

SUBMISSION TO THE UNIVERSAL PERIOD REVIEW FOR SOMALIA

ILO Somalia Programme, November 2010

Introduction/Background

1. The International Labour Organization (ILO) is the specialized tripartite agency of the United Nations and mandated to promote social justice and universally recognized human and labour rights.
2. Adopted in 1998, the FPRW Declaration commits Member States to respect and promote principles and rights in four categories; whether or not they have ratified the relevant Conventions. These categories are:
 - a. freedom of association and the effective recognition of the right to collective bargaining,
 - b. the elimination of forced or compulsory labour,
 - c. the abolition of child labour and
 - d. the elimination of discrimination in respect of employment and occupation¹.
3. Technical cooperation is the major instrument used by the ILO Somalia programme to achieve its overall goal of **promoting full and productive employment and Decent Work for women and men in Somalia**. In this context, it is important to underline International Labour Standards (ILS) constitute the core business of the ILO and involves the tripartite constituents throughout the adoption, promotion and implementation process of work to achieve these principles and rights.
4. Somalia, as constituted, shows differential levels of peace and development. The south remains largely mired in conflict with those seeking to achieve FPRW being bright lights only serving to show the surrounding darkness. Puntland is seeking to lift itself away from the cyclical conflict further south and there are signs of governance approaches which can be built to take forward principles and rights work. Somaliland, following its successful change of government, wishes to cement peace gains made, is seeking to meet FPRW and is making strident calls for assistance to attain the necessary technical expertise for these to be met. However, in all cases, the inertia challenges attainment of fundamental rights long neglected.

Promotion and Protection of Human Rights

5. Somalia has ratified 14 ILO conventions as noted in Annex 1. One of the key conventions ratified is discrimination in respect to employment and occupation. However, recent comprehensive study determining current status of policies, laws, regulations and enforcement have not been undertaken and the need for further work is there. Child labour is a key concern in Somalia, with cases of child soldiers, domestic child labour and street begging. Studies indicate at least 45% male and 54% female children between the ages of 5-14 years old are considered to be involved in child labour². Children have continued to suffer in the ongoing conflict with, for example, a lack of education in the southern part of Somalia and even in the peaceable areas of Somaliland and Puntland, universal education remains a target to be achieved. The ILO social partners collectively agreed on working together to develop and implement policies to progressively eliminate child labour, in its worst forms, in the country. The constituents highlighted it as a key priority to address in order to ensure lasting peace and poverty alleviation.
6. The Decent Work consultation process reinforced the continued issues of lack of freedom of association, forced labour and discrimination in employment related matters. Throughout the consultations, anecdotal reports were brought forward serving to highlight the lack of structure to gain comprehensive data on the scale of all employment related rights.

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² UNICEF progress for children, September 2009. Definition of indicators: children 5–11 years old who, during the week preceding the child protection survey, did at least one hour of economic activity or at least 28 hours of household chores, or children 12–14 years old who, during the week preceding the survey, did at least 14 hours of economic activity or at least 28 hours of household chores.

Key National Priorities and Initiatives

7. Policies and practices reflecting FPRW are close to non-existent in Somalia. This can be attributed to the weak or absent governing structures which lack capacity to develop and implement standards promoting rights at work. As noted, this was illuminated during the consultative process on the interim Decent Work Country Programme³ (i-DWCP) bringing forth the need of not only creating employment opportunities but also promoting the fundamental principles of rights and labour standards.
8. In terms of specifics: the interim decent work agenda for Somalia (and Somaliland) highlights the need to address the whole question of Decent Work, few if any statistics are available to look at the quality of work. In the absence of strong social partners to substantiate points, anecdotal reports continue to filter through with regard to poor conditions and exploitative practices. The general economy is such simply finding work at a living wage remains an issue for the majority thus creating a setting, with societal norms having been severely tested if not completely broken, where the FPRW are being widely abused. However, it has to be reiterated, statistics remain weak and the situation is not universal with marked attitudinal differences across Somalia as internationally recognised.

Capacity Building and Technical Assistance

9. ILO's technical assistance to Somalia responds to the immediate post-crisis recovery leading into early recovery interventions and focuses:
 - a. on creation of decent work opportunities through employment-intensive infrastructure projects providing immediate short term employment through rehabilitation of social and productive infrastructure i.e. markets, access roads, water supply, environmental protection and reclamation;
 - b. enterprise development and livelihood diversification for women and youth, and
 - c. improving central and local governance and institutions through social dialogue and development of participatory, transparent and accountable processes for decent employment and the delivery of services.

Recommendations

10. As a mechanism to facilitate the integration and awareness of issues pertaining to Rights and ILS then innovative means need to be pursued. The i-DWCP consultations have highlighted the lack of engagement of true grassroots entities and, despite continued work with civil society; there remain vast challenges for the dissemination of Rights and ILS let alone the application of these Fundamental Principles.
11. Journalists and other media professionals have a leading contribution to make in promoting the primary goal of the ILO; to advance opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. Since the media shape public opinion and must be responsive to the concerns of individuals and society, they have a social responsibility to provide their audience with relevant stories, accurate reports and informed analysis. Members of the media formed the National Union of Somali Journalists (NUSOJ), probably the first independent trade association following the collapse of Somalia, and continue to fight for journalists' rights; notably safety since Somalia remains one of the most dangerous places for journalists.
12. Full attainment of FPRW remains a distant goal since the mechanisms for people to have voice are inchoate and the three administrations stay with tremendous challenges to meet the state's obligations. A war economy, or absence of strong governance, remains an obstacle. The positives are the attitude to build on the peace

³ Decent Work Country Programmes are the main vehicle for delivery of ILO support to countries, developed through a consultative process; in which tripartism and social dialogue are central to the planning and implementation process.

in Somaliland and the sense of desire elsewhere to deliver peace through employment related means.

Ratified Conventions by Somalia

	Number of the Convention	Convention Name	Year adopted	Year ratified by Somalia
1	C16	Medical Examination of Young Persons (Sea) Convention	1921	1960
2	C17	Workmen's Compensation (Accidents) Convention,	1925	1960
3.	C19	Equality of Treatment (Accident Compensation) Convention,	1925	1960
4.	C22	Seamen's Articles of Agreement Convention	1926	1960
5.	C23	Repatriation of Seamen Convention	1926	1960
6.	C29	Forced Labour Convention	1930	1960
7.	C45	Underground Work (Women) Convention	1935	1960
8.	C50	Recruiting of Indigenous Workers Convention	1936	1960
9.	C64	Contracts of Employment (Indigenous Workers)	1939	1978
10.	C65	Penal Sanctions (Indigenous Workers)	1939	1960
11.	C94	Labour Clauses (Public Contracts) Convention,	1949	1960
12.	C95	Protection of Wages Convention,	1949	1960
13.	C105	Abolition of Forced Labour	1957	1961
14.	C111	Discrimination (Employment and Occupation)	1958	1961
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