

# Somalia

*In 2011, the Transitional Federal Government (TFG) of Somalia made a minimal advancement in efforts to eliminate the worst forms of child labor. In 2011, the Chief Defense Forces promulgated General Order No. 1. This Order prohibits the recruitment and use of child soldiers, and was distributed to the armed forces. In addition, the TFG collaborated with the UN and the African Union Mission in Somalia to implement procedures to screen recruits of the Somalia Security Forces for underage applicants. However, the screening process was only applied to applicants trained outside of Somalia. In addition, Somalia lacks a coherent, functioning government and the legal framework, law enforcement, policies and programs necessary to address the worst forms of child labor. Children in Somalia continue to work in the worst forms of child labor, including in dangerous activities in agriculture and as child soldiers.*

## Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	39.8
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, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis.(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 conditions in agriculture and as child soldiers.(3-10) Children's work in agriculture may involve heavy lifting, the use of potentially dangerous machinery and tools, and the application of harmful pesticides.(11) As Somalia is a nomadic society, children also herd livestock.(3, 10) Children handling livestock may be vulnerable to kicks and falls, being crushed, and infectious diseases transmitted from animals.

Armed groups and militias, particularly al-Shabaab and Hizbul Islam, which has merged with al-Shabaab, engage in the widespread and systematic conscription and recruitment of children for armed forces.(3-5, 7, 8, 10, 12-19) Boys as young as age 7 are bribed or forcibly taken from their homes, schools and the streets to serve as soldiers.(7, 8, 16, 19) 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, 12, 19) Some conscripted boys over age 15 are forced to fight or face execution.(10, 19) Girls are recruited by bribery or force for sexual servitude and domestic service.(3, 7, 12, 19) Girls are also recruited to transport weapons and provide intelligence and logistical support.(3, 7, 10, 12, 19) The TFG condemns the use of child soldiers. Although some reports indicate the TFG does not use child soldiers, many reports indicate that the TFG continues to recruit and use children in military operations.(7, 8, 10, 12-15, 18)

Children are forced to break rocks for gravel and perform construction.(3-6, 10) Children are also subject to prostitution and, reportedly, forced prostitution.(3, 10, 20) Children work on the street as beggars and porters. Street children also wash cars, shine shoes, and sell cigarettes, khat (an amphetamine-like stimulant), sweets and toothbrushes.(5, 6, 10, 21) Children working on the streets are exposed to abuse and violence, including sexual violence, as well as diseases such as HIV/AIDS.(21)

Somalia is believed to be a source, destination and transit country for child trafficking.(3, 19, 22, 23) Children are reportedly trafficked for forced labor and sexual exploitation by armed militias.(19) Although evidence is limited, children are also reportedly trafficked within Somalia for forced labor in agriculture, livestock herding, construction, sexual servitude, domestic service and commercial sexual exploitation.(19, 20) Children are also reportedly trafficked to Tanzania for prostitution.(3)

Access to education is a critical component in preventing the economic exploitation of children.(24) In Somalia, protracted violence has led to the breakdown of all basic services, including public education.(17, 25, 26) 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 forces, have limited children's access to education as schools are either inaccessible or unsafe.(7, 8, 12, 17, 26-29) The cost of tuition, the prevalence of corporal punishment in schools and the lack of educational infrastructure also hinder children's access to school.(25, 26, 30, 31) Access to education is further constrained by the lack of birth registration. Currently, less than 7 percent of Somali children have a registered birth certificate. (32) Births in Puntland and southern and central Somalia were not registered at all during the reporting period.(10) Unable to prove citizenship, unregistered children are unable to enroll in or attend school.(32, 33)

## Laws and Regulations on the Worst Forms of Child Labor

Due to the collapse of the Central Government in 1991, Somalia lacks a coherent central legal system.(17, 34, 35) Three distinct entities concurrently govern Somalia: the internationally recognized Transitional Federal Government (TFG) in the central and southern regions; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast.(7, 19, 29, 34) Although the TFG does not have control of all of Somalia, only the laws of the TFG, the only internationally recognized government in Somalia, are discussed in this section.

The TFG is governed by the Transitional Federal Charter (TFC). Matters of law which are not determined by the TFC are determined by the 1960 Somalia Constitution and the 1962 Penal Code.(34, 36) Additionally, in 2009, the Transitional Federal Parliament voted Sharia Law into the legal framework.(34)

Both the TFC and the Constitution maintain that a minimum age for employment should be set. However, neither document sets a minimum age for employment.(36, 37) The pre-1991 Labor Code establishes the minimum age for employment at 15, excluding children working for their families.(38) 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.(38) However, it is unclear if the Labor Code still applies. The lack of labor laws providing protections for minimum age and hazardous work in the TFC, and the lack of clarity regarding the status of the Labor Code leave children unprotected from the worst forms of child labor.

	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

Although Somalia lacks a clear national legal framework on child labor, legislation does provide some protections for children. The TFC prohibits forced labor and military service for children under age 18.(36) Although the TFC does not specifically prohibit child pornography or child prostitution, pornography, prostitution, and the pimping or forced prostitution of others are prohibited by the 1962 Penal Code.(36, 39) It is unclear 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.(19) 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 TFG calls for free education, evidence indicates that a free education system in Somalia is not in place.(10, 36, 40) However, in 2011, the TFG opened the first primary and intermediate school to offer free education in Mogadishu since 1991.(41)

The TFG is drafting a new provisional constitution. As of the drafting of this report, the Provisional Constitution is expected to be adopted by a new Parliament in 2012.(18)

## **Institutional Mechanisms for Coordination and Enforcement**

Evidence indicates that the TFG lacks a coordinating mechanism to combat the worst forms of child labor.(3) However, the TFG has an appointed 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) The Ministries of Labor, of Justice, of Interior and of Security are responsible for enforcing laws relating to the worst forms of child labor.(3, 4) However, in 2011, no funding was provided to agencies for inspections, and no inspectors were employed to enforce child labor laws.(3, 4)

No formal judicial system exists under the TFG.(3, 4) The number of child labor, child trafficking, and commercial sexual exploitation of children cases reported and investigated during the reporting period is unknown.(42) 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**

The TFG has taken steps to end child recruitment for military operations by signing an anti-recruitment pledge with the UN Special Representative of the Secretary General for Children and Armed Conflict.(43) However, Somalia does not have a comprehensive policy or plan to address the worst forms of child labor.

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

During the reporting period, the TFG made efforts to reduce child soldiers within the national military by implementing a more thorough recruitment vetting process.(3, 43, 44) The new vetting process includes monitoring by African Union doctors and military officials during recruitment drives. During the reporting period the vetting process identified 86 children recruited for training.(44) The children were removed by a group of screeners which included TFG representatives.(18) However, only children trained outside of Somalia are subject to this stringent vetting process. Evidence indicates that vetting procedures within Somalia, including for ally militias who are integrating into TFG forces, are not subject to the same vetting standards and procedures.(7, 9)

The TFG runs a camp where children defecting from rebel groups are placed.(44) Currently, children are placed in the same living quarters as adults. However, 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. Currently, it is able to accommodate 100 to 150 children. In addition, the TFG, in collaboration with the UN, USAID and other international donors is implementing programs for accepting and reintegrating child combatants.(18) Aside from the new recruitment vetting process, and the construction of a rehabilitation center for children, research identified no other TFG programs to assist children in other worst forms of child labor.(43)

The increase in violence in 2010 resulted in the departure of most international NGOs and international organizations.(26) However, beginning in mid-2011, most UN Country Team agencies reestablished a presence in Somalia.(18, 29) In addition to construction of a rehabilitation center, UNICEF maintains a Country Program.(44) UNICEF's Country Program aims to equitably increase school enrollment, construct schools, develop curriculum and train teachers. The UNICEF Country Program also works to prevent the recruitment of children into armed groups.(29) In 2011, the UNICEF Country Program received \$323,325 in funding for education and child protection programs.(29) There is no evidence of any other programs to address, or that may have an impact on, the worst forms of child labor in Somalia.

**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 TFG.	2011
	Adopt a legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.	2009, 2010, 2011
	Ensure laws protect children involved in forced prostitution from criminal charges.	2011
	Adopt laws prohibiting human trafficking and the use of children in illicit activities.	2009, 2010, 2011
	Establish an age for which education is compulsory.	2009, 2010, 2011
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011
	Enforce the prohibitions laid out in the 2004 TFG Charter on forced labor and military service for children under age 18.	2009, 2010, 2011
	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
	Establish an infrastructure to enforce laws relating to the worst forms of child labor.	2009, 2010, 2011
Policies	Adopt a comprehensive policy and action plan to combat the worst forms of child labor.	2009, 2010, 2011
	Adopt a comprehensive policy and national action plan to provide free and compulsory education for all children.	2010, 2011
Social Programs	Develop programs to prevent and address child soldiering and other worst forms of child labor in all areas of the country.	2009, 2010, 2011
	Expand efforts to provide free education.	2011

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