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MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICES THAT DELAYED ADVANCEMENT

In 2018, Somalia made a minimal advancement in efforts to eliminate the worst forms of child labor. During the year, the government drafted a National Employment Policy and an updated Labor Code that identify hazardous occupations or activities prohibited by children. Additionally, government forces rescued 32 children who had been kidnapped by al-Shabaab. However, despite these initiatives, Somalia is receiving this assessment because it continued to implement practices 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. Somalia is also receiving this assessment because it lacks a labor inspectorate and conducted no worksite labor inspections. Children in Somalia engage in the worst forms of child labor, including in armed conflict.

Children in Somalia also perform dangerous tasks in street work. In addition, laws do not criminally prohibit child trafficking for labor, commercial sexual exploitation, or the recruitment of children by non-state armed groups.



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 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 (%)	5 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		Unavailable

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2019. (3)

Source for all other data: International Labor Organization'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 (5-7)
	Herding livestock (6)
	Fishing, including cleaning fish (5)
Industry	Construction, including crushing stone (1,5,7)
	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) (2,6-9)
	Working as maids in hotels (6,8)
	Domestic work (2,6,8)
	Voluntarily recruited children used in hostilities by state armed groups (1,6,10)

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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‡	Recruitment of children by non-state armed groups for use in armed conflict and supporting roles, including as cooks, porters, and informants, or to man checkpoints (1,6,7,11)
	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 (1,6,9)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1,12)

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

As of November 2018, there were an estimated 2.6 million IDPs in Somalia. (13) IDPs, including children, are vulnerable to human trafficking for sexual and labor exploitation. Trucks transporting goods to Somalia return to Kenya with girls who are victims of child trafficking for commercial sexual exploitation in brothels in Kenya and destinations outside Kenya. (1) Some Somali children seeking refuge in Kenya to avoid recruitment by the terrorist organization al-Shabaab subsequently become victims of trafficking 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 addition, children from minority clan populations in Somalia are particularly vulnerable to being engaged in hazardous work, including work that exposes them to furnaces or ovens, or through which they directly engage with armed groups. Children from minority clan households may also be at elevated risk of forced recruitment by military groups at school. (14)

In the first 9 months of 2018, more than 1,800 children were recruited by state and non-state military forces, an increase from 1,500 children during the same period in 2017. (6,15) During the reporting period, a total of approximately 2,300 children were recruited and used in armed conflict in Somalia. (17) Al-Shabaab increased its campaign of forcibly recruiting children as young as age 8 for use in armed conflict, and in 2018 recruited at least 1,865 children. During the reporting period, the group continued the practice of forcing communities to “volunteer” children to join the group in Galgaduud and Middle Shabelle regions. (1,11,16,17) These children planted explosive devices, acted as human shields, conducted assassinations and suicide attacks, gathered intelligence, and provided domestic services. 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 at least 14 children during the reporting period. Somalia’s numerous clan militias also used child soldiers. (6,17) During the reporting period, the SNA recruited more than 150 children for use in armed conflict, even though General Order No. 1 prohibits military personnel from recruiting and employing child soldiers. (1,17,18) In January 2018, 36 children were rescued from al-Shabaab captivity in Middle Shabelle and transferred to a UNICEF-supported rehabilitation center in Mogadishu. (6)

The protracted violence in Somalia has reduced access to all basic services, including public education. (19,20) Across Somalia, only 3 out of 10 children have access to school. (6) In 2018, al-Shabaab attacked over 60 schools and abducted teachers who refused to implement the group’s teachings in class lessons. (17,19) 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. (20,21) In 2018, the Somali government made efforts to increase access to free public education by taking back 24 government schools that had been operated by private entities, which often charge prohibitively expensive school fees. (6)

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. (1,22)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Somalia has ratified some key international conventions concerning child labor (Table 3).

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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	

Although Somalia has ratified ILO Convention 182 on the Worst Forms of Child Labor, the government has never fulfilled the reporting requirements mandated under this convention. (7)

The government 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 a prohibition of recruitment of children under age 18 by non-state armed groups.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Article 93 of the Labor Code; Article 38(1) of the Private Sector Employees Law (23,24)
Minimum Age for Hazardous Work	Yes	18	Article 90 of the Labor Code; Article 38(2) of the Private Sector Employees Law; Article 29 of the Provisional Constitution (23-25)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 90 and 94 of the Labor Code; Articles 10 and 38(4) of the Private Sector Employees Law (23,24)
Prohibition of Forced Labor	Yes		Articles 455 and 464 of the Penal Code (26)
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 403–404 and 407–408 of the Penal Code (26)
Prohibition of Using Children in Illicit Activities	No		
Prohibition of Military Recruitment			
Minimum Age for Voluntary State Military Recruitment	Yes	18	General Order No. I (18)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		General Order No. I (18)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	No	14‡	Articles 13 and 15 of the General Education Law (27)
Free Public Education	Yes		Article 14 of the General Education Law (27)

‡ Age calculated based on available information (27)

In 2018, the Ministry of Labor and Social Affairs began drafting a National Labor Code. (28,29) The government also drafted the Child Rights Bill, which will domesticate into law the Convention on the Rights of the Child. (17) 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. (8,27) In September 2017, Somaliland drafted a human trafficking law that is currently under review. (30) In November 2017, Puntland State passed new penal and criminal procedure codes that criminalize human trafficking. According to international stakeholders, the legislation meets international standards. (30) In addition, in April 2018, Somaliland passed a bill that criminalizes trafficking for sexual slavery. (31)

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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. (32) The Provisional Constitution does not provide a minimum age for employment. However, the pre-1991 Labor Code establishes age 15 as the minimum age for work. (23) Although the Labor Code establishes age 12 as the minimum age 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. The Labor Code allows the government 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. (23)

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. (26) The Penal Code requires extensive updating. Many fines in the Code equal less than \$1, which does not serve as an effective deterrent. (26,33) Furthermore, it appears that under Article 405, children involved in prostitution would not be protected from criminal charges. (26)

The Juvenile Justice Law of Puntland defines a child as anyone age 14 and under; consequently, the government detained and issued prison sentences, including life imprisonment, to children over age 14 for their association with armed groups. (11,34)

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	Investigates and enforces laws related to the worst forms of child labor. (35) The Counter-Trafficking and Organized Crime Unit has six officers. (28)
Ministry of Defense	Screens Somali National Army (SNA) units for child soldiers through the Child Protection Union. (6)
Puntland Security Forces	Investigate and enforce human trafficking laws. (36)
Puntland Ministry of Justice	Prosecutes human trafficking cases. (36)
Somaliland Police	Investigates human trafficking. (37)
Somaliland's Attorney General's Office	Prosecutes human trafficking cases. (37)

During the reporting period, the UN Assistance Mission in Somalia (UNSOM) conducted 3 training sessions on child rights and protections to approximately 125 soldiers and 40 officers of the SNA, including child protection focal points from various regions of the country. (6) In April 2018, the Child Protection Union (CPU) partnered with UNSOM and UNICEF to conduct community outreach, awareness training, and “youth-in-service” screening missions in all five SNA sectors. (6) Throughout the year, the CPU developed and disseminated radio and print media content regarding the prevention of child recruitment and conscription in armed conflict. (6)

Labor Law Enforcement

In 2018, the lack of a labor inspectorate in Somalia may impede the enforcement of child labor laws. (8)

Criminal Law Enforcement

In 2018, 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.

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Table 6. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Unknown	No (6)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	0 (6)
Refresher Courses Provided	Yes (38)	0 (6)
Number of Investigations	Unknown	0 (8)
Number of Violations Found	Unknown	0 (6)
Number of Prosecutions Initiated	Unknown	0 (6)
Number of Convictions	Unknown	0 (6)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown	No (6)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (34)	No (6)

In January 2018, government security forces rescued more than 30 children as young as age 9 from a school in the Middle Shabelle region who had been kidnapped by al-Shabaab and were being trained as soldiers. The children were transferred to a UNICEF-sponsored rehabilitation center. (6,17,39) In August 2018, the President of Puntland signed a decree pardoning 34 children who had been imprisoned since 2016 for their association with al-Shabaab. In November 2018, the children were transferred to a rehabilitation center in Mogadishu to await reunion with their families. (17,40)

Between August and September 2018, UNODC conducted two human trafficking training courses, one in Garowe and one in Mogadishu, that trained 50 people. In October 2018, UNODC conducted human trafficking awareness trainings for 42 members of the Maritime Policing Unit. (41) However, the Somali National Police remained understaffed and undertrained, and lacked the capacity to investigate or enforce laws on the worst forms of child labor. (6) In addition, there were reports that in 2018 the Somali National Police recruited and used at least 93 children in police activities. (17)

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. (21) During the reporting period, at least 375 children were detained, at times in the company of adults, by the SNA or police for alleged association with non-state armed groups. (10,11,17) Children who are detained under suspected affiliation with non-state armed groups were sometimes interrogated without legal representation and coerced into signing or recording confessions. Moreover, these children were at times threatened or physically harmed in ways that amount to torture. (11) In addition, although the Provisional Constitution defines a child as anyone under age 18, more than 30 children were given sentences ranging from 8 years to life imprisonment for association with al-Shabaab. (11,25) Research found that the existing referral mechanisms for victims of child labor address children in armed conflict only. (34)

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 adequate coordination of efforts to address child labor, including in efforts to address all forms of child labor.

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

Coordinating Body	Role & Description
Child Protection Unit	Raises awareness of child soldier issues and works with UNICEF to implement standard operating procedures on protecting children associated with armed conflict. (5,42,43) In January and February 2018, in conjunction with the UN, supported the biometric registration of 2,037 elements of the Puntland forces under control of SNA and identified 17 children in the process. All children were withdrawn from the Puntland forces and either reunited with their families or placed in temporary residential care. (17)

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

Coordinating Body	Role & Description
Children Associated With Armed Conflict Working Group	Implements the Child Soldier Action Plan and the Action Plan to End the Killing and Maiming of Children in Contravention of International Law. (42,43) Comprises the Child Protection Unit, Ministry of Defense officials, representatives from the Ministry of Women and Human Rights Development and other ministries, and UN representatives. (10,42) No coordination activities were conducted during the reporting period. (37)
Human Trafficking Task Forces	The Human Trafficking and Smuggling Task Force, led by the Ministry of Interior and Federal Affairs, leads FGS anti-trafficking efforts. (44) 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. (44) No coordination activities were conducted during the reporting period. (37)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 8). However, policy gaps exist that hinder efforts to address child labor, including limited scope of existing policies.

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 in SNA, and for the prevention of child soldiers through education of soldiers and monitoring of military camps. (42) Research was unable to determine whether activities were undertaken to implement the Child Soldier Action Plan during the reporting period.
National Development Plan (2017–2019)	Aims to end all forms of violence against children, including child labor, and develop and implement a National Child Labor Policy. (45) Research was unable to determine whether activities were undertaken to implement the National Development Plan during the reporting period.
United Nations Strategic Framework (2017–2020)	Establishes a broad framework for preventing, eliminating, and rehabilitating children associated with armed conflict. (46) Research was unable to determine whether activities were undertaken to implement the UN Strategic Framework during the reporting period.

‡ The government has other policies which may have addressed child labor issues or had an impact on child labor. (47)

In 2018, the FGS released the Education Sector Strategic Plan 2018–2020, which aims to increase school enrollment and address safety in schools through training and community engagement. (48) During the reporting period, the Ministry of Labor, in consultation with the ILO, conducted a macroeconomic analysis of the labor market in Somalia and used the data gathered to draft a National Employment Policy. The draft policy is currently under cabinet review before being moved forward to Parliament for approval. (6,28,29) Although the government has some policies that address child soldiers, research found no evidence of any policies to address child labor in agriculture, industry, street work, or domestic work.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, the FGS participated in programs that include the goal of eliminating child labor (Table 9). However, gaps exist in these social programs, including the 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. (48) Centers, located in Baidoa, Belet Weyne, Kismayo, and Mogadishu, provide accommodation, psychological counseling, education, and vocational training to former combatants. (49) Research was unable to determine whether activities were undertaken to implement the National Program for Treatment and Handling of Disengaged Combatants during the reporting period.
Joint Program on Youth Employment Somalia (YES)	Joint program by the Food and Agriculture Organization, ILO, UNDP, UN-Habitat, and UN Industrial Development Organization that seeks to improve sustainable employment opportunities for youth and develop their skills to respond to needs in the labor market. (50) In 2018, organized an inter-ministerial steering committee chaired by the Ministry of Labor and Social Affairs to lead the process of developing a National Employment Strategy that will be released in 2019. In addition, the program also supported coordination efforts between the Ministry of Labor and the Ministry of Planning to conduct a Labor Force Survey. (28,29,51)

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Table 9. Key Social Programs to Address Child Labor (Cont.)

Program	Description
UNICEF Country Program (2018–2020)	\$267 million donor-funded program in coordination with the FGS that aims to ensure safe, equitable, and quality education for children and support an enabling environment to strengthen child protection frameworks. (52) In 2018, assisted 1,179 children formerly associated with armed groups through reintegration programs that included reunification with families and access to formal education as well as vocational training opportunities. (17)
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 in 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. (53,54) In March 2018, the project organized a 3-day training workshop in Mogadishu for 5 judicial officers and 10 prosecutors with the goal of building the capacity of prosecutors to adequately prosecute trafficking in persons cases. The project ended in September 2018. (54)

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (55)

In Somaliland, the government operates the Hargeisa Orphanage Center, which provides basic services to child victims of trafficking before they are reunited with their families. (41) During the reporting period, in Somaliland, vulnerable children, including trafficking victims, received social services at the Hargeisa Orphanage Center before being reunited with their families. Additionally, in 2018 Puntland authorities worked with IOM and local NGOs to provide social services and reintegration assistance to victims of human trafficking. (41) Although the FGS implemented programs to address child soldiers and child trafficking, existing programs fail to address the scope of the problem.

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 – 2018
	Clarify whether the pre-1991 Labor Code is still in effect under the Federal Government of Somalia. Ensure that a legal framework on child labor is in place that 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 – 2018
	Criminally prohibit child trafficking for labor and sexual exploitation.	2009 – 2018
	Fulfill reporting requirements as required under ILO C. 182.	2018
	Criminally prohibit using, procuring, and offering a child for prostitution, pornography, and pornographic performances.	2015 – 2018
	Update the Penal Code to ensure that penalties for the commercial sexual exploitation of children are sufficiently stringent to deter violations.	2013 – 2018
	Ensure that the law protects children involved in commercial sexual exploitation from criminal charges.	2011 – 2018
	Criminally prohibit the use of children in illicit activities.	2009 – 2018
	Criminally prohibit the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
	Raise the compulsory education to be commensurate with the minimum age for work.	2009 – 2018
	Ensure that Puntland's regional laws define a child as anyone under age 18, in accordance with international standards.	2016 – 2018

Table 10. Suggested Government Actions to Eliminate Child Labor (Cont.)

Area	Suggested Action	Year(s) Suggested
Enforcement	Establish a labor inspectorate to investigate, monitor, and enforce laws related to child labor, and include adequate funding, human resources, and training for personnel.	2009 – 2018
	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 – 2018
	Ensure that criminal law enforcement officials receive sufficient training and resources to investigate, prosecute, and convict violators of the worst forms of child labor.	2012 – 2018
	Cease the recruitment and use of child soldiers by the Somali National Army and its allied militia. Investigate, prosecute, and punish, as appropriate, Somali National Army commanders who recruit and use children.	2015 – 2018
	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 – 2018
	Establish a referral mechanism between the Somali National Police and social welfare services for children engaged in forced labor and commercial sexual exploitation.	2014 – 2018
Coordination	Establish coordinating mechanisms to combat all forms of child labor.	2009 – 2018
	Ensure that 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 – 2018
	Adopt policies to address child labor in agriculture, industry, street work, and domestic work.	2018
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 – 2018
	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 – 2018

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