵²⁸⁴

No laws specifically prohibiting human trafficking exist in any of the three regions.⁵²⁸⁵ There is no age for compulsory education, and education for children is not free.⁵²⁸⁶

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the TFG established a Focal Point for Human Rights and Child Protection. The mandate of this Focal Point is to address child soldiering issues and other forms of child labor.⁵²⁸⁷ No mechanisms in the other two government entities have been established to coordinate efforts to combat child labor.

In all three regions of Somalia, the Ministries of Labor, Justice, Interior and Security are responsible for enforcing laws relating to the worst forms of child labor.⁵²⁸⁸ There was no funding provided to agencies for inspections, and no inspectors were employed to enforce child labor laws.⁵²⁸⁹

No formal judicial system exists under the TFG. In Somaliland and Puntland, a judicial system does exist; however, the extent of its activity in issues of child labor, trafficking or commercial sexual exploitation is unclear.⁵²⁹⁰ No incidences of these issues were investigated or reported in any of the three regions in 2010.⁵²⁹¹

Government Policies on the Worst Forms of Child Labor

The TFG has taken steps to end child recruitment for military operations, including signing an anti-recruitment pledge with the UN Special Representative of the Secretary General for Children and Armed Conflict.⁵²⁹² Somalia does not have a comprehensive policy or plan to address all worst forms of child labor.⁵²⁹³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the TFG implemented a more thorough vetting process

for recruitment and training in order to prevent engaging children in military efforts.⁵²⁹⁴ For the vetting process, African Union doctors and military officials monitored recruitment drives.

Although the TFG has taken these steps, research found no evidence that the TFG or any other governing entity has carried out programs to assist children in other worst forms of child labor.⁵²⁹⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Somalia:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.
- Adopt laws prohibiting human trafficking, forced labor and military service for children younger than age 18 throughout all regions of Somalia.
- Establish an age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Enforce the prohibitions laid out in the 2004 TFG Charter on forced labor and military service for children younger than age 18.
- Establish an infrastructure to address criminal worst forms of child labor.

IN THE AREA OF GOVERNMENT POLICIES ON CHILD LABOR:

- Adopt a comprehensive policy and action plan to combat the worst forms of child labor.
- Make education free for all children.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Develop programs to prevent and address child soldiering and other worst forms of child labor in all areas of the country.

⁵²⁶⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2006. Reliable 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 and information on children's work in general are reported in this section, 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.

⁵²⁷⁰ U.S. Embassy- Nairobi, *reporting, February 4, 2011*. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*. See also U.S. Department of State, "Somalia," in *Country Reports*

on Human Rights Practices- 2008, Washington, DC, February 25, 2009, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119024.htm>.

⁵²⁷¹ U.S. Embassy- Nairobi, *reporting, February 4, 2011*.

⁵²⁷² U.S. Department of State, "Country Reports- 2008: Somalia," section 7d. See also Integrated Regional Information Networks, "Somalia: Conflict, drought force more children onto Hargeisa streets", IRINnews.org, [online], October 22, 2008 [cited April 25, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=81052>. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁵²⁷³ U.S. Embassy- Nairobi, *reporting, February 4, 2011*. See also U.S. Department of State, "Country Reports- 2008: Somalia," section 7d. See also U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135976.htm>. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

- ⁵²⁷⁴ U.S. Embassy- Nairobi, *reporting, February 4, 2011.*
- ⁵²⁷⁵ Ibid. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2009/158, March 26, 2009; available from <http://daccess-ods.un.org/TMP/3496331.html>. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, S/2008/352, May 30, 2008; available from <http://www.mineaction.org/downloads/1/S2008352.pdf>. See also U.S. Department of State, “Country Reports- 2008: Somalia,” section: child soldiers. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010.* See also U.S. Department of State, “Somalia (Special Cases),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also Coalition to Stop the Use of Child Soldiers, “Somalia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=196>. See also UN News Service, “UN identifies most persistent users of child soldiers in armed conflicts,” [online], May 21, 2010 [cited May 16, 2011]; available from <http://www.un.org/apps/news/story.asp?NewsID=34778&Cr=coomaraswamy&Cr1#>. See also Jeffrey Gettleman, “U.N. Voices Concern on Child Soldiers in Somalia,” *The New York Times* (New York City), June 16, 2010; available from http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?_r=1&pagewanted=print. See also Jeffrey Gettleman, “Children Carry Guns for a U.S. Ally, Somalia,” *The New York Times* (New York City), June 13, 2010; available from <http://www.nytimes.com/2010/06/14/world/africa/14somalia.html?pagewanted=print>. See also BBC News, “Alarm over Somalia’s child soldiers,” BBC News, [online], July 29, 2009 [cited September 22, 2010]; available from <http://news.bbc.co.uk/2/hi/8173079.stm>.
- ⁵²⁷⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Somalia.” See also Integrated Regional Information Networks, “Somalia: Tragic Cargo- Part One,” IRINnews.org, [online], June 8, 2006 [cited February 4, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=59251>.
- ⁵²⁷⁷ U.S. Embassy- Nairobi, *reporting, February 4, 2011.* See also U.S. Department of State, “Country Reports- 2009: Somalia,” section 6. See also U.S. Department of State, “Country Reports- 2008: Somalia,” section 6.
- ⁵²⁷⁸ U.S. Department of State, “Country Reports- 2008: Somalia,” section 1. See also U.S. Department of State, “Country Reports- 2009: Somalia,” section 1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Somalia.”
- ⁵²⁷⁹ U.S. Department of State, “Country Reports- 2009: Somalia,” section 7. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Somalia.”
- ⁵²⁸⁰ Government of Somalia, *Law No. 65 to Promulgate the Labour Code*, (October 18, 1972), article 93; available from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127639.pdf.
- ⁵²⁸¹ Ibid., article 95.
- ⁵²⁸² Transitional Federal Government of Somalia, *Transitional Federal Charter for the Somali Republic*, 2004, article 18(4); available from <http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf>.
- ⁵²⁸³ Ibid., article 26(d).
- ⁵²⁸⁴ U.S. Department of State, “Country Reports- 2009: Somalia,” section 7.
- ⁵²⁸⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Somalia.” See also U.S. Department of State, “Country Reports- 2009: Somalia,” section 7.
- ⁵²⁸⁶ U.S. Department of State, “Somalia,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 6, 2011, section 6; available from <http://www.state.gov/documents/organization/160144.pdf>.
- ⁵²⁸⁷ U.S. Embassy- Nairobi, *reporting, February 4, 2011.*
- ⁵²⁸⁸ U.S. Embassy- Nairobi, *reporting, March 1, 2010.*
- ⁵²⁸⁹ U.S. Embassy- Nairobi, *reporting, February 4, 2011.* See also U.S. Embassy- Nairobi, *reporting, March 1, 2010.*
- ⁵²⁹⁰ U.S. Embassy- Nairobi, *reporting, March 1, 2010.*
- ⁵²⁹¹ U.S. Embassy- Nairobi, *reporting, February 4, 2011.*
- ⁵²⁹² USDOS official, E-mail communication to USDOL official, November 18, 2010.
- ⁵²⁹³ U.S. Embassy- Nairobi, *reporting, March 1, 2010.*
- ⁵²⁹⁴ U.S. Embassy- Nairobi, *reporting, February 4, 2011.* See also USDOS official, E-mail communication, November 18, 2010.
- ⁵²⁹⁵ USDOS official, E-mail communication, November 18, 2010.