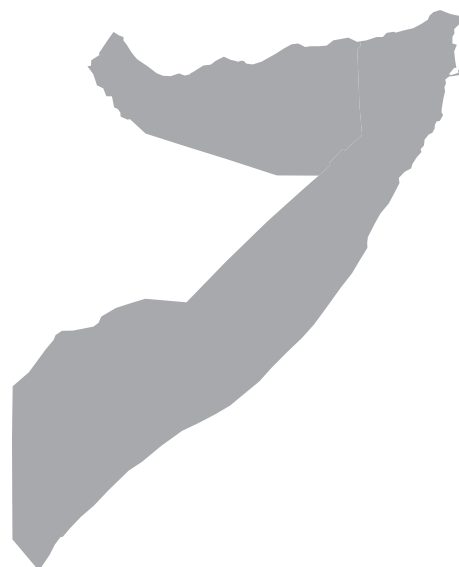


In 2016, Somalia made a minimal advancement in efforts to eliminate the worst forms of child labor. Despite new initiatives to address child labor, Somalia is receiving this assessment because it continued to implement a regression in practice that delayed advancement in eliminating the worst forms of child labor. The Somali National Army recruited and used children in armed conflict in violation of its national law during the reporting period. Otherwise, Somalia made efforts by constructing a rehabilitation center for former child combatants and establishing a Human Trafficking and Smuggling Task Force. Children in Somalia also perform dangerous tasks in street work. Laws do not identify hazardous occupations or activities prohibited for children, and child trafficking for labor and commercial 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 perform dangerous tasks in street work. (1, 2) Children also engage in the worst forms of child labor, including in armed conflict.(1, 3, 4) 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		
		All [Somalia]	Puntland	Somaliland
Working (%)	5 to 14	Unavailable	9.5	13.2
Attending School (%)	5 to 14	Unavailable	38.3	44.2
Combining work and school (%)	7 to 14	Unavailable	4.7	6.6
Primary completion rate (%)		Unavailable	Unavailable	Unavailable

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2016.(5)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Multiple Indicator Cluster Survey 4, 2011.(6) Data on working children, school attendance, and children combining work and school are not comparable with data published in the previous version of this report because of differences between surveys used to collect the data.

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, activities unknown (2)
	Herding livestock (2)
	Fishing, including cleaning (7)
Industry	Construction, including digging (2, 7)
	Mining and quarrying, including breaking rock for gravel (2, 7)
Services	Street work, including shining shoes, washing cars, conducting minibuses, selling cigarettes, and selling and transporting <i>khat</i> (a legal, amphetamine-like stimulant) (1, 2, 8)
	Working as maids in hotels (8)
	Domestic work (1, 2, 8)
	Voluntary recruitment of children by state armed groups for use in armed conflict (3, 4)

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

Sector/Industry	Activity
Categorical Worst Forms of Child Labor [‡]	Forced recruitment of children by non-state armed groups for use in armed conflict (1, 3, 4, 9)
	Forced labor in domestic work, agriculture, herding livestock, breaking rocks for gravel, selling or transporting <i>khat</i> , begging, and construction work, each sometimes as a result of human trafficking (3)
	Commercial sexual exploitation, sometimes as a result of human trafficking (2, 3, 10)

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

As of October 2016, there were over 1.1 million internally displaced persons in Somalia.(11) Internally displaced persons, including children, are vulnerable to human trafficking for sexual and labor exploitation.(3) Trucks transporting goods to Somalia return to Kenya with girls who are trafficked for commercial sexual exploitation in brothels in Kenya and destinations outside of Kenya.(3) Children seeking refuge in Kenya to avoid recruitment by the terrorist organization al-Shabaab are subsequently trafficked for labor and commercial sexual exploitation. Research found that children are trafficked to Saudi Arabia and forced to beg on the streets.(3)




In 2016, al-Shabaab forcibly recruited children as young as age 10 for use in armed conflict.(1, 3, 4) Children planted explosive devices, acted as human shields, conducted assassinations and suicide attacks, gathered intelligence, and provided domestic service; girls were forced into sexual servitude.(3) 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 used child soldiers. 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.(3, 4, 12)

The protracted violence has reduced access to all basic services, including public education.(13, 14) Attacks on schools have resulted in the forced recruitment of children, military occupancy of schools, and damaged facilities.(4, 15, 16)

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	

The FGS controlled its capital city, Mogadishu; in other parts of the country, essential governance functions were provided by regional administrations, including Somaliland in the northwest and Puntland in the northeast.(2, 3)

The FGS has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Somalia’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 93 of the Labour Code; Article 38(1) of the Private Sector Employees Law (17, 18)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Hazardous Work	Yes	18	Article 90 of the Labour Code; Article 38(2) of the Private Sector Employees Law; Article 29 of the Provisional Constitution (17-19)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 90 and 94 of the Labour Code; Articles 10 and 38(4) of the Private Sector Employees Law (17, 18)
Prohibition of Forced Labor	Yes		Articles 455 and 464 of the Penal Code (20)
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 403–404 and 407–408 of the Penal Code (20)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	Yes	18	General Order No. 1 (12)
State Voluntary	Yes	18	General Order No. 1 (12)
Non-State Compulsory	No		
Compulsory Education Age	No		
Free Public Education	Yes		Article 30 of the Provisional Constitution (19)

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.⁽²¹⁾ The Provisional Constitution does not provide a minimum age for employment. However, the pre-1991 Labour Code establishes 15 as the minimum age.⁽¹⁷⁾ 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 neither determines the activities in which light work may be permitted nor prescribes the number of hours per week for light work.⁽¹⁷⁾

The Labour Code allows the Secretary of State to prescribe the types of work that are prohibited to children under age 18; however, legislation that comprehensively prohibits hazardous occupations and activities for children does not appear to exist.⁽¹⁷⁾

Laws related to the commercial sexual exploitation of children are not sufficient, as using, procuring, and offering a child for prostitution, pornography, and pornographic performances are not criminally prohibited.⁽²⁰⁾ The Penal Code requires extensive updating. Many fines in the Code equal less than \$1 today, which does not serve as an effective deterrent.^(20, 22) Furthermore, it appears that under Article 405, children involved in prostitution would not be protected from criminal charges.⁽²⁰⁾

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). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

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. ⁽⁸⁾ Its Counter-Trafficking and Organized Crime Unit has 40 officers. ⁽²³⁾
Puntland Security Forces	Investigate and enforce human trafficking laws. ⁽²⁴⁾
Puntland Ministry of Justice	Prosecute human trafficking cases. ⁽²⁴⁾

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Labor Law Enforcement

In 2016, the FGS did not employ labor inspectors and conducted no inspections.(8)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Somalia took 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		2015	2016
Training for Investigators			
Initial Training for New Employees	FGS	Yes (25)	Yes (26)
	Puntland	Yes (25)	Unknown
	Somaliland	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	FGS/Puntland/ Somaliland	N/A	N/A
Refresher Courses Provided			
Refresher Courses Provided	FGS	No (22)	Yes (23)
	Puntland	Yes (27)	Yes (23)
	Somaliland	Unknown	Unknown
Number of Investigations			
Number of Investigations	FGS	0 (22)	Unknown
	Puntland	Unknown	Unknown
	Somaliland	Unknown	Unknown
Number of Violations Found			
Number of Violations Found	FGS/Puntland/ Somaliland	Unknown	Unknown
Number of Prosecutions Initiated			
Number of Prosecutions Initiated	FGS	0 (22)	0 (8)
	Puntland	Unknown	Unknown
	Somaliland	Unknown	Unknown
Number of Convictions			
Number of Convictions	FGS	0 (22)	0 (8)
	Puntland	Unknown	7 (23)
	Somaliland	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	FGS/Puntland/ Somaliland	Yes (28)	Yes (4)

In 2016, the Somali National Police remained understaffed, undertrained, and lacked the capacity to investigate or enforce laws on the worst forms of child labor.(8) Puntland authorities convicted seven people for the commercial sexual exploitation of 37 children.(23)

The SNA issued a general staff order in 2016 stating that children under age 18 may not enlist; however, research found no information that the FGS investigated or prosecuted SNA officials who recruited or used child soldiers.(4)

During the reporting period, criminal law enforcement officials detained children for alleged association with non-state armed groups.(4) Puntland authorities detained 64 children for alleged association with al-Shabaab.(4, 29) Twenty-six of these children aged 12 to 14 were later released and transferred to a UNICEF-supported reintegration program.(4, 30) However, 38 children aged 15 to 17 continued to be detained. The regional Constitution of Puntland defines a child as anyone below the age of 15; consequently, 10 of these children were sentenced to death.(4, 30)

Research found that the existing referral mechanisms for victims of the worst forms of child labor only address children in armed conflict.(4)

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

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

Table 7. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Child Protection Unit	Raise awareness of child soldier issues and work with UNICEF to implement the standard operating procedures on protecting children associated with armed conflict.(7, 31, 32) In 2016, monitored SNA troops to prevent and eliminate the recruitment of children; no child soldiers were identified.(23)
Children Associated With Armed Conflict Working Group	Implement the Child Soldier Action Plan and the Action Plan to End the Killing and Maiming of Children in Contravention of International Law.(31, 32) Comprised of the Child Protection Unit, Ministry of Defense officials, and UN representatives.(31)
Human Trafficking Task Forces	The Human Trafficking and Smuggling Task Force,* led by the Ministry of Interior and Federal Affairs, leads the FGS’ anti-trafficking efforts. In 2016, began developing a national action plan.(23) Puntland’s Counter Trafficking Board, established in 2013, leads the region’s anti-trafficking efforts. Somaliland’s Counter Human Trafficking Agency* coordinates the development of legislation and collection of data.(23)

* Mechanism to coordinate efforts to address child labor was created during the reporting period.

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. Key Policies Related to Child Labor[‡]

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.(31)
United Nations Integrated Strategic Framework (2014–2016)	Aims to prevent underage recruitment and ensure the release of children associated with armed forces and groups.(33)

‡ The Government has other policies which may have addressed child labor issues or had an impact on child labor.(34, 35)

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 2016, the FGS participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 9).

Table 9. Key Social Programs to Address Child Labor

Program	Description
Decent Work Country Program (2011–2016)	FGS program in partnership with the ILO that aims to eliminate the worst forms of child labor through research, policy development and implementation, and monitoring and evaluation systems.(36, 37)
National Program for Treatment and Handling of Disengaged Combatants	FGS program in coordination with UNICEF that rehabilitates former combatants, emphasizing the specific needs of child combatants, and of female combatants and their dependents.(38) In 2016, the FGS constructed a fourth rehabilitation center in Kismayo; the other centers are located in Baidoa, Belet Weyne, and Mogadishu. Centers provide accommodation, psychological counseling, education, and vocational training to former combatants.(39) In 2016, provided 854 vulnerable children, including children formerly associated with armed forces and groups, with reintegration services.(40)
UNICEF Country Program (2011–2016)	In cooperation with the FGS, implements the Go-2-School Initiative, a \$117 million, donor-funded, 4-year project that aims to expand and improve access to education by constructing and rehabilitating school infrastructure, training teachers, and providing vocational training.(14, 41)
Efforts to Combat Human Trafficking	Strengthening the National Criminal Justice Response to Trafficking in Persons is a \$750,000, USDOS-funded, 3-year project implemented by UNODC to enhance the criminal justice response to trafficking in persons within the FGS and Somaliland. Aims to strengthen legal frameworks to meet international standards; and develop and provide training on identifying victims, conducting investigations, and prosecuting cases.(42) In Somaliland, vulnerable children, including trafficking victims, receive social services at the Hargeisa Orphanage Center before they are reunited with their families.(23) Puntland authorities worked with IOM and local NGOs to provide social services and reintegration assistance to victims of trafficking; in 2016, 29 child victims were reunited with their families.(23)

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Although the FGS implemented programs to address child soldiers, research found no evidence that it carried out programs to assist children in other forms of child labor, including its worst forms. Furthermore, 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 – 2016
	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 – 2016
	Ensure that the law criminally prohibits child trafficking for labor and sexual exploitation.	2009 – 2016
	Ensure that the law criminally prohibits using, procuring, and offering a child for prostitution, pornography, and pornographic performances.	2015 – 2016
	Update the Penal Code to ensure that penalties for the commercial sexual exploitation of children are sufficiently stringent to deter violations.	2013 – 2016
	Ensure that the law protects children involved in commercial sexual exploitation from criminal charges.	2011 – 2016
	Ensure that the law criminally prohibits the use of children in illicit activities.	2009 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
	Establish a compulsory education age that is equal to or higher than the minimum age for work.	2009 – 2016
	Ensure Puntland's regional laws define a child as anyone below age 18, in accordance with international standards.	2016
Enforcement	Establish an infrastructure to enforce laws related to child labor, including adequate funding, human resources, and training for personnel.	2009 – 2016
	Publish information on the training of investigators, as well as the number of investigations conducted, violations found, prosecutions initiated, and convictions achieved in all regions of Somalia.	2016
	Ensure that criminal investigators receive adequate training in order to investigate, prosecute, and convict violators of the worst forms of child labor.	2012 – 2016
	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 – 2016
	Ensure that children associated with armed groups are not detained and refer these children to social service providers. Cease the practice of sentencing children to death for associating with armed groups.	2015 – 2016
	Establish a referral mechanism between the Somali National Police and social welfare services for children engaged in forced labor and commercial sexual exploitation.	2014 – 2016
Coordination	Establish coordinating mechanisms to combat child labor, including in all its worst forms.	2009 – 2016
Government Policies	Adopt a policy that addresses all of the worst forms of child labor.	2014 – 2016
Social Programs	Enhance efforts to eliminate barriers and make education accessible and safe for all children by removing all armed groups and forces from schools and compounds.	2013 – 2016
	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 – 2016

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