



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: SOMALIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the 2006 Annual Review (AR). No change reported under the 2007 AR (national crisis).	
	Involvement of Employers' and Workers' organizations in the reporting process	2008 AR: According to the Government: The Somalia Employers' Association (SEA) has been established in January 2007. Small workers' unions have been also established, but the umbrella national union is yet to be established, as part of an ongoing process. According to the Government: A process is being developed in view of establishing in the country new employers' and workers' organizations.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	NIL	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Somalia has ratified neither the Minimum Age Convention, 1973 (No.138) (C.138) nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182).
		Ratification intention	Ratification intention for C.138 and C.182 since 2007. 2008 AR: The Government intends to ratify the ILO fundamental Conventions, but lacks technical capacities. Once the technical guidance which was requested to the ILO in 2005 is received, the Government will start the ratification process in consultation with the social partners. 2006 AR: According to the Government: With a view to considering ratification of all ILO fundamental Conventions, the Government would appreciate receiving ILO technical assistance in organizing a national workshop on labour standards and the Declaration on Fundamental Principles and Rights at Work (FPRW).
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , the principle of the effective abolition of child labour (PR) is recognized in Somalia under articles 18.4 and 24.2 of the 2004 Somali Transitional Federal Charter (STFC).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>NO, however:</p> <p>2006-2008 AR's: The Government intended to adopt a policy on the principle and right (PR).</p> <ul style="list-style-type: none"> • Legislation <p>The PR is recognized under Section 90 of the Labour Code, Law no. 65 of 1972.</p>
		Basic legal provisions	(i) The 2004 Somali Transitional Federal Charter (STFC) (Article 90); and (ii) the Labour Code, 1972 (sections 90 and 94).
		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory education	YES, the age of boys and girls at the end of compulsory schooling is 15 years, with a general requirement of 8 years/grade of instruction.
		Minimum age	<p>2006 AR: General minimum age for admission to employment or work: 15 years for both boys and girls, that also covers light work, but not hazardous work.</p> <p>Hazardous work is defined in the legislation and the minimum age for engaging in that type of work is 18 years, for both boys and girls (Section 94 of the Labour Code).</p>
		Worst Forms of Child Labour	<p>2006 AR: According to the Government: Section 94 of the Labour Code provides for the elimination of any of the worst forms of child labour referring to work on a vessel and underground work where the minimum age is 18. Steps are not being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.</p> <p>Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced recruitment for armed conflict and illicit activities do not exist. However, it is not known whether prostitution, pornography and other worst forms of child labour exist.</p> <p>Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; and pornography do not exist amongst both boys and girls. However, forced recruitment for armed conflict is believed or suspected to exist amongst boys only.</p>
	Exercise of the principle and right	Special attention to particular situations	NO
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT		Information/Data collection and dissemination	NO
	Monitoring, enforcement and sanctions mechanisms	NO	
	Involvement of the social partners	NO.	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	2008 AR: A government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.	
	Special initiatives/Progress	NO	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	NIL
	According to the Government	<p>2008 AR: According to the Government: there is a worrying number of working children and child soldiers due to poverty and the instability because of the national crisis.</p> <p>2007 AR: The Government reported no change because of difficult national circumstances.</p> <p>2006 AR: The Government indicated that the main obstacle that had been encountered in Somalia in realizing the PR were as follows: (i) political situation; (ii) legal framework; (iii) lack of training and capacity of labour administration and employers' and workers' organizations; (iv) the effects of the civil war; (v) poverty and unemployment; (vi) displacements of the population and (vii) lack of schools and civic education.</p>	
TECHNICAL COOPERATION	Request	<p>2008 AR: The Government reiterated its request for ILO/IPEC technical assistance made under the 2006 AR. Furthermore, it requested a special ILO assistance to fight against child involvement in armed conflict, namely through prevention, and rehabilitation of child ex-combatants through skills training.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Somalia, in particular in the following areas, in order of priority: (1) Policy advice; (2) Capacity building of responsible government institutions; (3) Employment creation, skills training and income generation; (4) Strengthening capacity of employers' and workers' organizations; (5) Special programme for the elimination of the worst forms of child labour; (6) Legal reform; (7) Training of other officials (police, judiciary, social workers, teachers); (8) Awareness raising, legal literacy and advocacy; (9) Social protection systems; (10) Data collection and analysis; (11) Sharing of experiences across countries/regions; (12) Cross-border cooperation mechanisms; (13) Inter-institutional coordination.</p> <p>Furthermore, after 15 years of civil war and political turmoil, in 2004, a Transitional Federal Parliament and Transitional Federal Government were formed in Nairobi, Kenya. The Government has launched a programme with the view to establish a new labour administration, new employers' and workers' organizations, new tripartite institutions, revised labour laws and new labour courts. In this historical and instrumental process for national peace, stability and reconstruction, the ILO assistance is most needed to enable the Government to apply the Convention in law and practice, and report accordingly. In view of considering the ratification of all ILO Fundamental Labour Conventions, the Government requests the organization of a national workshop on these standards and the Declaration, with ILO technical assistance.</p>	
	Offer	ILO (including assistance in reporting under the 2006 AR).	

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Somalia, having expressed their intention to ratify C.138 and/or C.182 (Cf. Paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Somalia, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (Cf. Paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2006 AR: The IDEAs encouraged the Government of Somalia that had provided its first report under the Declaration to follow up and had expressed its willingness to ratify C.87 and C.98 (Cf. Paragraph 34 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from the Somalia and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Somalia, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Somalia and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>