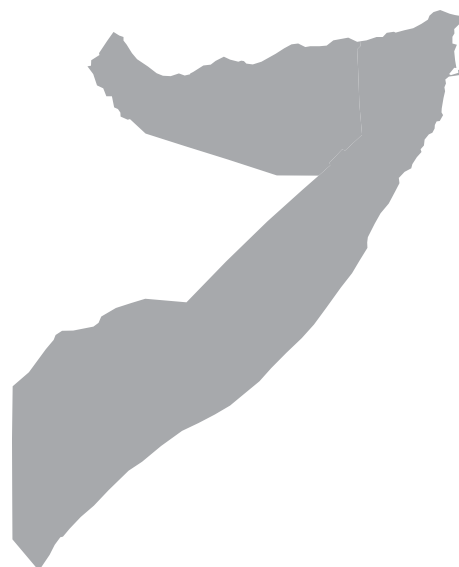


In 2017, Somalia made a minimal advancement in efforts to eliminate the worst forms of child labor. During the year, Somalia approved a National Development Plan that aims to prevent and eliminate child labor. However, despite this initiative, Somalia is receiving this assessment because it continued to implement a 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. 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. Furthermore, the government did not employ labor inspectors and conducted no inspections.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Somalia engage in the worst forms of child labor, including in armed conflict. (1) Children also perform dangerous tasks in street work. (2) 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, 2018. (3)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Multiple Indicator Cluster Survey 4, 2011. (4)

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 (5) |
| | Herding livestock (1) |
| | Fishing, including cleaning (5) |
| Industry | Construction, including crushing stone (5; 1) |
| | Mining and quarrying (5) |
| Services | Street work, including shining shoes, washing cars, conducting minibuses, vending, and transporting <i>khat</i> (a legal, amphetamine-like stimulant) (2; 6; 7) |
| | Working as maids in hotels (6) |
| | Domestic work (2; 6) |
| | Voluntarily recruited children used in hostilities by state armed groups (1; 8) |
| Categorical Worst Forms of Child Labor‡ | Recruitment of children by non-state armed groups for use in armed conflict (1; 8) |
| | Forced labor in domestic work, agriculture, herding livestock, breaking rocks, selling or transporting <i>khat</i> , begging, and construction work, each sometimes as a result of human trafficking (1; 7) |
| | Commercial sexual exploitation, sometimes as a result of human trafficking (9; 1) |

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

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As of September 2017, there were an estimated 2 million internally displaced persons in Somalia. (10) Internally displaced persons, including children, are vulnerable to human trafficking for sexual and labor exploitation. 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. (1) Some Somali children seeking refuge in Kenya to avoid recruitment by the terrorist organization al-Shabaab are subsequently trafficked for labor and commercial sexual exploitation. Research also found that children in Somalia are trafficked to Saudi Arabia and forced to beg on the streets. (1)

In 2017, the terrorist group al-Shabaab increased its campaign of forcibly recruiting children as young as age 8 for use in armed conflict. (1; 11) These children planted explosive devices, acted as human shields, conducted assassinations and suicide attacks, gathered intelligence, and provided domestic service; some girls were also forced into sexual servitude. (1) 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. (1) 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. (12; 1)




The protracted violence in Somalia has reduced access to all basic services, including public education. (13; 14) Attacks on schools by al-Shabaab, SNA, and other armed groups have resulted in the forced recruitment of children, state and non-state military occupancy of schools, and damaged educational facilities. (14; 15)

Al-Shabaab occupied rural areas in south-central Somalia. The Federal Government of Somalia (FGS) had limited control outside its capital city, Mogadishu. In other parts of the country, essential governance functions were provided by regional administrations, including the self-declared independent region of Somaliland in the northwest and the federal member state of Puntland in the northeast. (16; 1)

II. LEGAL FRAMEWORK FOR 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 has established laws and regulations related to child labor (Table 4). However, gaps exist in Somalia's legal framework to adequately protect children from child labor, including the lack of prohibition and recruitment of children under age 18 by non-state armed groups.

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) |
| 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; 18; 19) |

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

| Standard | Meets International Standards: Yes/No | Age | Legislation |
|-------------------------------------------------------------------------------|---------------------------------------|-----|-----------------------------------------------------------------------------------------------------------|
| 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 | | |
| Prohibition of Military Recruitment | | | |
| State Compulsory | Yes | 18 | General Order No. 1 (12) |
| State Voluntary | Yes | 18 | General Order No. 1 (12) |
| Non-state | No | | |
| Compulsory Education Age | No | 14‡ | Articles 13 and 15 of the General Education Law (21) |
| Free Public Education | Yes | | Article 14 of the General Education Law (21) |

‡ Age calculated based on available information (21)

In 2017, the FGS adopted the General Education Law that establishes 8 years of compulsory education; however, the gap between the end of compulsory education and the minimum age for work leaves children age 14 vulnerable to child labor because they are not in school, but they also may not legally work. (6; 21) In September, Somaliland drafted a human trafficking law. (22) In November, Puntland State passed new penal and criminal procedure codes that criminalize human trafficking. According to international stakeholders, the legislation meets international standards. (22)

It is unclear whether laws issued prior to 1991 are still in effect in Somalia. However, in 2014, Parliament issued a public statement citing some pre-1991 laws which suggests that the FGS continued to recognize relevant historic laws. (23) 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, because 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, which does not serve as an effective deterrent. (20; 24) Furthermore, it appears that under Article 405, children involved in prostitution would not be protected from criminal charges. (20)

The Juvenile Justice Law of Puntland defines a child as anyone age 14 and under; consequently, the government detained and issued prison sentences to children over age 14 for their association with armed groups. (25; 26)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government does not have a labor inspectorate for the enforcement of laws and regulations related to child labor (Table 5).

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. (27) The Counter-Trafficking and Organized Crime Unit has 40 officers. (28) |
| Puntland Security Forces | Investigate and enforce human trafficking laws. (29) |
| Puntland Ministry of Justice | Prosecute human trafficking cases. (29) |

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Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|----------------------------------------|-----------------------------------------|
| Somaliland Police | Investigate human trafficking. (30) |
| Somaliland’s Attorney General’s Office | Prosecute human trafficking cases. (30) |

Labor Law Enforcement

In 2017, the lack of a labor inspectorate in Somalia impeded the enforcement of child labor laws. (6)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Somalia took actions to combat child labor (Table 6). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including human and financial resources.

Table 6. Criminal Law Enforcement Efforts Related to Child Labor

| Overview of Criminal Law Enforcement | Related Entity | 2016 | 2017 |
|---------------------------------------------------------------------------------------|-------------------------|----------|----------|
| Training for Investigators | | | |
| Initial Training for New Employees | FGS | Yes (31) | Unknown |
| | Puntland | Unknown | Unknown |
| | Somaliland | Unknown | Unknown |
| Training on New Laws Related to the Worst Forms of Child Labor | FGS | N/A | N/A |
| | Puntland | N/A | Yes (22) |
| | Somaliland | N/A | N/A |
| Refresher Courses Provided | FGS | Yes (28) | Yes (32) |
| | Puntland | Yes (28) | Yes (22) |
| | Somaliland | Unknown | Yes (22) |
| Number of Investigations | FGS/Puntland/Somaliland | Unknown | Unknown |
| Number of Violations Found | FGS/Puntland/Somaliland | Unknown | Unknown |
| Number of Prosecutions Initiated | FGS | 0 (27) | Unknown |
| | Puntland | Unknown | Unknown |
| | Somaliland | Unknown | Unknown |
| Number of Convictions | FGS | 0 (27) | Unknown |
| | Puntland | 7 (28) | Unknown |
| | Somaliland | Unknown | Unknown |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | FGS/Puntland/Somaliland | Yes (15) | Yes (25) |

In 2017, the Somali National Police remained understaffed, undertrained, and lacked the capacity to investigate or enforce laws on the worst forms of child labor. (6)

The SNA issued a general staff order in 2016 stating that children under age 18 may not enlist; however, despite reports of continued recruitment and use of children, research found no information that the FGS investigated or prosecuted SNA officials who recruited or used child soldiers during the reporting period. (15) During the reporting period, criminal law enforcement officials continued to detain children in the company of adults for alleged association with non-state armed groups. (26; 8) The death sentences imposed on 10 children in 2016 in Puntland were reversed; however, the children were issued 20 year prison sentences. (25) In addition, although the Provisional Federal Constitution of Somalia defines a child as anyone below age 18, more than 30 children were given sentences ranging from 8 years to life imprisonment for association with al-Shabaab. (26; 19) Research found that the existing referral mechanisms for victims of child labor only address children in armed conflict. (25)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The FGS has established mechanisms to coordinate its efforts to address child labor (Table 7). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efforts to address all forms of child labor.

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

| Coordinating Body | Role and 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. (5; 33; 34) In 2017, conducted awareness campaigns and monitored SNA troops to prevent and eliminate the recruitment of children. (25) |
| 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. (33; 34) Comprises of the Child Protection Unit, Ministry of Defense officials, representatives from the Ministry of Women and Human Rights Development and other ministries, and UN representatives. (33; 8) No coordination activities were conducted during the year. (30) |
| 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. (28) Puntland's Counter Trafficking Board leads the region's anti-trafficking efforts. Somaliland's Counter Human Trafficking Agency coordinates the development of legislation and collection of data. (28) No coordination activities were conducted during the year. (30) |

V. GOVERNMENT POLICIES ON CHILD LABOR

The FGS has established policies that are consistent with relevant international standards on child labor (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. (33) |
| National Development Plan (2017–2019) [†] | Aims to end all forms of violence against children, including child labor. (35) |
| United Nations Strategic Framework (2017–2020) [†] | Establishes a broad framework for preventing, eliminating, and rehabilitating children associated with armed conflict. (36) |

[†] Policy was approved during the reporting period.

[‡] The government has other policies which may have addressed child labor issues or had an impact on child labor. (37; 38)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the FGS participated in programs that include the goal of eliminating child labor (Table 9). However, gaps exist in these social programs, including adequacy to address the problem in all sectors.

Table 9. Key Social Programs to Address Child Labor[‡]

| Program | Description |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. (39) Centers, located in Baidoa, Belet Weyne, Kismayo, and Mogadishu, provide accommodation, psychological counseling, education, and vocational training to former combatants. (40) |
| UNICEF Country Program (2011–2017) | Donor-funded program in coordination with the FGS that aims to expand and improve access to education and protect children who are affected by conflict. (41; 42) In 2017, supported the reintegration of 1,234 children formerly associated with armed groups into their families and communities. (22) |
| Efforts to Combat Human Trafficking (2014–2017) | 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. (43) In Somaliland, vulnerable children, including trafficking victims, received social services at the Hargeisa Orphanage Center before being reunited with their families. (28) Puntland authorities worked with IOM and local NGOs to provide social services and reintegration assistance to victims of trafficking. (28) |

[‡] The government had other social programs that may have included the goal of eliminating or preventing child labor. (44)

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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. Furthermore, existing programs fail to address the scope of children in armed conflict.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Somalia (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor

| 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 – 2017 |
| | 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 in consultation with employers' and workers' organizations, determines the types of hazardous work prohibited for children. | 2009 – 2017 |
| | Criminally prohibit child trafficking for labor and sexual exploitation. | 2009 – 2017 |
| | Criminally prohibit using, procuring, and offering a child for prostitution, pornography, and pornographic performances. | 2015 – 2017 |
| | Update the Penal Code to ensure that penalties for the commercial sexual exploitation of children are sufficiently stringent to deter violations. | 2013 – 2017 |
| | Ensure that the law protects children involved in commercial sexual exploitation from criminal charges. | 2011 – 2017 |
| | Criminally prohibit the use of children in illicit activities. | 2009 – 2017 |
| | Criminally prohibit the recruitment of children under age 18 by non-state armed groups. | 2016 – 2017 |
| | Raise the compulsory education to be commensurate with the minimum age for work. | 2009 – 2017 |
| | Ensure Puntland's regional laws define a child as anyone below age 18, in accordance with international standards. | 2016 – 2017 |
| Enforcement | Establish a Labor Inspectorate to investigate, monitor, and enforce laws related to child labor, including adequate funding, human resources, and training for personnel. | 2009 – 2017 |
| | 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 – 2017 |
| | Ensure that criminal law enforcement officials receive adequate training and resources to investigate, prosecute, and convict violators of the worst forms of child labor. | 2012 – 2017 |
| | 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 – 2017 |
| | Ensure that children associated with armed groups are not detained with adults and refer these children to social service providers. Cease the practice of sentencing children to life imprisonment for associating with armed groups. | 2015 – 2017 |
| | Establish a referral mechanism between the Somali National Police and social welfare services for children engaged in forced labor and commercial sexual exploitation. | 2014 – 2017 |
| Coordination | Establish coordinating mechanisms to combat child labor. | 2009 – 2017 |
| | Ensure coordination mechanisms to address the worst forms of child labor, such as child soldiering, are active and conduct activities to address the child labor problem. | 2017 |
| 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 other educational facilities. | 2013 – 2017 |
| | Develop programs to address child labor, such as in street work and forced labor in agriculture. Expand existing programs to address the scope of children in armed conflict. | 2009 – 2017 |

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