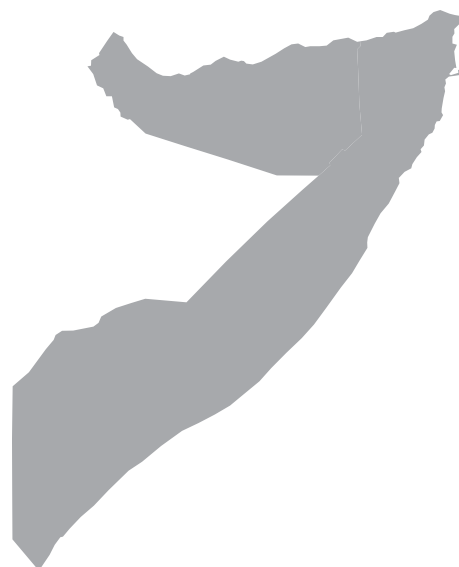


In 2014, Somalia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Federal Government of Somalia ratified ILO C. 182 on the Worst Forms of Child Labor, participated in the “Children, Not Soldiers” campaign to prevent the recruitment and use of children by national armed forces, and participated in a program to strengthen the national criminal justice response to trafficking in persons. However, children in Somalia are engaged in child labor, including in street work and in the worst forms of child labor, including in armed conflict. The terrorist organization al-Shabaab remained the main perpetrator of the abduction and use of child soldiers in Somalia. The Somalia National Army also continued to use child soldiers. There are reports that the Ahlu Sunnah Wal Jama’a militia, which has not yet integrated into the Somalia National Security Forces, also used child soldiers. Somalia continued to lack many necessary mechanisms to effectively address the worst forms of child labor, including established labor and criminal law enforcement systems.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Somalia are engaged in child labor, including in street work. Children are also engaged in the worst forms of child labor, including in armed conflict. (1-11) 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.(12)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Multiple Indicator Cluster 3 Survey, 2006.(13)

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 | Threshing grain* (2) |
| | Digging* (7) |
| | Herding livestock* (1, 3, 14) |
| | Fishing,* activities unknown (7) |
| Industry | Working in construction, including digging (1, 2, 4, 7, 14) |
| | Working in mines and quarries, including breaking rock for gravel (1, 2, 4, 7, 14) |
| Services | Street work, including begging,* transporting goods,* shining shoes, washing cars,* conducting minibuses, and selling cigarettes,* <i>khat</i> (a legal, amphetamine-like stimulant), sweets,* and toothbrushes* (1-5, 7) |
| | Domestic work (1-4) |
| Categorical Worst Forms of Child Labor‡ | Used in armed conflict, 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, 6-11) |

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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 labor in domestic service, agriculture,* livestock herding,* breaking rock for gravel,* selling or transporting <i>khat</i> ,* and construction work,* each sometimes as a result of human trafficking (5-8, 15-18) |
| | Commercial sexual exploitation sometimes as a result of human trafficking (5-7, 15, 19, 20) |

* 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 high poverty levels of poverty and the inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages. Some of these children become victims of forced labor or commercial sexual exploitation.(8) Research also found that children were trafficked into Europe and North America, including as child brides.(7, 8)

The terrorist organization al-Shabaab engages in the widespread and systematic conscription and recruitment of children and is the main perpetrator of using child soldiers in Somalia.(11) Boys as young as age 8 were bribed or forcibly taken from their homes, schools, and the streets to serve as soldiers. Girls were recruited through bribery or by force for sexual servitude and domestic labor. (6, 7)







Research found that the Ahlu Sunnah Wal Jama’a militia, which to date has not yet integrated into the Somali National Army (SNA), has recruited children. Research also found that Somalia’s numerous clan militias use child soldiers.(11) 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.(1, 7, 11)

In Somalia, protracted violence has led to the breakdown of all basic services, including public education.(21, 22) In addition, the volatile security situation has led to the displacement of more than 80,000 people.(11) 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.(11, 21-23) Additionally, the lack of educational infrastructure hinders children’s access to school.(7, 22)

II. LEGAL FRAMEWORK FOR 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 | |

In March 2014, Somalia ratified ILO C.182 on the Worst Forms of Child Labor.(24)

Somalia lacks a coherent central legal system.(21, 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, 6, 23, 25, 27) Only the laws of the internationally recognized FGS are discussed in this section. The FGS 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.

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 (28) |
| Minimum Age for Hazardous Work | Yes | 16, 18 | Article 94 of the Labour Code; article 29 of the Provisional Constitution (28, 29) |
| Prohibition of Hazardous Occupations or Activities for Children | Yes | | Article 94 of the Labour Code; article 29 of the Provisional Constitution (28, 29) |
| Prohibition of Forced Labor | Yes | | Article 14 of the Provisional Constitution; article 464 of the Penal Code (29, 30) |
| Prohibition of Child Trafficking | Yes | | Article 14 of the Provisional Constitution (29) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 403 and 407 of the Penal Code (30) |
| Prohibition of Using Children in Illicit Activities | No | | |
| Minimum Age for Compulsory Military Recruitment | Yes | 18 | Article 29 of the Provisional Constitution (29) |
| Minimum Age for Voluntary Military Service | Yes | 18 | Article 29 of the Provisional Constitution (29) |
| Compulsory Education Age | No | | |
| Free Public Education | Yes | | Article 30 of the Provisional Constitution (29) |

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 laws; however, no official determination has been issued.(31)

The Provisional Constitution states that a child under age 18 may not 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.(29) The Labour Code, however, prescribes a range of minimum ages for certain hazardous activities. For example, the minimum age for construction is 16, and the minimum age for work underground is 18.(28) These prohibitions, however, are not specific enough to facilitate enforcement.

Prohibition of the commercial 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 \$1 today.(5, 32) Furthermore, 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.(30)

While the Provisional Constitution states that a person may not be subjected to trafficking, there are no prohibitions against recruitment, harboring, transportation, transfer, or receipt of a person for domestic or international human trafficking. During the reporting period, the FGS drafted a Sexual Offences Bill that would criminalize human trafficking; the bill has not yet been submitted to the Parliament for approval.(8)

The law does not prohibit the use of children in illicit activities.

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, human trafficking, commercial sexual exploitation, and the use of children in illicit activities.(5) |

Law enforcement agencies in Somalia did not take actions to combat child labor, including its worst forms.

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Labor Law Enforcement

In 2014, the FGS did not employ any labor inspectors and conducted no inspections related to child labor.(7, 33)

Criminal Law Enforcement

In 2014, the Somali National Police Force, which remained understaffed and undertrained, lacked the capacity to investigate or enforce laws on the worst forms of child labor.(5, 7) No child labor related investigations, prosecutions, or convictions were made.(7, 33)

The Federal Government of Somalia, in partnership with UNICEF, has a referral procedure for the reception and handover of children identified to have been associated with al-Shabaab.(6) However, the SNA continues to detain children for alleged association with armed groups. Many of the children arrested by government security forces were released a few days after the arrest.(11) Research did not find referral mechanisms for children found in other worst forms of child labor such as forced labor and commercial sexual exploitation.

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

Although the FGS has established Child Protection Units, research found no evidence of mechanisms to coordinate its efforts to address child labor, including all its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|---|--|
| Child Protection Units under the Ministry of Defense* | Raise awareness on the issues of child soldiers, work with UNICEF to implement the Standard Operating Procedures of protecting children associated with armed conflict, and work closely with Somali National Army (SNA) military focal points to monitor troops for cases of child soldiers. Between June and December 2014, the six Child Protection Units conducted three site assessments of the Jazeera Training Camp in Mogadishu to monitor for child soldiers.(7, 8, 33) |

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

In 2014, the FGS also had two SNA military focal points who communicated claims of children being present in military barracks. The FGS plans to add four more similar positions in more remote regions.(1, 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 7).

Table 7. Policies Related to Child Labor

| Policy | Description |
|--|--|
| Children, Not Soldiers Campaign† | Aims to end and prevent the recruitment and use of children by national security forces by 2016. Launched jointly by the Special Representative for the Secretary General for Children and Armed Conflict and UNICEF. Supports eight countries through negotiating and implementing action plans.(34) During the reporting period, more than 8,000 national army soldiers were trained on child protection issues.(11) |
| Child Soldier Action Plan | Addresses the recruitment and use of child soldiers by armed groups and the Somali security forces.(1, 35) In February 2014, the FGS signed the Standard Operating Procedures for the reception and handover of children separated from armed groups in Somalia.(6, 11) |
| 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.(35) |
| 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.(5) |

† Policy was approved during the reporting period.

The Children Associated with Armed Conflict Working Group coordinates implementation of the Child Soldier Action Plan and the Action Plan to End the Killing and Maiming of Children in Contravention of International Law. During the reporting year,

the group met bimonthly in conjunction with the United Nations Assistance Mission to Somalia, UNICEF, and Child Protection Units.(8, 33)

Despite the Provisional Constitution calling for free education to the secondary level, a universal free education system in Somalia is not in place.(6, 32) Furthermore, there is no compulsory age for education. The lack of standards in this area may increase the risk of children's involvement in child labor.

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 2014, the FGS participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The FGS has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

| Program | Description |
|---|---|
| Children in Armed Conflict Program | \$388, 890 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.(36) Collaborated with UNICEF to focus on economic reintegration of former child soldiers through vocational and entrepreneurship training and assistance with starting a business or accessing wage employment.(37) Two hundred children associated with armed forces and groups gained adequate life and technical skills that have helped them become productive and integrated community members.(36) |
| UNICEF Country Program (2011–2015) | In cooperation with the Federal Government of Somalia, 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) As of August 2014, 500 children have benefitted from the reintegration programs for children associated with armed groups.(38) |
| Go-2-School Initiative* | \$117 million European Union, USAID, and UK Department for International Development (DFID)-funded, 3-year project implemented by UNICEF, WFP, UNESCO, and International NGOs in partnership with the Federal Government of Somalia.(39) Seeks to enroll 1 million children who are not currently in school. (39, 40) Launched in September 2013, nearly 40,000 children in Central South Somalia have started formal primary education.(39) In 2014, the Federal Government of Somalia opened two public schools in Mogadishu, and the regional governments of Puntland and Somaliland operated other public schools.(7) |
| SNA Soldiers Pay Screening Plan† | Program funded by the Governments of the United States and Italy that establishes a screening process whereby soldiers' identity and age are verified before they receive their pay. Screening teams comprising African Union officers, local Somali tribal elders, and high-ranking SNA officers verify the identity and age of each soldier before they receive payment.(5, 33) |
| Serendi Rehabilitation Center | Norwegian and Danish-operated center in partnership with the Federal Government of Somalia that rehabilitates children formerly associated with armed groups before reintegrating them into society.(17, 33) By August 2014, approximately 55 children had been directed to the center by the National Intelligence Security Agency.(17) |
| 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 Somaliland and the Federal Government of Somalia. Aims to strengthen legal frameworks to meet international requirements. Develops and delivers multidisciplinary training programs on victim identification, victim-centered investigations, and prosecution of trafficking cases.(41) |

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

† Program was launched during the reporting period.

Although the Federal Government of Somalia 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 other worst forms of child 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 9).

Table 9. 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 – 2014 |
| | Clarify whether the Labor Code is still in effect under the Federal Government of Somalia. Ensure a legal framework on child labor is in place that includes a minimum age for work and hazardous work, and that hazardous activities and occupations prohibited for children are specific enough to facilitate enforcement. | 2009 – 2014 |
| | Update the Penal Code to ensure that penalties for the commercial sexual exploitation of children are sufficiently stringent to deter violations. | 2013 – 2014 |
| | Ensure that the laws protect children involved in forced prostitution from criminal charges. | 2011 – 2014 |
| | Adopt laws prohibiting child trafficking and the use of children in illicit activities. | 2009 – 2014 |
| Enforcement | Establish an infrastructure to enforce laws relating to child labor, including its worst forms, and ensure adequate funding, human resources, and training for law enforcement agencies. | 2009 – 2014 |
| | Ensure that criminal investigations on the worst forms of child labor take place, and that violators are prosecuted and convicted in accordance with the law. | 2012 – 2014 |
| | Establish mechanisms between the Somali National Police and social welfare services to refer children found in all worst forms of child labor. | 2014 |
| Coordination | Establish coordinating mechanisms to combat child labor, including in all its worst forms. | 2009 – 2014 |
| Government Policies | Adopt a comprehensive policy and national action plan to provide free, compulsory education for all children. Establish a compulsory education age that is equal to or higher than the minimum age for work. | 2009 – 2014 |
| | Adopt a policy that addresses all relevant worst forms of child labor, including forced labor and commercial sexual exploitation. | 2014 |
| Social Programs | Take steps to provide sufficient schools and facilities for children to access school. | 2013 – 2014 |
| | Assess the impact of the Go-2-School Initiative on child labor. | 2014 |
| | Develop programs to prevent and address child labor, including in agriculture, and other worst forms of child labor, including forced labor. | 2009 – 2014 |

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