



**Federation of Somali
Trade Unions**

**ADVOCACY POSITION PAPER
ON COMBATING ALL FORMS OF
CHILD LABOUR IN SOMALIA**

2020



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Global Perspective

In 2015, world leaders adopted the 2030 Sustainable Development Goals (SDGs): 17 integrated goals and 169 associated targets to guide global development. SDG target 8.7 calls on governments to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

The definition of child labour is underscored by the two ILO Conventions 138 and 182. According to the Articles of these Conventions, child labour is defined as a sub-set of working children. It includes all children in the age cohort 5–11 years who are working; all children between the ages 12–14 years, who are performing work not considered as light work and working more than 14 hours a week; and all those in the 15–17 years group whose work may be deemed hazardous.

Today, there are approximately 152 million children aged 5–17 years trapped in child labour, of which 73 million are in hazardous work. About 58 per cent (i.e. 88 million) of child labourers are males and 42 per cent (i.e. 64 million) are females. Africa accounts for 19.6 per cent of child labour, followed by Asia and the Pacific which has 7.4 per cent, the Americas which host 5.3 per cent, Europe and Central Asia which accounts for 4.1 per cent and the Arab States which has 2.9 per cent.

African Regional Perspective

Accordingly, what the estimates show is that one-fifth of all African children are involved in child labour, a proportion more than twice as high as in any other region. Nine per cent of African children are in hazardous work, again highest of all the world's regions. In absolute terms, 72.1 million African children are estimated to be in child labour and 31.5 million in hazardous work.

Progress against child labour appears to have stalled in Africa. Child labour went up in Sub-Saharan Africa over 2012 to 2016 particularly in contrast to continued progress elsewhere in the world, and despite the targeted policies implemented by African governments to combat child labour. The African region has also been among those most affected by situations of state fragility and crisis, which in turn heighten the risk of child labour.

Agriculture accounts for 85 per cent of all child labour and 61.4 million children in absolute terms. Child labour in agriculture relates primarily to subsistence and commercial farming and livestock herding, most is unpaid and takes place within the family unit. Of the remaining children in child labour, 81 million (11 per cent) are found in the services sector and 2.7 million (4 per cent) are found in industry.

Young children form the largest group of those trapped in child labour. The age breakdown of children in child labour indicates that 59 per cent of all those in child labour are in the 5–11 years age bracket; 26 per cent are aged 12–14 years and 15 per cent fall into the 15–17 years age range. Children in the youngest age bracket also constitute the largest group in hazardous work in Africa. The group of very young African children facing hazardous work conditions directly endangering their health, safety and moral development is of special concern.

Over half (54 per cent) of all victims of forced labour imposed by private actors in the African region were in debt bondage defined as being forced to work to repay a debt and not being able to leave. In 2016, there were 5,820 (63%) and 3,420 (37%) children trapped in forced labour and forced marriage in Africa respectively.

Child Labour: Perspective of Somalia

More than 2 million children in Somalia are not attending school because they have been forced to work. Children as young as five years old are part of the national labour force. In farms and in fields, children work up to 16 hours a day, seven days a week. Agriculture, fishing, seafood processing, small-scale manufacturing, hospitality, domestic work and street vending are a few of the many sectors where child labour is rampant in all regions of Somalia.

Child labour, which is one of the worst forms of exploitation across the country, is most common in workplaces and sectors where there are no effective union representation and where other worker rights violations, such as pay inequity, discrimination, and lack of health and safety measures, is widespread. Child workers are deprived of education, forced to work in dangerous situations, beaten and sexually abused and often are incapacitated by work-related illnesses and injuries. Children also herd livestock and they suffer injuries such as being bitten by snakes, and butted, gored, or trampled by animals.


The terrorist organization Al-Shabaab engages in the widespread and systematic forceful conscription and recruitment of children within their ranks for criminal and armed operations. Al-Shabaab is today the main perpetrator of the use of child soldiers in Somalia. Boys as young as 8 years are bribed and/or forcibly taken from their homes, schools, and the streets to serve as soldiers. Conscripted children plant roadside bombs and other explosive devices, operate checkpoints, serve as human shields and suicide bombers, and are

trained to carry out assassinations. Some conscripted boys over age 15 are forced to fight or face execution. Armed groups recruit girls for forced marriage with their soldiers. Girls are also recruited to transport weapons and provide intelligence and logistical support.

Somali children are forced to break rocks into stones and gravel that are used for construction work. They also work on the street as beggars, porters and vendors. Children who work on the street also wash cars, shine shoes, and sell cigarettes, khat, sweets, bottled water, plastic bags, fruits, toothbrushes and toothpastes. Children working on the streets are exposed to abuse and violence. Children are indentured to employers who pay impoverished wages to families for the use of their children and this phenomenon continues to drive down wages and poverty countrywide.

Somalia is governed by the Provisional Federal Constitution passed in August of 2012, which does not establish a minimum age for employment, and the current government has not passed laws establishing a minimum age for employment or a list of hazardous activities. However, the Provisional Constitution stipulates that no child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way.

The 1972 Labour Code, which fails to meet the International Labour Standards, establishes the minimum age for employment at 15, excluding children working for their families. It also prescribes a range of minimum ages for employment into certain hazardous activities. Somalia's tripartite constituents agreed a new draft Labour Law which amends the old and out-dated labour code of 1972 but it has not yet been enacted into law by Parliament. Thus, there is currently a lack of labour laws which provide protections for minimum age and hazardous work, and the lack of national policy on child



labour, leave children unprotected from the worst forms of and child labour in general.

Although Somalia does not have dedicated law against child labour, but it is bound by officially recognized conventions (treaty obligations) between Somalia and the United Nations and the International Labour Organization (ILO), such as ILO convention 182 on Worst Forms of Child Labour, which the government ratified following sustained campaigns by FESTU and Convention 138 on Minimum Age, which is a core labour standard.

Poverty is undoubtedly a contributory cause of child labour. But child labour itself is a cause of poverty. Poverty makes households more likely to have to resort to child labour at the expense of their children's education to meet basic needs and deal with uncertainty and natural and/or man-made shocks. For example, studies show that households can respond to health shocks, such as the sudden illness of caregivers or primary wage earners, by sending children to work. This suggests that child labour acts as a buffer or insurance against the impact of health-related shocks to households.

The lack of worthwhile schooling options is a key reason for children entering work pre-mutually. Second and equally important, is the impact of educational deprivation on labour market prospects later in the life cycle. Simply stated, people with low levels of educational attainment usually lack the skills and bargaining power needed for securing decent work in the formal economy, leaving them less resilient to violations of their rights in the labour market.

The lack of organized childcare services for lactating mothers can mean having to care for their young children at their place of work, or ask an older girl child to take care of the young sibling, preventing them from attending school; or it can mean having to bring their work to their home, in turn resulting in children's very early exposure to, and frequently involvement in work.

Violence, e.g. in the home, at school or institutions – can drive children to run away and become vulnerable to child labour. Work becomes a way to survive, even in extremely exploitative forms such as sexual exploitation, recruitment by gangs, armed groups and armed forces. Discrimination and violence in schools can also

contribute to child labour, as it means that children are more likely to drop out of school early if they are subjected to discrimination or violence – including playground fighting, verbal abuse, intimidation, humiliation, corporal punishment, sexual abuse, gang violence, or other forms of cruel and humiliating treatment – by their peers, teachers and other school staff.

The risk factors include the lack of awareness, capacity, lack of policy and inaction on the part of businesses in relation to their responsibility to respect fundamental principles and rights at work, notably the prohibition of child labour. Economic and commercial pressures can also play a role in driving some businesses to use child labour linked to global supply chains. An overall business environment that is characterized by a high degree of informality creates additional challenges for the government to conduct labour inspection and for implementation by business of policies and due diligence measures.

By and large, the socio-economic pressures that render individuals and workers vulnerable to child labour are multiple and mutually reinforcing. Poverty, informality, absence of social services and infrastructure, presence of violence, certain social norms, gender and other forms of discrimination all operate together to limit options for survival and sustainable livelihoods. If children can do the work of adults at lower wages, then that is a threat to adult workers' impoverished wages and working conditions. Trade unions are well placed to protect working children, advocate their right to education while demanding recognition of the rights of adult workers better wages.

Somali trade unions, under the aegis of the Federation of Somali Trade Unions (FESTU), have been campaigning on social problems since their establishment. These unions require up-to-date laws on freedom of association, safe and healthy workplaces as well as for


the rights of workers to demand their spaces. But it is not secret that FESTU and its affiliated unions have had to campaign for the very right to exist, when the successive governments of Somalia have tried to outlaw them, or employed different methods to suppress them.

Trade unions have also used campaign methods to achieve wider goals. In the fight against child labour, union campaigning has been a strategy which the trade union movement has been using effectively to raise awareness, and to improve and implement international standards.

FESTU and its affiliates have campaigned against child labour since 2011, a year after the federation's formation because the labour unions could not allow the Federal Government and the Federal Member States to claim that they do not know that child labour exists. In addition, trade unionists would not allow employers or criminal groups to continue to exploit child labour.

Somali trade unions are aware that the first most important step towards protecting children from exploitation and abuse in the workplace is to make their situation known. By exposing cases of abuse and explaining the issue, the trade union movement bring pressure to bear on the government that will push them into action, influenced employers and mobilized public opinion to create a society which will not tolerate child labour.

FESTU with the help of its Italian partners CGIL and NEXUS has been exposing the problem of child labour, pushing for policies that prepare young people for the workplace, and promoting more effective national action plans to curb this intolerable menace that continues to undermine the very foundation of Somalia. Through this Italian funded program, trade unions have also been advocating for parent focus intervention measures including the sustain campaign for adequate living wages for workers so their children don't have to work.



The FESTU's approach for combating child labour strongly focuses on promoting decent work for adults as a long-term sustainable way to improve the quality of life for families, address the underlying economic root causes of child labour, and empower entire communities. FESTU believes that an effective anti-child labour measure is badly needed in order to effectively address the chronic problem of child labour, push the government to demonstrate willingness and readiness to safeguard rights that allow individuals, unions and employers to promote decent work for adults, for children to have access to education and social partners to mount national advocacy to eradicate child labour.

Somali trade unions can give the most significant contribution to the struggle against child labour by focusing on the development and validation of national policy on child labour so that the fight is a policy-guided struggle. There is no doubt that trade unions have an objective interest in combatting child labour because the presence of large numbers of children in the labour market undermines the trade unions' bargaining position and makes it difficult to fight unemployment and underemployment among adults.

Workers' organizations therefore are logical leaders in discovering and denouncing child labour at the local and national levels. And they can become credible advocates for the protection of children against exploitation and abuse in the workplace by documenting concrete cases of child labour and their effects on the children. As a potentially strong pressure group, Somali trade unions have an indispensable role to play in social mobilization efforts to combat child labour.

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OBJECTIVES

Below are the objectives of this advocacy position paper:

- Propose a series of measures that would allow FESTU and its affiliates to contribute meaningfully to the elimination of all forms of child labour in law and in practice in Somalia.
- Develop strategies to inform FESTU advocacy aimed at influencing on-going national efforts to end abuse, exploitation, trafficking and all forms of violence against children by incorporating child protection measures in national policies, strategies and planning.
- Adopt and implement time-bound trade union Action Plan on the prohibition and elimination of child labour in Somalia.

Spreading awareness: raising parents' and society's awareness of the scourges of child labour can prevent disruption in schooling that have the propensity of pushing children into child labour. Outreach communications can help parents and communities understand children's problems and respond to them much more effectively. Awareness also ensures that parents and communities exploit growth, education, employment and business opportunities and create a socially and economically developed society that meets the needs of children, including community events, sports, arts and theatre to educate communities on the importance of children's rights, educational resources and access to information services – all aimed at helping children with the aim of helping children and their communities.

Passing and enforcing strict laws to prohibit and combat the threat of child labour is crucial. This should be informed by the findings of a prior gap analysis of existing laws and policies. The child labour laws should be predicated on the ILO child labour conventions (i.e. C138 and C182), the UN Convention on the Rights of the Child (1989), and the African Charter on the Rights and Welfare of the Child adopted in 1990 and came into force in 1999. A civil society coalition led by workers and a network of Non-Governmental Organizations (NGOs) should, in coordination with local, state and national authorities, keep a watchful eye on the implementation of laws in favour of children. This should be supported by effective labour inspection services and the swift application of appropriate sanctions against defaulters to deter the spread of this social vice.

Advocating for fully financed free quality education for all: Public schooling that is free, accessible and of good quality provides families

with a valuable alternative to involving their children prematurely in work and builds resilience to forced labour later in the life cycle. This includes ensuring a good start by promoting early childhood development, care and pre–primary education, which both helps promote later school success and helps poor parents avoid having to attend to their young children while working. Parents and children themselves value schooling when it is seen as a path to a better future. Raising school quality requires, inter alia, addressing violence, overcrowding, teacher shortages and inadequate teacher training, lack of sanitation and canteen services or public financed school feeding programs.

Clear policies on training, recruitment, deployment and decent working conditions for teachers are particularly important in this context. Offsetting the costs associated with schooling with measures such as abolishing school fees, reducing transport and other out-of-pocket costs and providing cash transfers to poor families to compensate them for the foregone earnings or production stemming children’s time in the classroom. Delivering community programs aimed at helping child labourers to leave work and return to school, such as providing remedial education, supporting access to school materials, and advocating for girls’ education.

Supporting access to secondary schooling can also be important to primary schooling enrolment, as parents have greater incentive to send their children to primary school rather than to work if they knew that their off-springs will also have access to secondary education, where they see the initial investment in education begins to bear fruit. The school-to-work transition is particularly crucial, and education opportunities such as vocational training and skills building can increase the range of opportunities for the rehabilitation of victims of child labour and for young people to find work.

Ensuring children's healthy development, through child survival interventions and access to basic services such as nutrition, clean water, sanitation and hygiene, and health services, is critical to breaking intergenerational cycles of poverty. The establishment of call centres and legal aid to combat the menace of child labour and guaranteeing equality for all, sustained inclusive economic growth and social progress for all are effective interventions that should be receive the full attention of policy makers. When children's development is impeded, so too is their ability to attend and benefit from schooling and, ultimately, their chances of getting decent work in their adult lives? The working conditions of working families often have very direct consequences on their ability to invest in their children's development. Long working hours constitute one impediment in this regard. Implementing employment strategies which promote decent work for adults, providing quality public services for all and introducing robust policies to formalize the informal economy should underpin this forward match.

Advocating for stronger social protection systems, including social protection floors, are needed to offset the socio-economic vulnerabilities that can push people into child labour. Without adequate social protection, families can be left with no other recourse than their children's labour to cope with adverse social or economic contingencies such as sudden loss of income or catastrophic illness, and adult workers can be left with little choice but to incur debt on usurious terms or to accept jobs that carry high risk of forced labour or to fall into situations where they are trafficked.

Ensuring freedom of association and collective bargaining – child labour, forced labour and human trafficking are closely associated with restrictions on workers' ability to exercise their rights to organize and bargain collectively. In situations where the rights to freedom of association and collective bargaining are denied, workers are unable

to exert agency and collective voice, to defend their interests, or to positively influence the conditions of their working lives, in turn leaving them much more vulnerable to other fundamental labour rights violations, including forced labour and human trafficking. In many cases, children are forced to work, while their adult relatives remain unemployed. As an institution, collective bargaining can help tackle the root causes of child labour in a number of ways. Through collective bargaining, workers – through their elected representatives – are better able to negotiate improve wages and working conditions, thereby reducing dependence on income earned by children. Strong democratic trade unions may also advocate for the ‘social wage,’ including employment promotion, vocational training and access to public education, all of which contribute to eradicating child labour. Collective bargaining has proven to be an effective means of increasing income, improving working conditions and identifying institutional mechanisms for resolving industrial conflict.

The ILO should promote knowledge development initiatives on child labour, support awareness–raising campaigns, provide capacity–building activities for its constituents and advise the government on the development and implementation of laws, policies and relevant programs to combat child labour.

Media and journalists can share untold stories about child labour and reveal what’s going on in secret. Likewise, as an individual, citizen and consumer, you can be aware of children’s issues, get involved in your community and with your representatives and spread the message about the urgency of the fight against child labour for the good of society.

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CONCLUSION

Children are Somalia's precious human resources, and the future well-being of Somalia depends on how its children grow and develop. As such, it is the duty of all Somali society to take care of each child for the common good. Children are the future keepers and torchbearers of society: they are the messengers of our knowledge, our cultural heritage, our ideologies and our philosophies.

FESTU and its affiliated unions are already convinced that child labour is a natural area of activity for them and intend to contribute to the development and robust implementation of a comprehensive National Policy on Combating Child Labour to guide Somalia's efforts in curbing the menace of child labour. This requires a multi-pronged approach and to make the fight against this social evil a people's issue.



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