



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

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the 2006 Annual Review (AR). No change report 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 also have been established, but the umbrella national union is yet to be established, as part of an ongoing process. Furthermore, a process is being developed in view of establishing new employers' and workers' organizations in the country.	
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 ratified in 1961 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not yet ratified Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	Ratification intention for C.100 since 2007. 2008 AR: According to the Government: it is yet to receive the ILO technical assistance, which was requested in 2005. Once this technical guidance is received, the Government will start the ratification process in consultation with employers' and workers' organizations. The Government intends to ratify the ILO Fundamental Conventions, but lacks technical capacities. 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.
	Recognition of the principle and right (prospect(s), means of	Constitution	YES, articles 15 and 18.1 a) of the 2004 Somali Transitional Federal Charter (STFC) prohibit all forms of discrimination.
		Policy, legislation	· Policy

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

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	action, basic legal provisions)	and/or regulations	<p>No, however: 2006 AR: The Government intended to adopt a national policy on the PR.</p> <ul style="list-style-type: none"> Legislation <p>2005 AR: The PR is recognized under Part I.3 of the Labour Code, Law no. 65 of 1972 that prohibits all forms of discrimination. Article 70 of the same text provides that equal remuneration shall be given for equal value, efficiency and duration.</p>
		Basic legal provisions	(i) The 2004 Somali Transitional Federal Charter (STFC) (Articles 15 and 18.1 a); and (ii) The Labour Code, 1972 (Part I.3 and section 70).
		Grounds of discrimination	C.111 is ratified.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	NO
		Information/Data collection and dissemination	NO.
Prevention/Monitoring, enforcement and sanction mechanisms	NO		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	NO	
	Promotional activities	Institutions to promote equality	2008 AR: According to the Government: a Ministry of Women Affairs was created in 2005 with the intention of promoting gender equality.
		Other activities	2008 AR: A government official was trained on international labour standards and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.
	Special initiatives/Progress	NIL	
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: The Government is endeavouring to establish total peace in the country. As a result of a long period of instability, the Government has no record for reference purpose. There is also a lack of technical personnel and financial means. This also goes for the employer's and worker's organizations that need training and capacity building. As regards the PR in particular, the Government reiterates the same challenges raised under the 2006 AR.</p> <p>2007 AR: The Government reported no change because of national difficult circumstances.</p>	

		<p>2006 AR: The main difficulties encountered in realizing the PR in Somalia were as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vi) prevailing employment practices; (vii) lack of capacity of responsible government institutions); (viii) lack of capacity of employers' organizations; and (ix) lack of capacity of workers' organizations.</p> <p>Moreover, there is a need to implement new national labour administration, new tripartite institutions and to ensure compliance of national laws and practice with the ILO Conventions following the national reconstruction process.</p>
TECHNICAL COOPERATION	Request	<p>2008 AR: The Government reiterated the request for ILO technical cooperation made under the 2006 AR. It further reiterated its request for urgent ILO assistance for the realization of a country assessment followed by a national tripartite workshop on labour standards and the Declaration Follow-up.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Somalia, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) Strengthening capacity of employers' organizations; (3) Strengthening capacity of workers' organizations; (4) Legal reform (labour law and other relevant legislation); (5) Strengthening data collection and capacity for statistical analysis; (6) Awareness-raising, legal literacy and advocacy; (7) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (8) Developing labour market policies that promote equality of opportunity; (9) Training of other officials (police, judiciary, social workers, teachers); (10) Developing policies regarding equal remuneration; (11) Establishing or strengthening specialized institutional machinery; (12) Cooperation between institutions (e.g. various ministries and relevant commissions) and (13) Sharing of experiences across countries/regions.</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).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Somalia, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</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 Somalia (and few 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>	
GOVERNING BODY	NIL	

OBSERVATIONS/ RECOMMENDATIONS	
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