

In 2012, the Federal Republic of Somalia made a minimal advancement in efforts to eliminate the worst forms of child labor. Prior to elections in August 2012, the Transitional Federal Government (TFG) signed the Child Soldier Action Plan and the Action Plan to End the Killing and Maiming of Children in Contravention of International Law, which are still in effect. In addition, the Somalia National Army (SNA) made efforts to identify and remove underage personnel, including through the medical screening of new recruits. However, reports indicate that children continue to be recruited and used in the SNA. Children were also used by the *Ahlu Sunnah Wal Jama'a* (ASWJ) militia and by *al-Shabaab*, a terrorist organization that is the main perpetrator of the abduction and use of child soldiers in Somalia. Somalia continued to lack nearly all elements necessary to address the worst forms of child labor, including a solid legal framework, law enforcement, policies, and programs. Children continue to engage in the worst forms of child labor, many of them in dangerous activities in agriculture and some as child soldiers.



Statistics on Working Children and Education

Children	Age	Percent
Working	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

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2006.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Somalia, many of them in dangerous activities in agriculture and some as child soldiers.(3-11) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(12, 13) Children also herd livestock.(3, 10, 11) Children handling livestock may suffer injuries such as being bitten, butted, gored, or trampled by animals.(14)

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.(3-5, 7, 8, 10, 11, 15-23) Boys as young as age 8 are bribed or forcibly taken from their homes, schools, and the streets to serve as soldiers.(7, 8, 19, 21) Conscribed children plant roadside bombs and other explosive devices, operate checkpoints, serve as human shields and suicide bombers, and are trained to conduct assassinations.(3, 7, 15, 21) Some conscripted boys over age 15 are forced to fight or face execution.(10) Armed groups recruit girls through bribery or force for sexual servitude and domestic labor.(3, 7, 15, 21) Girls are also recruited to transport weapons and provide intelligence and logistical support.(3, 7, 10, 15, 21) The Government condemns the use of child soldiers. However, the UN reported that it had identified children who were associated with Somali National Armed Forces (SNSF).(23) It also reported that *Ahlu Sunnah Wal Jama'a* (ASWJ) militia recruited children.(23) Children were also used by Somalia's numerous clan and other militias.(24)

Although the extent of the problem is unknown, it is reported that children are forced to break rocks for gravel and perform construction work.(3-6, 10, 11) Children are also subject to commercial sexual exploitation.(3, 10, 25) Children work on the street as beggars and porters. Children who work on the street also wash cars, shine shoes, and sell cigarettes, *khat* (an amphetamine-like stimulant), sweets, and toothbrushes.(5, 6, 10, 26) Children working on the streets are exposed to abuse and violence, including sexual violence and being infected with diseases such as HIV/AIDS.(26)

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Somalia is believed to be a source, destination, and transit country for child trafficking.(3, 21, 27) Victims are primarily trafficked within the country from Somalia's south and central regions, to the regions of Puntland and Somaliland in the north.(24) Children are reportedly trafficked for forced labor and sexual exploitation by *al-Shabaab*, but children of minority clans can also be exploited by members from larger clans.(21) Children are forced into labor in agriculture, livestock herding, construction, sexual servitude, domestic service, and commercial sexual exploitation.(21, 25) Children are also reportedly trafficked to Tanzania and Kenya for commercial sexual exploitation.(3, 24) Ethiopian children travel to Somaliland seeking employment but may end up in forced begging or vulnerable to other forms of forced labor.(24, 25)

In Somalia, protracted violence has led to the breakdown of all basic services, including public education.(20, 28, 29) 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 armed groups, have limited children's access to education, as schools are either unavailable or unsafe.(7, 8, 15, 20, 29-32) The cost of tuition, the prevalence of corporal punishment in schools, and the lack of educational infrastructure also hinder children's access to school.(28, 29, 33, 34)

Laws and Regulations on the Worst Forms of Child Labor

During 2012, the TFG completed the Roadmap for Ending the Transition in Somalia, a document designed to create permanent political institutions in Somalia. Completion of the Roadmap included drafting a Provisional Federal Constitution, forming a National Constituent Assembly that ratified the Provisional Constitution, selecting members of a federal parliament, and holding speakership and presidential elections for a new Federal Government of Somalia.(35) Despite these changes, Somalia continues to lack a coherent central legal system.(20, 36, 37) Neither the TFG nor the newly established Government had effective control over some parts of the country, and 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.(7, 21, 24, 32, 35, 36) Only the laws of the internationally recognized Federal Government of Somalia are discussed in this section.

Somalia is governed by the new Provisional Federal Constitution passed in August of 2012.(11) The Provisional Constitution states that Somalis are bound first by *Shari'ah* law, followed

by the Provisional Constitution. The newly elected Parliament did not pass any laws related to child labor or child soldiers in the months before the end of the reporting period.(11)

International Conventions and Selected Laws on Child Labor and Education

	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	16
	Compulsory Education Age	No
	Free Public Education	Yes

The Provisional Constitution does not establish a minimum age for employment, and the new government has not passed laws establishing a minimum age for employment or a list of hazardous activities. The Provisional Constitution states that no child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way.(38) The pre-1991 Labor Code establishes the minimum age for employment at 15, excluding children working for their families.(39) It also prescribes a range of minimum ages for certain hazardous activities. For example, the minimum age for employment in construction is 16, and the minimum age for work underground is 18.(39) However, it is unclear if the Labor Code still applies. The lack of labor laws providing protections for minimum age and hazardous work, and the lack of clarity regarding the status of the Labor Code, leave children unprotected from the worst forms of child labor.

The Provisional Constitution prohibits forced labor and states that every child has the right not to be used in and to be protected from armed conflict.(38) Although laws passed by the new Government do not specifically prohibit child

pornography or child prostitution, the 1962 Penal Code prohibits pornography, prostitution, and the pimping or forced prostitution of others. However, research was unable to determine if this law still applies.(38, 40) It is unclear under this Code whether children involved in prostitution would be protected from criminal charges for prostitution under Somali law. No laws specifically prohibit human trafficking or the use of children in illicit activities.(21) The lack of protections against trafficking and the use of children for illicit activities leave children vulnerable to exploitation.

There is no age for compulsory education. Although the Provisional Constitution calls for free education to the secondary level, a universal free education system in Somalia is not in place.(10, 11, 38, 41, 42)

Institutional Mechanisms for Coordination and Enforcement

Evidence indicates that the Government lacks a coordinating mechanism to combat the worst forms of child labor.(11) In 2011, the Transitional Federal Government appointed a Focal Point for Human Rights and Child Protection to the United Nations. The mandate of the Focal Point is to address child soldiering and other forms of child labor.(3, 9, 11) Although the TFG appointed Focal Point did not carry over in the transition to a permanent government, the new Government reportedly appointed a new Focal Point before the end of 2012.(11, 35)

The Ministries of Labor, Justice, Interior, and Security are responsible for enforcing laws relating to the worst forms of child labor.(3, 4, 11) However, in 2012, no funding was provided to agencies for inspections, and no inspectors were employed to enforce child labor laws.(11)

The Government lacks law enforcement and judicial capacity to enforce the Constitution.(11) The number of child labor, child trafficking, and commercial sexual exploitation of children cases reported and investigated during the reporting period is unknown, but Puntland and Somaliland did investigate and provide some protection for children subjected to human trafficking.(24, 43) This lack of enforcement leaves children vulnerable to exploitation and the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

In July 2012, the TFG signed an UN-sponsored Child Soldier Action Plan to address the recruitment and use of child soldiers and the Action Plan to End the Killing and

Maiming of Children in Contravention of International Law. Implementation of the Child Soldier Action Plan was limited.(24) In October 2012, the Joint Technical Committee (JTC) responsible for facilitating action plan implementation was established, though it did not advance significant action. The SNSF failed to create child protection units, as called for within the Government-signed UN action plan, due to lack of funding.(24)

The Federal Government of Somalia, in partnership with UN agencies and the African Union Mission in Somalia (AMISOM), began development of a comprehensive strategy for the screening of *al-Shabaab* defectors, including child soldiers, and their placement into rehabilitation and reintegration programs. The strategy has yet to be implemented.(24, 44)

Somalia does not have any policies or capacity to address other worst forms of child labor.

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

Under the new Federal Government, the SNA has instituted medical screening to identify and remove underage recruits through the assistance of international donors. However, reports indicate that SNA and affiliated militia outside of Mogadishu do not have access to the same medical screening and may harbor underage recruits.(24, 35, 44) Current forces undergoing training abroad were vetted by an international team which included senior SNSF generals, international military advisors, and a technical monitor.(11, 24, 35, 44) Aside from the recruitment vetting process, research found no evidence of a strategy to disarm and demobilize child soldiers already serving in the SNA. In addition research identified no other Government programs to assist children in other worst forms of child labor.

A donor-funded, NGO-operated camp in Mogadishu housed some defectors from rebel groups, including families with children.(24) UNICEF is in the process of constructing a rehabilitation facility solely for children. The facility is expected to accommodate up to 660 children when at full capacity.(45) Currently, the rehabilitation facility is able to accommodate 100 to 150 children.

In addition to construction of a rehabilitation center, UNICEF maintains a Country Program.(32) UNICEF's Country Program aims to equitably increase school enrollment, construct schools, develop curriculum, and train teachers.

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The UNICEF Country Program also works to prevent the recruitment of children into armed groups and to place former child soldiers into rehabilitation programs.(32, 35) In 2012, the UNICEF Country Program received \$12.5 million in

funding for education and child protection programs.(11) In addition, USAID funds a child-at-risk program in Mogadishu and other locations that accepts some children at risk of finding employment in clan militias.(24)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Clarify which laws are in effect under the new Federal Government.	2012
	Adopt a legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.	2009, 2010, 2011, 2012
	Ensure laws protect children involved in forced prostitution from criminal charges.	2011, 2012
	Adopt laws prohibiting human trafficking and the use of children in illicit activities.	2009, 2010, 2011, 2012
	Establish an age for which education is compulsory.	2009, 2010, 2011, 2012
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011, 2012
	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
	Establish an infrastructure to enforce laws relating to the worst forms of child labor.	2009, 2010, 2011, 2012
Policies	Adopt a comprehensive policy and action plan to combat the worst forms of child labor.	2009, 2010, 2011, 2012
	Adopt a comprehensive policy and national action plan to provide free and compulsory education for all children.	2010, 2011, 2012
	Implement the strategy to disarm and demobilize former anti-Government child soldiers and develop a strategy to disarm and demobilize child soldiers already serving in the SNA.	2012
Social Programs	Apply similarly stringent vetting standards and procedures to the TFG armed forces recruits trained inside Somalia as are applied to those trained outside of Somalia.	2011, 2012
	Develop programs to prevent and address worst forms of child labor including in agriculture in all areas of the country.	2009, 2010, 2011, 2012

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