

Somalia

The collapse of the Central Government in Somalia in 1991 and ensuing instability and violence in the country have hindered efforts to address the worst forms of child labor. There is currently no minimum age for employment, no compulsory education, and no infrastructure for monitoring or combating child labor. Children engage in the worst forms of child labor in agriculture and continue to be recruited by armed groups, including the Transitional Federal Government's armed forces, for use in armed conflict.

Statistics on Working Children and School Attendance

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%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Somalia,⁴⁵⁴⁵ many of them in agriculture, including herding.⁴⁵⁴⁶ Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children also work on the streets selling cigarettes, washing cars, and shining shoes.⁴⁵⁴⁷ Street work often exposes children to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. Children are also forced in to prostitution, break rocks for gravel, work in quarries, and perform construction.⁴⁵⁴⁸

Armed groups and militias, including al-Shabaab and Hizbul Islam systematically recruit children, while the Transitional Federal Government continues to recruit and use children in military operations. Some of the conscripted children plant roadside bombs, operate checkpoints, and are trained to conduct assassinations.⁴⁵⁴⁹

It is believed that Somalia is a source, destination, and transit country for child trafficking.⁴⁵⁵⁰ Children are reportedly trafficked for forced labor and sexual exploitation by armed militias. There have also been reports that children are trafficked from Somalia to Djibouti, Malawi, and Tanzania for prostitution and exploitive labor, and to South Africa for prostitution.⁴⁵⁵¹

Laws and Regulations on the Worst Forms of Child Labor

Three distinct entities have concurrently governed Somalia since 1991: the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast; and iterations of a southern Central Government, the most recent of which is the Transitional Federal Government (TFG) in Mogadishu.⁴⁵⁵² The pre-1991 Labor Code establishes the minimum age for employment at 15.⁴⁵⁵³ Additionally the pre-1991 Labor Code prescribes different minimum ages for certain hazardous activities. For example, 16 was the minimum age for employment in construction and age 18 for work on a vessel or underground.⁴⁵⁵⁴ However, it is unclear whether the Labor Code still applies because the 2004

TFG charter requires the government to establish a minimum age for employment.⁴⁵⁵⁵ This legal gap leaves children unprotected under the law from the worst forms of child labor.

The 2004 TFG Charter prohibits forced labor and military service for children under 18.⁴⁵⁵⁶ It also prohibits child prostitution.⁴⁵⁵⁷

Due to the collapse of the Central Government in 1991, Somalia lacks a clear legal framework on child labor. Efforts to address and prevent exploitive child labor are hampered by basic problems including the fact that it is unclear if there is currently a minimum age for employment, there is no list of hazardous activities prohibited to children, no age for compulsory education, and no free education for children. Additionally none of the regions have laws that specifically prohibit human trafficking.⁴⁵⁵⁸

	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	18
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research did not find evidence that any agency in the three government entities is charged with coordinating efforts to combat child labor.

In all three regions of Somalia, the Ministries of Labor, Justice, Interior, and Security are responsible for enforcing laws relating to worst forms of child labor.⁴⁵⁵⁹ However, the governing entities do not enforce child labor laws, and children are actively exploited through military recruitment, including by the TFG.⁴⁵⁶⁰

There was no funding provided to agencies for inspections and no inspectors were employed to enforce child labor laws.⁴⁵⁶¹

In addition research found no evidence of an institutional infrastructure to provide enforcement, investigations, or reporting on child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities.⁴⁵⁶²

The TFG has, however, formed a presidential commission to investigate allegations of child recruitment, and used African Union doctors and military officials to oversee recent recruitment drives.⁴⁵⁶³

Government Policies on the Worst Forms of Child Labor

The Transitional Federal Government has taken steps to end child recruitment for military operations, including signing an anti-recruitment pledge with the UN Special Representative of the Secretary General for Children and Armed Conflict.⁴⁵⁶⁴

Research found no evidence that Somalia has a comprehensive policy or plan to address all forms of exploitive child labor. Authorities in all regions did not provide funding or non-monetary support for policies or plans to address child labor.⁴⁵⁶⁵

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

Research found no evidence that any governing structure in Somalia has developed any program to sufficiently combat the worst forms of child labor.⁴⁵⁶⁶

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.
- Adopt laws prohibiting human trafficking.
- Establish an age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide needed funding for agencies responsible for enforcement of child labor laws and hire labor inspectors.
- Immediately cease the recruitment of children for military service
- Enforce the prohibitions laid out in the Transitional Federal Government Charter of 2004 on forced labor and military service for children under age 18.
- Establish an infrastructure to address criminal worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop a comprehensive policy and action plan to combat the worst forms of child labor.
- Develop a comprehensive policy and action plan on the use of child soldiers.
- Make education free to all children.

IN THE AREA OF PROGRAMS:

- Develop programs to prevent and address children's involvement in the worst forms of child labor, particularly the use of children in armed conflict.

⁴⁵⁴⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁵⁴⁶ U.S. Embassy- Nairobi, *reporting*, Nairobi, March 1, 2010. See also U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119024.htm>.

⁴⁵⁴⁷ U.S. Department of State, "Country Reports- 2008: Somalia." See also Integrated Regional Information Networks, "Somalia: Conflict, drought force more children onto Hargeisa streets", IRINnews.org, [online], October 22, 2008 [cited February 4, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=81052>. See also U.S. Embassy- Nairobi, *reporting*, March 1, 2010, para 2.

⁴⁵⁴⁸ U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135976.htm>. See also U.S. Department of State, "Country Reports- 2008: Somalia," sections 5 and 6d. See also U.S. Embassy- Nairobi, *reporting*, March 1, 2010, para 2.

⁴⁵⁴⁹ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2009/158, March 26, 2009, 20; available from <http://daccess-ods.un.org/TMP/3496331.html>. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, S/2008/352, May 30, 2008, para 21, 23, 25; available from <http://www.mineaction.org/downloads/1/>

S2008352.pdf. See also U.S. Department of State, “Country Reports- 2008: Somalia,” section 1G. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 2. See also U.S. Department of State, “Somalia (Special Cases),” in *Trafficking in Persons Report - 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also Coalition to Stop the Use of Child Soldiers, “Somalia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=196>. See also UN News Service, “UN identifies most persistent users of child soldiers in armed conflicts,” [online], May 21, 2010 [cited September 22, 2010]; available from <http://www.un.org/apps/news/story.asp?NewsID=34778&Cr=coomar&Cr1#>. See also Jeffrey Gettleman, “U.N. Voices Concern on Child Soldiers in Somalia,” *The New York Times* (New York City), June 16, 2010; available from http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?_r=1&pagewanted=print. See also Jeffrey Gettleman, “Children Carry Guns for a U.S. Ally, Somalia,” *The New York Times* (New York City), June 13, 2010; available from <http://www.nytimes.com/2010/06/14/world/africa/14somalia.html?pagewanted=print>. See also BBC News, “Alarm over Somalia’s child soldiers,” [online], July 29, 2009 [cited September 22, 2010]; available from <http://news.bbc.co.uk/2/hi/8173079.stm>.

⁴⁵⁵⁰ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also Integrated Regional Information Networks, “Tragic Cargo- Part One”, IRINnews.org, [online], June 8, 2006 [cited February 4, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=59251>.

⁴⁵⁵¹ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also U.S. Department of State, “Country Reports- 2008: Somalia,” section 5.

⁴⁵⁵² U.S. Department of State, “Country Reports- 2008: Somalia,” introduction. See also U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.”

⁴⁵⁵³ The Government of Somalia, *Law No. 65 of 18 October 1972 to promulgate the Labour Code*, 1972, Article 93; available from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127639.pdf.

⁴⁵⁵⁴ *Ibid.*, Article 94.

⁴⁵⁵⁵ Transitional Federal Government of Somalia, *Transitional Federal Charter for the Republic of Somalia*, 2004, article 18; available from <http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf>.

⁴⁵⁵⁶ *Ibid.*, articles 18(4) and 26(d).

⁴⁵⁵⁷ U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁵⁸ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁵⁹ U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 4.

⁴⁵⁶⁰ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, 20. See also U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁶¹ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁴⁵⁶² *Ibid.*, para 5.

⁴⁵⁶³ U.S. Department of State official, Email communication to USDOL official, November 18, 2010.

⁴⁵⁶⁴ *Ibid.*

⁴⁵⁶⁵ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁴⁵⁶⁶ *Ibid.*, para 6.