



# NATIONAL LABOUR MIGRATION MANAGEMENT ASSESSMENT:

**ETHIOPIA**



Federal Democratic Republic of Ethiopia

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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ETHIOPIA

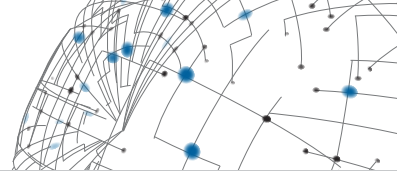


International Organization for Migration  
The UN Migration Agency



Federal Democratic Republic of Ethiopia





# FOREWORD

Labour mobility has become a key feature of globalization. Today, millions of people are working in a country other than their country of birth, with dreams and aspirations for overcoming the economic and social challenges they face in their countries of origin. In recent years, the magnitude and complexity of these movements have brought increased attention to the phenomenon of migration, which affects nearly all countries around the world. It is expected that a range of push and pull factors – including globalization, demographic shifts, conflicts, income inequality and climate change – will encourage ever greater number of workers and their families to cross borders in search of employment and security.

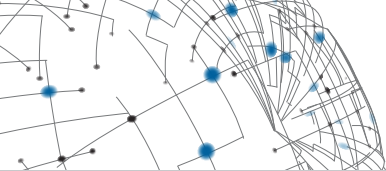
Ethiopia is predominantly a country of origin, and to a lesser extent, of destination and transit for migrants. However, labour migration from Ethiopia is a recent phenomenon, mainly informed by economic considerations. Despite the rapid economic growth Ethiopia is undergoing today, many Ethiopians are emigrating due to the limited employment and livelihood opportunities, as well as the sometimes false perception of better socioeconomic opportunities abroad.

Over the past two decades, there has been a significant growth in international outflows of labour from Ethiopia to the Middle East, comprising mostly low-skilled workers in the domestic work sector. A significant number of Ethiopian migrants travel in an irregular manner despite being aware of the risks of irregular migration. Many who migrate irregularly face hardships and abuse, often falling prey to human smugglers and traffickers, which leaves them vulnerable to exploitation during the journey, as well as in the destination countries. Against this background, with many Ethiopian migrant workers facing grave human rights abuses, including death, there is a critical need to develop a strategic framework on labour migration management in Ethiopia.

In recognition of this need, the Government of Ethiopia has been working to curb irregular migration, combat human trafficking and smuggling, and ensure the protection of migrants in collaboration with various partners, including the International Organization for Migration (IOM). The ongoing review of the regulatory framework for employment exchange services and the recent issuance of the new proclamation on the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants are among the significant measures that are being undertaken by the Government. However, despite the efforts made to enhance the protection of migrant workers, more needs to be done.

The overall objective of the National Labour Migration Assessment, which has been conducted by IOM in close collaboration with the Ministry of Labour and Social Affairs (MoLSA) of the Federal Democratic Republic of Ethiopia is to support the Government of Ethiopia to better regulate, manage and monitor labour migration by identifying gaps in the existing institutional framework, legislation, policies, data management and coordination mechanisms among the relevant stakeholders, and by identifying solutions for these gaps. The assessment also provides an in-depth analysis of the national policies, practices, structures and legislation governing labour migration from Ethiopia.

We are confident that this publication will not only bridge the knowledge gap in the existing literature on labour migration, but that it will also contribute to the efforts of all relevant stakeholders involved in the various aspects of labour migration to work jointly towards effective planning and implementation of labour migration management initiatives in Ethiopia.



In closing, we would like to extend our gratitude to the IOM Development Fund at the IOM Headquarters for the financial support, and to concerned IOM Regional Offices in Africa for the technical inputs that made this assessment possible.

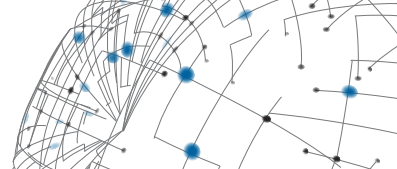
Last, and most importantly, our sincere gratitude also goes to all government as well as non-governmental stakeholders for their technical inputs throughout the process of conducting the assessment.

**Maureen Achieng**

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UNECA and IGAD  
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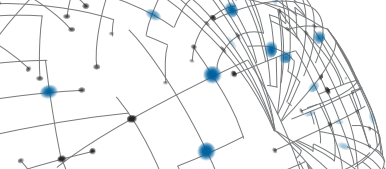
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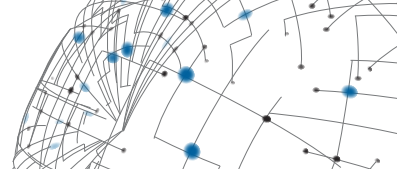
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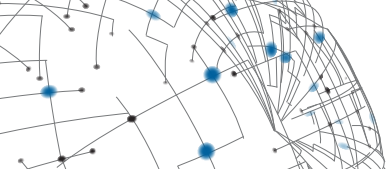
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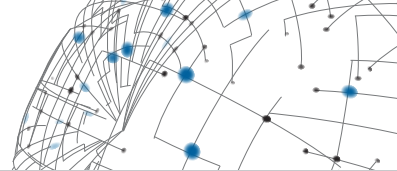


# ACRONYMS AND ABBREVIATIONS

<b>AORAE</b>	Association of Overseas Recruitment Agencies of Ethiopia
<b>AUMPF</b>	African Union Migration Policy Framework
<b>BLA(s)</b>	Bilateral Labour Agreement(s)
<b>CETU</b>	Confederation of Ethiopian Trade Unions
<b>CIETT</b>	Confederation of Private Employment Agencies
<b>COMESA</b>	Common Market for Eastern and Southern Africa
<b>CSA</b>	Central Statistical Agency
<b>EAC</b>	East African Community
<b>EDA</b>	Ethiopian Diaspora Association
<b>EEF</b>	Ethiopian Employers Federation
<b>GCC</b>	Gulf Cooperation Council
<b>GTP</b>	Growth and Transformation Plan
<b>IGAD</b>	Intergovernmental Authority for Development
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>IRIS</b>	International Recruitment Integrity System
<b>ISCO</b>	International Standard Classification of Occupations
<b>ITUC</b>	International Trade Union Confederation
<b>JLMP</b>	Joint Labour Migration Programme
<b>KAPEA</b>	Kenyan Association of Private Employment Agencies
<b>LMIS</b>	Labour Market Information System
<b>MoFA</b>	Ministry of Foreign Affairs
<b>MoFEC</b>	Ministry of Finance and Economic Cooperation
<b>MoJ</b>	Ministry of Justice
<b>MoLSA</b>	Ministry of Labour and Social Affairs
<b>MoU</b>	Memorandum of understanding
<b>MoWCA</b>	Ministry of Women and Children Affairs
<b>NBE</b>	National Bank of Ethiopia
<b>NCC</b>	National Consultative Conference
<b>NPC</b>	National Planning Commission
<b>ODA</b>	Overseas Development Assistance



<b>PEA</b>	Private employment agency
<b>PES</b>	Public employment service
<b>RCP</b>	Regional Consultative Process
<b>REC</b>	Regional Economic Community
<b>RMCC</b>	Regional Migration Coordination Committee
<b>RMMS</b>	Regional Mixed Migration Secretariat
<b>RMPF</b>	Regional Migration Policy Framework (IGAD)
<b>UN DESA</b>	United Nations Department of Economic and Social Affairs
<b>UNECA</b>	United Nations Economic Commission for Africa



# EXECUTIVE SUMMARY

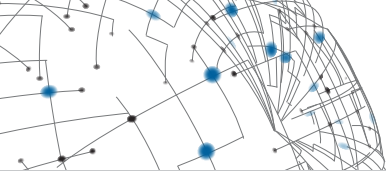
Fuelled by push and pull factors, including socioeconomic factors, labour migration – in particular from Ethiopia – has been a relatively recent phenomenon. The migration is in particular to Middle Eastern countries and largely irregular. However, labour externalization appears to be insufficiently supported by the data and by institutional and legal regimes. *Available data* are largely restricted to formal channels of exporting, remittance receipt and diaspora investment. The lack of sufficient reliable information in relation to irregular migration for employment purposes, human trafficking and smuggling, alternative remittance and investment modalities, and the impact of remittances on household consumption, savings and economic development, impedes the development of informed and coordinated policy and strategic interventions. No household survey focuses exclusively on migration. There is, therefore, a need to:

- (a) Enhance migration-related data in census and household surveys;
- (b) Align the labour migration data framework with international and regional approaches;
- (c) Expedite the development of a well-constructed labour market information system and the conduct of a manpower survey;
- (d) Mainstream labour migration data in national and sectoral, as well as regional migration management and development planning;
- (e) Share and disseminate collected and analysed labour migration data in a user-friendly format to inform decision-taking and direction;
- (f) Develop impact indicators of migration initiatives;
- (g) Enhance the data capacities of the Central Statistical Agency and line ministries;
- (h) Enable the Ministry of Labour and Social Affairs (MoLSA) to fulfil a lead and coordinating role;
- (i) Promote interaction of foreign missions with the diaspora, for purposes of diaspora data collection and analysis; and
- (j) Conduct training workshops on labour migration and migration and development to strengthen capacities in data collection, analysis and dissemination.

Particular attention should be paid to international standards and approaches in relation to data capturing and management – including recent steps taken to develop a standardized framework regarding key indicators for labour migration, to be also applied in Africa, given the new African Union Joint Labour Migration Programme, from which Ethiopia also stands to benefit.

The *institutional structure and inter-institutional collaboration* in Ethiopia in relation to labour migration are informed by a fragmented framework; serious capacity concerns exist as regards the Employment Promotion Directorate of MoLSA, and certain services are not provided by any institution. Therefore:

- (a) A much-needed new, enhanced and streamlined institutional structure has been suggested to enable MoLSA to render a more effective service as regards Ethiopians employed overseas, and should be supported – in principle provision for such a structure has been provided for in the new overseas employment Proclamation 923/2016;
- (b) There is room for closer institutional collaboration in view of fragmentation of functions to improve service delivery to migrant workers and businesspeople at the pre-departure stage, while in transit, during the period of residence abroad, and upon return;

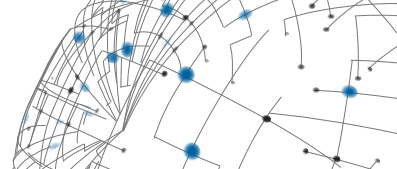


- (c) There is need to coordinate service delivery and provide a one-stop facility;
- (d) Several non- or weakly-provided services should be attended to, in particular in relation to the protection of the rights and interests of migrant workers abroad and upon return, and the plight of in particular women and children who stay behind; and
- (e) Emphasis should be placed on establishing and utilizing public–private partnerships that involve, among others, appropriately regulated private recruitment agencies, and an enhanced public employment service facility and social partners, namely the apex employer and trade union bodies.

As regards the *national legal basis and international norms*, significant progress has been made to align the labour law, social security and human trafficking legal frameworks to international standards – in particular via the adoption of two new proclamations concerning human trafficking and migrant smuggling (909/2015) and overseas employment (923/2016). However, there is room for further improvement. The issue of non-Ethiopians as regards access to and portability of social security benefits is one such area to be addressed. Much can be gained from the experience elsewhere in relation to the conclusion of suitable social security agreements, regional multilateral frameworks and unilaterally extending existing social security arrangements or introducing unique social security arrangements for migrant workers. There is a need for the Government of Ethiopia to play a facilitative and promotive role in developing and concluding appropriate labour and social security agreements, as well as assume greater responsibility for the protection of migrants – as is now in principle foreseen by the new proclamation on overseas employment, Proclamation 923/2016. Welfare and legal protection of migrant workers overseas should be further strengthened, subject to appropriate monitoring and enforcement mechanisms, and the development of a supportive framework for the mobility of businessowners and professionals could be considered. Current bilateral agreements/memoranda of understanding in existence or in the process of being negotiated display several shortcomings and indicate possibilities for further improvement.

Migrant *labour recruitment and support services* for migrant workers are important labour migration issues in Ethiopia. Social protection for migrant workers in receiving Middle Eastern countries is largely absent, which stresses the need for the adoption of explicit arrangements to ensure that proper welfare arrangements for migrant workers employed in Gulf countries are in place and operational; these measures should ideally also be contained in bilateral arrangements concluded between Ethiopia and the countries of destination concerned. Measures to be taken therefore should include the following:

- (a) The reforms introduced by Proclamation 923/0216 will help to address some of the currently experienced shortcomings; hence, there is need to implement this important instrument, supported by regulations and directives to be adopted;
- (b) Establishment of a dedicated body to undertake the task of protecting migrant workers' rights; this could be a joint body comprising Ethiopian representatives and representatives from the host country;
- (c) Involvement of trade unions in the improvement of the situation of migrant workers in destination countries;
- (d) Further promotion of ethical recruitment, based on international standards and guidelines and regional best practices and with reference to the following:
  - (i) International Labour Organization (ILO) Convention 181 of 1997 (Private Employment Agencies Convention);
  - (ii) International Organization for Migration's (IOM) International Recruitment Integrity System (IRIS) Guidelines;



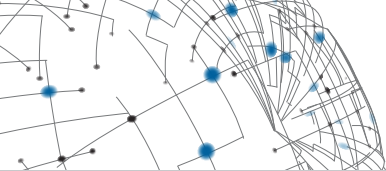
- (iii) Code of Conduct developed by the Confederation of Private Employment Agencies; and
- (iv) Regional best practice examples (for example, the Code of Conduct for Private Employment Agencies of 2006, developed by Kenya Association of Private Employment Agencies);
- (e) Assessment of the contractual framework applicable to migrant workers, as well as the prevailing context (especially as regards working conditions and the existing labour, welfare and social security systems) in countries of destination;
- (f) Exploration of employment opportunities abroad, in an effort to also combat youth unemployment in a proactive manner and address gaps in the provision of reintegration services to returning migrant workers; and
- (g) A dedicated and enhanced public employment service framework.

Ethiopia has witnessed an exponential growth in *remittance transfers*, while the Ethiopian diaspora have made substantial investments in Ethiopia. Remittances potentially play a significant role as regards household survival and consumption, personal and national savings, investments, balance of payments and economic growth. Further evidence-based research is needed to determine the impact of remittances on socioeconomic development in Ethiopia. Steps need to be taken to further address the problem of high transfer costs and utilize remittances to provide or enhance social security coverage. Towards this end, enhanced use can be made of modern, innovative and inexpensive transfer mechanisms. There may also be a need for a remittance policy supported by policy dialogue with affected stakeholders.

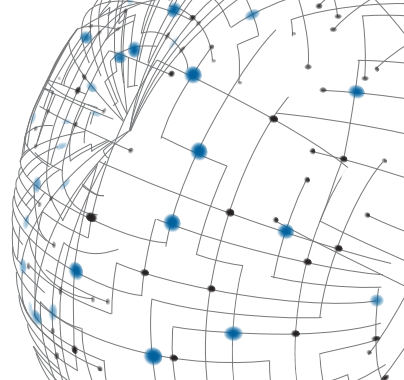
A labour migration assessment of Ethiopia must be informed by the *regional context*, given Ethiopia's close association with and involvement in several regional regimes, notably the Intergovernmental Authority for Development (IGAD), and the importance of IGAD's Regional Migration Policy Framework and labour migration-associated structures at the regional and interregional levels, including the IOM-supported Regional Consultative Process. It is necessary to:

- (a) Align labour migration from the Ethiopian perspective with IGAD instruments and priorities and African Union instruments, and in consultation with national stakeholders, identify elements of the recently adopted African Union-Regional Economic Communities-ILO-IOM-United Nations Economic Commission for Africa Joint Labour Migration Programme that should be implemented;
- (b) Consider the impact of IGAD and Common Market for Eastern and Southern Africa regional frameworks on Ethiopia's labour migration framework;
- (c) Foster concrete collaboration and share experiences with contiguous regions and their Member States, also in the area of labour exporting, regional skills demand, supply and matching; and
- (d) Review representation of Ethiopia in regional structures, to better involve MoLSA.

It is recommended that there be an overarching migration policy for Ethiopia that underpins and gives clear direction to the development of a suitable labour migration regime. The policy should be the outcome of consultation with all relevant stakeholders, country-specific and context-sensitive, and aligned with international standards, continental frameworks, regional instruments and best practices. It is suggested that such a policy is needed in order to deal thoroughly and effectively with labour migration from Ethiopia, and to provide coordinated and integrated responses to regular and irregular migration, which are currently evidently lacking. The development of such a policy has indeed been advocated in a recent labour migration assessment commissioned by IOM, and by key migration experts in Africa. Such a policy would



stress the mutually beneficial impacts on Ethiopia and countries of destination of a well-designed labour migration framework, which needs to be supported by a thorough bilateral agreement regime and movement of labour as part of trade and investment policies. Promoting a (labour) migration policy would also contribute to alleviating underemployment and unemployment, in particular of the youth, in Ethiopia, as this should provide for regular and regularized channels of labour exporting.



## I.1. Objectives

In accordance with the terms of reference for this assignment, the overall objective of this assessment is to comprehensively assist the Government of Ethiopia to better regulate, manage and monitor labour migration by identifying gaps in the institutional framework, legislation, policies, data management, coordination mechanisms among relevant stakeholders and identifying proposed solutions for the country.

The specific objectives of this assignment are indicated as follows:

- (a) Conduct an in-depth analysis of existing legislation, policies, institutional structures and coordination mechanisms pertaining to labour migration in Ethiopia and provide recommendations in line with international good practices;
- (b) Identify and assess recruitment centres, recruitment practices and related support services in Ethiopia, as well as point out any deficiencies in relation to international good practices; and
- (c) Consider the flow of remittances to Ethiopia and provide recommendations for their increased utilization for development purposes.

The three components covered by these objectives therefore relate to the following: (a) core elements of labour migration; (b) recruitment; and (c) remittances. These components are unpacked in more detail in the Methodology section of this report.

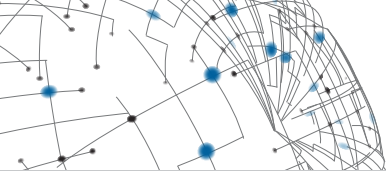
As indicated below, neither a migration profile nor a migration policy has yet been developed for Ethiopia.

## I.2. Scope

According to the terms of reference for this assignment, the primary focus of this assignment is on outward labour migration, and not inward labour migration. However, the terms of reference do specifically require, as far as the data collection and analysis element of the international labour migration management assessment is concerned, a reflection on relevant data issues pertaining to inward migration. Furthermore, from the perspective of this assignment, inward migration is dealt with to the extent required by the context, i.e. where the linkages to outward migration would require reflection on the inward framework as well (for example, in terms of institutional coordination; and the impact of the policy and legal framework relating to inward migration on outward migration). For the rest, the assessment does not comprehend a full-scale analysis of and reflection on inward migration, with reference to, among others, the nature and scope of inward migration and the detailed regulatory framework pertaining to immigration. In accordance with the terms of reference, from a high-level perspective, the national labour migration assessment includes the following elements (details are unpacked in the relevant sections):

- A. Data collection and analysis
- B. Institutional structures and inter-institutional collaboration





- C. National legislative basis and international norms
- D. Recruitment and support services
- E. Remittances
- F. Regional context

### I.3. Limitations

It has to be noted that, in accordance with the terms of reference, undertaking the various components of this assignment is based on current and available documentation and information; it does not involve the collection or development of documentation and information that are not already available.

### I.4. Methodology and approach

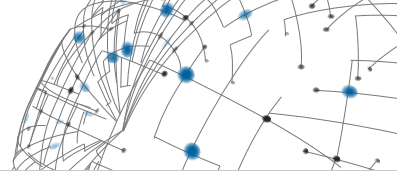
The methodology applied for the purposes of this assignment consists of consultations with a range of stakeholder institutions and a desktop review of available resources, in particular, (selected) policy documents, legislative instruments and related sources, including international and regional instruments. Interview notes to guide the stakeholder consultations were prepared and submitted to the stakeholders prior to the consultative sessions. The stakeholder institutions met during the period 23–27 February 2015 and on 23 April 2015 include, in particular,

- Relevant government ministries, namely the following:
  - Ministry of Labour and Social Affairs (MoLSA),
  - Several directorates within the Ministry of Foreign Affairs (MoFA),<sup>1</sup>
  - Ministry of Finance and Economic Cooperation (MoFEC),
  - Ministry of Justice (MoJ); and
  - Ministry of Women and Children Affairs (MoWCA),
- Main Department for Immigration and Nationality Affairs;
- Social partners (i.e. apex trade union and employer institutions), i.e. the Confederation of Ethiopian Trade Unions (CETU) and the Ethiopia Employers Federation (EEF);
- National Bank of Ethiopia (NBE) (Foreign Exchange Monitoring and Reserve Management Directorate);
- Various directorates within the Central Statistical Agency (CSA) of Ethiopia;<sup>2</sup>
- National public and private sector social security agencies (i.e. the Public Servants Social Security Agency and the Private Organization Employees Social Security Agency);
- Umbrella association set up for private employment agencies (PEAs), i.e. the Association of Private Overseas Employment Agencies;
- Ethiopian Investment Commission (Information and Investment Promotion Directorate);
- Ethiopian Diaspora Association (EDA);
- Research institution, i.e. the Forum for Social Studies;
- Two UN agencies, i.e. the International Labour Organization (ILO) and United Nations Office on Drugs and Crime;
- National Anti-trafficking Task Force;

<sup>1</sup> Consular Affairs Directorate; Diaspora Engagement Affairs Directorate; Directorates of Legal and International Affairs, Africa and Middle East Affairs, NGOs and International Organizations Directorates.

<sup>2</sup> Household Surveys and Prices Directorate; Population Statistics Directorate; Business Statistics Directorate.





- Ethiopian Human Rights Commission;
- National Planning Commission (NPC); and
- International Organization for Migration (IOM) Special Liaison Office in Addis Ababa.

Logistical and research support was rendered by the IOM Special Liaison Office in Addis Ababa.

On 11 April 2015, a meeting also took place with a representative (in the Diaspora Engagement Department) of the Ethiopian embassy in Pretoria, South Africa, as there was need to consult a body representing Ethiopian migrant workers in the broad sense of the word. A workshop – during which the draft assessment report and the framework for the attached road map were discussed – was held in Addis Ababa on 20 July 2015. Various stakeholders provided feedback on the draft assessment report both during and after the workshop.

A list of consultative meetings with relevant stakeholders is attached as an appendix to this report. The assistance and facilitative role of the Directorate Overseas Employment Services of MoLSA in ensuring that core meetings took place should, in particular, be acknowledged. A wide range of policy, legislative and other documents, including relevant reports, were obtained from the aforementioned consulted institutions.

Emphasis is also placed on good comparative practices that may be of value to the improvement of the Ethiopian labour migration context. As required by the terms of reference, the assessment builds upon the outcomes of the *Report of Labour Migration Assessment in Ethiopia* and the *Roadmap for the Development of a Labour Migration Management Programme for the Federal Democratic Republic of Ethiopia* from November and September 2013 respectively.

The structure of this report parallels the various issues that its terms of reference require to be addressed. As such, it comprises the following main components:

- Background to the report
- The Ethiopian migration context
- Data collection and analysis
- Institutional structures and inter-institutional collaboration
- National legislative basis and international norms
- Recruitment and support services
- Remittances
- Regional context



Ethiopia is a country of origin, destination and transit for migrants. Labour migration, however, especially from Ethiopia, is a fairly recent phenomenon and mainly informed by economic considerations. As has been noted in a recent IOM report, over the past two decades, there has been significant growth in international flows of labour from Ethiopia, mostly of low-skilled persons (Gebeyehu, Achacoso and Messele, 2013b:13). This has been fuelled by both pull and push factors. The oil boom in the Gulf countries has caused the rapid growth of the economies of these countries and a corresponding demand for migrant workers – in particular the demand for care and domestic work, in the wake of a labour shortage in the countries concerned. Push factors include the lack of appropriate employment opportunities, poverty despite high economic growth, wage differentials in Ethiopia and countries of destinations, and a range of cultural factors, among which the expectation that young women should migrate in order to support their family (Gebeyehu, Achacoso and Messele, 2013:18; Regional Mixed Migration Secretariat (RMMS), 2014:4). In fact, a “culture of migration” has developed, resulting in a total of about 180,000 migrant workers – by far the vast majority being females – who had processed their migration through PEAs (Gebeyehu, Achacoso and Messele, 2013: 14–16) (see Table 1). In addition, lack of appropriate information on what migration and the conditions in destination countries entail expose these migrant workers to human traffickers and smugglers.

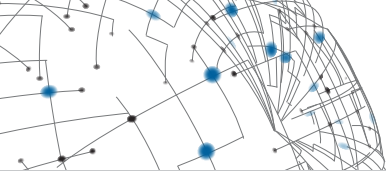
**Table 1: Number of Ethiopian overseas employment by occupation and sex from 8 July 2012 to 7 July 2013**

Occupation	Sex			
	Female	Male	Total	%
Legislations, senior officials, managers	1	1	2	0
Professional	4	23	27	0.01
Technicians and associate professionals	0	0	0	0
Clerks	0	1	1	0
Service workers, shop and market sales workers	175,122	2,479	177,601	97.21
Skilled agricultural and fishery workers	0	6	6	0.01
Crafts and related workers	0	0	0	0
Plant and machine operators and assemblers	288	4,651	4,939	2.77
Elementary occupations	0	0	0	0
<b>Total</b>	<b>179,429</b>	<b>7,267</b>	<b>182,696</b>	<b>100</b>
<b>%</b>	<b>97.02</b>	<b>3.98</b>	<b>100.00</b>	<b>100.00</b>

Note: Table extracted from MoLSA, 2013(c):21: official figures provided by MoLSA's Annual Labour Market Bulletin (2012).

It is, therefore, clear that among the officially recorded 182,696 Ethiopians employed abroad, 97.21 per cent were service workers and shop and market sales workers (predominantly females); 2.77 per cent were employed as plant and machine operators and assemblers.

However, the above figures do not represent the extent of irregular migration. The numbers of those who migrate irregularly can hardly be determined. In fact, indications are that the majority of Ethiopians who migrate for work purposes to the Middle Eastern and certain African countries



do this in irregular fashion. A recent IOM-commissioned assessment of the socioeconomic situation and needs of Ethiopian returnees from Saudi Arabia (approximately 168,000 were deported from Saudi Arabia between November 2013 and March 2014) indicates that more than three quarters of the returnees had irregular status by the time they were deported from Saudi Arabia: close to 60 per cent migrated irregularly from the beginning, whereas 15.4 per cent entered Saudi Arabia regularly and then turned into irregular migrants due to various reasons including overstaying of visas (IOM, 2014a: IV). Similarly, by far the majority of the estimated 100,000 Ethiopians in South Africa have entered South Africa as asylum seekers.<sup>3</sup>

Migration for employment purposes is therefore, from an Ethiopian perspective, both regular and irregular in nature. Consequently, a differentiated yet coordinated response is called for.

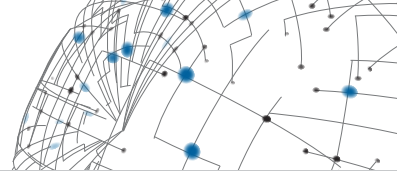
Irregular migration in particular is closely associated with hardship and abuse, people smuggling and even human trafficking – both during the journey and in the destination countries. Migrants from Ethiopia in search for job opportunities and improved well-being, as is the case with migrants from several other Intergovernmental Authority for Development (IGAD) Member States, use different routes aided by smugglers, traffickers or travelling on forged documents. The main routes used are as follows: (a) eastern route whereby migrants go through Djibouti and Northern Somalia towards the Arabian peninsula with some staying in either Yemen, Saudi Arabia while others proceed onward to Europe; (b) northern route (also referred to as the western route at times) that extends through Sudan, Chad, the Niger, Libya and Egypt for migrants who aim at Europe or Israel as their final destination (sometimes countries like Libya and Sudan can also become the final destination); and the southern route through Kenya, the United Republic of Tanzania, Zambia and Malawi, Mozambique at times with the final destination being South Africa (IGAD, 2014a:5). However, these routes are in constant flux, in view of security and other constraints facing migrants (Adams, 2015).<sup>4</sup>

There are several reasons why so many Ethiopian migrant workers prefer the irregular channel. For the moment, this appears to be also the result of the ban on overseas employment imposed on PEAs, a matter discussed elsewhere in this report. But even before the ban, imposed during October 2013, the irregular channel constituted the preferred route. It has been remarked, as far as migration to the Middle East is concerned (see Gebeyehu, Achacoso and Messele, 2013:15):

*Many young persons and their parents knowingly or otherwise, but with the high hopes of improving their lives, are willing to take the risks of irregular migration and use the services of smugglers and illegal brokers to migrate abroad for work. In some areas, a 'culture of migration' has developed where the community believes the only way to improve their lives is through labour migration. As a result, parents start to exert a high level of pressure on young persons, especially women to migrate as soon as they reach the age of 14 most end up, in the course of the*

<sup>3</sup> Information provided by Mr Yetneberk Belayneh Eshetie, Counselor, Diaspora Engagement Department, Ethiopian Embassy, Pretoria, South Africa – consultation held on 11 April 2015.

<sup>4</sup> Not so long ago, it was remarked that the then recent (October 2013) tragedy in the Sahara where migrants, many from the Horn of Africa, had died of dehydration indicated that the northern route was increasingly becoming popular despite the arrest and general insecurity for migrants continuing in Libya and Egypt (IGAD, 2014a:5). However, travelling east, to reach Greece and Turkey, has become popular, given the likely clampdown on smuggler networks in Libya (see Adams, 2015). See also AFP, "Mediterranean migrant crossings to Europe top 100,000 in 2015: UN refugee agency", Australian Broadcasting Corporation, 9 June 2015. Available from [www.abc.net.au/news/2015-06-10/mediterranean-migrant-crossings-to-europe-top-100000-in-2015/6533918](http://www.abc.net.au/news/2015-06-10/mediterranean-migrant-crossings-to-europe-top-100000-in-2015/6533918)



*smuggling process, in a trafficking situation where many of their human rights will be violated with very limited redress mechanism. Once they cross the borders of Ethiopia mostly on foot, their rights are subject to frequent abuses, as they have no legal status either in transit or destination countries. Extreme violence and abuse against Ethiopian irregular migrants in Yemen and Saudi Arabia has recently been extensively reported both by national and international media.*

The abuses suffered by Ethiopian migrant workers, in particular domestic workers, in Middle Eastern countries have been well-documented. Ill treatment includes denial of freedom (usually within the context of the employer-sponsorship or *kafala* system prevalent in most Gulf countries), denial of salary, food, forced to work for long hours without payment, physical and verbal abuses, and retention of passports by the foreign employers,<sup>5</sup> a matter again discussed later in this report.<sup>6</sup>

And yet, as has been noted, there have also been benefits (see Gebeyehu, Achacoso and Messele, 2013:17):

*Despite these challenges, labour migration offers women various benefits, including economic empowerment opportunities that offer new opportunities and financial independence. It gives them an opportunity to support their families and send their children to school, making them agents of economic change for their family and community. Recognizing the key role women play in labour migration through the adoption of gender-sensitive policies can optimize these benefits.*

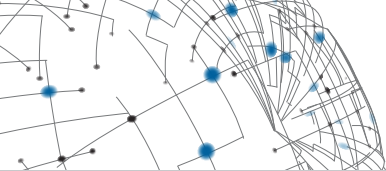
These developments must be seen against the backdrop of Ethiopian demographic and labour market indicators. While Ethiopia is one of the fastest growing economies in both Africa and the world, it also has one of the highest total fertility rates in the world; the labour force is young, with approximately 3 million new entrants every year. Poverty is still endemic and employment opportunities are limited (ibid.). According to the 2013 Labour Force Survey (CSA, 2013a), the labour force increases annually by 4 per cent. Overall urban open unemployment stands at 16.5 per cent – the corresponding figure for females is 23 per cent and for males, 10.5 per cent. The overall unemployment rate is 4.5 per cent – 16.5 per cent in urban and 2 per cent in rural Ethiopia. Youth unemployment (covering those between 15 and 29 years of age) exceeds 20 per cent and is a major reason why so many young people migrate irregularly, stressing the need to provide regular and regularized channels of labour migration for use by young Ethiopians in search of work opportunities.<sup>7</sup> The total absolute figure of those who are unemployed is indeed high.

One would want to assume that the situation described above, as well as the abuses to which Ethiopian migrant workers are exposed, and the number of Ethiopians who die on the way to and in the destination countries, would prompt a rethink of the policy framework informing labour migration from Ethiopia. Recent events such as the savage killings of 30 Ethiopians in Libya, torture in Libyan prisons and those killed or injured in the course of xenophobic attacks in South Africa, as well as Ethiopians who drowned while making the trans-Mediterranean journey to Europe sent shockwaves through Ethiopian communities and require an appropriate policy and strategic response: there is indeed a need for a migration policy that will deal thoroughly and effectively with labour migration from Ethiopia, and which provides coordinated and integrated

<sup>5</sup> See in this regard Gebeyehu, Achacoso and Messele, 2013:15–16; IOM, 2014a: IV–V; Danish Refugee Council and RMMS, 2012:5; RMMS, 2014:6; Kahsay, 2013; and authorities referred to in para. 6.2.2 below.

<sup>6</sup> Para 6.2.2 below.

<sup>7</sup> Information provided in the course of a consultation with Mr Abebe Haile, Director of Employment Promotion Directorate, MoLSA, 23 February 2015. See also The Reporter (Addis Ababa), “Ethiopia: Dealing Decisively with Root Causes of Migration”, AllAfrica, 2 May 2015. Available from [www.allafrica.com/stories/201505041888.html](http://www.allafrica.com/stories/201505041888.html)



responses to regular and irregular migration.<sup>8</sup> The development of such a policy has indeed been advocated in a recent labour migration assessment commissioned by the IOM,<sup>9</sup> as well as key migration experts in Africa:<sup>10</sup>

*Mehari Tadele Maru (Dr. iur.), former program head for migration at the AU, in a recent opinion piece published in The Reporter, argued that the need for a national comprehensive standalone policy on migration that foresees the exploits and benefits of Migration is high at the moment: “Such a policy on migration requires a national normative, institutional and collaborative state framework and non-state organs that can facilitate voluntary, safe and legal mobility and curb forced or illegal migration by Ethiopians”, Mehari stated.*

Such a policy would stress the mutually beneficial impacts on Ethiopia and countries of destination of a well-designed labour migration framework, which needs to be supported by a thorough bilateral agreement regime and movement of labour as part of trade and investment policies.<sup>11</sup>

And yet, it appears that there is currently only partial reflection on and accommodation of migration issues in the policy and development planning domains of Ethiopia. This applies also to (international) labour migration issues. The Growth and Transformation Plan (GTP) does not explicitly recognize the importance of labour migration in the economic development of the country (MoFEC, 2010a and 2010b).

And yet, this policy does not elaborate on the potential of international labour migration (from Ethiopia) as a mechanism to create employment opportunities for unemployed or under-employed persons in Ethiopia (see also Gebeyehu, Achacoso and Messele, 2013:17 to this effect). In fact, government policy in this regard appears to promote local employment, and to deal with labour exporting only to the extent that there is need to regulate this phenomenon and extend protection to affected workers. This restricted perspective of migration from Ethiopia for work purposes is also reflected in the regulatory instrument developed for this purpose, i.e. both the earlier Proclamation 632/2009 and the recently adopted Proclamation 923 of 2016, discussed in more detail later in this report.<sup>12</sup>

In contrast, even in the absence currently of a formal policy promoting labour exporting, concrete provision is made for immigrant labour to engage in skills transfer in Ethiopia (see Federal Democratic Republic of Ethiopia (FDRE), 2003c). Even so, this is not integrated into a framework of contributing towards the realization of the developmental goals enshrined in the GTP; revisions to the expatriate work permit service in Ethiopia has therefore been recommended (see MoLSA, 2012b). In addition, neither a migration policy nor a migration profile has yet been developed for Ethiopia.

It has been remarked that the major development plans and sectoral policies are silent about the role of labour migration in the economic development of the country (Gebeyehu, Achacoso and Messele, 2013:6). However, mention should also be made of some encouraging developments,

<sup>8</sup> See also The Reporter (Addis Ababa), 2015; T. Tigabu, “Ethiopia: The Need for a Migration Policy”, 16 May 2015, available from [www.allafrica.com/stories/201505181860.html](http://www.allafrica.com/stories/201505181860.html); AFP, “Despite being murdered by Islamic State, drowning in Mediterranean, Ethiopians still dream of Europe”, 2 May 2015, Mail & Guardian Africa, available from [www.mgafrica.com/article/2015-05-02-despite-executions-by-islamic-state-drowning-in-the-mediterranean-ethiopians-still-dream-of-europe](http://www.mgafrica.com/article/2015-05-02-despite-executions-by-islamic-state-drowning-in-the-mediterranean-ethiopians-still-dream-of-europe); M. Caldwell, “Ethiopians mourn victims of ‘Islamic State’ killings”, Deutsche Welle, 21 April 2015, available from [www.dw.de/ethiopians-mourn-victims-of-islamic-state-killings/a-18396559](http://www.dw.de/ethiopians-mourn-victims-of-islamic-state-killings/a-18396559)

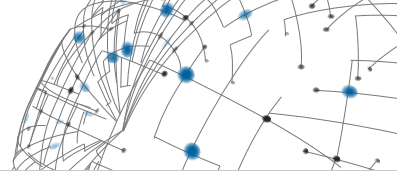
<sup>9</sup> See M. Gebeyehu, T. Achacoso and R. Messele, *Report of Labour Migration Assessment in Ethiopia* (IOM, Addis Ababa, November 2013); pp. 50–51.

<sup>10</sup> Quoted by Tigabu, 2015.

<sup>11</sup> Ibid.

<sup>12</sup> Para. 5.2.2 below.





relating to, among others, the adoption of a diaspora policy, the recent review of the regulatory framework pertaining to employment exchange services (in relation to recruitment for overseas employment), resulting in the adoption of a new overseas employment proclamation, a well-organized and -capacitated Diaspora Engagement Affairs Directorate within the MoFA, and a suggested comprehensive institutional framework tasked with overseas employment issues within the MoLSA.

Finally, it may be apposite to briefly refer to summarized migration-related information on Ethiopia. Some of this is contained in the World Bank's publication on World Development Indicators: Movement of people across borders, as at 2012:<sup>13</sup>

- Net migration: -60,000;<sup>14</sup> however, on the basis of the 2013 figures quoted by United Nations Department of Economic and Social Affairs (UN DESA) indicating an international migration stock of 718,241 for 2013, and an indicated total number of migrants from Ethiopia of 585,853,<sup>15</sup> the net migration is effectively 132,388 – indicating a clear data inconsistency, as is the case with the international migration stock figure mentioned immediately below.
- International migration stock: 568,000 – however, note that the UN DESA indicates an international migration stock of 718,241 for 2013.<sup>16</sup>
- Refugees: 869,000<sup>17</sup>
- Personal remittances:<sup>18</sup>
  - Received: USD 646 million

Regarding the 718,241 international migrants to Ethiopia, the main countries of origin reflect the reality in most countries and parts of the world, namely that migration mostly occurs within the same region, in particular from countries sharing borders with the country of destination concerned.<sup>19</sup> However, it is also evident that by far the majority of migrants to Ethiopia are refugees – as is also confirmed by the data emanating from the United Nations High Commissioner for Refugees (UNHCR).<sup>20</sup> This in turn indicates that the number of migrants who move to Ethiopia within the framework of labour migration is indeed limited.

The above migration-related data must of course be understood against essential country data relating to Ethiopia and have since, in certain respects, changed as far as the changing refugee

<sup>13</sup> See World Bank (2014), *World Development Indicators: Movement of people across borders* (2014 Global Links: para. 6.13). Available from [wdi.worldbank.org/table/6.13](http://wdi.worldbank.org/table/6.13). *Migration stock* refers to absolute numbers of migrants and does not indicate migration flows. *Net migration* refers to the difference between the total number of those who migrated to and migrated from Ethiopia in 2012. *Refugees by country of origin* generally refers to the number of refugees, with reference to the nationality or country of citizenship of the refugee(s) concerned, while *refugees by country of asylum* refers to the number of refugees who have applied for asylum or refugee status of a particular country. The term *remittances* refers to personal transfers, i.e. all current transfers in cash or in kind made or received by resident households to or from non-resident households. *Personal remittances* is the sum of personal transfers and compensation of employees. *Personal transfers*, a new item in the Balance of Payments Manual 6th Edition (BPM6), represents a broader definition of worker remittances. Personal transfers include all current transfers in cash or in kind between resident and non-resident individuals, independent of the source of income of the sender (and regardless of whether the sender receives income from labour, entrepreneurial or property income, social benefits and any other types of transfers; or disposes assets) and the relationship between the households (regardless of whether they are related or unrelated individuals) – see World Bank, “How do you define remittances”. Available from <https://datahelpdesk.worldbank.org/knowledgebase/articles/114950-how-do-you-define-remittances> (accessed on 3 January 2017).

<sup>14</sup> *Net migration* is the number of immigrants minus the number of emigrants, including citizens and non-citizens, over a five-year period: (World Bank, 2008 *World Development Indicators* (World Bank, Washington, D.C., 2008)).

<sup>15</sup> See UN DESA, Table 1 – International migrant stock at mid-year by sex and by major area, region, country of area, 1990-2013. Trends in International Migrant Stock: The 2013 revision (United Nations database, POP/DB/MIG/Stock/Rev. 2013). Available from [http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN\\_MigrantStock\\_2013T1.xls](http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN_MigrantStock_2013T1.xls)

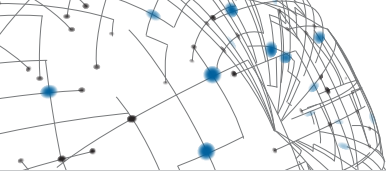
<sup>16</sup> Ibid.

<sup>17</sup> See World Bank, 2014.

<sup>18</sup> Ibid.

<sup>19</sup> See [http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN\\_MigrantStock\\_2013T1.xls](http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN_MigrantStock_2013T1.xls), accessed on 29 May 2015 (emphasis added).

<sup>20</sup> See para. 3.2 below.



inflow context, among others, is concerned. These data have, among others, been captured by the World Bank.<sup>21</sup> In terms of these data, Ethiopia is regarded as a low-income country, with a (relevant year indicated in brackets):

- GDP of USD 61.5 billion (2015), and indicated by NBE as USD 54.0 billion for 2013/2014<sup>22</sup> – GDP growth rate<sup>23</sup> (2015): 9.6 per cent; 2013: 10.6 per cent and 2014: 10.3 per cent
- Total population of 99.39 million (2015)
- Poverty headcount 45.5 per cent (1995), 44.2 per cent (1999), 39.9 per cent (2004), 29.6 per cent (2011), estimated:<sup>24</sup> 26 per cent (2012/13)
- Life expectancy of 64 (2014)
- GNI per capita of USD 590 (2015)

The African Development Bank indicates that Ethiopia's economy grew by 10.3 per cent in 2013/2014, which made Ethiopia one of Africa's top performing economies.<sup>25</sup>

General data contained in the most recent United Nations Development Programme's Human Development Report of 2015 reveal the following about Ethiopia (a slight variation in comparison with the World Bank data quoted above may be discernible):<sup>26</sup>

- Human Development Index ranking – 174 out of 188 countries (2014)
- Gender Inequality Index – 174 out of 188 countries (2014), noting among others the lower female labour participation rate (78.2%) in comparison with the male labour participation rate (89.3%)
- Multidimensional Poverty Index (based on 2011 figures):<sup>27</sup>
  - Population below the poverty line: 29.6 per cent
  - Population in severe poverty: 67 per cent

Limited international data on migration from Ethiopia are available. However, these data are not disaggregated with reference to categories of migrants – e.g. how many of the migrants from Ethiopia are labour migrants, or refugees, or for that matter fall within any other category of migrants, other than those who otherwise moved irregularly. The 2013 figures provided by UN DESA suggest that there were 585,853 migrants who had gone from Ethiopia by 2013; in broad terms, they had migrated to the following regions/groups of countries:<sup>28</sup>

- Most developed regions: 331,158
- Less developed regions: 254,695
  - Least developed countries: 92,139
  - Less developed regions minus least developed countries: 162,556
- Sub-Saharan Africa: 116,098
- Africa: 119,282

<sup>21</sup> See <http://data.worldbank.org/country/ethiopia>, accessed on 14 July 2016. *Poverty headcount* refers to the proportion of a population that exists, or lives, below the 'poverty line'. *Gross national income* (GNI) is defined as "the sum of value added by all producers who are residents in a nation, plus any product taxes (minus subsidies) not included in output, plus income received from abroad such as employee compensation and property income" ([www.investopedia.com/terms/g/gross-national-income-gni.asp](http://www.investopedia.com/terms/g/gross-national-income-gni.asp), accessed on 4 January 2017).

<sup>22</sup> Information made available by the Bank.

<sup>23</sup> See <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=ET> (accessed on 14 July 2016). United Nations Development Programme (UNDP), Ethiopia Quarterly Key Economic and Social Indicators, 3(1) (March 2015) Policy Advisory Unit, Addis Ababa.

<sup>24</sup> United Nations Development Programme (UNDP), Ethiopia Quarterly Key Economic and Social Indicators, 3(1) (March 2015) Policy Advisory Unit, Addis Ababa.

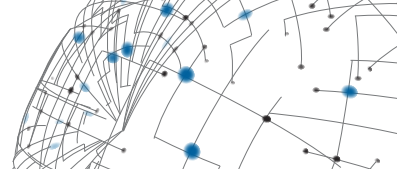
<sup>25</sup> See [www.afdb.org/en/countries/east-africa/ethiopia/ethiopia-economic-outlook/](http://www.afdb.org/en/countries/east-africa/ethiopia/ethiopia-economic-outlook/) (accessed on 14 July 2016).

<sup>26</sup> UNDP, *Human Development Report 2015, Work for Human Development* (UNDP, New York, 2015), pp. 211 and 226. Available from [http://hdr.undp.org/sites/default/files/2015\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf)

<sup>27</sup> See <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>, p. 180, accessed on 14 July 2016.

<sup>28</sup> See [http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN\\_MigrantStock\\_2013T1.xls](http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN_MigrantStock_2013T1.xls), accessed on 29 May 2015.





According to the 2013 UN DESA figures, the key countries to which Ethiopians have migrated are the following, classified according to regions:<sup>29</sup>

**Table 2: Key countries to which Ethiopians have migrated**

Africa	Middle East	Europe	Americas and Australasia
Djibouti	Bahrain	Denmark	Canada
Kenya	Israel	Finland	United States
Somalia	Kuwait	Norway	Australia
South Sudan	Qatar	Sweden	New Zealand
Uganda	Saudi Arabia	United Kingdom	
Libya	United Arab Emirates	Greece	
Sudan	Yemen	Italy	
South Africa		Spain	
		Austria	
		France	
		Germany	
		Netherlands (the)	
		Switzerland	

Statistics on international migration provided by UN DESA indicate the fluent nature and fluctuating trend of this phenomenon. For example, whereas UN DESA recorded that the international migration stock in Ethiopia constituted 2.4 per cent in 1990, this figure has moved down to 0.8 per cent in 2013 (males: 0.8%; females: 0.7%).<sup>30</sup>

As regards refugees, according to the UNHCR, in 2015, 739,156 refugees are accommodated, mainly in camps, around the country; this constituted an increase of 11 per cent in 2015.<sup>31</sup> Ethiopia received around 200,000 new refugee arrivals, mostly from South Sudan, between January and August 2014 (UNHCR, 2015a). It has been noted that in 2014, Ethiopia was the country with the fifth largest intake of refugees in the world (excluding Palestinian refugees).<sup>32</sup>

Finally, reflection on labour migration in the Ethiopian context is seriously hampered by inadequate collection of data and shortcomings in the analysis thereof, while the roles of institutional structures, inter-institutional collaboration, national legislation and international norms need to be considered as well. In addition, given their crucial roles, recruitment and support services, as well as remittances, need to be investigated. Finally, the developing regional agenda calls for a more thorough understanding of the regional migration framework.

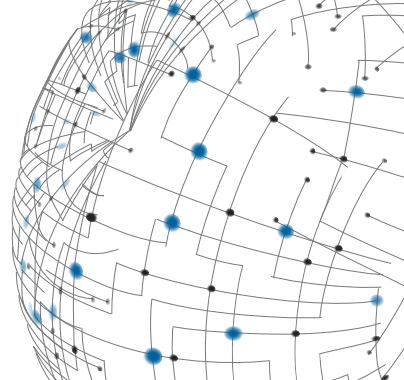
<sup>29</sup> Ibid.

<sup>30</sup> UN DESA, Table 3: International migrant stock as a percentage of the total population, Trends in International Migrant Stock: The 2013 revision (UN database, POP/DB/MIG/Stock/Rev.2013). Available from [http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN\\_MigrantStock\\_2013T3.xls](http://esa.un.org/unmigration/TIMSA2013/Data/subsheets/UN_MigrantStock_2013T3.xls)

<sup>31</sup> United Nations High Commissioner for Refugees (UNHCR), Global focus: Ethiopia. Available from [http://reporting.unhcr.org/node/5738#\\_ga=1.171312486.7568487.1468764136](http://reporting.unhcr.org/node/5738#_ga=1.171312486.7568487.1468764136) (accessed on 14 July 2016).

<sup>32</sup> World Bank, *Migration and Remittances: Recent Developments and Outlook*, Migration and Development Brief 25 (2015). Available from <http://pubdocs.worldbank.org/en/102761445353157305/MigrationandDevelopmentBrief25.pdf>





## III.1. Issues for consideration

The aim of this section of the assessment is to:

- (a) Identify and take stock of available sources of data on labour migration from internal sources in Ethiopia;
- (b) Analyse the data collected to gauge the coherence and compatibility and give a better overview of the current situation of labour migration to and from Ethiopia; and
- (c) Assess the availability of data and data sources, as well as the credibility of existing data to be able to ascertain the means and functioning of national labour migration databases for the placement and matching of Ethiopian into labour markets.

## III.2. Analysis

### III.2.a. National and household censuses and surveys: the Central Statistical Agency of Ethiopia

Several national censuses and surveys could, in principle, impact on the area of labour migration from a statistical perspective. The CSA of Ethiopia is the lead institution. The information below is based partly on data provided in the course of interviews with three directorates of the CSA, namely the following:

- Household Surveys and Prices Directorate;
- Populations Statistics Directorate; and
- Business Statistics Directorate.

#### (1) National Labour Force Survey

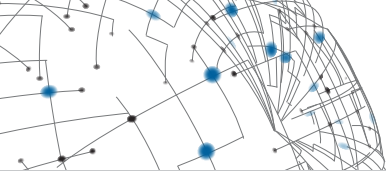
It is undertaken every five years: three surveys have thus far been undertaken (last one: 2013). It captures, among others, information on employment/unemployment, with a primary focus on internal migration, involving rural and urban migration. A question on previous residence includes the possibility of indicating whether the respondent was living abroad (CSA, 2014c).

#### (2) Urban employment, unemployment survey

This is undertaken annually, and only focuses on urban areas. The ninth round is currently taking place; since 2003, eight rounds have been concluded. Thematically, the survey also covers internal migration, as well as international migration, with reference to: (a) from which country does the respondent originate; and (b) whether the respondent is coming from or moving abroad. Gender-disaggregated data are captured. See also CSA, 2014e.

#### (3) Household consumption expenditure survey

It is undertaken every five years, the latest covering the 2010/2011 period (next survey due to cover the 2015/2016 period). Remittances as a household income and expenditure variable are not captured.



#### **(4) Welfare monitoring survey**

This is conducted parallel with the household consumption expenditure survey, i.e. every five years. The survey only addresses the availability and use of, in particular, welfare services and facilities. Use of remittances is not covered.

In respect of the following three surveys, certain migration data is being collected. However, the emphasis is on internal migration, with reference to, among others, place of previous residence and length of stay at previous residence. No or limited data on international migration are captured. However, according to the CSA, consideration is currently being given to include international migration in the fourth Population and Housing Census to be undertaken in 2017.

#### **(5) Population and Housing Census**

It is undertaken every 10 years – since 1986, and then in 1994 and 2007. The Census report remarks: “The 2007 census counted foreign nationals who were residing in the country. On the other hand all Ethiopians living abroad were not counted.” (CSA, 2007:1)

#### **(6) Intercensal population survey**

Only one such survey was undertaken – in 2012. See the note above.

#### **(7) Demographic and Health Survey**

This is conducted every five years; previous surveys were undertaken in 2000, 2005 and 2010, with the next one due in 2015. See the note above and CSA, 2011b.

In respect of the following four surveys, the following questions are now included, according to the CSA:

- Foreign ownership (by capital or share ownership (both full and partial ownership))
- Foreign workers – disaggregated by sex/gender, and by occupation.

#### **(8) Survey on Manufacturing Industries**

The survey is conducted annually and focuses on large and medium industries, small-scale industries, and to cottage and handicraft occupations.

#### **(9) Contract construction survey**

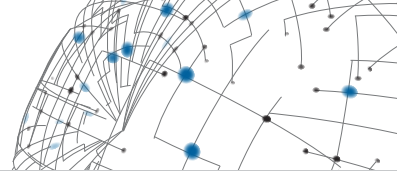
The survey is being undertaken annually.

#### **(10) Distributive and Service Trade Survey**

The survey is conducted annually, but this does not happen always. Questions on whether the respondent is a foreigner (gender-disaggregated), and on ownership of capital of the enterprise by nationality were included. See CSA, 2011a.

#### **(11) ICT use and access survey**

This survey focuses on manufacturing industries, not (yet) households, and is undertaken every two years.



The CSA has also been involved in certain ad hoc survey initiatives. For example, together with the ILO and MoLSA, it assisted with the development of the 2013 Human Trafficking Module Survey (see ILO, 2013), which could, for funding reasons, not yet been undertaken. However, it also has to be remarked that the CSA is not involved in all surveys undertaken at a national level. One such example is the labour market information system (LMIS), as mentioned in more detail below.

### III.2.b. Other data sources and discussion

Most of the other available data is of an administrative nature. The Annual Labour Market Bulletin contains fairly elaborate data on the following:

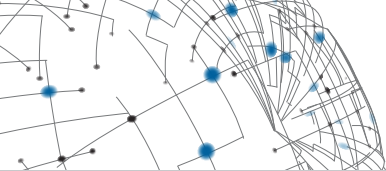
- (a) **Ethiopian overseas employment:** Based on employment contracts of those Ethiopians seeking overseas employment verified and approved by MoLSA, the nature and magnitude of Ethiopians employed abroad through PEAs and by self-effort during the reference period is presented. This is presented with reference to employment abroad by occupation, marital status, age and sex, education, source of origin, country of destination, and whether employment abroad has been facilitated through PEAs or the public employment service (PES). The information presented is gender disaggregated (see MoLSA, 2013b:20–25).
- (b) **Foreign nationals issued work permits by occupation:** Based on work permits issued to foreign nationals, available data cover foreign national issued work permits by occupation, by industry, by marital status, by salary level, by age, by age group and sex, by country of origin and with reference to the regional distribution of foreign nationals (see *ibid.*, 26–30).

However, the data captured – and this applies to most other administrative data sets as well – cover fiscal years and not calendar years. Also, despite the evident magnitude and importance of emigration data for Ethiopia, other than the above, no such data were collected. Furthermore, the data collected at border crossing points (entry and exit) were not made available. Limited data are collected abroad. Apparently, the Ethiopian embassy in Pretoria is conducting a diaspora mapping. However, little is known about the structure of the mapping survey and the methodology – concrete findings are not yet available. For the rest, consular offices do not seem to gather statistical data in relation to the diaspora.<sup>33</sup> However, according to the Diaspora Engagement Affairs Directorate of the MoFA, a database on the Ethiopian diaspora is being developed with the assistance of the World Bank.<sup>34</sup> Currently, therefore, no reliable and authoritative data available about Ethiopians who have migrated are available, except for information on Ethiopians who have left to work overseas through the official overseas employment channels indicated above, and captured in the Annual Labour Market Bulletins. The suggestion in the Diaspora Policy that there are about 2.5 million Ethiopians outside Ethiopia can therefore not be verified.

As discussed in more detail in Chapter 7, some but limited data on remittances and diaspora investment are available. However, the remittance data relate mostly to the size of remittances transferred to Ethiopia, primarily through formal channels. The data are not disaggregated with reference to gender, and are captured on a fiscal year basis. Little analysis of the data is undertaken. In particular, no information on the use of remittances is available, nor have separate surveys been undertaken to determine this, except for a limited (recent) study on the experience of Ethiopian migrant workers who have returned from Saudi Arabia (see IOM, 2014a). In other critical areas, data impacting on migration matters (with the possible exception of data emanating from the RMMS) are not available or at least not generally accessible. One such area

<sup>33</sup> However, mention should be made of ongoing collaboration between IOM and MoFA to facilitate mapping of Ethiopian diasporas in different destination countries. IOM, in collaboration with MoFA, has provided capacity-building training to Ethiopian ambassadors and diplomats at destination countries on the concept of diaspora mapping. As a follow-up to that, majority of the embassies are machining preparations to conduct mapping of Ethiopians at their respective locations.

<sup>34</sup> Information conveyed on 24 February 2015.



concerns human trafficking – with reference to traffickers, smugglers and victims.

Reliance for now, until such time that national data sources and systems have sufficiently developed, therefore has to be placed on non-national data sources to obtain some picture of the extent of emigration – as reflected on in Chapter 2 of this report. Even this approach leads to some inconsistencies. For example, as is apparent from the discussion in Chapter 7 below, there are significant discrepancies between the international (World Bank/United Nations) data and data emanating from NBE concerning remittance flows to Ethiopia.

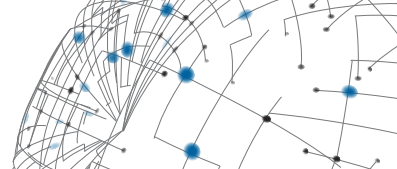
Skills data is lacking in crucial respects and generally inadequate. There is no official skills inventory in Ethiopia. Labour market data, captured via labour force surveys, at best gives a picture of available supply-side information regarding the labour market. Comprehensive demand-side information is similarly lacking.

Despite an evident mismatch between available and needed skills in Ethiopia, skills matching within Ethiopia is not currently possible. Employers are faced with the difficult task of proving the non-availability of an Ethiopian to fill a position for which a work permit is sought in relation to a person who is not a citizen of Ethiopia.

Insufficient migration-related data is captured via labour force surveys. LMIS is largely underdeveloped and does not, for example, reflect on issues in relation to non-nationals.<sup>35</sup> A basis for further developing a comprehensive LMIS with the assistance of the ILO has been laid, and should be complemented by a nationwide manpower survey.

In sum: No household surveys exclusively focusing on migration have been conducted in Ethiopia. This is also reflected in the sectoral context: health management, human resource, education management and environment management information systems do not include migration indicators, making it difficult to measure the impact of international migration in these sectors. The overall conclusion, on the one hand, is that some progress has been made to improve the data environment concerning labour migration. This includes consideration currently being given to incorporate international migration in certain census frameworks, and the development, with the assistance of the World Bank, of a database on the Ethiopian diaspora. On the other hand, significant further work needs to be done. For example, it is clear that the measurement of migration in Ethiopia is characterized by inadequate survey and census data, a lack of regular statistics and weak management of administrative data sources – with particular reference to emigration data. The lack of reliable administrative data from abroad is an impediment to understanding the emigration patterns of Ethiopians. The data sources used are generally weak, and the data so-generated are often non-comparable and/or incompatible with data from other (in particular international) sources. It is in view of the analysis above and the conclusions reached that the following recommendations are made.

<sup>35</sup> See Ethiopian Economics Association, *Developing labour market information and analysis systems (LMIAS) in Africa: Country LMIA assessment for Decent Work (DW) measurement: Ethiopia* (MoLSA, Addis Ababa, 2011): p. 23, and also 37–38.



### III.3. Recommendations

In order to enhance the collection, analysis, management and use of data (also with reference to the availability of suitable data sources), the following recommendations are made:

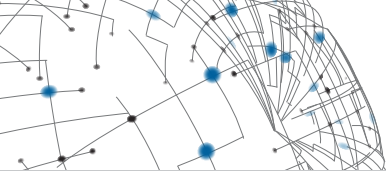
- (a) **Enhance migration-related data in census and household surveys.** Through the assistance of the CSA, responsible data-collecting government institutions could improve data collection and utilization through the inclusion of standardized migration-related questions/indicators in relevant census and household surveys, including labour force and sectoral surveys. There should be a focus on publishing cross-tabulations of migration-related data so-obtained between age, sex and educational attainment, exploiting administrative data sources.
- (b) **Align the labour migration data collection framework.** There is a need to further align the labour migration data collection framework in Ethiopia with international and regional approaches, in connection with, among others, definitions, methodologies and standards. To the extent that standardized frameworks in this regard may be required, notice could be taken of the immigrant and emigrant data variables recommended by the United Nations Statistics Commission. Again, to the extent required, regard may be had to the Statistics Division of UN DESA, Eurostat, the ILO Database of Labour Statistics, the Organisation for Economic Co-operation and Development's International Migration Outlook and World Bank remittance data to compare approaches and collected data. This will supplement current approaches in this regard. According to the CSA, the international standards framework applicable to data variables, collection, analysis and dissemination is being used in Ethiopia. This includes the International Standard Industrial Classification of All Economic Activities, which is the international reference classification of productive activities, the International Standard Classification of Occupations (ISCO-8), and data/statistical frameworks adopted by the International Conference of Labour Statisticians.<sup>36</sup> However, as has been noted above, more can be done in this regard.
- (c) **Expedite LMIS development and the undertaking of a manpower survey.** There is an evident need for a well-constructed LMIS framework in Ethiopia and to conduct a manpower survey in this regard. It has been noted that the development of efficient, comprehensive and integrated LMISs comprising labour migration information is a prerequisite for efficient employment and migration policies, as well as for the implementation of bilateral migration agreements.<sup>37</sup>
- (d) **Improve inter-institutional collaboration.** It is important to note that in certain critical areas of data surveys and collection, the lack of inter-institutional collaboration is apparent. One such example is the LMIS. Despite the fact that the CSA also collects, analyses and publishes labour market-related data, there appears to be no collaboration between MoLSA and CSA as regards the LMIS. The LMIS is deliberately a MoLSA initiative, in which MoLSA is assisted by the ILO.<sup>38</sup>

<sup>36</sup> Information conveyed in the course of interviews held with the CSA on 25 and 27 February 2015.

<sup>37</sup> I. Martin, *Labour Market Information Systems and Labour Migration Information in Six Developing Countries: The Challenge of Integration* (IOM, Brussels, 2011), p. 5. Available from [www.ilo.org/dyn/migpractice/docs/280/LMIS.pdf](http://www.ilo.org/dyn/migpractice/docs/280/LMIS.pdf)

<sup>38</sup> As has been noted (see Ethiopian Economics Association, 2011:39): "The choice to host LMIAS is between MoLSA and CSA. Given that the latter is responsible for conducting and handling many national surveys, it will be very difficult for CSA to provide a detailed analysis of DW indicators. Its inability to produce timely information has already been witnessed in the existing surveys and statistical reports. In addition, it also lacks experience in terms of analyzing DW issues and it is also not familiar with labour market policies and regulations affecting the labour market. The other option is to host LMIAS within MoLSA. There are a number of attributes that make MoLSA a key candidate to host LMIAS. First, the Employment Services and Promotion Directorate is responsible, among others, for collecting and analyzing labour market indicators and guide employment interventions. There are also efforts being underway geared in that direction. Second, MoLSA is closely working with the International Labour Organization (ILO) which creates an avenue for technical assistance."

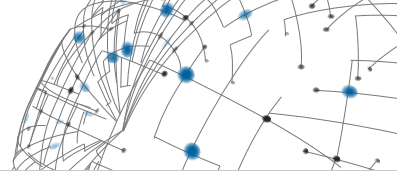




- (e) **Mainstream labour migration data.** Flowing from the previous point, there is a need to mainstream labour migration data in national (including sectoral) and regional migration management and development planning.
- (f) **Collect labour market data from major destination countries.** It is necessary to collect labour market intelligence from major countries of destination, in order to identify job opportunities for Ethiopian workers.
- (g) **Share and disseminate data.** The collected and analysed labour migration data needs to be shared with relevant public and private sector role-players and presented in a user-friendly format, in order to inform decision-taking and direction. Public awareness of available data should also be ensured. In this regard, there is a need to ensure that data is sufficiently disaggregated, to support functions such as skills matching.
- (h) **Develop impact indicators.** The CSA could develop impact indicators at the micro, meso and macrolevels to measure the impacts of migration initiatives, for example, the short-term return of diaspora professionals and other migrant workers.
- (i) **Enhance the technical capacity of the CSA.** The CSA is meant to play a central role providing technical assistance to various public institutions/departments as regards the compilation of migration data. It is, therefore, key to labour migration data management to capacitate CSA to the extent required. There may be a need to specifically equip CSA personnel in relation to knowledge of contemporary labour migration issues, including the relationship between migration and development. In this latter regard, personnel may benefit from technical tools for the analysis of migration dynamics and development impacts.<sup>39</sup>
- (j) **Enhance the capacity of line ministries.** The CSA should assist line ministries to move from a paper-based system based on individual files to a digitalized and standardized system of data collection, and provide appropriate data templates for use by the statistics sections of relevant data-collecting line ministries. These ministries should ensure that the migration data supplied by, for example, recruitment agencies, is in the appropriate format for analysis.
- (k) **Enable MoLSA to fulfil a thematic lead in the area of labour migration data, as well as a coordinating function.** As it is assumed that MoLSA would be the focal point and custodian of labour migration data, the Ministry should be enabled, through human and technical capacity-building, to undertake this function.
- (l) **Enhance interaction of Ethiopian foreign missions with the diaspora.** Ethiopian embassies and consular offices are in a position to collect data on the diaspora. For example, with assistance from the CSA, they can undertake surveys of the diaspora in key host countries, identifying skills, entrepreneurial activities, impediments to home country contributions and key incentives for removing obstacles. Apparently, as noted above, some work in this regard is being undertaken with the assistance of the World Bank and IOM.
- (m) **Invest in training.** It may be necessary to impart knowledge on labour migration and migration and development themes by producing regular policy briefs, organizing national and regional workshops and exchanging best practices on various issues, such as the following: (i) migration of low-skilled workers and its impact on development; (ii) general migration trends; (iii) migrant human rights in home and host countries; and (iv) policies supporting transnational entrepreneurship and investment.

<sup>39</sup> One such tool is the so-called T21 Model, a technical simulation tool developed by the Millennium Institute. It is designed to support national development planning and facilitates a comprehensive analysis of migration dynamics and their development impacts. It also allows the facilitation of appropriate policy choices in determining how migration and remittances can make a difference on the impact of migration on Uganda's socioeconomic development. Visit [www.millennium-institute.org/integrated\\_planning/tools/T21](http://www.millennium-institute.org/integrated_planning/tools/T21) for details.





Finally, note has to be taken of recent steps taken to develop a standardized framework regarding key indicators for labour migration. No agreed framework exists for statistics on migrant workers – the UN employs a definition, which has as its main objective demographic counting of the population, focusing on immigration/emigration and population change. The ILO, in turn, uses working definitions, with the main objective to characterize labour market dynamics and impact, and to inform employment and labour migration policies. There is, therefore, need to use coherent concepts, definitions and methods. It might be appropriate, for this purpose, to employ the definition of a migrant worker used in article 2(1) of the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, namely that a migrant workers refers to a “person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national” (ILO, 2015).

A draft Labour Migration Questionnaire has been developed, to be used for collecting data for the labour migration database in Africa, and to inform the concrete steps to be taken under the new African Union Joint Labour Migration Programme, discussed elsewhere in this report. This was initially developed for and applied in ASEAN countries, and is being applied in nine Arab countries. The following are indicated as labour migration indicators included in the questionnaire (ILO, 2015):

#### **International Migrant Stocks**

1. Resident population by sex and by labour force status/labour force participation – (total and migrants)
2. Working age population by sex and by level of qualification (total and migrants)
3. Migrants by country of origin, reason for moving
4. Employed migrants by country of origin
5. Employed persons (total and migrants) by sex and by industry, occupation and status in employment
6. Employed persons by sex and by average monthly wages (total and migrants)
7. Labour force participation rates (migrants and non-migrants) by sex, age, etc.
8. Employment-to-population ratios (migrants and non-migrants) by sex, age, etc.
9. Unemployment rates (migrants and non-migrants) by sex, age, etc.

#### **International Migrant Flows**

11. Inflows of migrants by sex and by country of origin, levels of qualification
12. Inflows of employed migrants by sex and by industry, occupation, status in employment

#### **Emigration**

13. Nationals abroad by sex and by country of residence
14. Outflow of nationals by sex and by country of destination



## IV.

# INSTITUTIONAL STRUCTURES AND INTER-INSTITUTIONAL COLLABORATION

### IV.1. Issues for consideration

This part of the report:

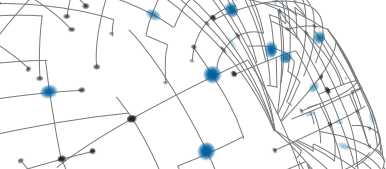
- (a) Analyses the roles and responsibilities of existing institutional structures responsible for managing labour migration in Ethiopia, including the scope and functioning of interministerial and inter-institutional collaboration; and
- (b) Provides recommendations on how to improve these structures and coordination mechanisms.

### IV.2. Analysis

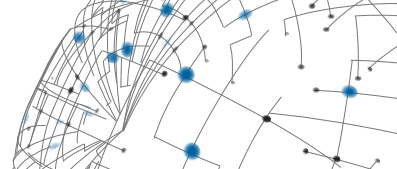
The overall mandate of Ethiopian ministries and other executive organs at the federal level is captured in Proclamation 916/2015, on the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia. For the purposes of this report, the focus is on key institutions in the domain of labour migration management, and specifically on the role of national institutional partners. We will, therefore, exclude international partners. We will also exclude national stakeholders that are not directly involved in labour migration management.

**Table 3: Migration Institutional Framework in Ethiopia – Single institutions**

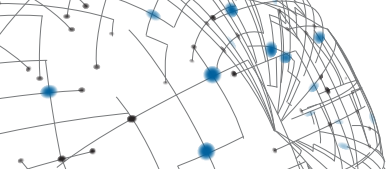
Institution	Mandate
MoLSA	<p>According to article 30 of Proclamation 916/2015, MoLSA shall, among others, have the powers and duties to:</p> <ul style="list-style-type: none"><li>(a) With a view to ensuring the maintenance of industrial peace:<ul style="list-style-type: none"><li>(i) Supervise and ensure the proper enforcement of labour laws;</li><li>(ii) Establish a system to maintain industrial peace and ensure its proper implementation;</li><li>(iii) Encourage and support employers and workers to form organization and thereby exercise their rights of collective bargain;</li><li>(iv) Encourage the practice of bipartite forums between workers and employers and tripartite forums involving the Government;</li><li>(v) Set a mechanism to minimize occurrence of labour disputes and establish efficient system for settlement of same;</li></ul></li><li>(b) Establish a system to prevent occupational accidents and occupational diseases; issue occupational health and safety standards and supervise their implementation;</li><li>(c) Establish national labour sector information system and realize its implementation;</li><li>(d) Register employers' association and trade unions established at national level;</li><li>(e) Register trade unions and collective agreements relating to Federal Public Enterprises situated in cities accountable to the Federal Government; carry out labour inspection services in such enterprises; provide conciliation services to amicably settle labour disputes arising between employers and employees;</li></ul>



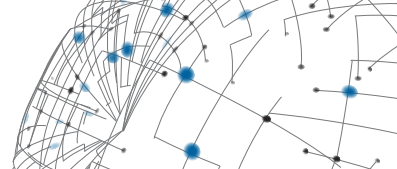
	<p>(f) Follow up and support the labour relation of enterprises situated in more than one regional States and ensure the enforcement of labour laws;</p> <p>(g) In cooperation with concerned bodies, establish a labour administration system around their labour relation that enables the proper transition of the informal economy to the formal economy;</p> <p>(h) Enhance the accessibility of efficient and equitable employment services;</p> <p>(i) Issue work permits to foreign nationals and, in cooperation with concerned bodies, supervise the compliance therewith;</p> <p>(j) In cooperation with concerned bodies, regulate the Ethiopians', overseas employment;</p> <p>(k) Establish and put into operation a national LMIS;</p> <p>(l) Carry out studies on national manpower and employment, as well as occupational classification;</p> <p>(m) Work in collaboration with the concerned bodies to strengthen the social protection system to improve and ensure the social and economic well-being of citizens and, in particular to:</p> <p>(i) Enable persons with disabilities benefit from equal opportunities and full participation;</p> <p>(ii) Enable the elderly to get care and support and enhance their participation; and</p> <p>(iii) Prevent social and economic problems and provide different services to segments of the society under difficult circumstances.</p> <p>MoLSA is headed by a Minister and two State Ministers (one for labour affairs, the other for social affairs) and has three core directorates: (a) Social Welfare Development Directorate; (b) Directorate of Harmonious Industrial Relations; and (c) Employment Promotion Directorate. These core directorates are supported by support processes and offices. The Employment Promotion Directorate is one of the three core directorates of MoLSA mandated to manage labour migration.</p>
MoFA	<p>According to article 15 of Proclamation 916/2015, MoFA shall, among others, have the powers and duties to:</p> <p>(a) Safeguard the interests and rights of the country in connection with its foreign relations and ensure that they are respected by foreign States;</p> <p>(b) Ensure that the country's good relations with neighbouring countries are strengthened;</p> <p>(c) In consultation with the concerned organs, negotiate and sign, upon approval by the Government, treaties that Ethiopia enters into with other States and international organizations, except in so far as such power is specifically given by law to other organs; and effect all formalities of ratification of treaties;</p> <p>(d) Ensure the enforcement of rights and obligations arising from treaties signed by the Government of Ethiopia except in so far as specific power has legally been delegated to other organs;</p> <p>(e) Register and keep all authentic copies of treaties concluded between Ethiopia and other States and international organizations;</p> <p>(f) Perform the functions of a depository of multilateral treaties when the Government of Ethiopia is a depository of such treaties;</p> <p>(g) Coordinate and supervise the activities of Ethiopia's diplomatic and consular missions and permanent missions of Ethiopia to international organizations;</p> <p>(h) Coordinate all relations of other government organs with foreign States and international organizations;</p> <p>(i) Keep contacts, as may be necessary, with foreign diplomatic and consular representatives in Ethiopia, as well as with representatives of international organizations with a view to facilitating the protection of mutual interests;</p> <p>(j) Ensure that privileges and immunities accorded to foreign diplomatic missions and representatives of international organizations under international laws and treaties to which Ethiopia is a party are respected;</p>



	<ul style="list-style-type: none"> <li>(k) Issue diplomatic and service passports and diplomatic and service entry visas in accordance with the relevant laws;</li> <li>(l) Through pursuing economic diplomacy, cooperate with the concerned organs in:             <ul style="list-style-type: none"> <li>(i) Promoting the country's foreign trade and tourism;</li> <li>(ii) Identifying and attracting foreign investors;</li> <li>(iii) Identifying, acquiring and packaging of technologies;</li> <li>(iv) Facilitating the mobilization of external financial and technical assistances;</li> </ul> </li> <li>(m) Ensure that the interests and the rights of Ethiopians residing abroad are protected; and encourage and support associations formed by Ethiopian communities and friends of Ethiopia.</li> <li>(n) Facilitate participation of the diasporas in the development of the country through ensuring diasporas engagement;</li> <li>(o) Provide information and consultancy on issues of protocol; and</li> <li>(p) Design and follow up the implementation of public diplomacy and communication strategies to build the country's image and to rally supporters.</li> </ul> <p>MoFA has, among others, established a Directorate for Diaspora Engagement Affairs, consisting of two divisions: (a) Diaspora Research and Information; and (b) Diaspora Engagement. Diaspora Coordinating Offices have been established in the nine regional States and two administrative regions, and Diaspora focal points have been instituted at core federal ministries and core organizations, as well as Ethiopian embassies worldwide.</p> <p>Mention should be made of another institution, which collaborates with but does not fall under MoFA, and which provides a range of supporting services to Ethiopian diaspora, namely the EDA.</p>
MoJ	<p>According to article 16 of Proclamation 916/2015, MoJ shall, among others, have the powers and duties to:</p> <ul style="list-style-type: none"> <li>(a) Be chief advisor to the Federal Government on matters of law;</li> <li>(b) Undertake legal reform studies and carry out the codification and consolidation of federal laws; collect regional State laws and consolidate same as necessary;</li> <li>(c) Assist in the preparation of draft laws when so requested by federal organs and regional States;</li> <li>(d) Study the causes of crimes; devise ways and means of crime prevention; coordinate the relevant government organs and communities in crime prevention;</li> <li>(e) Undertake or order the conduct of investigation where it believes that a crime the adjudication of which falls under the jurisdiction of the federal courts has been committed; direct and supervise the process of the investigation; allow plea bargain; upon the existence of good cause, decide on the discontinuance of an investigation or the carrying out of additional investigation;</li> <li>(f) Establish systems for gathering, handling and distribution of information relating to criminal justice; and provide support to the concerned organs of justice;</li> <li>(g) Represent the Federal Government in the institution and trial of criminal charges; withdraw criminal charges for good causes and in accordance with the law; follow up the execution of decisions of the courts;</li> <li>(h) Where the rights and interests of the public and of the Federal Government so require:             <ul style="list-style-type: none"> <li>(i) Institute suit civil suits on behalf of Federal Government offices and public enterprises or intervene at any stage of the proceedings of such suit before the competent courts or other judicial bodies; and follow up the execution of court decisions which made them judgement creditors;</li> <li>(ii) Review and provide legal advice to the Federal Government offices and public enterprises when they are entering contractual obligation or in preparing draft contract document; and prepare draft contract document as may be necessary;</li> </ul> </li> </ul>

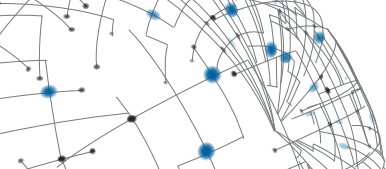


	<ul style="list-style-type: none"> <li>(i) Follow up, as necessary, the handling of civil suits and claims to which the Federal Government offices and public enterprises are parties; cause reports to be submitted to it on same, and ensure that competent legal professionals are assigned; where it believes that an infringement of the law has been committed, it shall give instructions to rectify the irregularities and follow up the observance of same;</li> <li>(j) Assist in the amicable resolution of disputes arising between Federal Government offices and public enterprises;</li> <li>(k) Represent citizens, in particular women and children, who are unable to institute and pursue their civil suits before the federal courts;</li> <li>(l) License and supervise in accordance with law the advocates practicing before federal courts; facilitate conditions necessary for the advocate to provide free legal aid service to the Government and the public, and supervise execution of such obligation;</li> <li>(m) Ensure that whistleblowers and witnesses of criminal offences are accorded protection in accordance with the law;</li> <li>(n) Coordinate activities involving international judicial assistance with respect to criminal cases; and</li> <li>(o) Follow up the implementation of international and regional human rights agreements ratified by Ethiopia; in collaboration with concerned organs, give appropriate response to issues raised and prepare national report on the implementation of the agreements;</li> <li>(p) Design strategies for the provision of free legal aid service; follow up its implementation; coordinate those involved in the field;</li> <li>(q) Prepare national human rights action plan in cooperation with the concerned organs; follow up its implementation; coordinate the concerned organs at national level and submit report;</li> <li>(r) Create legal awareness through the use of various methods with a view to raising public consciousness in relation to the protection of human rights; cooperate with the appropriate bodies in relation to legal education and training; and</li> <li>(s) Prepare structured legal awareness creation action plan by coordinating different organs at federal level; provide legal awareness creation training to the public on the constitutional issues, protection of human rights and different laws; follow up the significance of trainings provided by different organs for the respect of the constitution and the constitutional order.</li> </ul> <p>The Department of Public Prosecution is part of MoJ. The MoJ is particularly involved in legal reform concerning human trafficking and smuggling.</p>
Ministry of Finance and Economic Cooperation (MoFEC)	<p>According to article 18 of Proclamation 916/2015, MoFEC shall, among others, have the powers and duties to:</p> <ul style="list-style-type: none"> <li>(a) Initiate economic cooperation policies and fiscal policies that particularly serve as a basis for taxes, and duties; and follow up the proper implementation of same;</li> <li>(b) Establish a system of budgeting, accounting, disbursement and internal audit for the Federal Government, and follow up the implementation of same; ensure the harmonization of systems of budgeting, accounting, disbursement and internal audit established at the levels of both Federal and Regional Governments;</li> <li>(c) Prepare the Federal Government budget, make disbursements in accordance with the approved budget, and evaluate the performance of the budget;</li> <li>(d) Establish a system of procurement and property administration for the Federal Government and supervise the implementation of same;</li> <li>(e) Mobilize, negotiate and sign foreign development assistance and loans, and follow up the implementation of same;</li> <li>(f) Manage and coordinate the bilateral economic cooperation with different countries, as well as the relationship with international and regional organizations</li> </ul>



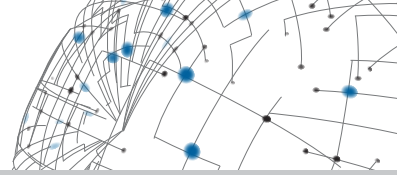
	<p>set up to create economic cooperation; follow up the impact of same on the performance of the country's economy; and</p> <p>(g) Be the depository of and safeguard the Federal Government's shares, negotiable and non-negotiable instruments and other similar financial assets.</p> <p>One of the primary tasks of MoFEC is to develop the five-year GTPs.</p> <p>Reference should also be made to the NPC, which was established as a stand-alone institution in 2014, having previously formed part of MoFEC. The NPC is mandated with the task to prepare short- and long-term national plans for the country as a whole and should, as such, be a key institution for purposes of mainstreaming migration/labour migration into national development plans.</p>
Ministry of Women and Children Affairs (MoWCA)	<p>Relevant powers and duties ascribed to MoWCA can be ascribed to the new Ministry of Women and Children. According to article 36 of Proclamation 916/2015, MoWCA shall, among others, have the powers and duties to:</p> <ul style="list-style-type: none"> <li>(a) Create awareness and movement on the question of women, children;</li> <li>(b) Collect, compile and disseminate to all stakeholders information on the objective realities faced by women and children;</li> <li>(c) Ensure that opportunities are created for women to actively participate in political, economic and social affairs of the country;</li> <li>(d) Encourage and support women to be organized, based on their free will and needs, with a view to defending their rights and solving their problems; and build their capacity;</li> <li>(e) Design strategies to follow up and evaluate the preparation of policies, legislations, development programmes and projects by Federal Government organs to ensure that they give due considerations to women issues;</li> <li>(f) Undertake studies to identify discriminatory practices affecting women, facilitate the creation of conditions for the elimination of such practices, and follow up their implementation;</li> <li>(g) Device means for the proper application of women's right to affirmative action's guaranteed at the national level and follow up the implementation of same;</li> <li>(h) Ensure that due attention is given to assign women for decision-making positions in various government organs;</li> <li>(i) Coordinate all stakeholders to protect the rights and well-being of children; and</li> <li>(j) Conclude international treaties relating to women and children in accordance with law and, follow up the implementation of same and submit reports to the concerned bodies.</li> </ul> <p>The Ministry, among others, heads the Task Force on Social Sectors.</p>
Ethiopian Investment Commission	<p>The Commission is an autonomous government institution accountable to the Investment Board, chaired by the Prime Minister (see <a href="http://adiszena.com/ethiopia-house-passes-new-investment-proclamation-2/">http://adiszena.com/ethiopia-house-passes-new-investment-proclamation-2/</a>). Within the Commission, there is an Investment Promotion and Information Directorate, which includes, among others, a team called Diaspora Affairs. This Directorate/team liaises directly with the diaspora about investment and trade, and collaborates with MoFA.</p>





<p>Central Statistical Agency (CSA)</p>	<p>The CSA is the statistical arm of the Government of the Federal Democratic Republic of Ethiopia and is accountable to MoFEC. Since its establishment in 1960, it has been and is involved in socioeconomic and demographic data collection, processing, evaluation and dissemination that is used for the country's socioeconomic development and planning, monitoring and policy formulation. The major mandates and responsibilities of the CSA, among others, are:</p> <ul style="list-style-type: none"> <li>(a) Collect statistical data through censuses, sample surveys, administrative records and registrations as well as process, evaluate, analyse, publish and thereby disseminate the results and also serve as the country's information centre;</li> <li>(b) Prepare short-, medium- or long-term national statistical programme for the collection, processing evaluation and analysis of data required for socioeconomic development planning and upon approval execute the programme and projects within the given budget;</li> <li>(c) Undertake studies and researches with respect to statistical methods and encourage the utilization of the results;</li> <li>(d) Provide appropriate capacity-building basic short-term training to personnels engaged in statistical activities, for Federal Ministries, regional States, non-governmental organizations (NGOs) and private sector;</li> <li>(e) Issue directives and programmes and see its implementation to improve the national statistical system and avoid duplication of statistical activities;</li> <li>(f) Lay down the system for the collection, compilation, classification and flow of statistical data; and</li> <li>(g) Determine the type and particulars of statistical data to be collected, as well as the productivity, and monitor the execution of the same.</li> </ul> <p>Three of the CSA Directorates of direct relevance for the area of labour migration are:</p> <ul style="list-style-type: none"> <li>• Populations Statistics Directorate</li> <li>• Business Statistics Directorate</li> <li>• Household Surveys and Prices Directorate</li> </ul>
<p>National Bank of Ethiopia</p>	<p>The NBE was established in 1963 by Proclamation 206 of 1963 and began operation in January 1964. Prior to this proclamation, the Bank used to carry out dual activities, i.e. commercial banking and central banking. The proclamation raised the Bank's capital to Ethiopian dollars 10 million and granted broad administrative autonomy and juridical personality. Following the proclamation, the NBE was entrusted with the following responsibilities (See now Proclamation 591/2008, which replaced the earlier Proclamation):</p> <ul style="list-style-type: none"> <li>(a) Regulate the supply, availability and cost of money and credit;</li> <li>(b) Manage and administer the country's international reserves;</li> <li>(c) License and supervise banks and hold commercial banks reserves and lend money to them;</li> <li>(d) Supervise loans of commercial banks and regulate interest rates;</li> <li>(e) Issue paper money and coins;</li> <li>(f) Act as an agent of the Government; and</li> <li>(g) Fix and control the foreign exchange rates.</li> </ul> <p>The NBE's Foreign Exchange Monitoring and Reserve Management Directorate regulates remittance transfers.</p>



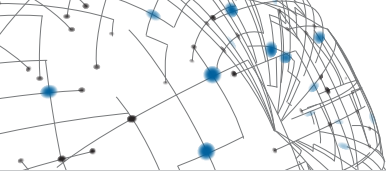


There are also several interministerial and inter-institutional arrangements in place, some formal and some informal. In some cases, the arrangement amounts to a mere referral for the exercise of a particular function; in other cases, more substantive collaboration is at play. The following could be highlighted in particular:

- (a) Inter-ministerial Committee on Overseas Employment, headed by MoLSA. Article 15(1) of the recently adopted Ethiopia's Overseas Employment Proclamation, Proclamation 923 of 2016, provides that the National Coordinating Committee, established under article 39 of Proclamation 909/2015 (Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation) and created at the regional and even *woreda* levels, shall perform certain activities in relation to overseas employment. Article 15(2) stipulates that the task force accountable to this National Committee shall have the powers and duties listed below:
  - Ensuring the proper implementation of the Proclamation;
  - Ensuring proper provision of cooperation and support relevant to the objectives of organs engaged in counselling and reintegration activities of returnees;
  - Causing the conduct of studies with a view to concluding bilateral agreements with receiving countries on issues related to employment and thereby establishing a conducive situation;
  - Cooperating with appropriate organs and ensuring the taking of legal action against those responsible for violation of rights or damage inflicted on citizens in the receiving countries;
  - Ensuring, in cooperation with concerned authorities, that persons involved in human trafficking are immediately brought before justice;
  - Causing the provision of awareness creation training to the public on illegal employment exchange activities;
  - Facilitating the exchange of overseas employment information with concerned organs and the establishment of a well-equipped data centre; and
  - Adopting its own rules of procedures.
- (b) A National Diaspora Council and an Advisory Council are foreseen. A Joint Consultative Forum also exists, tasked with bringing together all the relevant stakeholders in relation to diaspora engagement issues both at the federal and regional levels (MoFA).
- (c) National Council to Combat Trafficking in Persons, chaired by the Deputy Prime Minister, was established in June 2011. The Council is composed of senior government officials, religious leaders, all relevant ministries, eminent personalities from various social institutions and civil society organizations. Regional States have also created councils at the regional, *woreda* and *kebele* levels. These councils have been entrusted with the task of combating human trafficking in all its forms. The Council established a National Task Force to lead mass mobilization in the fight against human trafficking and prosecute human traffickers. The Task Force structure has been replicated at the regional level.
- (d) Border Commissions, chaired by MoFA. This includes joint border migration committee for trafficking issues, which reportedly needs to be strengthened.<sup>40</sup>

It has been reported that meetings of the Committee on Overseas Employment are not regular and that MoLSA also lacks an executive authority to monitor the execution of tasks by the members of the Committee, as member government institutions are parallel in hierarchy (Gebeyehu, Achacoso and Messele, 2013).

<sup>40</sup> Information conveyed by Mr Abebe Haile, Director of Employment Promotion Directorate, MoLSA, 20 July 2015.



The Employment Promotion Directorate displays many shortcomings. In a study commissioned by IOM in 2013, it was indicated that the Directorate has a severely restricted budget; only 50 per cent of the total staff positions were filled, and significant training and capacity-building needs exist, also in relation to an understanding of the labour migration area (ibid.). A new structure has been suggested to enable MoLSA to render a more effective service as regards Ethiopians employed overseas. This entails a stand-alone Directorate under a Director General, to whom several directors will be reporting. Not only is the structure politically important, but will also have proper technical expertise. The new structure is currently being considered at the federal level.<sup>41</sup> With the ratification of the new Ethiopia's Overseas Employment Proclamation No. 923/2016, the Ministry and specially this directorate will reportedly, according to MOLSA, be expanded and capacitated.

One is left with several impressions when considering the existing institutional framework to migration:

**Fragmented and uncoordinated framework.** It should be noted that in the area of dealing with the context of Ethiopians working in foreign countries, services rendered are fragmented and uncoordinated. For example, overseeing the contract between private recruitment agencies and Ethiopian workers in foreign countries is a task entrusted to the relevant MoLSA directorate; MoFA institutional structures (in particular embassies) liaise simultaneously with these Ethiopian workers.

There is room for closer collaboration also as regards the conclusion of bilateral agreements. Although Proclamation 691/2012 allocates core functions regarding such agreements to MoFA, also as regards conclusion of the agreements, article 10(1) of the same Proclamation lists as part of the common powers and duties of Ministries, that "[E]ach Ministry shall have the powers and duties to, in its area of jurisdiction, enter into contracts and international agreements in accordance with the law." In addition, as noted above, the National Committee referred to earlier (i.e. the Inter-ministerial Committee on Overseas Employment, headed by MoLSA) is entrusted with the task to initiate research with a view to concluding bilateral agreements with receiving countries.

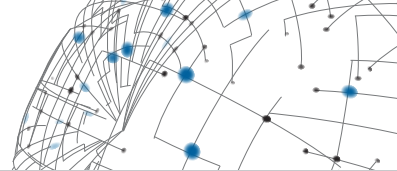
The current framework is also fragmented, if viewed from the perspective of a person intent on moving abroad to work or start a business. As will be discussed in more detail in the next component of this report, there is little policy or operational support in Ethiopia for persons wanting to work as a professional or commence business activities abroad.<sup>42</sup>

From a pre-departure perspective, it might be advisable to have a one-stop facility in place, to provide streamlined services to would-be migrant workers or businesspersons.

**MoLSA capacity concerns.** As is apparent from the discussion above, capacity is currently a real concern, particularly as far as the Employment Service Promotion Directorate within the MoLSA is concerned. A new enhanced structure, along the lines currently being proposed and set out above, would have to be optimally capacitated, in the organizational, human resources and funding senses of the word, underpinned by thorough capacity-building training initiatives.

<sup>41</sup> Information conveyed by Mr Abebe Haile, Director of Employment Promotion Directorate, MoLSA, 23 February 2015.

<sup>42</sup> Elsewhere in Africa, this is indeed increasingly a widespread phenomenon. For example: (a) according to article 16(2)(d) of the East African Community (EAC) Common Market Protocol, free movement of services in EAC Partner States shall cover the supply of services by the presence of a service provider, who is a citizen of a Partner State, in the territory of another Partner State; and (b) within the framework of the Accelerated Programme for Economic Integration (APEI), five like-minded Southern African Development Community countries have embarked upon a process to support and accelerate among others the movement of business people and professionals: see N. Treebhohun, APEI: Movement of Business People, Presentation made at the SASPEN and FES Conference on Social Protection for Migrants, Johannesburg, November 2014.



**Other services not being provided by any institution.** As appears from the discussion in the next component of this report, there are several services that should be in place, particularly as far as the externalization of labour is concerned, but which are currently not provided. These relate, among others, to the protection of the rights and interests of migrant workers abroad and the reintegration of Ethiopian returnees – although the recently adopted Ethiopia’s Overseas Employment Proclamation No. 923/2016 now makes provision for these matters. It is important to have a holistic view of the needs of migrant workers, whether they move abroad for the long term or on a temporary basis. Appropriate supporting arrangements need to be put in place prior to migrants’ departure, during their employment abroad and upon their return. Ideally, the provision of services at these different stages should either be vested in one institution, or rendered by several on a properly coordinated basis. A coordinated arrangement should observe a team approach whereby different ministries and public institutions work closely together to serve the interests of the migrant workers concerned, and also via the posting of labour attachés (who, although until earlier provided for in Proclamation 632/2009 and now provided for in the new Proclamation 923/2016, have not yet been allocated to certain Ethiopian embassies) and other support staff to foreign missions in countries with a sizeable number of Ethiopian citizens. The coordinated service provided by the Government of the Philippines and several other public institutions – the Philippine Overseas Employment Administration (support on recruitment matters), the Department of Labor and Employment, the Department of Foreign Affairs (consular and legal support) and the Overseas Workers Welfare Administration (welfare support) – to the large number of overseas Filipinos may be cited as a best practice example (Ofreneo and Sale, 2014).

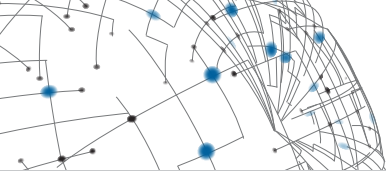
Also, during the interview with the (until recently known as) MoWCA,<sup>43</sup> it became apparent that while the Ministry provides support services to returnee migrant workers, it does not, as such, render assistance to women and children outside Ethiopia or to foreign women and children in Ethiopia. An overarching migration policy that integrates labour migration into the policy and operational framework in Ethiopia would contribute to deal with this anomaly.

### IV.3. Recommendations

In addition to the proposals made under the previous component of this report in relation to institutional arrangements for data collection, analysis and dissemination, the following could be remarked:

- (a) **Strengthen the capacity of MoLSA.** As the externalization of labour is already playing a prominent role in the Ethiopian context, also from the perspective of remittance income, and in view of the myriad functions of the responsible MoLSA directorate, as well as the high-level nature of many of its functions, it is recommended that the current structure be replaced with a separate alone-standing directorate, as is currently being proposed. The new structure should have a sufficient staff complement and budgetary allocation. Staff in the new structure should have the capacity to conduct international labour market information intelligence, liaise with Ethiopian embassies, monitor recruitment agencies and provide various services to Ethiopian migrant workers before departure and upon return, in collaboration with several other Ethiopian stakeholders.
- (b) **Extend service delivery.** There is ample scope, and indeed a crucial need, for extended services to be rendered to migrant workers and their families – as well as to businesspeople – at the pre-departure stage, while in transit, during the period of residence abroad and upon return. The extended service delivery and the holistic approach suggested require careful and detailed planning, as well as revised job descriptions for the individuals and revised plans of action for the institutions so involved. There are also requisite human resources and technical and budgetary support to make this possible. The posting of

<sup>43</sup> Interview held on 24 April 2015.



additional government personnel (including labour attachés) in overseas locations where sizeable numbers of Ethiopians are working may also be necessary.

- (c) **Streamline coordination and provide a one-stop facility.** Streamlined service delivery is evidently required and will go a long way towards facilitating emigration, sojourn in the host country and return. It will also serve the interests of immigrants in a structured manner. The emphasis should be on eradicating fragmentation and possible duplication in order to render efficient service and fill the main gaps in the range of services not currently available but nevertheless needed. There is a need to clarify and provide a proper framework for the respective roles of the stakeholders involved. This applies, in particular, to the extent that the functions of MoLSA and MoFA seemingly overlap. It would be preferable if a clarifying and mandating arrangement would be in place to deal with this.
- (d) **Establish and utilize public–private partnerships.** Considerable scope exists for establishing and utilizing, and strengthening existing public–private partnerships for the benefit of labour migration. For example, in the area of remittances, collaboration between and commitments made by financial institutions and government may help to reduce the costs of personal transfers and develop appropriate remittance products. There could also be closer collaboration between government and private recruitment agencies, with government taking on a more pertinent role – as discussed in a later part of this report. Also, in more general terms, but evidently of critical importance, is the need to ensure extensive collaboration with two of the main affected actors in the area of labour migration, that is, the social partners, being the apex employers’ association and trade union (con)federation bodies in Ethiopia (i.e. the EEF and the CETU).

# V.

## NATIONAL LEGISLATIVE BASIS AND INTERNATIONAL NORMS

### V.1. Issues for consideration

In this part of the report, there is an attempt to:

- (a) Analyse current national legislation regarding the departure of national workers for employment opportunities abroad to identify potential gaps;
- (b) Examine existing bilateral and multilateral labour agreements involving Ethiopia and to what extent such agreements are being implemented in an effective manner; and
- (c) Ascertain the extent to which legal provisions prescribed in international conventions are in place and functioning, and where ratification has not taken place, assess the obstacles and requirements for ratification, in particular, focusing on any obstacles in the national legislation preventing access to employment.<sup>44</sup>

### V.2. Analysis

Focus will be placed in this part of the report on potential gaps emanating from existing national legislation on labour and social security, as well as from the recently adopted but not yet in force Proclamation 923/2016,<sup>45</sup> providing for employment exchange services. Thereafter, the issue of bilateral and multilateral labour agreements will be addressed. Finally, some remarks will be made concerning Ethiopia's international legal frameworks. Matters pertaining to obstacles from a regional (specifically, the IGAD) perspective will be consigned largely to the last part of this report.

#### V.2.a. Current labour and social security laws

The Labour Proclamation<sup>46</sup> contains important provisions concerning non-citizens working in Ethiopia, and Ethiopians intent on working abroad. In an overarching provision, it prohibits discrimination between workers on the basis of, among others, nationality (Proclamation No. 377/2003: article 14(1)(f)).

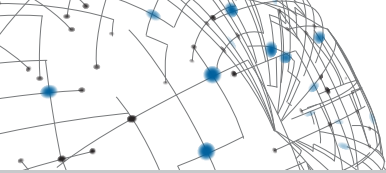
Similarly, the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families stipulates that migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment, including, among others, termination of the employment relationship. Ethiopia has not ratified this UN Convention; however, ratification of this convention is reportedly underway. It could be argued that articles 172 and 173 under Proclamation 377/2003 could be viewed as an opening for interpretation on the possibility for differential treatment of non-citizen workers in Ethiopia, specifically in relation to termination of the employment relationship. If Ethiopia decides to fully or partially ratify this Convention, there may be a need to revisit these articles to close the possibility for potential loopholes and ensure that any future legislation is consistent with international standards.

<sup>44</sup> The terms of reference for this assignment also included the following: "... and where ratification has not taken place, assess the obstacles and requirements for ratification. In particular, focus on any obstacles in the national legislation preventing access to employment within the context of the EAC Common Market Protocol". Due to the lack of available data, it was not possible in the course of this assignment to ascertain the (domestic) obstacles and requirements for ratification. Access to employment within the EAC context is considered within the framework of the final part of this report, which deals with the regional context.

<sup>45</sup> FDRE, Proclamation 923/2016 – Ethiopia's Overseas Employment Proclamation, Federal Negarit Gazette, 22nd year no.44, 19 February 2016.

<sup>46</sup> Proclamation 377/2003. The Proclamation is currently being revised.





Regarding Ethiopians intent on working abroad, mention should, firstly, be made of article 175 of the Labour Proclamation, which stipulates that “An Ethiopian national may be employed outside of Ethiopia where the Ministry has obtained adequate assurances that his rights and dignity shall be respected in the country of employment.” It is clear that the provision aims to protect Ethiopian migrant workers. However, given that article 8(1) of the 1990 UN Migrant Workers Convention guarantees migrant workers and members of their families the freedom to leave any State, including their State of origin, protection of Ethiopian nationals in this regard needs to be achieved with mechanisms, such as through appropriate bilateral agreements that guarantee their protection.

Secondly, article 176 of the Labour Proclamation provides that no person or entity shall perform employment exchange activities for consideration. This is a clear confirmation of the guarantee in this regard embedded in international standards, in particular ILO Convention 181 of 1997, the Private Employment Agencies Convention, ratified by Ethiopia in 1999. However, as discussed elsewhere in this report, it may well be that the practice of some recruitment agencies in this regard, when they were allowed to operate regularly before the imposition of the ban on activities outside Ethiopia, may not have been in accordance with this provision.

Regarding social security coverage in Ethiopia, the National Human Rights Action Plan 2013–2015 has the following to say concerning recent developments in the contributory context of Ethiopia’s social security system:<sup>47</sup>

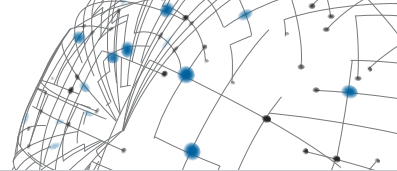
*The 2010/11-2015 Growth and Transformation Plan (GTP) has set a clear direction with regard to the right to social security of citizens. The Government is developing a plan to set in place an integrated system and expand the coverage of social security service. To expand the social security system and to make the programme accessible to citizens step by step, the Government has enacted the Public Servants’ Pension Proclamation No. 714/2011 and Private Organization Employees Pension Proclamation No. 715/2011. Proclamation No. 714/2011 provides for the pension rights of civil servants and similarly Proclamation No. 715/2011 provides for the pension rights of private organization employees.*

*These Proclamations provide the rights of civil servants and workers of private organizations in terms of retirement pension allowance; retirement gratuity; invalidity pension allowance; employment injury gratuity, survivors (widow/widower, child, parent) pension allowance; survivors (widow/widower, child, parent) gratuity.*

*Proclamation No. 714/2011 established the civil service pension, and the military and police service pension funds. Pension contribution payments are made towards the funds by the government and employees of the government on the basis of the amount of salary of the government employee.*

*Similarly, Proclamation No. 715/2011 established the private organizations employees pension fund. Contributions, based on the salary of the employee of the private organization, are made to the fund by the employer and the employee.*

<sup>47</sup> Federal Democratic Republic of Ethiopia, 2013:125–127.



The current social security legal dispensation displays some gaps, with specific reference to differentiation being made on the basis of nationality, as embedded in the legal framework applicable to in particular the public scheme established for private sector employees, provided for under Proclamation 715. In this case, membership of the scheme is only open to Ethiopian nationals, subject to two exceptions: i.e. (a) where international agreements (which could include bilateral agreements) provide for the coverage of foreigners; and (b) foreign nationals of Ethiopian origin.<sup>48</sup> Regarding the latter, Proclamation 270/2002<sup>49</sup> guarantees to foreign nationals of Ethiopian origin certain rights and privileges, among others, not to be subjected to the exclusion that applies to foreign nationals regarding coverage of pension schemes under the relevant pension law (FDRE, 2002c: article 5(3)).

Ethiopia has not ratified the ILO Convention 102 of 1952 (the Social Security (Minimum Standards) Convention), which prohibits nationality discrimination as far as contributory social security schemes are concerned.<sup>50</sup> While Ethiopia's approach appears restrictive in its current state with respect to incorporating foreign nationals, there remains room for reciprocity based on the signing of bilateral agreements providing for the coverage of foreigners.

Importantly and theoretically speaking, it has to be borne in mind that the exclusion of foreigners from membership of national public social security schemes in the country may impact on the willingness of other countries to cover their respective migrant workers under the receiving country's social security schemes – reciprocity is a well-established principle in social security treatment of foreigners. It is suggested that for this reason as well, and in view of the sizeable number of Ethiopians working abroad – the approach of introducing social coverage to foreign workers with exceptional circumstances may be reconsidered. Also, as is indicated below, it is indeed appropriate to provide in more detail for the coverage of nationals of both the countries of origin and countries of destination in concluded bilateral social security arrangements. One of the foundational principles that applies in this regard is that the nationals of the two countries concerned have to enjoy equality of treatment in social security terms in the respective countries.

It should further be noted that no provision is made (i.e. in Proclamation 715) for the possibility of extending coverage to Ethiopian workers who may work abroad for a foreign employer. As explained below, unilateral extension of coverage to nationals under domestic schemes is a technique employed by several countries. Of course, a complicating factor in this regard is the fact that domestic workers are excluded from coverage under article 3(3)(a) of Proclamation 715. While this exclusion also affects domestic workers within Ethiopia, it also impacts negatively on the large numbers of Ethiopian domestic workers abroad. Consideration could be given to extend coverage to this category of workers – both within and outside Ethiopia – on an appropriate basis. Note should in this regard be taken of the provisions of article 14(1) of the ILO's Domestic Workers Convention<sup>51</sup> (not ratified by Ethiopia), which stipulate:

*Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.*

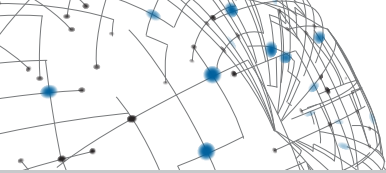
<sup>48</sup> See article 3(1) of both Proclamation 714 and Proclamation 715.

<sup>49</sup> FDRE, Proclamation 270/2002 – A Proclamation to Provide Foreign Nationals of Ethiopian Origin with Certain Rights to be Exercised in their Country of Origin, Federal Negarit Gazette, 8th year no. 17, 5 February 2002.

<sup>50</sup> Article 68(1) stipulates: "Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes."

<sup>51</sup> Convention 189 of 2011.





Finally, much can be gained from the practice of concluding bilateral social security agreements with countries where large numbers of Ethiopians work. Such agreements could contain favourable provisions regarding, among others, cross-border exportability of benefits. However, it would appear that such agreements have not yet been concluded by Ethiopia despite the requests (reportedly) by certain countries to conclude agreements to this effect with Ethiopia.<sup>52</sup>

How can these gaps be addressed?

It is often said that bilateral social security treaties (in particular when supported by an overarching multilateral agreement) constitute universal worldwide best practices.<sup>53</sup> These agreements focus on appropriate social security arrangements for migrant workers, as bilateral labour agreements (BLAs) usually only make partial provisions for such arrangements.

The agreements generally provide for the aggregation of insurance periods (in that all periods taken into account by the various national laws are aggregated for the purpose of acquiring and maintaining entitlement to benefits and of calculating such benefits), and the payment of benefits, irrespective of the country in which the beneficiary resides (the “(ex)portability” principle).

Extending social security coverage unilaterally to citizens living and working abroad provides another avenue for countries of origin. Given the lack of social security coordination arrangements between many migrant-sending countries of the Global South and host countries, and the absence of sufficient (social security) protection and coverage from the latter, some migrant-sending countries in Asia and elsewhere in the developing world have taken stock of the vulnerable social and economic position of their citizens living and working in other countries. As a result, they have sought to extend some form of protection (in terms of social security) to their citizens employed as migrant workers and also created a supportive framework for the employment of these workers in host countries.

These countries of origin seek to protect the rights and interests of migrant workers abroad through specific interventions. The interventions are guided either by the countries’ respective constitutions or a statutory framework providing for such protection. The extension of protection of migrant workers abroad via unilateral arrangements has been achieved through, among others:<sup>54</sup>

- (a) The adoption of constitutional guarantees and statutory frameworks facilitating the protection of migrant workers abroad, for example, the 1987 Constitution of the Philippines,<sup>55</sup> the Migrant Workers and Overseas Filipinos Act of 1995 and the Constitution of Ecuador.<sup>56</sup>

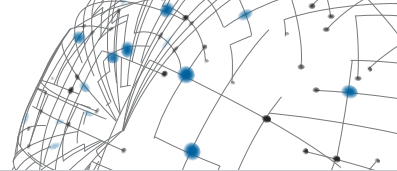
<sup>52</sup> Information conveyed in the course of interviews held with Public Servants Social Security Agency and the Private Organization Employees Social Security Agency on 26 February 2015.

<sup>53</sup> See Holzmann, Koettl and Chernetsky, 2005, p. 32, where they remark: “The administrative approach to achieve the portability for both pension and health care benefits seems to be reasonable cost-effective after a bilateral or multilateral agreement has been successfully concluded.”

<sup>54</sup> See also the contribution by R. Ofreneo and J. Sale (2014) on the Philippines in this report.

<sup>55</sup> As has been remarked (see Olivier, 2010, paras. 489–491): “The 1987 Constitution of the Republic of the Philippines lays down the basic policy framework. It requires the State to provide full protection to labour, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.” (Constitution of the Republic of the Philippines, 1987, article XIII, section 3; see Ofreneo and Sale, 2014)

<sup>56</sup> It has been noted: “Ecuador has taken the initiative of the protection of its citizens abroad a step further by advocating for a ‘universal citizenship’ irrespective of where a person may reside. The recently adopted Constitution of Ecuador provides that every person is equal and shall possess the same rights, duties and opportunities, and nobody shall be discriminated against on any grounds, including his/her migratory condition (Constitution of the Republic of Ecuador, 2008, Article 11(2)). The Constitution states that the State of Ecuador fights for the principle of universal citizenship, for the free mobility of every inhabitant of the planet earth, for the gradual demise of the condition of alien as a transforming element of the unequal relationships between countries, with especial respect to the North–South divide. It demands [the] respect of human rights, with special regard to migrating persons (Articles 416(6) and (7)). The Constitution provides for a ‘right to migrate,’ a right to asylum and a right against displacement. Article 40 provides that: ‘Every person is acknowledged the right to migrate. No human being shall be identified,



- (b) Comprehensive migration laws and regulations, which include those governing the entry, stay and transit of foreigners, and the exit and return of nationals, with clear provisions on migrants' rights. An example is Mexico's migration law and its accompanying regulations. Article 2 of the law, for example, sets guidelines for the formulation of migration policy, including: (i) respect for the rights of both Mexican and foreign migrants; (ii) facilitation of international mobility; (iii) complementarity of labour markets with countries in the region; and (iv) full equality between nationals and foreigners, particularly as it relates to civil liberties;
- (c) Provisions in bilateral social security treaties providing for continued coverage of certain categories of migrant workers in the social security system of the labour-exporting country, for example, the Indian–Belgian Agreement of 2009, which requires that posted workers be covered by the social security legislation of their country of origin and that they pay social security contributions to their country of origin's social security system, as long as the period of posting does not exceed five years.<sup>57</sup>
- (d) State governments establishing special overseas workers' welfare funds by national and even (as in the case of India) extending protection to workers and, at times, also their families (as in the case of India, the Philippines and Sri Lanka) (Hall, 2011; del Rosario, 2008; and Ruiz, 2008).
- (e) Voluntary affiliation in national social insurance schemes, for example, those of Albania, Jordan, Mexico, Mozambique, the Philippines and the Republic of Korea.
- (f) Measures and schemes aimed at supporting the flow of remittances and social insurance contributions to the sending country.
- (g) Exportability of social security benefits and the provision of related services (e.g. medical care) abroad.<sup>58</sup>

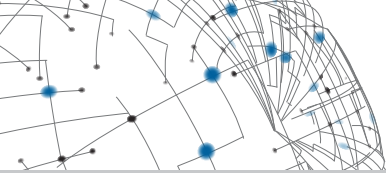
The unilateral measures are of relatively recent origin, but seem to be growing in extent and popularity. They cover sizeable numbers of migrant workers – in the case of the Philippines, 8 million, and in the case of Sri Lanka, 2 million. International standards and instruments do not regulate this particular phenomenon; yet it is interesting to note that reference to this is increasingly being made in what can be regarded as soft law and explanatory and implementing instruments, for example, the 2008 UN General Comment No. 19 on the right to social security (in relation to the UN International Covenant on Economic, Social and Cultural Rights) and the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. Of particular relevance, also, is the ILO Multilateral Framework on Labour Migration (ILO, 2006), which provides a comprehensive overview of principles and guidelines on how labour protection for such migrant workers can be improved.

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nor regarded as illegal, as a result of their migratory conditions. The State, through its dedicated institutions, shall develop the following actions – among others – for Ecuadorian persons' rights to be exercised overseas, whatever their migratory condition: 1) Shall provide assistance to them and their families, whether residing overseas or in the country; 2) Shall provide attention, counselling services and thorough protection, for them to be able to freely exercise their rights; 3) Shall protect their rights if, for whatever reason, they are deprived of their freedom overseas; 4) Shall promote their ties with Ecuador, facilitate family reunion and stimulate return on a voluntary basis; 5) Shall safeguard the privacy of their personal information within the archives of Ecuadorian institutions overseas; 6) Shall protect transnational families and their members' rights.' The constitutional imperative to protect Ecuadorians abroad is further reflected in the *country's policies*. The National Plan of Foreign Policy (*Plan Nacional de Política Exterior*) 2006–2020 establishes 'protection to emigrants' as one of the priority axes of Ecuadorian foreign policy. It also puts an emphasis on the development of 'economic and cultural ties' between expatriates and their motherland."

<sup>57</sup> Agreement on social security between the Kingdom of Belgium and the Republic of India, 2009, article 8.

<sup>58</sup> The legislation of countries, especially countries that conclude bilateral social security agreements, often regulates the exportability of social security benefits. For example, in the case of South Africa, workmen's compensation and social assistance legislation provides for this.



### V.2.b. Proclamation 923/2016, providing for overseas employment

Proclamation 923/2016, issued in accordance with the Constitutional mandate given to the Council of Peoples' Representatives to enact laws dealing with, among others, nationality, immigration, passport, entry into and exit from Ethiopia, refugee political asylum matters,<sup>59</sup> essentially has the following as its rationale and/or broad objectives (as appears from the preamble):

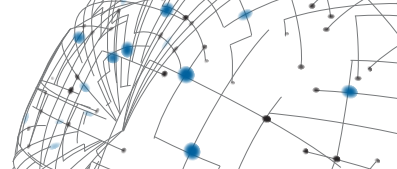
- (a) The protection of the rights, safety and dignity of Ethiopians who are willing to take up overseas employment in pursuance to their qualification and ability;
- (b) The belief that bilateral agreements with receiving countries may strengthen lawful overseas employment and could prevent human trafficking;
- (c) The need to define the role of the private sector in overseas employment exchange services;
- (d) The need to enhance the role of the Government in the follow-up and monitoring of overseas employment exchange services; and
- (e) The need to replace the 2009 Employment Exchange Services Proclamation (Proclamation 632/2009).

The 2016 Proclamation, which has not yet entered into force, constitutes a significant improvement in comparison with the 2009 Proclamation. It provides for a more streamlined governance and management structure (as mentioned earlier) and deals with three recruitment channels: (a) government-to-government; (b) via PEAs; and (c) direct employment by a foreign employer (i.e. with no involvement of a PEA). Stringent conditions are imposed as regards the establishment, management and licensing, as well as the operations of PEAs, and their liability, including administrative sanctions, in the event of non-compliance with obligations imposed by the Proclamation. The recruitment, deployment and to some extent the return of migrant workers are specifically dealt with. Several commendable arrangements are put in place to strengthen the protection and welfare of migrant workers and their rights, including the development of a template/model contract of employment, and the envisaged appointment of labour attachés to render support to migrant workers. Some provision is made for engaging with complaints and dispute resolution.

The Proclamation also acknowledges that the Government of Ethiopia (i.e. MoLSA, and as appropriate, the MoFA) "shall have the responsibility to ensure that the rights, safety and dignity of workers deployed in overseas employment are respected" (FDRE, 2016:Article 63(1)) and provides for several services to be rendered by the Government of Ethiopia, such as the provision of legal assistance to victimized migrant workers (ibid., Article 64(5)). The Proclamation also imposes some obligations on PEAs and foreign employers, including:

- (a) The PEA shall have the duty to cause the employer to respect obligations enshrined in the contract of employment with respect to a worker he/she has deployed overseas (ibid., Article 63(2)).
- (b) Holding the PEA and the third party jointly liable for violation of the contract of employment concluded with a worker to provide services (ibid., Article 40).
- (c) When a request for support is received from a worker or a person who has concern for the worker, in connection with overseas employment, the Ministry or the appropriate authority "shall order the Agency to act up on support sought or problem brought to its attention and to submit a report on the status or conditions of the worker" (ibid., Article 64(2)).

<sup>59</sup> See Constitution of the Federal Republic of Ethiopia, article 55(2), read with article 55(1).

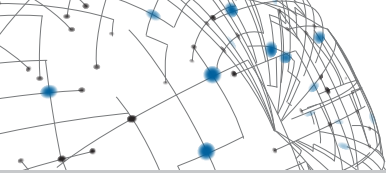


- (d) Should the PEA or foreign employer fail to act in relation to the requested support, the Ministry or appropriate authority may impose administrative sanctions on the PEA or employer (*ibid.*, Article 64(3)) – this could include the suspension of a PEA's licence in the event of a failure to provide a remedy for applications pertaining to violations of workers' rights, safety and dignity (*ibid.*, Article 42(2)(f)).
- (e) Specific violations justifying administrative sanctions against foreign employers and PEA representatives overseas are contained in the Proclamation, including (*ibid.*, Article 53):
  - (i) Failure to discharge its obligations as agreed in the employment contract;
  - (ii) Failure by the representative to discharge its obligations as per the delegation given to it;
  - (iii) Withholding or denying access to the worker's legal travel documents;
  - (iv) Withholding, without good cause, the worker's wage or his remittance;
  - (v) Negligently causing serious injury, health problem or death of the worker;
  - (vi) Committing an act that violates the worker's human dignity and moral;
  - (vii) Commission of sexual harassment against the worker; and
  - (viii) Contravention of the provisions of the Proclamation, regulations or directives issued thereunder.
- (f) In the event of a negative decision to the effect that the employer or representative has committed the contravention complained of, the employer shall be prohibited from employing workers from Ethiopia; the representative shall be prohibited from participating in Ethiopian overseas employment activity; and the employer or representative shall be liable to pay reasonable compensation for the contravention committed (*ibid.*, Article 56).
- (g) A Labour Bench has the power to resolve a dispute between a worker and an employer or representative in connection with rights and claims; the burden of proof (to show that the action does not have a legally valid basis) is shifted to the employer or representative if the worker or representative objects to the proceedings (*ibid.*, Articles 71 and 72).

The Proclamation also vests certain responsibilities in the Government of Ethiopia and in public institutions provided for in the Proclamation – in particular, Ethiopian embassies and labour attachés, and the National Committee tasked with ensuring the proper implementation of the Proclamation. For example, the Ministry or the appropriate authority shall, in cooperation with concerned institutions, facilitate reintegration support for Ethiopian overseas workers deployed and returned in accordance with the Proclamation (*ibid.*, Article 64(4)).

However, the Proclamation could also be improved in other areas. Key among these are the following:

- (a) Inadequate provision for remittances: A perusal of the provisions of the Proclamation leaves the impression that the area of transfer of remittances to Ethiopia is insufficiently covered in the Proclamation.
- (b) A code of conduct for recruitment agencies: Experience elsewhere indicates that a code of conduct applicable to PEAs is an important measure to raise the level of service and improve ethical conduct on the part of PEAs. A good practice example in this regard is the Code of Conduct for Private Employment Agencies developed by the Kenya Association of Private Employment Agencies (KAPEA). This matter is further reflected on in the next section of the report.



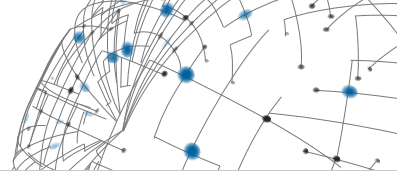
- (c) Movement of people with business skills, who are not workers: The Proclamation makes no explicit provision for facilitating the movement abroad, even to other IGAD countries, of people with business skills. Yet, at both the continental and international level (such as under the General Agreement on Trade in Services), allowance is made for trade in services, allowing higher-skilled people to move particularly as self-employed people and establish business operations abroad. This matter is also further dealt with in the next section of the report.

The importance of ILO Convention 181 of 1997 for the area of recruitment and other related international standards needs to be stressed. The Convention provides, among others, for the protection of migrant workers, the prohibition of discrimination, reporting procedures, the specification of their responsibilities by government, implementation and enforcement. Ratifying countries also undertake to review conditions to promote cooperation between the PES and PEAs.

In its preamble, the Convention acknowledges the role that PEAs play in a “well-functioning” labour market, but also notes the need to protect workers against abuses, guarantee the right to freedom of association, and promote collective bargaining and social dialogue. There are three types of labour market services: (a) services for matching offers of and applications for employment, without the PEA becoming a party to the employment relationships; (b) services consisting of employing workers with a view to making them available to a third party – or “labour broking”; and (c) services related to job seeking. It would appear that Proclamation 923/2016 mostly covers the service mentioned in (a); it might be supportive of labour exporting to explore possibilities for introducing labour broking services, subject to stringent regulation, while it is necessary to strengthen job-seeking services in the Proclamation. It further provides for ratifying member countries to ensure the following, among others:

- (a) The extension of freedom of association and collective bargaining rights to migrant workers, and more generally adequate protection for and the prevention of abuse of recruited and placed migrant workers (ILO, 1997: Articles 4 and 8). The Convention specifically stipulates that in the event of overseas employment, the conclusion of BLAs should be considered to prevent abuses and fraudulent practices in recruitment, placement and employment (*ibid.*, Article 8). This is in principle reflected in the provisions of the Proclamation: Article 12 provides that the deployment of workers for overseas employment in accordance with the Proclamation “shall be effected only if there is a bilateral agreement concluded between the Federal Democratic of Ethiopia and the receiving country”.
- (b) Penalties to be contained in laws or regulations, including prohibition of those PEAs that engage in fraudulent practices (*ibid.*, Articles 8 and 14(3)).
- (c) Measures to ensure the prevention of child labour (*ibid.*, Article 9).
- (d) Adequate mechanisms, which involve apex employer and trade union bodies, for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of PEAs (*ibid.*, Article 10). The provisions of the Proclamation could certainly be strengthened, as far as the role of these apex bodies are concerned.





Note should be taken of other ILO Conventions specifically relevant to PEAs, which have not been ratified by Ethiopia. It is suggested that by ratifying and implementing these instruments, Ethiopia will ensure enhanced protection, including welfare protection, of its migrant workers. The instruments include:

- ILO Convention 97 of 1949 (Migration for Employment Convention, Revised);
- ILO Convention 143 of 1975 (Migrant Workers (Supplementary Provisions) Convention); and
- ILO Convention 168 of 1988 (Employment Promotion and Protection against Unemployment Convention).

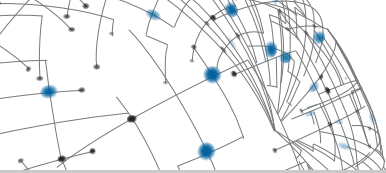
### V.2.c. Bilateral and multilateral labour agreements

Multilateral arrangements are discussed within the context of the next section, dealing with international agreements. Ethiopia has, in recent years, entered into a range of bilateral agreements and memoranda of understanding (MoUs) providing for the employment of Ethiopians abroad, or has prepared draft arrangements in this regard. These arrangements, some of which provide for bilateral exchange of manpower, have been entered and/or negotiated with Bahrain, Djibouti, Jordan, Lebanon, Kuwait, Oman, Saudi Arabia, Qatar, South Sudan, Sudan and the United Arab Emirates.<sup>60</sup> These instruments contain partly similar but also partly different provisions, presumably reflecting the differentiated context of the affected country of destination and the particular outcome of the negotiations with these countries. As a rule, the instruments indicate the following:

- (a) Purpose/scope of the arrangement/agreement concerned, the affected workers (e.g. skilled and professional workers; domestic workers);
- (b) Information to be provided by the employer(s) and/or government of the destination country regarding required manpower skills;
- (c) Involvement of the Ethiopian and foreign government concerned in respect of recruitment, also in terms of monitoring the control of recruitment;
- (d) Prevention of illegal recruitment and human trafficking;

<sup>60</sup> Copies of bilateral arrangements/memoranda of understanding (MoUs) with the following countries have been provided (some have already been concluded; others are still draft instruments):

- Bahrain: Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of Bahrain concerning the Employment of Ethiopian Manpower in Bahrain (2013).
- Qatar: Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Qatar concerning the Employment of Ethiopian Manpower in the State of Qatar (2013) (see Proclamation 793/2013, Federal Negarit Gazette).
- Kuwait: Agreement between the Federal Democratic Republic of Ethiopia and the Government of the State of Kuwait on the Field of Exchange of Manpower Ratification Proclamation (2010) (see Proclamation 677/2010, Federal Negarit Gazette).
- Saudi Arabia: Agreement on Labour Cooperation for Ethiopian Domestic Workers Employment between the Ministry of Labour of the Kingdom of Saudi Arabia and the Ministry of Labour and Social Affairs of the Federal Democratic Republic of Ethiopia.
- Lebanon: Cooperation Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of Lebanon concerning the employment of Ethiopian Manpower in Lebanon (2014).
- South Sudan: Draft Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of the South Sudan on Exchange of Manpower (2012).
- Djibouti: Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of Djibouti on Exchange of Manpower (2009).
- Jordan: Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Hashemite Kingdom of Jordan Employment of Ethiopian Workers (2012).
- Sudan: Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of Sudan on Exchange of Manpower (2009).
- United Arab Emirates: Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the United Arab Emirates on the Field of Exchange of Manpower (2012).
- Oman: Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of Oman concerning the Employment of Ethiopian Manpower in Oman (2013).



- (e) A set of key matters required to be covered in the employment contracts meant to be concluded between the employer and employee;
- (f) Transfer of income (remittances) to Ethiopia;
- (g) Applicability of the domestic legal framework of the country of destination;
- (h) Protection of the labour rights of Ethiopian migrant workers; and
- (i) Establishment of a joint bilateral commission, joint working group or other institutional framework to give effect to and monitor compliance with the instrument concerned.

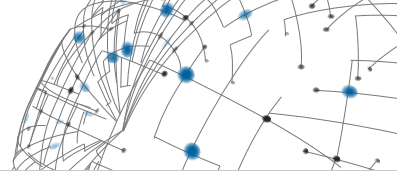
Under the influence of the widely recognized core labour rights developed under the auspices of the ILO, recent BLAs often effectively endorse the notion of extending core protection in labour law terms to at least lawfully employed migrants. In addition, modern agreements regulating the exporting of migrant labour to countries in search/need of certain categories of skilled/unskilled labour, invariably contain explicit guarantees of labour rights in the host country – see Annex III for an elaboration of the objectives and contents of BLAs.

Bearing all of this in mind, the areas of shortcoming and possibilities for further improvement of Ethiopia's bilateral instruments in this area, as well as the model employment contract, refer to, among others, the following matters:<sup>61</sup>

- (a) There is need to strengthen compliance by both foreign employers and recruitment agencies in the country of origin and the country of destination. This could be achieved through, among others, withdrawing or suspending the licence of non-compliant national recruitment agencies and the blacklisting of non-compliant foreign agencies and employers (for example, in the event of an unlawful termination of the migrant worker's contract of employment).
- (b) Bilateral agreements – as should be the case with the domestic legislation – should clearly and in sufficient details indicate the following: (i) rights and duties of the respective role players (e.g. the governments concerned/their ministries, the employment agencies, the foreign employer, the migrant worker); (ii) available recruitment channels applicable to various worker categories; and (iii) institutions/agencies involved in facilitating recruitment of different categories of migrant workers.
- (c) The current bilateral instruments do not provide for government-to-government labour exporting. This should be added as a further avenue and recruitment modality.
- (d) Measures in support of remittance transfers should be both sufficiently detailed and broad in scope to allow for concrete measures to ease remittance flows and the provision of suitable remittance products (e.g. investment opportunities).
- (e) The standard to be applied for entering into a bilateral arrangement with a particular country should be spelled out in specific terms – such as: (i) availability of and access to existing labour and social laws protecting the rights of workers, including migrant workers; (ii) the country being a signatory to and/or a ratifier of multilateral conventions, declarations, agreements or resolutions in this particular area.
- (f) Facilitating the movement of Ethiopian migrant workers has to be dependent on the existence of a BLA covering the particular country and worker category concerned.
- (g) Recruitment costs should be for the account of the foreign employer and/or the agency/agencies involved, not the migrant worker. This important stipulation, already contained in Proclamation 923/2016, should also be incorporated into the bilateral agreements.

<sup>61</sup> It has to be noted that the recommendations under this section are made based on the bilateral agreements that were provided and made reference to during the writing of the report and prior to the issuance of the new overseas Proclamation no. 923/2016.





- (h) It could be problematic to hold the foreign or domestic agency liable in the event of non-compliance with the employment contract, or the terms of the bilateral arrangement, on the part of the employer. Alternatives should be considered, such as the provision of a guarantee (which could be in the form of a performance bond) and/or creation of a recruitment fund to which the agency/agencies and/or the employer contributes, and not the worker concerned.
- (i) The impact of unlawful termination of the migrant worker's contract of employment should be clearly stipulated – along the lines of para. (a) above.
- (j) Governments, in particular the Government of Ethiopia, should be actively involved in attempting to resolve employment contract-related disputes between employers and employees.
- (k) Free legal assistance should be available to Ethiopian migrant workers who are faced with disputes, in particular employment-related disputes, in the country of destination. This could form part of a guarantee fund, financed by recruitment agencies and/or foreign employers.
- (l) Provision should be made for the mandatory repatriation of underaged migrant workers; the governments concerned should play a leading and supervisory role in this regard.
- (m) Return and reintegration provisions and measures are weakly developed in the bilateral instruments. More comprehensive and streamlined arrangements should be in place, both organizationally and in terms of concrete support. It could be considered, as is the case in the Philippines, to establish a national reintegration centre, with a substantial mandate to render support.
- (n) A government information system on migration, provided for in bilateral instruments, could go a long way to help ease the inter-institutional flow of migration data; specifying the location of migrant workers; facilitating assistance required by migrant workers; and feeding into an LMIS.
- (o) Compulsory insurance coverage, as well as sufficient social security protection, at the level of what is required by international standards in this regard, should be available to migrant workers. Social security is an area that has received little attention in the current range of bilateral instruments. For example, in some of the instruments, no or inadequate provision is made for migrant workers suffering from occupational injuries or diseases. Social security support can be achieved in various ways, including the development of a welfare fund financed by recruitment agencies/employers/ governments concerned, and/or contributions made (e.g. through remittances) by migrant workers themselves. Legally speaking, occupational injury or disease cover should be funded by employers.
- (p) It would enhance the protection available to migrant workers if the employment relationship between the employer and workers has to comply with the labour laws of both the country of origin and the country of destination. Protection would be further supported if the Government of Ethiopia (e.g. through the lead ministry and/or its embassies) is required in the BLAs/MoUs to verify, approve and authenticate employment contracts.
- (q) Grounds for termination of the employment contract should be objective, and be capable of objective determination. The current loosely worded grounds found in several of the bilateral instruments ostensibly leave a finding in this regard to the subjective opinion of the person who has to decide on this.
- (r) It should be clearly stipulated that an employer may not unilaterally amend or vary an existing, signed contract of employment.

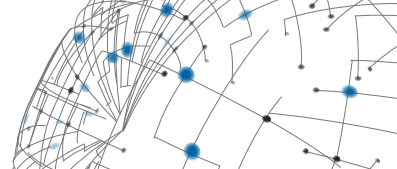
### V.2.d. International agreements

Ethiopia has been progressive in committing itself towards the respect of internationally recognized human rights through the ratification of several international and regional regulations to govern migration issues. Table 4 lists the international and regional human rights instruments that have been ratified or adopted.

**Table 4:** Ratified international and regional human rights instruments governing migration issues<sup>62</sup>

Key international and regional legal instruments	Ratified/ acceded
UN Convention against Transnational Organized Crime (2000)	✓ (2007)
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (2004)	✓ (2012)
UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime (2000)	✓ (2012)
ILO Convention No. 29 concerning Forced or Compulsory Labour, 1946 as modified by the Final Articles Revision (1946)	✓ (2003)
ILO Convention No 105 concerning the Abolition of Forced Labour (1956)	✓ (1999)
ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)	✓ (2003)
ILO Convention No. 138 concerning Minimum Age for Admission to Employment (1973)	✓ (1999)
ILO Convention No. 97 concerning Migration for Employment (1949)	×
ILO Convention No. 143 – Migrant Workers (Supplementary Provisions) Convention (1975)	×
ILO Convention No. 181 concerning Private Employment Agencies (1997)	✓ (1999)
ILO Convention No. 81 concerning Labour Inspection in Industry and Commerce (1947)	×
UN Slavery Convention of 1926 and amended by the Protocol of 1953	✓ (1969)
UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	✓ (1981)
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	✓ (1969)
UN Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979)	✓ (1981)
UN Convention on the Rights of the Child, CRC (1989)	✓ (1991)
UN Convention on the Rights of Persons with Disabilities, CRPD (2006)	✓ (2010)
UN International Covenant on Economic, Social and Cultural Rights, ICESCR (1966)	✓ (1993)
UN International Covenant on Civil and Political Rights, ICCPR (1966)	✓ (1993)
OHCHR Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	✓ (2014)

<sup>62</sup> Adapted from R. Messele and M. Gebeyehu, *Baseline Assessment on Human Trafficking Prevention and Response in Ethiopia* (IOM Special Liaison Office, Addis Ababa, 2013), 52–53, and compiled on the basis of Office of the High Commissioner for Human Rights, Status of ratification - Interactive dashboard: Ethiopia. Available from <http://indicators.ohchr.org/> (accessed on February 2017); UNHCR, *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*. Available from [www.unhcr.org/3b73b0d63.pdf](http://www.unhcr.org/3b73b0d63.pdf); African Commission on Human and Peoples' Rights, Legal instruments: Ethiopia ratifications. Available from [www.achpr.org/states/ethiopia/ratifications/](http://www.achpr.org/states/ethiopia/ratifications/) (accessed 30 May 2015); and F. Gessesse, Overview of International Instruments and Global Initiatives on Migrant Children and the Status of International Instruments in Ethiopia, Presentation for the Advocacy Workshop to Enhance the Protection of Migrant Children, Addis Ababa, 1 December 2014.

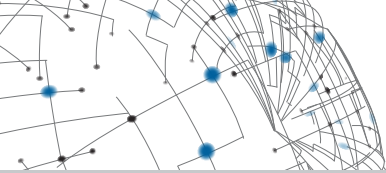


Key international and regional legal instruments	Ratified/ acceded
OHCHR Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	✓ (2014)
UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Articles (1990)	×
Convention on the Status of Stateless Persons (1960)	×
Convention on the Reduction of Statelessness (1975)	×
UN Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees (1951)	✓ (1969)
UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	✓ (1994)
UN International Convention on the Elimination of All Forms of Racial Discrimination, CERD (1963)	✓ (1976)
Constitutive Act of the African Union (2000)	✓ (2001)
African Union Convention Governing Specific Aspects of Refugee Problems in Africa (1969)	✓ (1973)
African Charter on Human and Peoples' Rights (1981)	✓ (1998)
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (1998)	×
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005)	×
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009)	✓ (2009)
African Charter on the Rights and Welfare of the Child (ACRWC) (1990)	✓ (2002)

Note should, in view of the above, be taken of key elements regarding Ethiopia's ratification and domestication of international treaties, conventions and agreements, with particular reference to the impact this may have on the area of (labour) migration. It is important to note, on the one hand, that Ethiopia has progressively ratified several relevant international instruments. They include instruments related to the status and treatment of refugees, human trafficking and smuggling, the protection of children, the abolition of slavery and forced labour, and the general human rights instruments of the UN and African Union covering civil, political, social, cultural and economic rights and concerning the protection of women, children, persons with disabilities and outlawing racial discrimination.

On the other hand, the Government of Ethiopia may find it prudent to consider the adoption of other international instruments:

- Important UN and ILO migration-related conventions, which impact directly on labour migration, have not yet been ratified by Ethiopia. These include the UN International Convention on the Rights of all Migrant Workers and Members of their Families, and ILO Conventions 97 of 1949 (Migration for Employment Convention) and 143 of 1975 Migrant Workers (Supplementary Provisions) Convention. However, a recent UN Human Rights Council report noted that Ethiopia's ratification of the International Convention on the Rights of all Migrant Workers and Members of their Families is underway (United Nations General Assembly Human Rights Council, 2014a:19 (para. 91)).
- Ethiopia has also not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights.
- In addition, Ethiopia has not accepted the individual complaints procedures under any of the UN or African Union treaties listed above; it is therefore not possible for individuals to



lodge complaints with the relevant UN or African Union supervisory bodies in the event of alleged non-compliance by Ethiopia with its obligations under any of these treaties (see also Office of the High Commissioner for Human Rights, n.d.).

- Ethiopia has accepted the inquiry procedure under one of the UN treaties listed above, i.e. the Inquiry procedure under the Convention against Torture (in 1994) (ibid.).
- As discussed above, Ethiopia has concluded a number of BLAs with particular destination countries for the exporting of labour, while similar BLAs/MoUs with other countries are currently being considered. At times, these agreements contain reciprocal clauses, allowing also for the importing of labour.

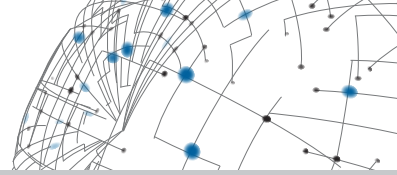
Ethiopia's adherence to international legal norms and standards is informed not only by its obligations flowing from, among others, ratified international agreements, but also the provisions of its Constitution (FDRE, 1995). The Constitution provides the basis for the domestication of ratified international instruments in the Ethiopian legal system and a tool for the interpretation not only of the applicable legislation, but also the fundamental rights and freedoms enshrined in the Constitution. Article 9(4) of the Constitution stipulates that all international agreements ratified by Ethiopia are an integral part of the laws of the country. Equally important are the provisions of article 13(2), according to which the "... fundamental rights and freedoms enumerated in this Chapter shall be interpreted in a manner consistent with the Universal Declaration of Human Rights, international human rights covenants and conventions ratified by Ethiopia".

From an overall perspective, as is confirmed by the list of key international and regional legal instruments that Ethiopia has ratified or acceded to, Ethiopia has made significant strides to formally accept several international obligations in the area of labour migration and related areas, especially in recent years. Apparently, one outstanding core instrument, i.e. the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, is due to be ratified in the near future. It is clear that as far as this Convention is concerned, the Government of Ethiopia is mindful of the need to ensure compliance of the prevailing legal and policy framework with the Convention, as confirmed in the course of meetings with several ministries. Generally speaking, the reason for non-ratification of international agreements has been explained with reference to the need to ensure that Ethiopia would be able to implement the instruments concerned. It might be that the Government could benefit from assistance rendered by specialist international organizations in the respective areas covered by any outstanding international instrument, of which there are few – IOM and the ILO come to mind in particular.

However, it also has to be noted that, as far as already ratified instruments are concerned, in certain respects implementation, especially in the sense of domestication of these instruments, can be improved. This much is evident from the earlier discussion on the following: (a) recruitment of migrant workers (from the perspective of, in particular, ILO Convention 181 of 1997, the Private Employment Agencies Convention); and (b) Ethiopian social security laws.

Finally, the need for a properly regulated and streamlined labour migration framework has to take into account the impact of the apparently widespread prevalence of human trafficking and smuggling affecting Ethiopian migrant workers. In this area, comprehensive studies have been undertaken, in particular at the initiative of IOM and the ILO, to assist the Government of Ethiopia in developing appropriate responses.<sup>63</sup> Concerns concerning the legal, operational and institutional framework were raised by these and other international organizations in the past. For example, relevant UN treaty monitoring bodies have expressed several reservations

<sup>63</sup> See among others: Y. Endeshaw, M. Gebeyehu and B. Reta, *Assessment of trafficking in women and children in and from Ethiopia* (IOM, Addis Ababa, 2006, available from [www.africanchildinfo.net/index2.php?option=com\\_sobi2&sobi2Task=dd\\_download&fid=604&format=html&Itemid=](http://www.africanchildinfo.net/index2.php?option=com_sobi2&sobi2Task=dd_download&fid=604&format=html&Itemid=)); Messele and Gebeyehu, 2013 and ILO, *Trafficking in Persons Overseas for Labour Purposes: The Case of Ethiopian Domestic Workers* (ILO Country Office, Addis Ababa, 2011).



in the course of their conclusions and recommendations regarding Ethiopia's compliance with applicable international instruments that Ethiopia ratified or acceded to, in this particular area (in particular the Palermo and Smuggling Protocols).<sup>64</sup>

Every year, the US Department of State publishes a worldwide country-based report on the state of human trafficking in countries around the world, interventions that have been introduced in these countries to deal with the phenomenon, and challenges and shortcomings. In the latest available report (2016),<sup>65</sup> Ethiopia has again been listed as a Tier 2 country.<sup>66</sup> The 2016 report notes that during the last reporting period, the Government of Ethiopia assisted in the identification of more than 3,000 trafficking victims and convicted 69 traffickers, an increase from 46 convicted during the previous year. The Government sustained its efforts to prevent and raise awareness on trafficking and trafficking-related crimes through its community conversations project. The report further reports that the Government made modest efforts to protect trafficking victims. During the reporting period, the Government identified 3,163 victims of trafficking in routine partnership with international organizations and NGOs; the vast majority of these victims were intercepted before departing for South Africa and Gulf States. Protection services are routinely provided by non-governmental institutions; however, the Government did not provide any financial or in-kind support for these services. The Government of Ethiopia reported that the scope of its repatriation assistance to Ethiopian nationals subjected to trafficking abroad was insufficient.<sup>67</sup>

Until recently, before the adoption of the new comprehensive anti-trafficking law in 2015, the position could be summarized as follows:<sup>68</sup>

*The legal provisions dealing with the issue is rather found in different laws, including the Constitution, Criminal Code, Immigration Proclamation, and Employment Exchange Services Proclamation. In addition, Ethiopia has adopted international human rights instruments, such as the Palermo Protocol, and ILO Conventions, which are critical in providing the standards to prevention, protection and prosecution measures. The ratification of these international instruments also serves as a means to harmonize and enact national legislation that effectively addresses irregular migration in general, and trafficking in persons in particular.*

While article 18 of the Ethiopian Constitution prohibits slavery or servitude, trafficking in persons and forced or compulsory labour, the Criminal Code of 2005 in particular contained several provisions that are relevant in this area. They include article 597 ("Trafficking in women and children"), article 635 ("Trafficking in women and minors"), article 596 (dealing with enslavement), article 598 (unlawful sending of Ethiopians for work abroad) and article 243 (unlawful departure, entry or residence).

<sup>64</sup> These concerns among others related to: (a) lack of disaggregated data; (b) low rate of prosecution; (c) need to address the root causes of human trafficking and smuggling; (d) need to adopt a national plan of action and raise awareness; and (e) insufficient victim support. See in particular: UN Committee on the Elimination of Discrimination against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women*, CEDAW/C/ETH/CO/6-7, 27 July 2011; UN Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant*, United Nations Covenant on Civil and Political Rights (CCPR), 2011.

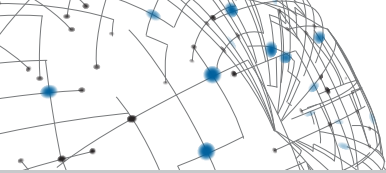
<sup>65</sup> US Department of State, *Trafficking in Persons Report: Ethiopia* (2016): 167–169.

<sup>66</sup> Tier 2 countries are "The governments of countries that do not fully meet the TVPA's minimum standards but are making significant efforts to meet those standards" (ibid., 39).

<sup>67</sup> Ibid., 167–169.

<sup>68</sup> Messele and Gebeyehu, 2013: 6.





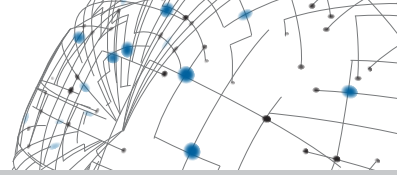
Regarding the applicable legal framework, it has to be noted that a new comprehensive specific law to combat human trafficking was drafted in collaboration with IOM, United Nations Office on Drugs and Crime and MoJ and recently adopted – i.e. Proclamation 909/2015 – A Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants; in addition, a national action plan on human trafficking was recently finalized in close collaboration with IOM and MoLSA, while a national referral system for victims of trafficking has also been developed with the support of IOM.

The Preamble of the law stresses the need to provide more extensively for prevention and victim support, and to develop a law that comprehensively deals with the issues concerned, in view of incomplete protection provided by the earlier fragmented framework of laws, and that would reflect the constitutional prohibition and relevant international standards. The law effectively addresses the concerns earlier expressed by multilateral organizations, among others by:

- (a) Comprehensive definitions of, among others, “human trafficker” and “migrant smuggler”, “organized criminal group”, “transnational crime”, “exploitation”,<sup>69</sup> “slavery”, “servitude”, “debt bondage”; “smuggling of migrants” and “victim”;
- (b) Extensively formulated offences, including trafficking in persons; assisting and facilitating trafficking in persons; migrant smuggling; identity cards or travel documents offences; assisting smuggled migrants to enter or stay in the territory of Ethiopia; assistance to illegal stay in any country; destroying of evidence and blocking testimony; concealing crime and the suspected criminal; failure to disclose criminal acts; and criminal liability of legal persons. Severe penalties have been provided for in order to stem the wave of dangerous migration.<sup>70</sup> In relation to some of the offences, aggravated circumstances could give rise to more severe penalty;
- (c) Indicating circumstances under which the consent of the victim will be disregarded (e.g. if secured through a means of threat or coercion); importantly, the consent given by a child or his/her guardian will also be disregarded;
- (d) Strengthening the prevention of trafficking through extensive procedural protection and requirements, among others in relation to reporting obligations; protection of exposed persons; applying special investigative techniques; arrest and detention; burden of proof; protection of acts performed in good faith; the possibility of immunity from prosecution for suspects providing substantial evidence;
- (e) Comprehensive provisions aimed at the protection, rehabilitation and compensation of victims, with reference to, among others, identification and rescue of victims; repatriation of victims (whether Ethiopian or otherwise); witness protection; immunity from criminal liability; compensation, also from a fund to prevent, control and rehabilitate victims of human trafficking and migrant smuggling; and
- (f) An appropriate institutional and implementation structure, reflected in the establishment of a National (coordinating) Committee and an Anti-human Trafficking and Smuggling of Migrants Task Force and indicating the roles, functions and duties of the MoJ, the MoFA and the Police.

<sup>69</sup> Particularly noteworthy is the extensive description of exploitative practices, including benefiting from prostitution of others or other forms of sexual exploitation; labour exploitation, forced labour or servitude; slavery or practices similar to slavery; sexual servitude and enslavement; debt bondage or surrender as pledge for another; removal or taking of organs of the human body; forcefully engaging for begging; and engaging children for military service: see article 2(6) of the Proclamation.

<sup>70</sup> See also the statement of State Minister and chairperson of the Federal Anti-Human Task Force, Honourable Solomon Tesfaye in M. Lemma, “Ethiopia: No Migration Due to Lack of Good Governance - Task Force”, The Ethiopian Herald, 2 May 2015. Available from [www.allafrica.com/stories/201505041494.html](http://www.allafrica.com/stories/201505041494.html)



In its official reporting to UN and other supervisory bodies, the Government of Ethiopia has been indicating the steps taken to address shortcomings in this area. In particular, in its *National report submitted in accordance with paragraph 5 of the Annex to Human Rights Council Resolution 16/21*, it stated (in 2014):<sup>71</sup>

*76. The Government has given significant emphasis to combat trafficking in women. The Government has established a National Council to Combat Trafficking in Persons, chaired by the Deputy Prime Minister, in June 2011. The Council is composed of senior Government officials, religious leaders, eminent personalities from various social institutions and civil society organizations. Regional States have also created Councils at the Regional, Woreda and Kebele levels. These Councils have been entrusted with the task of combating human trafficking in all its forms. The Council established a National Task Force to lead mass mobilization in the fight against human trafficking and prosecute human traffickers. A series of public discussions were held on the effects of human trafficking especially of women and children. Human Trafficking Control centres are established in Amhara and Southern Nation Nationalities and Peoples Regional States and some parts of Addis Ababa. The Government is implementing an action plan in cooperation with neighbouring countries, on measures to be taken to curtail illegal migration and combat human trafficking. The Government has also established Reception Centres around border posts, for victims of trafficking to provide advice, first aid and other services and return victims to their families. [Recommendation 35]*

*77. The Federal Police Commission has directed its efforts to bringing perpetrators of this crime to justice. Some were found guilty and were sentenced from 5–15 years of imprisonment. As deterrent and to ensure the protection of the rights of women and children, the Revised Federal Supreme Court Sentencing Guideline No. 2/2013 was issued to increase the level and rank on crimes committed against women. [Recommendation 36]*

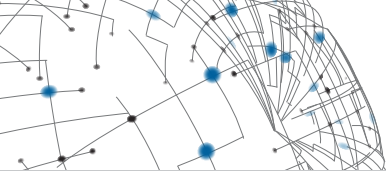
The report further noted the range of support services made available by the Government and the enactment of a new law to provide for a compulsory registration of births.<sup>72</sup>

Currently, under the auspices of the National Anti-Trafficking Task Force and the regional counterpart task forces and on the basis of annual plans developed by the National Anti-Trafficking Council, endorsed by the regions, Ethiopia has put in place several measures to address human trafficking. These include the promotion of local employment opportunities and access to vocational training (Lemma, 2015; IOM, 2015a). Another key intervention involves a dialogue at community level, informed by a manual developed by IOM. This manual, the Community Conversation Manual, focuses on irregular migration, human trafficking and smuggling in response to the challenges of irregular migration. It was developed in close consultation with major stakeholders including MoLSA, MoWCYA, UNICEF and other intergovernmental organizations and local partners. The community conversation manual has been translated into three widely spoken languages in the country (see IOM, 2015e and 2015f).

<sup>71</sup> UN Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21 Ethiopia* (A/HRC/WG.6/19/ETH/1), 30 January 2014, paras. 76–77. Available from [www.refworld.org/docid/53e2036f4.html](http://www.refworld.org/docid/53e2036f4.html)

<sup>72</sup> *Ibid.*, 84, 90.





### V.3. Recommendations

#### **Extend legal and welfare protection to migrant workers.**

From the analysis undertaken in chapter 4, it is clear that in several contexts, significant progress has been made in recent years. The adoption of comprehensive new proclamations concerning overseas employment and anti-human trafficking should be mentioned in particular, also in view of their far-reaching impact. However, in some respects, there is room for further improvement concerning the current policy and legal dispensation in relation to migrant workers to and from Ethiopia, from the perspective of international benchmarks. Firstly, the provisions of bilateral arrangements can be strengthened to better reflect comparative best practice experience. In fact, much of what is now provided for in the new overseas employment proclamation, i.e. Proclamation 923/2016, should also be reflected in the bilateral agreements, in particular in relation to assistance available to migrant workers abroad and reintegration upon return.

Secondly, the in-principle exclusion of non-Ethiopians from access to social security benefits should best be revisited, also in view of Ethiopia's envisaged ratification of the UN Migrant Workers Convention. Thirdly, there is room for enhanced protection to be extended to victims of human trafficking and migrant smuggling – in particular by extending financial support to organizations partnering with government to provide such assistance.

#### **Provide a facilitative framework for persons moving with their business and professional skills.**

There is ample scope for an appropriate supportive framework for people who move to other countries with their business and professional skills. The current legal, policy and institutional framework focuses mainly on migrant workers moving abroad for employment. More can be done to provide for the needs of Ethiopians who move with their business and professional skills. It is suggested that a policy framework, aligned with international and regional norms and best practices, should inform direction in this regard, and that a separate legal instrument be developed to regulate, streamline and facilitate this very important area of migratory skills, services and investment flows for the benefit of development in Ethiopia. This is an area that requires active government intervention, as recruitment agencies do not tap into this market effectively.<sup>73</sup>

#### **Align the legal and policy framework.**

As mentioned in the analysis, certain aspects of the overseas employment regulatory framework, as well as the social security legal and policy framework, could be revised to better reflect comparative best practice and international standards, also as far as differential treatment is concerned.

#### **Develop and conclude appropriate labour and social security agreements.**

As these agreements could provide one of the best ways to protect migrant workers, care should be taken to develop these agreements with this in mind. This may require capacity-building, to equip those involved to negotiate and conclude such agreements. The shortcomings of the current (draft and concluded) BLAs and MoUs need to be addressed.

<sup>73</sup> Also, refer back to chapter 5.2.2.

# VI.

## RECRUITMENT AND SUPPORT SERVICES

### VI.1. Issues for consideration

It falls within the scope of this part of the report to:

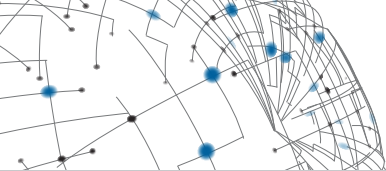
- (a) Examine current recruitment practices to identify what these practices are, how they are being undertaken, what gaps and potential remedies exist, and to what extent licensing and monitoring of private and public recruitment entities is taking place;
- (b) Examine recruitment practices in Ethiopia within the context of facilitating labour agreements;
- (c) Examine candidate profiling and recruitment procedures, in particular those of potential migrant workers from Ethiopia departing for Middle East countries;
- (d) Examine the types of services and support mechanisms that are currently in place for departing migrants, including (legal) counselling and information provided prior to departure, training and re-training, and other similar services, with particular focus on pertinent youth employment and migration issues; and
- (e) Analyse the social security provisions and mechanisms currently in place in receiving (Middle East) countries, with particular emphasis on the social protection of migrant workers, as well as portability of social security and other benefits.

### VI.2. Analysis

#### VI.2.a. Recruitment practices, procedures and support mechanisms

Some of the issues indicated above have already been raised in the previous component, Chapter 5: National Legislative Basis and International Norms (see in particular the discussion concerning social protection for migrant workers, as well as the portability of social security and other benefits). A discussion on matters relating to current recruitment practices and procedures, candidate profiling and support mechanisms and services for departing migrants, is complicated by the fact that for some time now, since October 2013, a ban has been imposed on all overseas recruitment by private overseas employment agencies (MoLSA, 2014). This was accompanied by a licence suspension notification, issued by MoLSA, which indicated that the Government had decided to put a ban “on all overseas employment services to any destination countries which are facilitated both individually and through private employment agencies; until the observable legal, operational and structural gaps are reviewed and the necessary adjustments are made available”. The ban was meant to be in place for a specific period of time. According to the letter, the rationale for the imposed ban related to the fact that this regular overseas employment channel is being abused to conduct unlawful overseas employment practices that has intensified human trafficking and resulted in human rights violations, labour abuse, physical and psychological damage of citizens (MoLSA, 2014; Abiye, 2014). Even though the comprehensive new overseas employment proclamation, i.e. Proclamation 923/2016, has been adopted, the implementing directives and regulations are in the making, hence the ban is still in place and movement for overseas employment has not yet commenced.

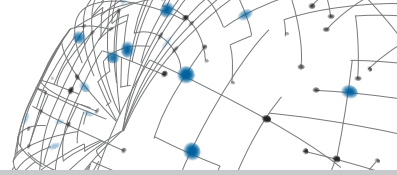
In view of the imposition of the ban, there are no current recruitment practices and procedures in place, nor for this reason would it be possible to examine candidate profiling and current services and support mechanisms. Nevertheless, it might be helpful to provide a summary of the regulatory framework in this regard provided for in Proclamation 923/2016:



- (a) **Three envisaged modes of employment of migrant workers abroad:** Employment abroad of a migrant worker (which includes per definition also a job seeker) from Ethiopia via an Ethiopian PEA constitutes one avenue of overseas employment regulated by the Proclamation; the Proclamation also covers the employment of a migrant worker via a government-to-government arrangement or through direct employment (FDRE, 2016: Article 2(3), definition of “employer”).
- (i) Regarding government-to-government arrangements, MoLSA is mandated to provide recruitment and placement services to governmental organizations in receiving countries based on a government-to-government agreement (ibid., Article 4);<sup>74</sup>
- (ii) Direct employment by a foreign employer is regarded as an “exceptional” category, as the Proclamation stipulates that “[N]o employer shall directly recruit and employ a worker except through the Ministry or an Agency” (ibid., Article 6(1)). Notwithstanding this provision, allowance is made for direct employment of staff of an Ethiopian mission, where the employer is an international organization, or where the job seeker acquires a job opportunity by his own accord in job positions other than house maid service (ibid., Article 6(2)). However, in this last-mentioned case (not involving an Ethiopian mission or an international organization), the direct employment by a foreign employer must be “permitted” by the MoLSA, if a range of conditions have been met (ibid., Article 6(3)).<sup>75</sup>
- (b) **Educational and medical requirements:**
- (i) Education: A worker interested in taking up overseas employment must have completed at least the eighth grade of education. In addition, the worker must have obtained a certificate of occupational competence for the work he/she is to be employed (i.e. a certificate indicating that the worker is capable of performing a particular task) – once other requirements set by the employer are met, the certificate has to be presented (ibid., Article 7).
- (ii) Medical examination: Regarding the medical examination, the Government of Ethiopia will select the medical institution to which the PEA must refer the worker once the employer requirements have been fulfilled (ibid., Article 9).
- (c) **Awareness-raising:** MoLSA or the relevant regional government organ (entrusted with the power to implement labour laws) have to (see ibid., Article 8):
- (i) Undertake regular pre-employment and pre-departure awareness-raising for interested citizens;
- (ii) Conduct continuous national awareness-raising activities for the public at large, as well as for those responsible for governing and managing, and working for, PEAs; and
- (iii) Conduct awareness-creation orientation for foreign employers.

<sup>74</sup> The services to be provided by the MoLSA “shall include interviewing and selection; causing medical examinations; approval of employment contracts, provision of pre-employment and pre-departure orientations, facilitation of departure of employed workers and other similar services” (FDRE, 2016: Article 5).

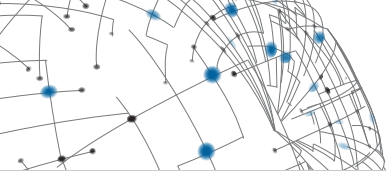
<sup>75</sup> These conditions comprise the following: (a) an assurance has been secured that the worker’s basic rights and dignity will be respected in the country of destination; (b) life and disability insurance coverage has been bought from the domestic insurance market by the foreign employment, the contents of which may be subject to a MoLSA directive; (c) appropriate air or land transport arrangements have been submitted together with the contract of employment; and (d) an advertisement to vacant positions permitted for direct employment “shall only be conducted through the Ministry or the appropriate authority” (ibid., Article 6(3) and (4), read with article 62).



- (d) **Expenses and service fee:** A distinction is drawn between expenses for which the foreign employer and the worker respectively is responsible (*ibid.*, Article 10):
  - (i) Employer: Visa fee, return transport costs, work permit and resident permit fees, insurance coverage,<sup>76</sup> visa and associated document authentication costs, and employment contract approval service fee.
  - (ii) Worker: Passport issuance fee, authentication of employment contract and crime clearance certificate fees, medical examination and vaccination fees, birth certificate issuance fees, and expenses for certificate of occupational competence.
  - (iii) Service fee: To be paid by the employer to the Ministry, associated with the approval of the employment contract.
- (e) **Bilateral agreements:** A worker may only be deployed to a country if the Government of Ethiopia has concluded a bilateral agreement with that country (*ibid.*, Article 12).
- (f) **Institutional framework:** (see *ibid.*, Articles 13–15)
  - (i) The necessary organizational structure will be established by the Ministry, while the Ministry will also appoint labour attachés to ensure the protection of the rights, safety and dignity of workers employed overseas.
  - (ii) The Proclamation also covers the establishment of a National Coordinating Committee and Task Force accountable to the Committee; this was reflected on earlier in the report.
- (g) **Model employment contract and conditions of work:** According to Article 16 of the Proclamation, MoLSA may issue a directive on working conditions regarding prevailing overseas labour market and social services. Furthermore, MoLSA has to prepare a model employment contract that must include a minimum range of matters, including the following:
  - (i) Working time, wages, annual leave, free transportation to and from work;
  - (ii) Free medication, food and accommodation, life and disability insurance cover; and
  - (iii) Valid termination grounds.

It must also consider the laws, customs and culture of the receiving country, as well as relevant bilateral and multilateral treaties (*ibid.*, Article 17). Parties remain free to agree on more favourable terms, conditions and benefits (*ibid.*, Article 18).
- (h) **Inspection:** In order to promote the legality of migration, provision is made for the issuing of special identification cards for migrant workers whose contracts of employments have been approved (*ibid.*, Article 20(1)). MoLSA and the relevant regional government organ are given the mandate to assign labour inspectors to monitor compliance with the Proclamation by PEAs. Extensive powers and duties are ascribed to these inspectors, among others to ascertain that the PEA has the required office facilities and automated database system, and provides the necessary pre-departure and pre-employment orientation and counselling services (*ibid.*, Article 20(2) and (3)).
- (i) **Licensing of a PEA:** Comprehensive provision is made regarding the licensing of PEAs:
  - (i) Eligibility: A PEA has to obtain a licence for every country that it wishes to operate in (*ibid.*, Article 21). Only Ethiopian citizens (or a business organization whose members are all Ethiopian citizens) are eligible to obtain a licence (*ibid.*, Article 22). In both cases, a sizeable operating capital (of not less than 1 million Birr) is set as an eligibility condition. Not eligible are those whose licence was revoked or suspended on more than three occasions, under the previous proclamation, or those sentenced for

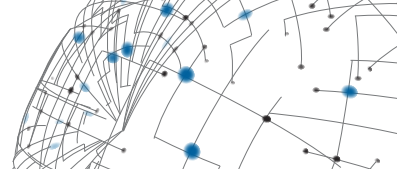
<sup>76</sup> According to article 62, the employer shall buy life and disability insurance from the domestic insurance market; the PEA or worker has to present this insurance policy document to MoLSA, together with the employment contract.



engagement in particular crimes, or an official or employee in leadership position in certain governmental institutions (or their families) (i.e. to avoid a conflict of interest) (ibid., Articles 22 and 23).

- (ii) Licence requirements: An eligible applicant has to submit a range of documents, confirming the applicant's organizational and operational structures and details, an official office presence, a police clearance and a tax clearance certificate, a suitable presence in the country of destination (which could be via a delegated representative), including a facility for providing temporary food and sheltering services to the workers in the country of destination), confirmation of the applicant's qualifications and security bond, as well as authorization to freely enter into and exit from the receiving country, and a receipt showing payment of the licence fee (ibid., Article 24).
- (iii) Related matters: An issued licence is valid for one year and must be displayed in a conspicuous place (ibid., Articles 26 and 27). Except in the case of death, a licence is not transferable; a person may also not operate in more than one PEA as owner or a member of a relevant institution (ibid., Article 28). Changes in governance/managing structures must be notified, and published through public media (ibid., Articles 29 and 30). A licence has to be renewed annually, one month prior to the expiry of the one-year period, and is dependent on compliance with several requirements – including that a security bond has been deposited, an audited financial statement confirms settled tax liability, a police clearance certificate has been obtained, and a general report indicating the status of deployed and returned overseas workers (ibid., Article 33). Article 34 empowers the Minister to issue a directive in connection with an incentive scheme to evaluate and reward PEAs involved in the sector and achieving good performance.
- (j) **Employment exchange abroad:** Several matters concerning the actual employment exchange abroad are regulated by the Proclamation:
  - (i) Advertisement: A PEA must obtain approval from MoLSA or the relevant regional government organ before advertising any overseas job vacancy. In addition, the advertisement, through mass media, must contain certain information relating to the PEA itself, details about the vacant job positions, and a declaration that a service charge will not be collected from the worker (ibid., Article 35).
  - (ii) Recruitment: This has to take place at the premises of the office of the PEA, unless authorization has been obtained from MoLSA or the relevant regional government organ to use a temporary recruitment venue in the event of the recruitment of a substantial workforce (ibid., Article 36).
  - (iii) Approval of the employment contract: The contract – signed by the foreign employer, the PEA and the worker – must comply with the model contract and other conditions specified in a ministerial directive, and be submitted for approval. If MoLSA is satisfied, after verification of the signature of the employer and other attached document, that these conditions have been met, it shall approve and register the contract (ibid., Article 37).
  - (iv) Deployment of worker and reporting: The PEA is required to deploy the worker within one month after approval of the contract; notify the Ethiopian mission or consular office in the country of destination and cause registration of deployed workers within 15 days; ensure that the workers has obtained a work and a residence permit; and report same to MoLSA (ibid., Article 38).
  - (v) Revocation of contract of employment: Failure to deploy the worker within one month must be notified to MoLSA, together with reasons therefore; the contract will be revoked (ibid., Article 39).



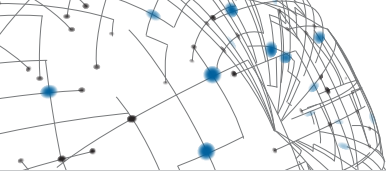


**(k) Non-compliance by a PEA, the lodging of complaints and corresponding administrative measures:**

- (i) The power to impose administrative measures: MoLSA or the relevant regional government organ has the power to take administrative measures in respect of violations of the Proclamation by a PEA (ibid., Article 42(1)). Depending on the nature of the violation, the licence of the PEA may be either suspended or revoked:
  - a. Suspension: Contraventions that could give rise to a suspension of the PEA's licence<sup>77</sup> include, among others (ibid., Article 42(2)):
    - i. Obstruction or attempted obstruction of the activities of an assigned labour inspector;
    - ii. Failure to give notice to the MoLSA or the relevant regional government organ of the appointment of a general manager, members of the board of directors or the recruitment of an employee;
    - iii. Recruitment of a worker who does not meet the educational or professional competence described above;
    - iv. Failure, without good reason, to deploy the worker within one month;
    - v. Failure to provide a remedy for applications pertaining to violations of workers' rights, safety and dignity;
    - vi. Failure to submit periodic reports to MoLSA or the relevant regional government organ, as required;
    - vii. Failure to submit a report on the list of workers terminated from employment and other related information; failure to provide adequate service in accordance with the Proclamation; withholding of a worker's wage or remittances;
    - viii. Failure to refund a worker not deployed for reasons not imputable to him;
    - ix. Failure to provide pre-departure orientation and counselling; and
    - x. Failure to immediately verify and report to MoLSA on employment bodily injury sustained by or death of workers on overseas employment, on the reasons thereof and the remedial measures taken.<sup>78</sup>
  - b. Revocation: Contraventions that could give rise to a revocation of the PEA's licence include, among others (ibid., Article 42(3)):
    - i. Direct or indirect engagement of a PEA-associated owner, general manager or employee with a travel agency or air ticket office management;
    - ii. Failure to renew licence within the stipulated time period;
    - iii. Recruitment and deployment of a worker:
      - a. Who is below the age of 18 years;
      - b. To a destination in the absence of a bilateral agreement involving Ethiopia and that country, or where a destination has been indicated as prohibited; and

<sup>77</sup> The period of suspension ranges from 3 months to 12 months, depending on whether the violation is for the first, second or third time. If it is a fourth-time violation, the licence has to be revoked (FDRE, 2016:Article 47(1) and (2)).

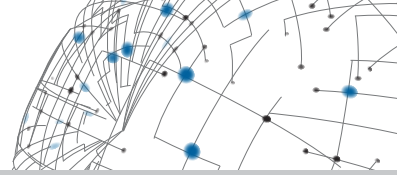
<sup>78</sup> Other violations giving rise to a suspension include the influencing or attempt to influence an employer to employ only a worker registered by the particular PEA; disregard of orders and notices issued by MoLSA or the relevant regional government organ; failure to display its licence as required; and failure to replenish the amount the PEA has to pay towards a financial guarantee, where the amount has been used in accordance with the provisions of the Proclamation (FDRE, 2016:Article 42(2), read with article 60(4)).



- c. To a service that adversely affects public health or morality or damages the country's image;
  - iv. Transferring or changing ownership of a licence in contravention of the Proclamation;
  - v. Receiving a fee from the worker in return for overseas employment exchange service;
  - vi. Deploying a worker before approval of the employment contract;
  - vii. Sending a worker to a destination other than the stipulated destination in the approved contract, or to engage in a type of service, place of work or country different from those stipulated in the licence;
  - viii. Assigning a worker to a different employer than the one mentioned in the approved contract;
  - ix. Engaging a person in its business, if the person is prohibited from overseas employment exchange service;
  - x. Substituting or replacing the approved contract by another without notifying to and approval of MoLSA;
  - xi. Withholding travel document and other information of the worker before or after deployment; and
  - xii. Compelling a worker to relinquish his/her rights and benefits through fraudulent practice or duress.<sup>79</sup>
- c. Legal consequence of a licence suspension or revocation: The PEA has to cease engagement with overseas employment exchange services in the event of a licence suspension or revocation. The suspension or revocation will be publicly notified by MoLSA, but does not relieve the PEA from responding to lawful requests of the workers it sent abroad. In the case of revocation, the licence shall be returned to MoLSA within five working days (*ibid.*, Article 48).
- (ii) Complaints: A worker or his representative may submit an oral or written complaint to MoLSA or the relevant regional government organ in the event of a contravention of the Proclamation or any relevant law. The complaint should include relevant particulars, as prescribed. MoLSA or the relevant organ must open a file and issue a summon order, directing the PEA to present a statement of defence within 10 working days. Following a hearing, MoLSA or the relevant organ must give its decision within one month, and shall issue an execution order to the PEA to execute its decision within 15 days (*ibid.*, Articles 43–45, 49–51). Pending finalization of the decision, no employment contract may be approved; the PEA's licence may be suspended in certain circumstances. Criminal liability may also follow (*ibid.*, Articles 46 and 47(3)).
- (I) **Non-compliance by an employer, a PEA representative or a worker, and corresponding administrative measures:**
  - (i) The power to impose administrative measures: MoLSA or the relevant regional government organ has the power to take administrative measures in respect of violations of the Proclamation by a foreign employer, a PEA representative or a worker (*ibid.*, Article 52).
  - (ii) Violations by an employer or a PEA representative: This report already reflected on the principle of imposing liability on a foreign employer or PEA representative. The said violations include (*ibid.*, Article 53):

<sup>79</sup> Other violations giving rise to a revocation include furnishing falsified evidence or document or advertisement in order to recruit or deploy a worker; and intentionally falsifying or changing a worker's travel document (*ibid.*, Article 42(3)).

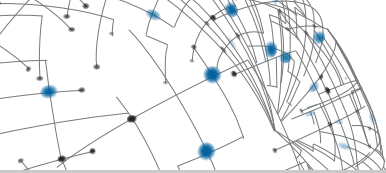




- a. Failure to discharge its obligations in the employment contract or (in the case of the representative) as per its delegated powers;
  - b. Withholding or denying access to a worker's legal travel documents, or his/her wage or remittances;
  - c. Negligently causing serious injury, health problems or death of the worker;
  - d. Committing an act that violates the worker's human dignity and morals;
  - e. Sexual harassment of the worker; and
  - f. Contravention of the Proclamation, its regulations or directives.
- (iii) **Complaints and decision:** A complaint may be submitted by the victim or any person; MoLSA or the relevant regional government organ will conduct proceedings (which it can also do on its own accord); pending the outcome the employer or PEA representative may temporarily be barred from participating in overseas employment exchange service (*ibid.*, Article 54). If the complaint is upheld, the employer and/or PEA representative shall be prohibited from engaging in overseas employment exchange, and may be ordered to pay reasonable compensation (*ibid.*, Article 56).
- (iv) **Violations by a worker:** Worker violations include (*ibid.*, Article 57):
- a. Failure to discharge his/her obligations according to the employment contract;
  - b. Commission of crimes punishable in Ethiopia or the country of destination;
  - c. Failure to respect the religion, custom or customary practices of the country of destination;
  - d. Unwillingness to be deployed, without good cause, after approval of the contract;
  - e. Unauthorized use of the employer's or colleague's money or property;
  - f. Production of falsified evidence for overseas employment; and
  - g. Terminating the contract for no good reason.

Administrative measures to be taken against the worker include suspension from overseas employment for six months or one year (depending on whether this is a first- or second-time violation), or disqualification from overseas employment, if the contravention is committed for the third time (*ibid.*, Article 58).

- (m) **Right to Appeal:** A party aggrieved by the decision of MoLSA or the relevant regional government organ may, within 15 days, lodge pleadings with the Federal High Court or a regional court with jurisdiction. The decision of the court will be final (*ibid.*, Article 59).
- (n) **Welfare service:** Several matters are provided for in the Proclamation:
- (i) **Financial Guarantee:** A PEA has to deposit USD 100,000 or its equivalent in Birr in a blocked bank account for purposes of guaranteeing the protection of the rights and safety of deployed workers. Failure to comply with its duty to transport the worker and his/her personal belongings back when the contract terminates, or where the worker sustains serious bodily injury or dies, empowers MoLSA to withdraw the required amount from this Fund, upon which the PEA must replenish the Fund within 10 working days. The financial guarantee will only be released when the PEA ceases operations, if there is no claim against the PEA (*ibid.*, Article 60).
  - (ii) **Foreign Employer's Guarantee Fund:** In order to cover claims of workers arising from breach of the employment contract, a foreign employer has to allocate USD 50 to this Fund.

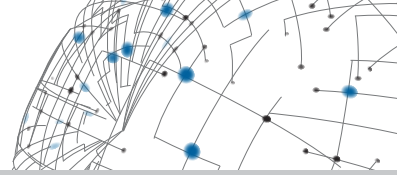


- (iii) Assistance provided to workers: This report already reflected on the liability of the Government of Ethiopia and PEAs to ensure the rights, safety and dignity of workers deployed in overseas employment.
- (o) **Conciliation and repatriation of workers:** MoLSA or the relevant regional government organ is mandated to receive and conciliate any complaint submitted to it by a worker, a PEA or a foreign employer relating to overseas employment. Should this be unsuccessful, the complainant may submit the case to the adjudication office of MoLSA. Failure on the part of the PEA to participate in the conciliation or to abide by the terms of the approved settlement will cause MoLSA not to approve any employment contract until compliance has been achieved (*ibid.*, Articles 66–68). Also, a PEA has the duty to transport back a worker and his/her belongings (see above) and cover medical expenses to a worker who has been repatriated due to serious bodily harm. Expenses may be reclaimed from the worker, if the worker terminates the contract without good cause (*ibid.*, Article 69).

**Further reflection:** The new proclamation deals with many issues concerning the overseas employment of workers from Ethiopia in extensive fashion and in a way that addresses many of the earlier concerns (as to which, see Gebeyehu, Achacoso and Messele, 2013:6–8). Nevertheless, some specific remarks may still be apposite:

- (a) Self-regulation. There is much that PEAs themselves could do to ensure compliance with legal and ethical requirements pertaining to operations and behaviour. International standards and comparative best practice in this regard are reflected on below. Two areas could in particular be mentioned:
- (i) Much can be achieved through self-regulation by PEAs, in addition to public regulation. The Ethiopian PEAs established an umbrella organization, the Association of Overseas Recruitment Agencies of Ethiopia (AORAE). Apparently, AORAE adopted a Code of Conduct, which is in view of the ban suspended. However, the Code reportedly did not contain enforceable penalties.<sup>80</sup>
- (ii) MoUs or agreements between AORAE and apex organizations of PEAs in destination countries could also be of value. Such an agreement was concluded with the Jordanian Recruiting Agency Association in 2012. The agreement contains important provisions in an attempt to control behaviour of PEAs, provide guidance on core matters such as migrant workers' rights, and streamline administrative and other arrangements. However, there are some areas of concern:
- The prohibition effectively on recruiting pregnant female workers (article 7) runs counter to basic human rights embedded in international instruments and the protection afforded in Ethiopian law.
  - Several provisions guarantee certain basic rights of migrant workers, particularly in relation to their treatment in the destination country (e.g., articles 11 and 17). However, there is no indication how these provisions would be enforced, especially as the foreign employer, who is not a party to the agreement, is in the first place supposed to provide these guarantees.
  - While there may be some role to play by these organizations to help resolve conflicts that may arise between the migrant worker and the recruiting PEA, or the migrant worker and the foreign employer (see, e.g., article 18.4), an independent institution that does not have a monetary or personal interest in the matter may be better suited to undertake this task.

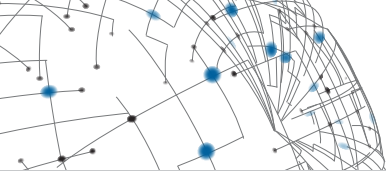
<sup>80</sup> Consultation with Mr Mezgebu Assefa, AORAE President, and Mr Solomon Melessie, AORAE General Manager on 26 February 2015.



- d. Article 21 provides for the payment of commission – set at USD 1,000 per worker. This is indicated as the rate applicable across the board to all PEAs. However, the commission is said to cover, among others, also medical expenses. It is difficult to understand how this should be reconciled with the provision in article 10(2)(c) of Proclamation 923/2016 (and until now article 15(2) of Proclamation 632/2009), which indicates that this is an employee liability.
- (b) Youth employment. Despite the current profile of youth unemployment in Ethiopia and the focus of the Government on supporting youth to find employment, there is scant evidence of an operational drive, via the various recruitment channels, to utilize the externalization of labour as an active and dedicated vehicle to help address this. There is a need to develop specific interventions in this regard and take note of proposals already made. Exploration of employment opportunities abroad in particular should be considered as a mechanism to help deal with youth unemployment in Ethiopia. This issue should be appropriately accommodated in a migration policy to be adopted by the Government of Ethiopia, as is being advocated elsewhere in this report.
- (c) Awareness-raising. One of the critical interventions concerns the need to properly inform, firstly, the source population, i.e. mostly residents from rural areas, about the dangers of irregular travel to destination countries. Secondly, migrant workers have to be supported with sufficient information, among others, about the country of destination, what is expected of them, and how to deal with conflict and abuse (Gebeyehu, Achacoso and Messele, 2013:60–61). Several measures have been put in place by the Government of Ethiopia, including an information booklet, pre-departure materials and skills training packages. In addition, a comprehensive programme of community sensitization, involving key figures in the community, has been launched by the Government of Ethiopia in close collaboration with IOM, under the auspices of the National Anti-Trafficking Task Force and the regional counterpart task forces and on the basis of annual plans developed by the National Anti-Trafficking Council, endorsed by the regions. This is supported by reliance on a manual developed by IOM (the Community Conversation Manual), as indicated earlier in this report.<sup>81</sup> Most recently, the new Overseas Employment Proclamation No. 923/2016 contains explicit provisions on awareness-raising and in particular, Government of Ethiopia's responsibility in this regard, as reflected on above.
- (d) Returnee reintegration and support. This is an area that has thus far received insufficient attention. The absence of appropriate measures in this regard fuels re-migration, which is indeed a widespread practice (Yadeta, 2015:xii; IOM, 2014a:V, 30–31). Also, many smuggled and trafficked returning migrant workers and those exposed to abuse in countries of destination are in need of counselling and trauma support. Creating local employment opportunities constitutes an important initiative in this regard. A European Union-funded pilot project is reportedly underway, to support returnees from Saudi Arabia with job creation.<sup>82</sup> Important work in the area of returnee assistance is undertaken by certain NGOs and requires the support of the Government of Ethiopia (Gebeyehu, Achacoso and Messele, 2013:63). Support at the local level is imperative, given the need to decentralize these types of services. As noted above, the new Proclamation (923/2016) now contains specific provisions in this regard.

<sup>81</sup> See para. 5.2.

<sup>82</sup> Consultation with His Excellency Ato Solomon Tesfaye, State Minister for Administration and Justice and Chairperson of the National Anti-trafficking Task Force, on 26 February 2015.



From an overarching perspective, the lack of a formal migration policy, including a formal labour migration policy and a migration and development policy, needs to be indicated as a major contributing factor. Such a policy framework would assist with giving direction and guidance to the recruitment of migrant workers and the overall objectives to be attained with labour exporting. These objectives need to be clarified. In fact, it is suggested that there is a need to revisit the current approach to labour migration. Presently, the Government of Ethiopia promotes local employment of Ethiopians and does not view labour migration as an instrument to proactively address un- and underemployment and poverty at the household and community level, and contribute to the economic development of the country. However, if Ethiopians do migrate for work overseas, the Government of Ethiopia is committed to make legal channels available to facilitate their migration, and protect the rights of migrant workers in countries of destination. While there is an appreciation that there is need for improved data regarding migration and labour migration, in particular quantitative data, to inform policymaking, there has thus far not been a concentrated policy focus on promoting labour migration.<sup>83</sup>

It is evident that malpractices on the part of PEAs and the conditions under which Ethiopian migrant workers, in particular domestic workers in the Gulf countries had to work, prompted the strong response on the part of the Government of Ethiopia, evidenced by the imposed ban.<sup>84</sup> Apparently, and according to an earlier IOM report, 7.5 per cent of all Ethiopian migrants who had left their country for certain Middle Eastern countries for employment and other purposes were underage, i.e. between the ages of 13–17 years at the time of migration; the study indicated that 87.1 per cent of these migrants were illegally trafficked (quoted by Abiye, 2014).

Several measures to address this situation have been taken by the Government of Ethiopia. These include the streamlining of the regulatory and implementing framework (see the discussion below), consideration being given to appoint labour attachés at Ethiopian embassies in countries that host a sizeable number of Ethiopian migrant workers, the conclusion of MoUs and bilateral agreements with governments of particular destination countries, and suggested reforms to ensure the establishment of a sufficiently capacitated institution within government to deal effectively with labour migration.<sup>85</sup> Of particular importance are the comprehensive new provisions now contained in Proclamation 923/2016, reflected on above.

### VI.2.b. Social protection for migrant workers in receiving Middle East countries

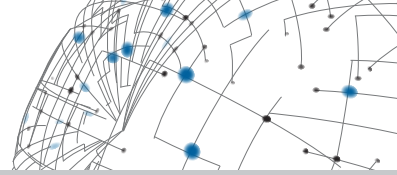
In this part of the analysis, the focus falls on the social protection status of Ethiopian migrant workers in Middle East (i.e. Gulf) countries, their access to social security systems of these countries, and the possibility of social security benefits. These are, of course, matters that also have to be considered against the background of the treatment which migrant workers receive in these countries; hence the discussion on social protection will be dealt with in this broader context.

Historically, the Gulf countries have restricted access to their social security systems to citizens; as noted by a 2010 ILO publication, these countries exclude foreigners from the public social security system and make no provision for migrant workers, even on a voluntary basis (ILO, 2010:109). For this reason, but also due to the short-term, temporary nature of the period of employment of regular migrant workers and, in the case of irregular migrant workers, the

<sup>83</sup> See in this regard Gebeyehu, Achacoso and Messele, 2013:51–52; consultation with Mr Abebe Haile, Director of Employment Promotion Directorate, MoLSA, 23 February 2015 and Mr Getachew Adem, Deputy Commissioner, National Planning Commission, on 23 April 2015.

<sup>84</sup> The conditions related to the mistreatment of domestic workers; it has been remarked, with reference to a 2011 ILO report, that migrant domestic workers in countries like Kuwait and Saudi Arabia become trapped in exploitative or abusive employment because of the sponsorship system: “They face criminal penalties if they try to leave a job without their employer’s permission, facing detention by government authorities if they are reported as ‘absconding’ and deported, even if they have been abused and are seeking redress. In countries like Lebanon, a lack of accessible complaint mechanisms, lengthy and costly judicial procedures, and restrictive visa policies discourage migrant domestic workers from reporting abuse and exploitation.” (Abiye, 2014)

<sup>85</sup> Consultation with Mr Jian Zhao, Deputy Chief of Mission, IOM Special Liaison Office, Addis Ababa, Ethiopia on 23 February 2015.



illegal nature of their work, migrant workers do not have access to benefits under the public contributory-based retirement and social insurance schemes of these countries (International Social Security Association, 2013:9). For citizens of these countries, the position is different: they could be covered even if they work outside their country in another Gulf country (ibid., 12–13). In fact, in 2006, the Gulf Cooperation Council (GCC) adopted the Unified Law of Insurance Protection Extension for GCC State citizens working in other GCC countries. It has been noted that this law has resulted in better pension protection and greater labour mobility (for Gulf countries' citizens) (Van Ginneken, 2013:215–216). Migrant workers would routinely also be excluded from health benefit schemes unless they are covered under what is known as a family health scheme; however, in that case, they consequently do not have access to independent and confidential health-care services (Rnijssen, 2013:23). It also has to be noted that to date, none of the Gulf countries have ratified ILO Domestic Workers Convention, Convention 189 of 2011, which requires that essential labour and social security protection be extended to domestic workers.

It is true that the model contract for domestic workers approved by the GCC (countries) provides, in general terms, for medical care in case of disease and, more specifically, for medical care and compensation in the event of an occupational injury. However, compensation is only payable to the extent that the domestic legal system of the country concerned provides for this. Also, no mention is made of sickness benefits, nor are other social security contingencies covered, including maternity protection. The worldwide apex body for trade unions, i.e. the International Trade Union Confederation (ITUC), therefore called upon the GCC countries to revise the model contract (see ITUC, 2013) to provide for more extensive social and labour law protection, but to no avail.

No provision is made for the portability of social security benefits. Portability would, in any event, hardly be relevant if the migrant worker concerned is not allowed to contribute to and access a public social insurance scheme of a particular Gulf country. Also, there is currently no bilateral social security agreement in place between Ethiopia and any of the Gulf countries; as discussed elsewhere in this report, such agreements typically provide for portability of social (security) benefits. Portability is also not covered in the current or envisaged BLAs/MoUs between Ethiopia and these countries.

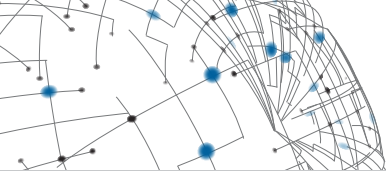
The above analysis stresses the need for the adoption of explicit arrangements to ensure that proper welfare arrangements for migrant workers employed in Gulf countries are in place and operational. Ideally, these are matters to be contained in bilateral agreements. In the absence of such agreements, and to the extent that migrant workers do not have access to social security protection in Gulf countries, resort has to be had to unilateral arrangements, stemming from the country of origin (i.e. Ethiopia), as discussed elsewhere in the report.

The broader context of migrant workers' employment in the Gulf countries reveals what the ILO calls "widespread and blatant abuse and exploitation of foreign workers" (ILO, 2010b:153; see also Yadeta, 2015). A recent doctoral thesis noted (Rnijssen, 2013:9, 11) (references omitted):<sup>86</sup>

*...[T]he migrants are paid much less than local workers and are caught up in a kind of patronage system, whereby most are provided with miserable accommodation and suffer many kinds of discrimination. Among them, domestic women workers are the most vulnerable to the worst form of abuses, too frequently in conditions akin*

<sup>86</sup> See also Rana (2014), who remarks that cases of violence against foreign domestic workers within Saudi Arabia and the GCC include (references omitted): "... physical and sexual assault, denial of salary, sleep deprivation, withholding of passports, confinement, and murder". Those who are raped by employers are often prosecuted for illicit relations and face life imprisonment or the death penalty. More than 45 maids awaited execution in Saudi Arabia as of January 2013, while Human Rights Watch reported at least 69 executions of migrant workers in 2012, and Amnesty International reported 79 executions in 2011."





to modern slavery. They often migrate under insecure circumstances, live in cruel and harsh conditions, and are easily becoming targets of sexual exploitation and violence. Furthermore, these domestic sectors are not covered under basic legal protection and are often excluded from the purview of normal labour laws. Thus, legislation and enforcement regulating the scope of working conditions, working hours, minimum wages, and holidays and other entitlements of these domestic workers are virtually non-existent.

... [I]n this region, the working conditions are extremely harsh and accidents are all too commonplace. Reports concerning this region consistently cite ongoing practices of exploitation by unscrupulous recruitment agencies, pay arrears, non-payment of minimum wage, breach of employment contract, confiscation of passports, enforced and unpaid overtime, poor accommodation and food, etc. Furthermore, those daring to protest or to strike risk deportation and a lifelong ban on re-entry to the country.<sup>87</sup> Any form of union organization is prohibited by law. Any demand for a wage rise is deemed illegal, as it is not provided for in the initial employment contract. Termination of the employment contract results in the immediate expiry of the migrant worker's residence permit.

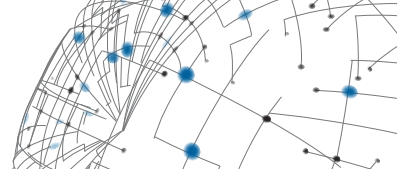
The *kafala* or employer-sponsorship system under which migrant workers are invariably employed, has been widely criticized,<sup>88</sup> and is apparently under review in certain Gulf countries.<sup>89</sup> The ILO (2010b:78–79) comments (most references omitted):

*The sponsorship or kafala system common in the Gulf States has also led to labour inflows not matched by actual employer demand, resulting in irregular status for the migrants. It has been pointed out that 'Working under the actual sponsorship system transforms a worker to a forced servant who lives at the mercy of his employer, and in fear of forced deportation at any time' (Bahrain Human Rights Society, 2003, p. 29). Thus, it has been recommended that the sponsorship system be repealed and replaced with a fair system that secures the human rights of migrant workers. Gulf countries have started to reconsider the sponsorship system. In Bahrain, Act No. 19 of 2006 established a new authority, the Labour Market Regulatory Authority, to oversee the labour market, recruitment of foreign workers, and employment and training of native workers. The Act also introduced reforms regarding the employment and recruitment of foreign workers: of particular note is article 25, which allows migrant workers to change employers without the consent of their existing employer. Subcontracting of temporary and seasonal workers through labour brokers in many sectors has been carried out at the expense of worker benefits*

<sup>87</sup> The ILO (2010:174–175) notes (references deleted): "While few countries in the Gulf region have legalized trade unions even for native workers (Bahrain and Oman are exceptions), the migrant workers who engage in union or collective activity are punished more severely than native workers simply because of their migrant status. For example, in 2007, 4,000 Indian workers went on strike in the United Arab Emirates to protest at their low wages and poor working conditions: the Government's response was to force them back to work under the threat of imprisonment and deportation, while refusing to address the causes of their complaints. Similarly, in July 2008, after South Asian workers, including Bangladeshis, in Kuwait engaged in a strike and held mass demonstrations to demand better pay and working conditions, the Government deported over 1,129 Bangladeshi workers."

<sup>88</sup> See also Fernandez (2013:840), who notes: "The institutional dynamics of the *kafala* not only locks in the migrant worker to a sponsor-employer, the system also persists because it allows ordinary citizens in the Middle East to profit from "visa-trading," and the sale of business licences to migrant workers. Historically, the value underlying the *kafala* as a regulatory institution was the insurance or guarantee provided for an unknown foreigner. Today, although this persists as a residual value, the dominant value is benefit or profit."

<sup>89</sup> Qatar has indicated its intention to terminate the *kafala* system in the course of 2015 (Agence France Presse, "Qatar hopes to end 'kafala' system in 2015: Minister", Arab News, 4 May 2015. Available from [www.arabnews.com/news/742036](http://www.arabnews.com/news/742036)).



*and entitlements such as holidays, bargaining rights and social protection. As an [International Confederation of Free Trade Unions–Asia and the Pacific Regional Organization] ICFTU–APRO report noted, ‘Employment agencies caught for their malpractices and even illegal work are quite often found escaping any punishment. If at all a punishment is given, the penalty imposed is far less than the crime and damage inflicted on the concerned migrants’.*

*For all these reasons, the manner of recruitment and placement has far-reaching consequences for the working conditions and general treatment of migrant workers. Some may be forced to endure situations of virtual debt bondage or near slavery to pay off debts owed to recruiters and traffickers.*

### VI.3. Recommendations

#### Protection of migrant workers’ rights

It is clear that, in view of the treatment to which many Ethiopian workers are exposed to and the current inadequate protection available to them, significant concrete measures need to be taken to ensure enhanced protection. This is a task that cannot be satisfactorily fulfilled by PEAs alone. The National Human Rights Action Plan notes as a challenge the fact that a satisfactory level of cooperation has not been established with foreign governments in order to ensure respect for human rights of Ethiopian citizens abroad (FDRE, 2013b:30). Although the role that Ethiopian embassy staff should play in this regard is important, their capacity to do so may for all sorts of reasons be limited. It is recommended that consideration be given to the establishment of a dedicated body, which could be a joint body comprising Ethiopian representatives and representatives from the host country, to undertake this task. This should be provided for in an appropriately formulated bilateral agreement between Ethiopia and the country of destination concerned. Also, trade unions could play a major role in the protection of migrant workers. Historically, the CETU had minimal interaction with migrant workers, including those who have left for work abroad. Lately, however, CETU reported that it was involved in discussions with a trade union in Lebanon, aimed at extending protection to Ethiopian migrant workers.<sup>90</sup> The ILO refers in this regard to the following experience (2010b:175):

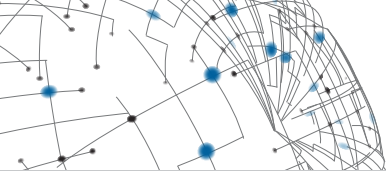
*In 2009, trade unions from Sri Lanka and their counterparts in Bahrain, Jordan and Kuwait signed three separate bilateral cooperation agreements on the protection of the rights of Sri Lankan migrant workers in the three countries. These agreements state the signatories’ commitment to certain key principles, including that the ILO Multilateral Framework applies equally to all migrant workers, and their commitment to undertake actions to promote migrant workers’ rights. These trade union agreements represent good practice in promoting the protection and rights of migrant workers.*

#### Implement the revised regulatory environment.

Proclamation 923/2016 is intended to bring about a comprehensive overhaul of the regulatory context informing overseas employment. Careful attention needs to be given to implementing this important instrument, which should be supported by the range of regulations and directives explicitly foreseen in the provisions of the Proclamation.

<sup>90</sup> Information conveyed by CETU in the course of an interview held on 25 February 2015.



**Promote ethical recruitment.**

It might, indeed, be time to revisit the very ethical basis for the recruitment of workers from Ethiopia, and link this to international standards and guidelines and regional best practices. It may be prudent in this regard to consider:

- (a) The provisions of ILO Convention 181 of 1997 (Private Employment Agencies Convention), which, among others, stipulate that PEAs shall not, as a rule, charge directly or indirectly, in whole or in part, any fees or costs to workers;
- (b) The recently announced International Recruitment Integrity System (IRIS),<sup>91</sup> spearheaded by IOM. IRIS will effectively provide a platform for addressing unfair recruitment and bridge international regulatory gaps governing labour recruitment in countries of origin and destination. It will develop a voluntary accreditation framework so that its members can be recognized as bona fide fair recruiters and distinguish themselves from unscrupulous intermediaries. Accreditation will be based on adherence to common principles for ethical recruitment and a code of conduct that will include the following policies:
  - (i) No fee charged to job seekers;
  - (ii) No retention of workers' passports and other identity documents; and
  - (iii) A requirement for transparency in their labour supply chain.

IRIS will also provide an information portal and a publicly available roster of accredited IRIS members around the world, and will administer a complaints and referral mechanism to assist victims of unethical or illegal recruiters with filing grievances with the appropriate authorities.

- (c) The Code of Conduct developed by the Confederation of Private Employment Agencies (CIETT)<sup>92</sup> is of particular importance; see Annex IV for further details.
- (d) Kenya provides an important example of a country experience in terms of both public regulation and self-regulation through KAPEA. KAPEA serves as an umbrella body for a large number of PEAs in Kenya and has, among others, adopted a Code of Conduct for Private Employment Agencies in 2006. This is a valuable instrument, as it systematically provides for important matters, as is reflected in more detail in Annex IV.
- (e) In the end, the focus is on ethical recruitment, as provided for in the above-mentioned international instruments. It is in particular advised that Ethiopia subscribes to the IRIS framework, in addition to its commitments under ILO Convention 181 of 1997, ratified by Ethiopia.

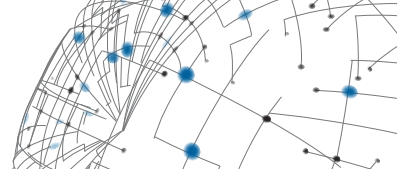
**Investigate the contractual framework and beyond, as well as the prevailing context in the destination country.**

Several matters need to be raised:

- (a) As indicated above, it is necessary to review and revise the model contract applicable to migrant workers earmarked for work in Middle Eastern countries, to ensure optimal alignment with applicable international standards.
- (b) Furthermore, it would be necessary to have a sense of the actual working conditions to which the worker will be, or is exposed.

<sup>91</sup> See <http://iris.iom.int/about-iris> for more information about IRIS.

<sup>92</sup> The Confederation of Private Employment Agencies (CIETT) is the authoritative voice representing the interests of agency work businesses. Founded in 1967, CIETT consists of 40 national federations of PEAs and 6 of the largest staffing companies worldwide. Its main objective is to help its members conduct their businesses in a legal and regulatory environment that is positive and supportive. Its headquarters for the secretariat are in Brussels, Belgium (see [www.wecglobal.org/economicreport2016/graph3.html](http://www.wecglobal.org/economicreport2016/graph3.html) for more information)



- (c) Finally, the prevailing labour, welfare and social security systems and the occupational environment in the destination country may need to be investigated, and to gain a sense of the legal boundaries of the protection applicable to the worker concerned. This may help to inform the nature and scope of support in this regard that the worker may need, both while abroad and upon return.

**Seek employment opportunities abroad in a proactive manner and address gaps in provision.**

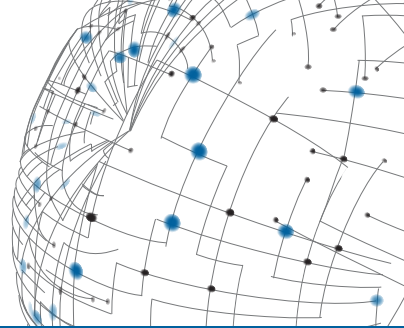
It appears that more needs to be done to explore specific job opportunities in labour markets abroad other than to rely primarily on letters of demand coming from foreign employers. This would be quite helpful in finding suitable candidates in Ethiopia and encouraging young work-seekers, in particular, to become involved. These workers need to be provided with sufficient skills and other training in Ethiopia, prior to departure. Also, as already discussed, there is a need for enhanced protection while workers are abroad and for dedicated reintegration measures and mechanisms that go beyond economic reintegration when they return.

**Utilize a dedicated and enhanced PES framework.**

There is considerable scope and need for enhanced PES intervention as regards the externalization of labour in Ethiopia. In the year 2012/2013, whereas 169,255 migrant workers were recruited via PEAs, only 13,441 were recruited by the PES (MoLSA, 2013b:25). As already suggested, the Government should be seen to play a more active and promotional role. In particular, care should be taken to ensure that an appropriate facilitative and supportive framework is in place for persons departing for work in other countries who go abroad on their own or under government-to-government agreements.



# VII. REMITTANCES



## VII.1. Issues for consideration

The purpose of this part of the report is to provide high-level information on remittances to Ethiopia, including volume, channels, challenges and uses, and a critical focus and comparison to the remittance inflow (volume, channels, challenges and use) from Ethiopian labour migrants from Middle East countries.

## VII.2. Analysis

### VII.2.a. Comparative developments

According to the World Bank's *Migration and Remittances Factbook 2016*, more than 250 million people, or 3.4 per cent of the world population, live outside their countries of birth. The officially recorded remittance flows to developing countries are estimated to have reached USD 436 billion in 2015 (the corresponding figure for Africa is USD 33 billion), an increase of 0.4 per cent over 2014. Remittance flows are expected to recover in 2016, with growth driven by continued economic recovery.<sup>93</sup>

The global average cost of sending USD 200 was about 7.4 per cent in the fourth quarter of 2015, down slightly from the previous quarter and 0.6 percentage points below the end of 2014. However, sub-Saharan Africa still registered the highest average cost worldwide, i.e. 9.5 per cent.<sup>94</sup>

Importantly, accordingly to a recent (2015) Migration and Development Brief of the World Bank,<sup>95</sup> in addition to sending money to their families, international migrants hold significant savings in their destination countries. "Diaspora savings" attributed to migrants from developing countries was estimated at USD 497 billion in 2013, the latest data available. Future inflows of remittances can be used as collateral to facilitate international borrowings by national banks in developing countries. Remittances can also facilitate access to international capital markets by improving sovereign ratings and debt sustainability of recipient countries. The brief notes that because remittances are large and more stable than many other types of capital flows, they can greatly enhance the recipient country's sovereign credit rating, thus lowering borrowing costs and lengthening debt maturity. In fact, as indicated in the brief, in a recent development, rating agencies have started accounting for remittances in country credit ratings, but given data difficulties, there is still room for further improvement. The brief also points out that the joint World Bank-International Monetary Fund low-income country Debt Sustainability Framework now includes remittances in evaluating the ability of the countries to repay external obligations and their ability to undertake non-concessional borrowing from other private creditors.

<sup>93</sup> See World Bank, *Migration and Remittances Factbook 2016* (International Bank for Reconstruction and Development/World Bank, Washington, D.C., 2016). Available from <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/4549025-1450455807487/Factbookpart1.pdf>

<sup>94</sup> Ibid.

<sup>95</sup> See World Bank, *Migration and Remittances: Recent Developments and Outlook, Special Topic: Financing for Development*, Migration and Development Brief 24 (2015). Available from <https://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf>

## VII.2.b. Remittances in Ethiopia

Remittance inflows have grown exponentially: whereas the 2010 figure was indicated as USD 345 million (constituting 0.9% of GDP), the World Bank figure has risen to USD 646 million in 2014 (constituting 0.9% of GDP).<sup>96</sup> The nationally constructed data in this regard are even more revealing. Based on a comparative table made available by NBE, a total of USD 2.971 billion in remittances was received in 2013/2014, made up of USD 2.182 billion in cash, USD 25.4 million in commodities, and USD 763.2 million in “underground” transfers – an overall percentage increase of 19.3 per cent over the 2012/2013 figure. Table 5 also indicates that remittances constitute around 6 per cent of GDP.

**Table 5: Remittance inflows (in millions of USD)**

S/N	Particulars	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014	Percentage change			
		A	B	C	D	E	B/A	C/B	D/C	E/D
1	Private individuals' transfers	1,847.3	1,886.3	1,945.9	2,491.3	2,971.4	2.1	3.2	28.0	19.3
	Cash	790.3	1,066.4	1,347.5	1,821.9	2,182.9	34.9	26.4	35.2	19.8
	Commodity	96.7	63.9	70.8	30.9	25.4	-33.9	10.8	-56.3	-17.9
	Underground private transfers	960.3	756.0	527.6	638.5	763.2	-21.3	-30.2	21.0	19.5
2	GDP	29,706.1	31,957.1	43,314.2	47,305.7	54,909.8	7.6	35.5	9.2	16.1

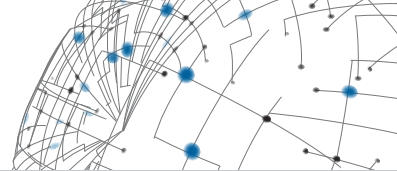
Source: NBE-Foreign Exchange Monitoring and Reserve Management Directorate and Staff Compilation.

Remittances are playing an increasingly significant role in terms of household support and economic performance in Ethiopia. This alone requires consideration being given to the development of a migration policy that would properly capture the role of remittances as a key element of development in Ethiopia. As was recently noted (and referring largely to remittances transferred through formal channels only):<sup>97</sup>

*For instance, according to the data released by Commercial Bank of Ethiopia, which facilitates the bulk of remittance that is coming to Ethiopia, during the past nine months alone the country has gained some 3.6 billion dollars in the form of remittance from Ethiopians living abroad. This amount was three times more than what the bank earned from foreign trade activities during the specified period establishing the importance of remittance to the nation's revenue. This, according to scholars, is another reason why the country needs to think long and hard about a national migration policy.*

<sup>96</sup> See [http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/RemittanceData\\_Inflows\\_Apr2015.xls](http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/RemittanceData_Inflows_Apr2015.xls) (accessed on 25 May 2015), as well as World Bank, 2014.

<sup>97</sup> Tigabu, 2015.



A recent study commissioned by IOM, involving a random sample of Ethiopian returnees from Saudi Arabia, revealed that (see IOM, 2014a:V):

*More than half (56%) of the randomly selected families of returnees and community member respondents confirmed that they used to receive, and some members still are receiving, remittances from KSA. And among the remaining 44%, some did receive remittances sporadically from KSA mostly for holidays and other events. The families of returnees and members of the community used to receive an average monthly remittance of ETB1,808 (equiv. USD90). And 73 per cent of the returnees used to remit on constant basis to their families and relatives and/or used to save back home. Each returnee respondent had on average 3.8 individuals back home who used to be dependent on the remittance he/she used to send. Transfer of remittances were mostly (77%) channelled through banks but due to their irregular status returnees had to use the services of other Ethiopians with legal status or KSA citizens, who sometimes charge them extra fees. Saving of remittances sent over the years was at its lowest, with only 31% of the returnees managing to get their savings post-return whatever the amount.*

Other than the information provided above, comprehensive information on remittance inflow (volume, channels, challenges and use) from Ethiopian labour migrants from Middle East countries is apparently not available. Also, as far as could be established, detailed studies on the use of remittances in Ethiopia have not been undertaken. It could assist policy development and economic planning in Ethiopia if evidence-based information would be available, relating to the extent to which remittances contribute to household consumption, savings, investments and the balance of payments.

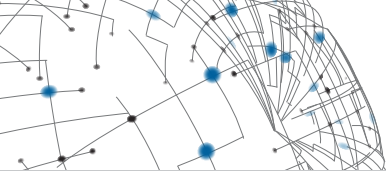
Furthermore, limited information is available on the cost of remittance transfers. A figure of 6 per cent is quoted as the average rate of remitting money from the United States to Ethiopia, in the 2013/2014 financial year.<sup>98</sup> However, generally speaking, the cost of remitting cash transfers within Africa has historically been prohibitively high. Recent regional and national initiatives could assist with achieving the objective of reducing remittance transfer costs. A 2014 World Bank report noted that the establishment of two regional payment systems, the Common Market for Eastern and Southern Africa (COMESA) Regional Payment and Settlement System and the East African Cross Border System, is expected to facilitate cross-border payments within these two regional economic communities (World Bank, 2014). Note should also be taken of regulatory framework applicable to this area in Ethiopia, and its contribution to the lowering of remittance transfer costs. A 2006 directive of the NBE, regulating monetary transfers to Ethiopia by overseas Ethiopians and foreign nationals of Ethiopian origin, stipulates the range of institutions and organizations eligible to provide remittance services in Ethiopia. It facilitates transparency and competition among the 70 providers – for example, by requiring disclosure of fees charged and restricting arrangements that could be contained in remittance service agency agreements.<sup>99</sup>

The directive evidently stresses the relevance and importance of formal remittance channels. This also constitutes a key element of the current and envisaged bilateral agreements/MoUs between Ethiopia and certain countries of destination, as appears from the analysis of these agreements undertaken earlier in this report. The reality though is that, as is experienced elsewhere in the developing world, a large part of remittances is channelled via informal means,

<sup>98</sup> Information provided by the National Bank of Ethiopia (NBE) (with reference to available World Bank data), on 24 February 2015.

<sup>99</sup> NBE – Directive FXD/30/2006 – Provisions for International Remittance Services; Information provided by the NBE (with reference to available World Bank data), on 24 February 2015.





partly because migrant workers invariably do not understand the formal channel, partly because of the often irregular status of these workers, and partly because of the convenience to use informal means.<sup>100</sup> It has been noted in the Ugandan context, for example, that personal transfers are mostly sent through international money transfer operators. Increasingly, use is made of mobile money transfer channels. Transfers are mainly from Europe and Africa, as well as (in descending order) North America, Australasia and the Middle East (Uganda Bureau of Statistics, 2013:23).

### VII.2.c. Diaspora investment

The Ethiopia diaspora have made significant investment in Ethiopia. According to information provided by the Ethiopian Investment Commission, diaspora investors have participated in 2,967 projects (spanning the manufacturing, agriculture and service sectors), of which 234 are operational – a large number, i.e. 2,631, are still in the pre-implementation phase.<sup>101</sup> The 234 operational projects have generated total invested capital of more than 2.2 billion Birr (more than USD 106 million) and created job opportunities to the tune of 4,493 permanent jobs and 13,211 temporary jobs.<sup>102</sup> In fact, preferential treatment is available to the diaspora: they qualify for tax-free importation of capital goods, period-bound tax exemption linked to particular investment areas are entitled to establish and operate special foreign currency accounts,<sup>103</sup> and may purchase dedicated diaspora bonds.<sup>104</sup> Their participation is encouraged by an enabling legal and policy framework: the Diaspora Policy of 2013<sup>105</sup> is supported by legislation that allows diaspora who are Ethiopian nationals or foreign nationals of Ethiopian origin to be treated as domestic investors, with access to investment areas reserved for domestic investors; they are also allowed to participate in low-cost housing schemes.<sup>106</sup> The Policy also encourages the transfer of skills by diaspora, supported in the past by a then existing IOM programme. The involvement of the diaspora is facilitated by an extensive and growing institutional framework, with a dedicated Diaspora Engagement Affairs Directorate in the MoFA, a dedicated team in the Ethiopian Investment Commission, Diaspora Coordinating Offices in the nine regional States and two administrative cities, and diaspora focal points at core Federal Ministries and core organizations, including the EDA, as well as Ethiopian embassies worldwide. At the apex level, provision has been made for the establishment of a National Diaspora Council and an Advisory Council, as well as an already established Joint Consultative Forum, tasked with bringing together all the relevant stakeholders in relation to diaspora engagement issues both at the federal and regional level.<sup>107</sup> Structures to liaise directly with the diaspora have also been established, including Ethiopian Renaissance Councils, consisting of leaders of Ethiopian community organizations with whom Ethiopian ambassadors are having regular contact.<sup>108</sup>

<sup>100</sup> Partly based on information conveyed by Mr Abebe Haile, Director of Employment Promotion Directorate, MoLSA, 23 February 2015.

<sup>101</sup> It was explicitly mentioned by the Investment Commission that the accuracy of the data provided here cannot be guaranteed, as the Commission has limitations with regard to systematized data collection and analysis system.

<sup>102</sup> Information provided by the Diaspora Coordination Team of the Ethiopian Investment Commission per e-mail correspondence on 2 April 2015.

<sup>103</sup> Provided for in NBE, *Directive FXD/31/2006 – Amendment to Directive No. FXD/25/2004 – Establishment and Operation of Foreign Currency Account for Non-Resident Ethiopians and Non-Resident Ethiopian Origin* (NBE, 2006).

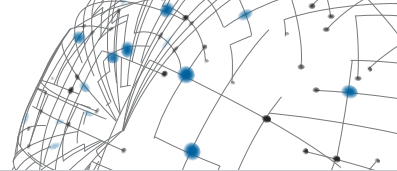
<sup>104</sup> See in this regard, African Development Bank, “Diaspora bonds in an African context”, 12 February 2013. Available from [www.afdb.org/en/news-and-events/article/diaspora-bonds-in-an-african-context-10289/](http://www.afdb.org/en/news-and-events/article/diaspora-bonds-in-an-african-context-10289/); S. Plaza, “Ethiopia’s new diaspora bond: will it be successful this time?” World Bank blog, 23 August 2011. Available from <http://blogs.worldbank.org/peoplemove/ethiopia%E2%80%99s-new-diaspora-bond-will-it-be-successful-this-time>

<sup>105</sup> MoFA, *Diaspora Policy 2013* (MoFA, Addis Ababa, 2013). Available from [www.ethiopianembassy.org/PDF/diaspora%20policy.pdf](http://www.ethiopianembassy.org/PDF/diaspora%20policy.pdf). Information provided by the Diaspora Coordination Team of the Ethiopian Investment Commission per e-mail correspondence on 2 April 2015.

<sup>106</sup> FDRE, 2012c and 2012a.

<sup>107</sup> See the MoFA, 2013, para. 7.

<sup>108</sup> Information provided by the Diaspora Engagement Affairs Directorate, MoFA, 24 March 2015.



### VII.3. Recommendations

#### Transfer costs.

High remittance costs remain a burning issue, despite steps taken by the Government of Ethiopia to effect a limitation of transfer costs as regards the formal channel used for remittance transfers. Steps to address this could include the following: (a) promoting further competition among financial institutions, including money transfer operators; (b) capping charges on the Ethiopian side; (c) promoting cheaper avenues (such as those developed in Uganda, including the Ugandan Postbank, which has reportedly developed a dedicated diaspora account product that can be managed from anywhere in the world); and (d) mobile money transfers. The regional initiatives and regulations reported earlier should assist significantly to lower transaction costs. Also, it is recommended that remittance stakeholders in Ethiopia should liaise closely with and make use of the variety of transfer knowledge services provided by the African Union's African Institute for Remittances, headquartered in Nairobi, Kenya.<sup>109</sup>

#### Harnessing remittances for socioeconomic development in Ethiopia.

Several recent initiatives (including the Diaspora Policy) emphasize the importance of remittances and diaspora investments for the development of Ethiopia. Given the positive experience in this regard from countries around the globe, for example, in the Philippines,<sup>110</sup> more could be done to enhance the use of remittances for developmental purposes. A good practice is the initiative by the Ethiopian Investment Commission, which provides investment incentives to the diaspora on the same basis as for Ethiopians within the country. Matching programmes, such as partial financing through government funds or on the basis of public-private partnerships, could be promoted. Lessons could be drawn from the Mexican 4x1 programme, whereby the Government matches collective remittances sent home by migrant workers abroad.

#### Utilizing remittances to provide or enhance social security coverage.

Appropriate social security coverage may not be available in several of the countries, in particular those in the Gulf and Asia, where many in the diaspora are working, as discussed earlier in this report. Consideration should therefore be given to enable Ethiopians working abroad to contribute to social security arrangements/products set up by either private and/or, preferably, public institutions, such as public social security schemes in Ethiopia. In this way, they could provide for their (and their family's) coverage, also when they retire in Ethiopia. This is currently not provided for in the prevailing legal framework, as discussed elsewhere in the report. It is therefore recommended that a dedicated legislative provision and an appropriate operational framework be developed to allow and operationalize the use of remittances for purposes of social security contributions.

#### Remittance policy and policy dialogue.

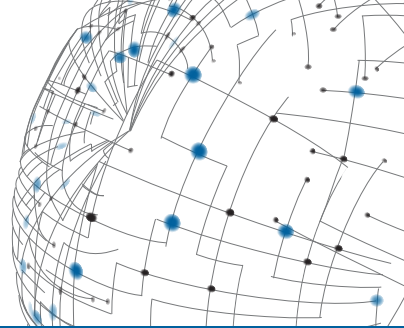
The role of remittance and diaspora investment and involvement should be recognized and formally embedded in the Ethiopian developmental framework, in view of the contribution made as regards household and economic development in Ethiopia, and Ethiopia's balance of payments. Given the possibilities provided by but also the challenges faced by the transfer of remittances and the developmental impact of remittances and investments in Ethiopia, it is recommended that a distinct migration (or migration and development) policy be developed by the Government; all relevant stakeholders need to be involved in the dialogue informing the development of this policy.

<sup>109</sup> For more information, see the African Institute for Remittances Project webpage at [www.ksms.or.ke/air.html](http://www.ksms.or.ke/air.html)

<sup>110</sup> It has been reported that remittance spending in the Philippines is "what keeps the big service industries such as retail, education, real estate... growing despite the sluggish performance of domestic industry and agriculture. The Philippines has become a service-led economy without going through an industrial revolution." (Ofreneo and Sale, 2014:167)



## VIII. REGIONAL CONTEXT



### VIII.1. Issues for consideration

In accordance with the terms of reference for this assignment, in this section, an attempt is made to:

- (a) Examine good practices and lessons learned vis-à-vis labour migration in other countries in East and Southern Africa and the IGAD regions that have draft labour migration policies, as well as those farther afield (e.g. the Philippines, Sri Lanka and India) and assess their applicability to the specific context in Ethiopia; and
- (b) Explore the extent to which labour migration policies, practices, structures and legislation in Ethiopia are in line with relevant IGAD policy frameworks (e.g. the IGAD migration policy framework), as well as the African Union's broader continental framework (e.g. African Union Migration Policy Framework (AUMPF) and Common Position on Migration and Development), and make recommendations accordingly.

### VIII.2. Analysis

#### VIII.2.a. Introduction

In several parts of this report, some of the matters and country experiences indicated above have, to some extent, already been addressed. Also, sufficient data to reflect authoritatively on the position in other IGAD Member States has not been readily accessible. In the following paragraphs, therefore, attention will be paid to some outstanding matters.

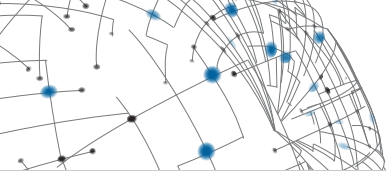
#### VIII.2.b. Regional Economic Community level

Ethiopia is a member of two Regional Economic Communities (RECs), i.e. the 19-member COMESA (Ethiopia currently holds the chair of the COMESA Authority) and the seven-member<sup>111</sup> IGAD.<sup>112</sup> The COMESA migration, and for that matter labour migration framework is poorly developed. The 1998 COMESA Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence (adopted in 2001) envisaged the progressive achievement of free movement. However, the Protocol has been ratified by only one Member State, and signed by four others; the unwillingness on the part of Member States to support free movement of labour partly explains the lack of development in this area (COMESA, 2001). Of more immediate importance for purposes of this report is the development of a joint inter-RECs programme impacting on migration as well, namely the Regional Political Integration and Human Security Support Programme, involving COMESA, the East African Community (EAC) and IGAD. This programme, under the overall leadership of the EAC, intends to enhance political integration, good governance and human security. One of the foreseen result areas of this programme is the development and/or implementation of key regional frameworks on migration management and forced population displacements.<sup>113</sup>

<sup>111</sup> Djibouti, Ethiopia, Kenya, Sudan, South Sudan, Somalia and Uganda. Eritrea's membership has been suspended.

<sup>112</sup> Ethiopia is not a member of the EAC. However, it has been attending EAC-related meetings as an observer, in the wake of increasing and strengthening trade links with the EAC. See E. Kabeera, "East Africa: Ethiopia eyes stakes in EAC integration projects", The New Times, 24 June 2014. Available from <http://allafrica.com/stories/201406250682.html>

<sup>113</sup> United Nations Economic Commission for Africa, COMESA - Peace, Security, Stability and Governance. Available from [www.uneca.org/oria/pages/comesa-peace-security-stability-and-governance](http://www.uneca.org/oria/pages/comesa-peace-security-stability-and-governance) (accessed February 2017).



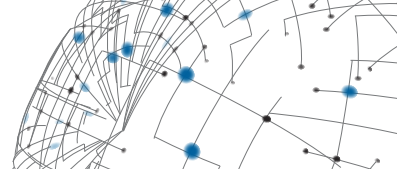
IGAD's regional migration agenda is of paramount importance for the further development of Ethiopia's labour migration framework.<sup>114</sup> Despite the focus on and constraints resulting from the ongoing security situation in the Horn of Africa, the IGAD Council of Ministers adopted its Regional Migration Policy Framework (RMPF), based on the AUMPF of 2006 (in fact, IGAD is the first REC to do so). The ultimate objective of the RMPF is to realize the well-being and protection of migrants in all IGAD Member States and to facilitate the developmental potential of migration. It also aims at giving Member States a coherent and common approach to migration management (IGAD, 2012b and 2012c; IGAD, 2014a). It is essentially a non-binding reference document, providing the necessary guidelines and principles to assist governments in the formulation of their own national migration policies and their implementation in accordance with their own priorities and resources (IGAD, 2012c).

Before engaging with key labour migration implications for Ethiopia flowing from the RMPF, it is necessary to again stress that coordinated regional solutions and approaches are required in the broad areas of migration and labour migration specifically, given the nature and orientation of migration within, from and into the IGAD region, and the close connection between irregular and regular migration flows (effectively resulting in mixed migration flows) affecting the whole region and beyond. It may therefore be helpful to briefly take stock of a range of associated structures and programmes at the regional and interregional levels that impact on labour migration, even intercontinentally:

- (a) Since 2008, and supported by IOM, a regional dialogue platform was established through the Regional Consultative Process (RCP) (IGAD, 2008). As has been noted, "[T]he RCP has offered member states a platform for dialogue and cooperation in various aspects of migration. Decisions and recommendations that emanate from the RCP are endorsed by IGAD policy organs ensuring action is taken on them as member states report whatever actions they have implemented in follow up RCP meetings. Since the launch of the RCP, migration has gained prominence at IGAD although much still needs to be done on implementing recommendations emanating from discussions." (IGAD, 2014a; see also IGAD, 2010, 2012a, 2013a and 2014b)
- (b) In 2011, Chiefs of Immigration from IGAD Member States established the Regional Migration Coordination Committee (RMCC), among others, tasked with being a forum for exchange on information regarding migration-related issues – in particular in relation to border management and labour migration – in the IGAD region (IGAD, 2014a:8).
- (c) Since 2014, with the support of IOM and within the framework of the IGAD-RCP, a three-year programme on "Building Member States' Capacity for Enhanced Migration Governance in the IGAD Region" has been implemented. The programme consists of three components: (i) increasing the frequency of regional RCP dialogue meetings from one to two per year, the one meeting at the technical and the other at the political level; (ii) strengthening national approaches to migration, in view of weak and fragmented institutional and operational frameworks, through the setting up of a National Coordinating Mechanism – this will effectively be an inter-agency task force tasked with, among others, cascading down and domesticating the RMPF, and undertaking a desk review of existing mechanism and structures; and (iii) addressing mixed migration through the involvement of the RMMS.<sup>115</sup>
- (d) Information on mixed migration flows is collected by the RMMS, based in Nairobi. The information so collected is meant to inform policy discourse and decision-making in an area that has not yet gained prominence at the level of IGAD decision-making organs, despite the predominance of mixed migration in the region (IGAD, 2014a:8).

<sup>114</sup> Information contained in the paragraphs immediately below was obtained largely in the course of, and subsequent to an interview with the IOM Special Liaison Office in Addis Ababa, 25 February 2015.

<sup>115</sup> Information obtained during an interview with the IOM Liaison Unit, Addis Ababa, 25 February 2015.



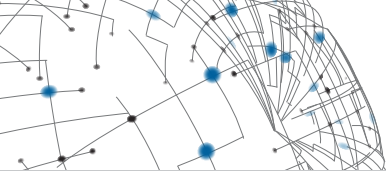
- (e) In 2010, the Ouagadougou Action Plan to combat trafficking, especially in women and children, was launched in IGAD in a joint effort with the EAC (ibid., 3–4). Closely linked to this is the African Union-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants. This initiative, representing a number of affected countries, adopted the Khartoum Declaration in 2014, which enumerates various measures, steps and strategies to deal with human trafficking and smuggling in the Horn of Africa, recognizing, among others, the close association of this phenomenon with other forms of migration (e.g. refugees) (African Union, 2014a, 2014b and 2014c).
- (f) In November 2014, the European Union–Horn of Africa Migration Route Initiative, also known as the Khartoum Process, was established as a joint initiative of the European Union and the African Union to tackle trafficking and smuggling between the Horn of Africa and Europe. The Horn of Africa countries involved include most of the IGAD Member States, as well as Eritrea (suspended Member State), Egypt and Tunisia (European Council on Refugees and Exiles, 2014).
- (g) Cooperation with the GCC, despite its crucial importance for matters related to regular labour migration and irregular migration, has generally been weak. Nevertheless, engagement has taken place, for example within the context of regional conferences – such as the Regional Conference on Asylum and Migration, called for by Yemen and held in November 2013, leading to the adoption of the Sana’a Declaration of 2013 (UNHCR, 2013) with its emphasis on collaboration and measures to address nine key areas affected by mixed migration.<sup>116</sup>

Noting the benefits as well as the challenges posed by labour migration, the IGAD RMPF recommends a number of key strategies to effectively manage labour migration in the IGAD region. These include (IGAD, 2012b:26–27):

- (a) Ratification and domestication of international instruments relating to labour, and aligning national legal provisions with international standards, also in relation to employment;
- (b) Establishment of mutually acceptable transparent and accountable labour recruitment and admission systems based on clear legislative criteria and intended to harmonize emigration–immigration policies in general and labour laws in particular;
- (c) Enhancement of capacity-building and inter-institutional cooperation at the national level, and the strengthening of regional cooperation;
- (d) Consultation with and participation of the social partners and civil society and the promotion of social dialogue;
- (e) Recognition of the relevance and importance of the feminization of labour, and the need for protection of women in human trafficking contexts – linked to the criminalization of trafficking;
- (f) Efforts to promote the integration of migrant workers into labour markets and in countries of destination;
- (g) The extension of labour law and social security protection to migrant workers; and
- (h) The elimination of child labour and abuse.

<sup>116</sup> I.e. (a) addressing root causes of mixed migration from the Horn of Africa to Yemen; (b) strengthening of law enforcement on issues related to irregular migration, including smuggling and trafficking, in sending, transit and receiving countries; (c) increased support to alleviate the burden related to the flows of migrants, as well as ensure effective implementation of human and orderly return arrangements; (d) enhancing cooperation as regards employment opportunities in countries of origin, also as far as the conclusion of bilateral labour agreements and/or multilateral agreements are concerned; (e) awareness-raising campaigns regarding the dangers of irregular migration; (f) strengthening the refugee protection system; (g) regional and international cooperation; (h) data collection and analysis; and (i) a follow-up mechanism.





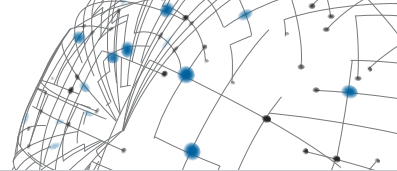
The RMPF also stresses the need for regional cooperation, emphasizing the following (ibid., 27–28):

- (a) The need for appropriate bilateral and multilateral arrangements;
- (b) The adoption of an IGAD protocol on free movement of persons, labour, goods and capital, including the right to residence and to establishment, involving contiguous RECs as well;
- (c) Routine data collection of, analysis and exchange on labour flows, stock and need in labour-supply vis-à-vis labour demand countries in IGAD to eliminate (regional) skills mismatch and maintain proper skills;
- (d) Harmonizing national migration policies and legislation; and
- (e) Respect for remittance inflows.

The broader context within which (labour) migration occurs is also acknowledged by the RMPF – as has been partly covered in separate themes of this report. It therefore reflects on human rights issues, again emphasizing the need to ratify and domesticate international instruments (ibid., 19–20). It identifies the porous nature of Member States' borders as a core reason for the adoption of appropriate border management interventions and associated data gathering and sharing measures (ibid., 29–30). It further advocates for a range of interrelated strategies to deal with all forms of irregular migration, in particular human trafficking and smuggling, calling for national coordinated approaches based on universally accepted international instruments, regional coherence via the RCP process, tracking via reliable data, the protection of victims and awareness creation (ibid., 31–33). Return, readmission and reintegration are also provided for in the RMPF (ibid., 34–35, 41–42). The RMPF further contains extensive provisions and recommendations on migration data, emphasizing the need for national migration profiles and for standardization, comparability and coordination at the national and regional level (ibid., 46–47). Migration development, with reference to diaspora engagement and remittances, are dealt with separately (ibid., 48–51). It then stresses the need for inter-State and interregional cooperation, through regular RCP engagements, the development of common strategies (including the harmonization of migration policies) and the adoption of Action Plans (ibid., 53–54).

Several steps to operationalize the vast scope of issues covered by the RMPF have been suggested. Migration priorities were identified by IGAD Member States in May 2013. These can be summarized as follows, as far as they potentially relate to (labour) migration (IGAD, 2013b):

- (a) IGAD needs to develop a comprehensive Action Plan on Migration, to be adopted by the IGAD decision-making organs;
- (b) Conduct National Consultative Conferences (NCCs) in each Member State jointly with Member States, to assist them to develop a comprehensive national migration policy, based on the RMPF;
- (c) Establish a strong national consultative coordination (e.g., an interministerial task force) mechanism for effective migration management;
- (d) Build migration management institutional capacity at national and regional levels – conduct capacity need assessments for Member States and IGAD architecture as regards migration;
- (e) Promote the gradual and progressive implementation of Free Movement of Persons within a specific time frame;
- (f) Migration of non-skilled labour should be managed carefully – IGAD should work with Member States to ensure a better management of labour migration to avert xenophobic policies and attacks against migrants in the region and beyond;



- (g) Build the capacity of Member States to establish a National Data System, e.g. through the development of national migration profiles; and
- (h) Build IGAD's capacity to implement its migration policies – through establishing the IGAD Migration Fund.

Subsequently, an IGAD-Migration Action Plan was developed (IGAD, 2013c).

Much remains to be done at the IGAD level to develop concrete approaches to labour migration specifically and mixed/irregular migration more broadly, and to streamline migration management interventions. However, it is clear that significant progress has been made in recent years, and that Ethiopia could meaningfully benefit from developments at the regional level. Amidst vast challenges and often rapidly changing migration dynamics, from a regional perspective, the central migration – including labour migration – themes have been identified, and certain basic structures and processes been put in place to deal with these challenges and dynamics. These were recently reinforced during a special ad hoc meeting of the IGAD RMC on the return of migrants and refugees to the Greater Horn of Africa from Yemen (IGAD, 2015). The meeting, among others, stressed the following:

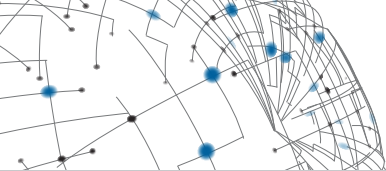
- (a) The role that the diaspora play in the development of their countries of origin and more specifically in the reintegration of returning migrants;
- (b) Cooperation among Member States on migration management, in addition to national coordination among agencies with migration management functions;
- (c) Addressing the challenges of human trafficking and smuggling of migrants, irrespective of category of migrant;
- (d) Improvement of border management to facilitate border management;
- (e) Addressing the root causes of migration; and
- (f) Urging the IGAD Secretariat to spearhead the regional coordination of migration management; to support capacity-building on migration management; to engage effectively with the Khartoum Process; and to implement provisions of the RMPF in regard to addressing emerging migration realities and challenges.

Given the emphasis placed by the RMPF on having regard to contiguous RECs, in particular as far as a free movement regime is concerned, it might be appropriate to briefly reflect on developments in the EAC. The EAC Treaty of 1999 provides a regulatory basis for, among others, labour migration within the EAC region (see Ackson, 2013:75). Chapter 17 of the Treaty (article 104) explicitly provides for the free movement of persons, labour, services, right of establishment and residence, and envisages the adoption of a protocol to give effect to this undertaking. Partner States are enjoined to harmonize their labour policies, programmes and legislation; the Council of the Community is given the power to adopt binding instruments to ensure the implementation of this provision (EAC, 1999:Article 104(1), (2) and 3(e), read with article 16).

The Common Market Protocol of 2009 gives concrete effect to the treaty provisions and links the free movement principle to equal treatment. Article 10 of the Protocol requires in the regard (EAC, 2009a:Article 10(1), (2), 3(f) and 4):

- A guarantee by the Partner State to grant free movement of workers, who are citizens of the Other Partner States, within their territories; and
- A commitment by Partner States to ensure non-discrimination of workers of the other Partner States.

This also grants an entitlement to workers, based on the free movement principle, to enjoy labour and social security rights and benefits on the basis of equality with workers of the host



State: the Council has to issue directives and make regulations on social security benefits. An Annex to the Protocol, in the form of binding regulations, implements the provisions of article 10 of the Protocol, stipulating, among others, that Partner States must ensure equality of treatment to citizens of other EAC Partner States (EAC, 2009b: Regulation 13(1)(d)).

In addition, one of the most pronounced developments in the EAC context has been the establishment of a political process serving the so-called Northern Corridor countries, i.e. the five EAC countries and Southern Sudan. This process involves, among others, political direction being given by regular Summits of Heads of States of these countries. Decisions taken at this level include the liberalization of labour migration and trade in services (in particular, the removal of barriers to freedom of movement of labour and of services) and the conclusion (by 1 July 2015) of an MoU to negotiate and establish the transferability (portability) of social security benefits (Northern Corridor, 2014). Again, at the occasion of the recent Ninth Northern Corridor Integration Project Summit, the Heads of State directed the Ministers for Labour and Services to finalize the agreements on total liberalization of labour and services (Northern Corridor, 2015). This is accompanied by a process of approximation and harmonization of national laws, in view of the Protocol.

### VIII.2.c. African Union level

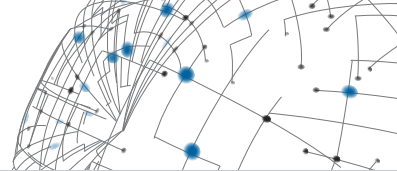
The role of the African Union framework in relation to migration, including labour migration, has to be understood from the perspective of both African Union and RECs foundational instruments, which stress that the role of the African Union primarily relates to:

- (a) Driving norm-setting for the continent;
- (b) Promoting implementation by Member States and RECs through awareness-raising, support and coordination; and
- (c) Monitoring and evaluating implementation.

At the same time, RECs are recognized as key pillars of the continental institutional architecture. Their role at the regional level parallels the role of the African Union at the continental level, in terms of norm-setting, as well as promotion, monitoring and evaluation of implementation at Member States level. They effectively develop their own regional instruments in line with continental frameworks, and are expected to act as “building blocks” of the African Union, and to serve as crucial intermediaries between the African Union and the Member States, to which they are closer. However, implementation ultimately remains with Member States and continental goals cannot be achieved without their engagement. A multilayered system of governance is therefore envisaged; effective continental management of migration and mobility can only exist if all levels perform according to their respective roles as existing gaps at any of the three levels impact on the other two.

In view of the above, it has to be noted that a united and integrated Africa is an African Union priority (African Union, 2013:17). This is the backdrop against which the African Union treatment of labour migration must be seen. The African Union Commission’s Strategic Plan 2014–2017 contains the promotion of labour migration as a specific strategy. The African Union’s 2014 Declaration on Employment, Poverty Eradication and Inclusive Development in Africa (also known as the Ouagadougou + 10 Declaration) also views labour migration for regional integration as a key priority area, to be supported by free movement (African Union, 2014g: para. 4, read with para. 9(c)).

The AUMPF (African Union, 2006a), as is the case with IGAD’s Regional Migration Policy Framework – which largely parallels the AUMPF – is an important guiding document, including as regards labour migration. The same applies to the African Union Position on Migration and Development (African Union, 2006b), which largely reiterates the thematic areas covered by the



AUMPF. Reference could be made to some of the provisions of this document, which actually speaks about many of the issues covered earlier in this report. The following examples should suffice:<sup>117</sup>

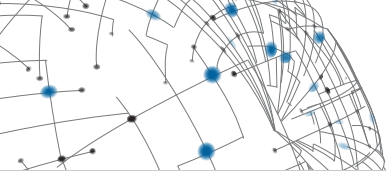
- (a) “Enhance data collection, analysis and exchange on labour needs and supply in States of origin and destination in order to match labour skills with labour demand through comprehensive regional approaches.
- (b) Maintain open and continued contact and communication between States of origin and destination in order to ensure, for example, adequate work conditions for nationals working abroad.
- (c) Enhance national and regional labour migration data collection, analysis and exchange to document, among others, the conditions and needs of migrant workers and their families.
- (d) Incorporate mechanisms that monitor the provision of decent work for migrants and, enable them to access legal provisions for social protection.
- (e) Provide social protection and social security benefits, particularly unemployment insurance, compensation for employment injury and old age pension for labour migrants while working abroad and/or upon their return.
- (f) Ensure that indigent regular migrants who may lose their job should not be returned to their State of origin unless there is an interstate agreement to this effect and s/he shall not have her/his right of residence and work permit withdrawn. These people should receive equality of treatment regarding security of employment, alternative employment, relief work and returning.”

Most importantly, jointly with the RECs and with three international organizations, i.e. the ILO, IOM and United Nations Economic Commission for Africa (UNECA), the African Union developed a programme that is intended to operationalize the AUMPF and strengthen the effective governance and regulation of labour migration and mobility in Africa, under the rule of law, at the RECs and national levels. Known as the AU-RECs-ILO-IOM-UNECA *Labour Migration Governance for Development and Integration in Africa: A bold new initiative* (also known as the AU-RECs-ILO-IOM-UNECA Joint Labour Migration Programme (JLMP) (African Union, 2014d), this initial four-year programme with a ten-year vision was adopted by the Twenty-fourth Summit of the African Union in January 2015. The Programme will contribute to obtaining the development potential of labour and skills mobility in Africa by supporting effective governance of labour migration and protection of migrants (African Union, 2014e and 2014f).

The programme guide notes that a regional consultation on 16 December 2013 in Addis Ababa identified priority challenges and set the direction for Africa-wide cooperation on governance of labour migration. The Consultation agreed on seven main findings common across all RECs (African Union, 2014f):

- (a) Paucity of data on characteristics and conditions of labour migrants, data required for economic, labour, enterprise development, investment, education and social protection policies.
- (b) Lack of implementation of free circulation regimes; and generalized absence of coherent national labour migration policy.
- (c) Growing gaps between skills needs versus numbers and types produced in Africa.
- (d) Absence of social protection and social security for many migrants.

<sup>117</sup> Refer to the African Union Migration Policy Framework (2006), paragraphs 1.1 and 1.2, from where these provisions were taken.



- (e) Prevalence for migrants of substandard, abusive employment relations and conditions of work.
- (f) Absence of capacity, coordination and policy involvement on migration by labour institutions.
- (g) Lack of dialogue and coordination on labour migration among labour actors and institutions.

The programme is organized in two major complementary parts: (a) Component 1 on Labour Migration Governance; and (b) Component 2 on Operational Implementation of law and policy.

Activity areas include the following:

1. Component 1: Strengthened governance and regulation of labour migration and mobility in Africa
  - 1.1 Increased ratification and domestication of international standards
  - 1.2 Implementation of free circulation regimes in RECs and adoption of national policy
  - 1.3 Expanded engagement of labour institutions in labour migration governance
  - 1.4 Tripartite Policy Dialogue and coordination at national, REC and continental levels
2. Component 2: Operational implementation of law and policy
  - 2.1 Decent work for migrants with effective application of labour standards
  - 2.2 Extension of social security coverage to migrants
  - 2.3 Resolution of skills shortages and increased recognition of qualifications
  - 2.4 Obtaining relevant and comparable labour migration and labour market data

Finally, it has to be remarked that for several years now, the European Union and the African Union have, within the framework of the Migration, Mobility and Development dialogue and under the auspices of the Joint Africa-Europe Strategy, been collaborating on core migration issues, including labour migration, human trafficking, irregular migration, international protection of migrants, diaspora engagement and remittances. At the Fourth European Union-Africa Summit held in April 2014, the Summit issued an European Union-Africa Declaration on Migration and Mobility, in which the partners expressed their commitment to address all the challenges related to inter- and intracontinental migration and mobility, and stressed the importance of well-managed migration and mobility as drivers of inclusive growth and sustainable development (European Union, 2014).

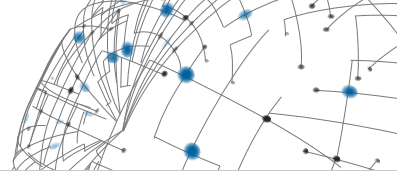
### VIII.3. Recommendations

#### **Align labour migration with IGAD instruments and priorities and with African Union instruments.**

Ethiopia stands to benefit significantly from several important overarching (labour) migration continental and regional benchmark instruments and programmes, in particular the AUMPF, the RMPF and the newly introduced JLMP. It is suggested that a key component of steps to be taken should be the adoption of a migration profile, also for the reasons advanced earlier in this report, the development of both a migration and a labour migration policy, and consideration of a migration and development policy.<sup>118</sup> It is further suggested that the Government of Ethiopia should, in close collaboration with IOM, the ILO, UNECA and IGAD, and in consultation with national stakeholders, identify elements of the JLMP that should be implemented. This may

<sup>118</sup> A migration and development policy considers the different links between migration and development, focusing on how migration impacts on development, and vice versa. Engagement with the diaspora normally constitutes one element of such a policy.





be partly achieved through an NCC, as proposed by IGAD. Priorities should be identified and progressively implemented, supported by the required policy, legal, institutional and operational changes. Measures should also be introduced to mainstream these core elements into national development and sectoral planning in Ethiopia. Areas that may, in particular, benefit from the AUMPF and RMPF recommendations, and elaborated in the JLMP, in relation to labour migration, include the following:

- (a) Monitoring and researching the working conditions of migrant workers;
- (b) Streamlining data collection, analysis and sharing processes in order to be able to undertake skills matching on a regional basis, from the perspective of available skills and skills gap; and
- (c) Enhancing the welfare and social security protection of migrant workers.

**Consider the impact of the IGAD and COMESA regional frameworks on Ethiopia's labour migration framework.** The implications of Ethiopia's membership of IGAD and COMESA on its labour migration framework have thus far received limited attention. This requires, among others, the adoption of coordinated responses and approaches to deal with matters that transcend the national domain and impact directly or indirectly on labour migration. Such matters include the development of standardized labour migration data frameworks, human trafficking and smuggling affecting the region and beyond, the treatment and welfare of migrant workers employed within the region and in other regions, such as the Gulf States, and portability of social security benefits. The issue of dealing with mixed migration flows is common to the region as a whole and requires shared solutions and interventions. Similarly, cross-border flows of internally displaced people may also have labour migration implications and need to be dealt with in coordinated fashion relying, among others, on the principles developed within the framework of the so-called Nansen Initiative. This Initiative was launched in October 2012 and aims to build consensus among States about how best to address cross-border displacement in the context of sudden- and slow-onset disasters (Kälin, 2012; see also [www.nanseninitiative.org/](http://www.nanseninitiative.org/)).

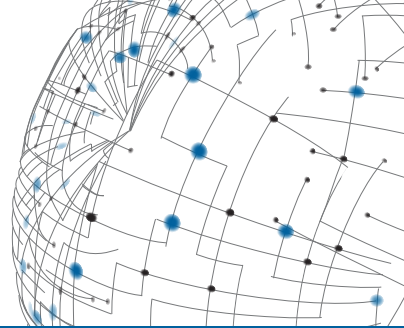
**Foster collaboration and share experiences with contiguous regions and their Member States, also in the area of labour exporting.** Taking guidance from the RMPF, there could be considerable value to engage actively with neighbouring countries and contiguous RECs, primarily the EAC, on labour migration issues and measures that could be of mutual benefit to Ethiopia (as well as IGAD) and these countries and RECs. One such area is free movement of labour, in view of IGAD's envisaged development of a protocol in this regard. Other areas could relate to regional skills demand, supply and matching, skills training and exchange, and the mutual recognition of qualifications. In particular, several EAC countries have implemented labour exporting programmes, or are in the process of doing so. Ethiopia may be able to share its own experience in this regard and learn from measures that these countries have taken to deal effectively with labour exchange.

**Utilize continental and regional mechanisms, structures and processes to strengthen the protection of Ethiopian migrant workers.** It is suggested that a continental and/or regional approach to negotiations with countries of destination, in particular Gulf countries, could render better prospects for the enhancement of the protection, in particular the welfare protection of Ethiopian migrant workers. The African Union-Arab League consultative mechanisms may in particular help to serve this purpose.





## IX. CONCLUSION

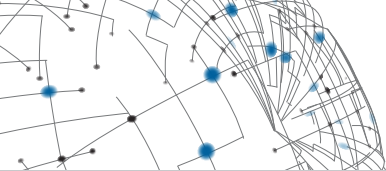


Despite large-scale labour migration from Ethiopia and widespread abuse suffered by many Ethiopians who went abroad as migrant workers, a comprehensive policy response is still lacking. A migration policy would inform strategic direction and facilitate a holistic and coordinated response to the concrete context of Ethiopian migrant workers employed abroad. The reality and scale of labour migration from Ethiopia call for the adoption of a supporting and accommodating framework. Referring to what it calls widespread and blatant abuse and exploitation of foreign workers in the Gulf countries, a 2010 ILO publication remarks (ILO, 2010b:153 – references omitted):

*Recent dialogue between the Gulf destination countries and Asian labour source countries indicates that both sides are beginning to recognize this issue and attempt to make some incremental improvements. In the Philippines, the Republic Act 8042, The Migrant Workers and Overseas Filipinos Act of 1995, states that ‘the State does not promote overseas employment as a means to sustain economic growth and achieve national development’. It further provides that the State will deploy overseas Filipino workers only to countries where the rights of Filipino migrant workers are protected. But even while the 1995 Act downplays the dependence on overseas migration as a national policy, the Philippines continues to promote overseas employment, as seen in the increasing numbers of Filipinos migrating abroad, all too often to abusive conditions. The recent National Policy on Labour Migration of Sri Lanka balances protection considerations and recognition of the importance of migration for development. It comprehensively addresses the labour migration process from a rights-based approach. It focuses on three key areas: good governance of labour migration; protection and empowerment of migrant workers and their families; and linking migration and development processes.*

The rationale for labour recruitment and export thereof is evident. If sensitively implemented, this has major benefits for both the sending and receiving country and the individual migrant worker (and his/her family) concerned. In particular, it enhances the skills needs of the receiving country and potentially (especially after return) also those of the sending country, as skills may have been acquired abroad. Furthermore, labour exporting provides a valuable source of remittances, and an avenue for channelling surplus labour to where this could be meaningfully employed.

Significant progress has been made in Ethiopia in certain areas affected by labour migration – including explicit attempts to strengthen the bilateral agreement framework involving countries of destination and combat irregular migration and human trafficking. Yet, some challenges remain and considerable work needs to be done to improve the labour migration environment. Data collection and analysis is generally weakly developed; regular and reliable statistics are not available or are incomplete, and much can be done to enhance the management of statistical information. International and regional benchmarks, also with a particular focus on labour migration, in terms of applicable data management standards and standardized frameworks, approaches and collaboration are available and need to be utilized, not only to enhance the quality, availability and accessibility of labour migration-related data, but also to foster regional integration and streamline the importation and exportation of labour. This requires, among others, in-depth systems improvement and extensive human capacity-building.



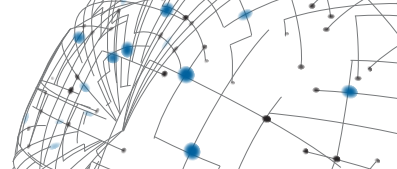
From an institutional perspective, significant scope exists for streamlining, liaison and collaboration. Much can be gained from good practice examples, as far as the development of one-stop channels and synergized approaches are concerned. Fragmentation and duplication in labour migration management need to be dealt with appropriately, including in accordance with concrete systems and institutional interfacing and coordination. This goal requires more than building the capacity of government institutions and the establishment of a new enhanced, streamlined and appropriately capacitated institutional structure within the MoLSA; private sector institutions have an explicit role to play, in particular via public–private partnerships.

Improved compliance with international norms and standards should be considered. There is room for improving labour and social security protection, as well as the human trafficking legal and policy framework, although significant steps have been taken to develop an overall anti-human trafficking law. The Government of Ethiopia should be seen to assume a greater responsibility for the protection of migrant workers and their families abroad, also through the conclusion of appropriate labour and social security agreements. The Government should further adopt measures to develop a supportive framework for the mobility of business professionals and owners.

Recruitment and support services are important labour migration issues in Ethiopia. The new Proclamation of Overseas Employment (923/2016) has extensively overhauled these services from a regulatory perspective. However, some problems still remain and need to be addressed.

Remittances play a potentially important role as regards household support, personal and national savings, Ethiopia's balance of payments and economic growth. Further research is needed to evaluate the impact of remittances and the significant extent of diaspora investment on socioeconomic development in Ethiopia. Further steps need to be taken to address the high transfer costs, including through utilizing innovative and inexpensive mobile and financial transfer options, to harness remittances for socioeconomic development and utilize remittances in order to provide or enhance social security coverage.

Ethiopia is strongly embedded in the regional context. There is need, therefore, to align its labour migration framework with IGAD instruments and associated regional initiatives, as well as with African Union instruments and initiatives, including the recently adopted AU-RECs-ILO-IOM-UNECA Joint Labour Migration Programme. It is necessary to consider the impact of regional frameworks (in particular, the IGAD and COMESA frameworks) on the Ethiopian labour migration context. Important labour migration areas affected in this regard include standardized labour migration frameworks, human trafficking and smuggling, the welfare of migrant workers abroad, mixed migration, regional labour market realities and considerations, and freedom of association – stressing the need for shared solutions and common approaches. Closer links with the EAC, and benefiting from the progressive labour migration developments in the EAC region, may be of particular benefit to Ethiopia. It is further suggested that a continental and/or regional approach to negotiations with countries of destination, in particular Gulf countries, could render better prospects for the enhancement of the protection, in particular the welfare protection of Ethiopian migrant workers. The African Union-Arab League consultative mechanisms may in particular help to serve this purpose.

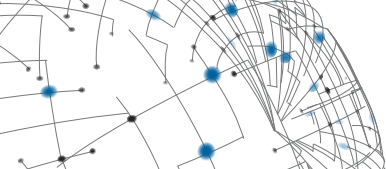


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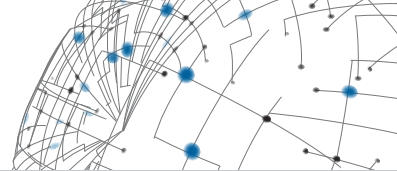
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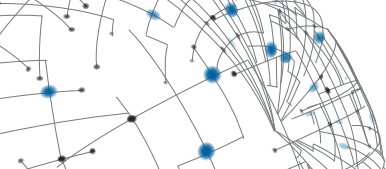
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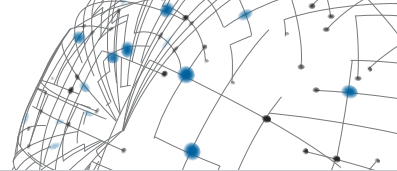
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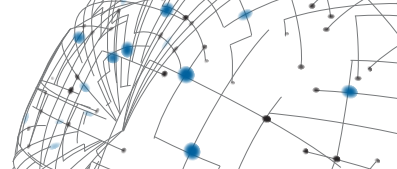
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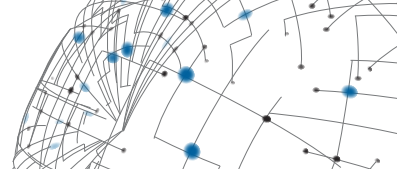
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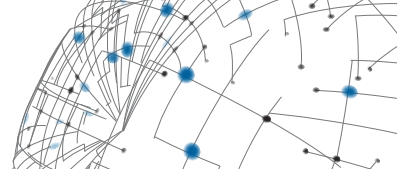
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- 2016b Migration and Remittances Factbook 2016. Available from <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/4549025-1450455807487/Factbookpart1.pdf>

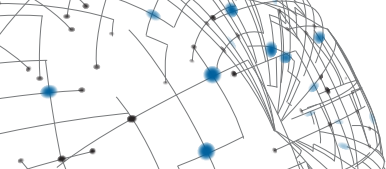
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- 2015 An in-depth study of the nature, trend and magnitudes of female migrant domestic workers from Ethiopia to Gulf Co-operation Council (GCC) states, Lebanon and Sudan. Zero Draft Study Report, submitted to UN Women Representative to Ethiopia, AU and UNECA.

### Ethiopian national regulatory instruments

Federal Democratic Republic of Ethiopia (FDRE)

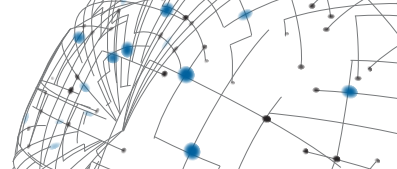
- Criminal Code, 1961
- 1994b Convention of Forced or Compulsory Labour Ratification Proclamation. Federal Negarit Gazette.
- 1995 *Constitution of the Federal Democratic Government of Ethiopia*.
- 2000a Proclamation no. 210/2000 – A Proclamation to Provide for the Establishment of the Human Rights Commission. Federal Negarit Gazette, 6th year no. 40, 4 July.
- 2000b National Report on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the 23rd Special Session of the United Nations General Assembly (2000). Available from [www.uneca.org/sites/default/files/uploaded-documents/Beijing20/NationalReviews/natl\\_review\\_ethiopia\\_-\\_eng.pdf](http://www.uneca.org/sites/default/files/uploaded-documents/Beijing20/NationalReviews/natl_review_ethiopia_-_eng.pdf)
- 2002c Proclamation no. 270/2002 – A Proclamation to Provide Foreign Nationals of Ethiopian Origin with Certain Rights to be Exercised in their Country of Origin. Federal Negarit Gazette, 8th year no. 17, 5 February.
- 2003a Proclamation no. 336/2003 – Convention on Forced or Compulsory Labour Ratification Proclamation. Federal Negarit Gazette, 9th year no. 56, 8 May.
- 2003b Proclamation no. 378/2003 – A Proclamation on Ethiopian Nationality. Federal Negarit Gazette, 10th year no. 13, 23 December.
- 2003c Proclamation no. 354/2003 – Immigration Proclamation. Federal Negarit Gazette, 9th year no. 75, 3 July.
- 2003d Proclamation no. 377/2003 – Labour Proclamation. Federal Negarit Gazette, 10th year no. 12, 26 February.
- 2004a A National Report on Progress made in the Implementation of the Beijing Platform of Action (Beijing +10): Ethiopia. March 2004. Available from [www.un.org/womenwatch/daw/Review/responses/ETHIOPIA-English.pdf](http://www.un.org/womenwatch/daw/Review/responses/ETHIOPIA-English.pdf)
- 2004b Council of Ministers Regulations no. 114/2004 – Immigration Council of Ministers Regulations. Federal Negarit Gazette, 11th year no. 4, 20 October.
- 2007 Proclamation no. 515/2007 – Federal Civil Servants Proclamation. Federal Negarit Gazette, 13th year no. 15, 19 February.
- 2009 Proclamation no. 632/2009 – Employment Exchange Services Proclamation. Federal Negarit Gazette, 15th year no. 54, 6 August.



- 2010a Proclamation no. 677/2010 – Agreement between the Federal Democratic Republic of Ethiopia and the Government of the State of Kuwait on the Field of Exchange of Manpower Ratification Proclamation. Federal Negarit Gazette, 16th year no. 33, 11 June.
- 2010b Proclamation no. 691/2010 – A Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia. Federal Negarit Gazette, 17th year no. 1, 27 October.
- 2010c Proclamation no. 699/2010 – A Proclamation to Provide for the Protection of Witnesses and Whistleblowers of Criminal Offences. Federal Negarit Gazette, 17th year no. 16, 11 February.
- 2011a Proclamation 714/2011 – Public Servants’ Pension Proclamation. Federal Negarit Gazette, 17th year no. 78, 24 June.
- 2011b Proclamation no. 715/2011 – A Proclamation to Provide for Pension of Private Organization Employees. Federal Negarit Gazette, 17th year no. 79, 24 June.
- 2012a Council of Ministers Regulation no. 270/2012 – Council of Ministers on Investment Incentives and Investment Areas Reserved for Domestic Investors. Federal Negarit Gazette, 19th year no. 4, 29 November.
- 2012b Proclamation no. 737/2012 – A Proclamation to Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children. Federal Negarit Gazette, 18th year no. 26, 20 April.
- 2012c Proclamation no. 769/2012 – A Proclamation on Investment. Federal Negarit Gazette, 18th year no. 63, 17 September.
- 2013a Proclamation no. 281/2013 – National Planning Council and National Planning Commission Establishment Council of Ministers. Federal Negarit Gazette.
- 2013b Proclamation no. 793/2013 – Labour Agreement with the Government of the State of Qatar Ratification Proclamation. Federal Negarit Gazette, 19th year no. 43, 17 June.
- 2015 Proclamation 909/2015 – A Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants. Federal Negarit Gazette, 21st year no. 67, 17 August.
- 2016 Proclamation 923/2016 – Ethiopia’s Overseas Employment Proclamation. Federal Negarit Gazette, 22nd year no. 44, 19 February.

### Ethiopian bilateral instruments

- 2009 Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of Djibouti on Exchange of Manpower.
- 2009 Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of Sudan on Exchange of Manpower.
- 2010 Agreement between the Federal Democratic Republic of Ethiopia and the Government of the State of Kuwait on the Field of Exchange of Manpower Ratification Proclamation (see Proclamation no. 677/2010, Federal Negarit Gazette).
- 2012 Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Hashemite Kingdom of Jordan Employment of Ethiopian Workers.
- 2012 Draft Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of the South Sudan on Exchange of Manpower.
- 2012 Memorandum of Understanding between the Government of the Federal Democratic Republic of Ethiopia and the Government of the United Arab Emirates on the Field of Exchange of Manpower.
- 2013 Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of Bahrain concerning the Employment of Ethiopian Manpower in Bahrain.



- 2013 Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of Oman concerning the Employment of Ethiopian Manpower in Oman.
- 2013 Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Qatar concerning the employment of Ethiopian Manpower in the State of Qatar (see Proclamation no. 793/2013, Federal Negarit Gazette).
- 2014 Cooperation Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of Lebanon concerning the employment of Ethiopian Manpower in Lebanon.
- n.d. Agreement on Labour Cooperation for Ethiopian Domestic workers employment between the Ministry of Labour of the Kingdom of Saudi Arabia and the Ministry of Labour and Social Affairs of the Federal Democratic Republic of Ethiopia

### Other international and regional instruments and other national legislation

#### Belgium

- 2009 Agreement on Social Security between the Kingdom of Belgium and the Republic of India.

#### Common Market for Eastern and Southern Africa (COMESA)

- 2001 COMESA Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence (1998).

#### East African Community (EAC)

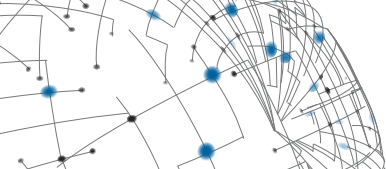
- 1999 The Treaty for the Establishment of the East African Community.
- 2009a Protocol on the Establishment of the East African Community Common Market. EAC, Arusha, United Republic of Tanzania. Available from [www.eac.int/sites/default/files/docs/protocol\\_eac\\_common-market.pdf](http://www.eac.int/sites/default/files/docs/protocol_eac_common-market.pdf)
- 2009b The East African Community Common Market (Free Movement of Workers) Regulations, Annex II. EAC, Arusha, United Republic of Tanzania, pp. 9–10. Available from [www.eabc.info/uploads/Annex\\_II\\_on\\_the\\_Free\\_Movement\\_of\\_Workers.pdf](http://www.eabc.info/uploads/Annex_II_on_the_Free_Movement_of_Workers.pdf)
- 2015 *Peace and security – programmes on conflict prevention*. Available from [http://programmes.comesa.int/index.php?option=com\\_content&view=article&id=96%3Apeace-and-security&catid=53%3Ageneral&Itemid=114&limitstart=3](http://programmes.comesa.int/index.php?option=com_content&view=article&id=96%3Apeace-and-security&catid=53%3Ageneral&Itemid=114&limitstart=3)

#### Ecuador

- 2008 Constitution of the Republic of Ecuador.

#### International Labour Organization (ILO)

- 1949 Migration for Employment Convention, Revised (Convention 97 of 1949).
- 1952 Social Security (Minimum Standards) (Convention 102 of 1952).
- 1975 Migrant Workers (Supplementary Provisions) Convention (Convention 143 of 1975).
- 1988 Employment Promotion and Protection against Unemployment Convention (Convention 168 of 1988).
- 1997 Private Employment Agencies Convention (Convention 181 of 1997).
- 2011 Domestic Workers Convention (Convention 189 of 2011).



## Republic of the Philippines

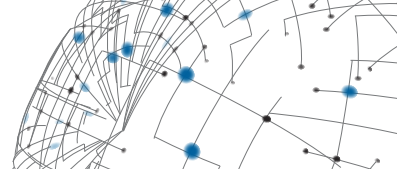
- 1987 Constitution of the Republic of the Philippines.
- 1995 Republic Act No. 8042 of 1995 – Migrant Workers and Overseas Filipinos Act of 1995.
- 1997a Agreement between the Government of the Republic of the Philippines and the Government of the State of Qatar concerning Filipino Manpower Employment in the State of Qatar.
- 1997b Memorandum of Understanding on Labor and Manpower Development between the Government of the Republic of the Philippines and the Government of the State of Kuwait.
- 2006 Republic Act No. 9422 of 2006 – Act to Strengthen the Regulatory Functions of the Philippine Overseas Employment Administration (POEA), Amending for this Purpose Republic Act no. 8042, Otherwise Known as the “Migrant Workers and Overseas Filipinos Act of 1995”.
- 2007 Memorandum of Understanding between the Government of the Republic of the Philippines and the Government of the United Arab Emirates in the field of Manpower.
- 2009 Republic Act no. 10022 – An Act to Amending Republic Act no. 8042, Otherwise Known as the Migrant Workers and Overseas Filipinos Act of 1995 as Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress and for Other Purposes.
- 2010 Platform and Policy Pronouncements on Labor and Employment, 22-Point Labor and Employment Agenda. 2 August. Available from [www.dole.gov.ph/projects/view/12](http://www.dole.gov.ph/projects/view/12)

## India

- 2006 Memorandum of Understanding between the Government of the United Arab Emirates and the Government of India in the field of Manpower.

## Lesotho

- 2013 Proposed revisions/amendments to the Lesotho Aliens Control Act (1966), on the basis of the Lesotho National Migration and Development Policy (prepared for the Intra-ACP Migration Facility, ACP-MF/2013/PUB05, July 2013) (prepared by M. Olivier).



## APPENDIX II:

### List of consultative meetings with relevant stakeholders

#### Programme of consultative meetings with relevant stakeholders to conduct International Labour Migration Management Assessment of Ethiopia

23–27 February 2015, 11 April 2015 and 23 April 2015

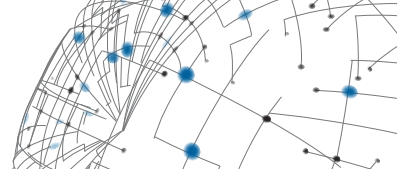
#### Overview

Consultations held by the International Organization for Migration (IOM) Ethiopia Special Liaison Office (SLO) under the IOM Development Fund's Strengthening Labour Migration Management Project in the course of conducting a National Labour Migration Assessment.

Date	Organization (Morning session)	Organization (Afternoon session)
23 February 2015	<ul style="list-style-type: none"> <li>IOM, SLO Addis Ababa, Ethiopia Office: Courtesy Meeting</li> <li>Ministry of Labour and Social Affairs (MoLSA)</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Finance and Economic Cooperation</li> <li>Ministry of Justice</li> </ul>
24 February 2015	<ul style="list-style-type: none"> <li>Ethiopian Investment Commission: Information and Investment Promotion Directorate</li> <li>National Bank of Ethiopia (the Central Bank of Ethiopia): Foreign Exchange Monitoring and Reserve Management Directorate</li> <li>UN agencies:               <ul style="list-style-type: none"> <li>International Labour Organization</li> <li>United Nations Office on Drugs and Crime</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Foreign Affairs               <ul style="list-style-type: none"> <li>Consular Affairs Directorate</li> <li>Diaspora Engagement Affairs Directorate</li> <li>Directorates of Legal and International Affairs, Africa and Middle East Affairs</li> <li>Non-governmental and international organizations directorates</li> </ul> </li> </ul>
25 February 2015	<ul style="list-style-type: none"> <li>Central Statistical Agency of Ethiopia (CSA)               <ul style="list-style-type: none"> <li>Household Surveys and Prices Directorate</li> </ul> </li> <li>IOM Liaison Unit</li> </ul>	<ul style="list-style-type: none"> <li>Main Department for Immigration and Nationality Affairs</li> <li>Confederation of Ethiopian Trade Unions</li> <li>Ethiopia Employers Federation</li> </ul>
26 February 2015	<ul style="list-style-type: none"> <li>Public Servants Social Security Agency</li> <li>Private Organizations Employees Social Security Agency</li> <li>Association of Private Overseas Employment Agencies</li> </ul>	<ul style="list-style-type: none"> <li>National Anti-trafficking Task Force</li> <li>Forum for Social Studies</li> </ul>
27 February 2015	<ul style="list-style-type: none"> <li>CSA               <ul style="list-style-type: none"> <li>Business Statistics Department</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Debriefing meeting with IOM</li> </ul>
28 February 2015	<ul style="list-style-type: none"> <li>Ethiopian Diaspora Association</li> </ul>	
11 April 2015	<ul style="list-style-type: none"> <li>Ethiopian Embassy, Pretoria, South Africa</li> </ul>	
23 April 2015	<ul style="list-style-type: none"> <li>Ministry of Women Children and Youth Affairs</li> </ul>	<ul style="list-style-type: none"> <li>Ethiopian Human Rights Commission</li> <li>National Planning Commission</li> </ul>







## APPENDIX III:

### Bilateral labour agreements

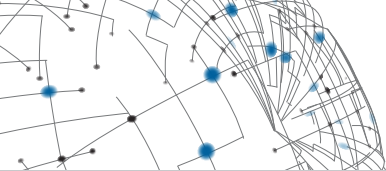
While there are different kinds of bilateral labour agreements (BLAs) with varying objectives, it has been suggested that several core elements are invariably provided for/covered in these agreements.<sup>119</sup> According to Rispoli, these 25 core elements can be grouped into the following five areas:

- (a) Admission;
- (b) Recruitment and departure;
- (c) The employment contract and other provisions concerning the migrant's legal status in the destination country;
- (d) Return to the country of origin; and
- (e) Administration of the agreement and its implementation.

As has been remarked, the primary aim of BLAs, as far as destination countries are concerned, is to ensure that they address the skill gaps in the local labour market, be they in seasonal work or low-skilled labour or in higher-skilled work in sectors, such as health and information technology. For sending countries, BLAs can be “a means to increase the access of their workers to international labour markets and to promote the development of their human capital through the acquisition of occupational skills.” Agreements can also ensure that workers who have acquired new skills actually return to their country of origin, avoiding “brain drain”. Sending countries can use BLAs

<sup>119</sup> See J. Rispoli, *Bilateral Labour Agreements*, IOM Training Workshop on Labour Migration and Labour Market Information Systems (Kampala, Uganda, 16–18 July 2013); Textbox IX.1: 24 Basic Elements of a Bilateral Temporary Labour Agreement, In: *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination* (Organization for Security and Co-operation in Europe/International Organization for Migration/International Labour Organization (OSCE/IOM/ILO, Vienna, 2006). Available from [www.osce.org/eea/19242?download=true](http://www.osce.org/eea/19242?download=true); ILO/IOM/OSCE, *Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements*. Global Forum on Migration Development (IOM, Geneva, 2008). Available from [www.gfmd.org/compendium-good-practice-policy-elements-bilateral-temporary-labour-arrangements](http://www.gfmd.org/compendium-good-practice-policy-elements-bilateral-temporary-labour-arrangements). Rispoli lists the following 25 core elements:

- The competent government authority;
- Exchange of information;
- Migrants in an irregular situation;
- Notification of job opportunities;
- Drawing up a list of candidates;
- Pre-selection of candidates;
- Final selection of candidates;
- Nomination of candidates by the employers (possibility for the employer to provide directly the name of a person to be hired);
- Medical examination;
- Entry documents;
- Residence and work permits;
- Transportation;
- Employment contract;
- Employment conditions;
- Conflict resolution mechanism;
- The role of trade unions and collective bargaining;
- Social security;
- Remittances;
- Provision of accommodation;
- Family reunification;
- Return and reintegration;
- Activities of social and religious organizations;
- Establishment of a joint commission (to monitor the agreement's implementation);
- Validity and renewal of the agreement; and
- Applicable jurisdiction.



to secure the rights and welfare of their workers abroad (Martin, 2011b). These agreements can promote an orderly migration process, thereby curbing reliance on irregular migration. There are, of course, challenges with BLAs:

- (a) It often requires a lengthy and time-consuming process to reach a BLA;
- (b) Some migrant-receiving countries have little interest in concluding BLAs;
- (c) Funding for and institutional capacity-building of institutions and agencies in the sending countries are required, in addition to the acquisition of know-how to negotiate and conclude such an agreement;
- (d) There may be a need for the development and implementation of databases for the effective implementation of BLAs (e.g. for pre-selection purposes and monitoring);
- (e) Follow-up on migrant workers after their arrival in the host country require additional human resources;
- (f) Indicators have to be developed for the monitoring and evaluation of the implementation and performance of BLAs; and
- (g) Specific efforts and capacity are needed to integrate return migrants after the expiration of their contracts (Martin, 2011b).

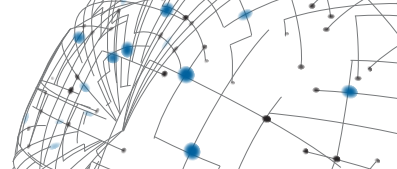
Rispoli further indicates that the successful implementation of BLAs requires that:

- (a) They target specific sectors in a destination country with severe labour shortage;
- (b) There is a quota or ceiling;
- (c) Recruitment is organized;
- (d) Institutional coordination is ensured and employers in the destination country are engaged; and
- (e) The implementation phase of the BLA is organized with sufficient flexibility.<sup>120</sup>

In our view, among the various bilateral arrangements involving Ethiopia (referred to above) perhaps the memoranda of understanding (MoU) with Jordan and the United Arab Emirates constitute best practice examples. This is so because either one or both of these two instruments provide for the following:

- (a) A relatively detailed regulation of the protection of the labour rights of the Ethiopian migrant workers;
- (b) Various recruitment channels for various categories of migrant workers, differentiating between the recruitment of domestic workers and other workers, while recognizing that some job seekers could secure employment in the country of destination on his/her own accord;
- (c) In principle, the non-payment of recruitment expenses by the migrant workers concerned;
- (d) Protection of young workers – stipulating that those below 18 years of age are not allowed to work in the country of destination;
- (e) Pre-departure training;
- (f) Entitlement to a minimum wage; and

<sup>120</sup> Rispoli, 2013.



- (g) Identification of needed skills and employment opportunities – for example, article 17(2) of the MoU stipulates that the Joint Working Group shall “... study emerging employment opportunities and suggest measures of technical cooperation, training, skill[s] enhancement and to provide all the sectors with technically skilled personnel for the mutual benefit[s] of both parties”.

And yet, it would appear that these bilateral instruments can be further improved, also when consideration is given to other comparative BLAs, entered into by, among others, the Philippines<sup>121</sup> and India<sup>122</sup> respectively. These comparative instruments make provision, among others, for the following:

- (a) Government-to-government provision of export labour;
- (b) A prohibition on the amendment or variation of employment contracts by (foreign) employers;
- (c) Possibility of renewal of employment contracts;
- (d) Determination of available skills in the country of origin to fill existing employment opportunities in the country of destination;
- (e) Compliance of employment contracts with the labour laws of both the destination country and the country of origin; and
- (f) Involvement of the governments of one or both of the countries who are parties to the agreement in the resolution of disputes between the foreign employer and the migrant workers concerned.

Furthermore, much can be learned from binding international standards and non-binding guidelines in respect of recruitment of migrant workers, as discussed elsewhere in this report.<sup>123</sup> In addition, further guidance can be obtained from comprehensive legislation adopted by, in particular, the Philippines,<sup>124</sup> one of the largest labour-exporting countries, and related draft legislation prepared for Lesotho,<sup>125</sup> in this regard. In fact, as reflected on and for the reasons given elsewhere in this report,<sup>126</sup> substantial benefit can be gained from the adoption of context-specific legislation by Ethiopia in this regard. Also, it might be prudent to develop a model bilateral agreement that can serve as a template for negotiations with particular destination countries, taking its cue also from the discussion above on key elements, which should ideally be included in BLAs.

<sup>121</sup> Agreement between the Government of the Republic of the Philippines and the Government of the State of Qatar concerning Filipino Manpower Employment in the State of Qatar (1997); Memorandum of Understanding between the Government of the Republic of the Philippines and the Government of the United Arab Emirates in the field of Manpower (2007); and Memorandum of Understanding between the Government of the United Arab Emirates and the Government of India in the field of Manpower (2006).

<sup>122</sup> Memorandum of Understanding between the Government of the United Arab Emirates and the Government of India in the field of Manpower (2006).

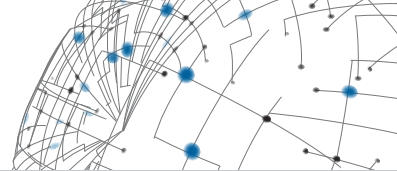
<sup>123</sup> Para. 6.2 *supra*.

<sup>124</sup> Republic Act no. 10022 – An act to amending Republic Act no 8042 otherwise known as the migrant workers and Overseas Filipinos Act of 1995 as amended, further improving the standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress and for other purposes. Congress of the Philippines, Metro Manila, 27 July 2009. See also Republic Act No. 8042 of 1995 – Migrant Workers and Overseas Filipinos Act of 1995 and Republic Act No. 9422 of 2006 – Act to Strengthen the Regulatory Functions of the Philippine Overseas Employment Administration.

<sup>125</sup> M. Olivier, Proposed revisions/amendments to the Lesotho Aliens Control Act (1966), on the basis of the Lesotho National Migration and Development Policy (prepared for the Intra-ACP Migration Facility, ACP-MF/2013/PUB05, July 2013).

<sup>126</sup> Para. 6.2 *supra*.





## APPENDIX IV:

### Ethical recruitment: Recruitment codes

The Code of Conduct developed by the Confederation of Private Employment Agencies (CIETT)<sup>127</sup> is of particular importance. The CIETT Code of Conduct contains 10 key principles, namely:<sup>128</sup>

- (a) Respect for ethical and professional conduct;
- (b) Respect for laws;
- (c) Respect for transparency of terms of engagement;
- (d) Respect for free of charge provision of services to job seekers;
- (e) Respect for safety at work;
- (f) Respect for diversity (i. e. working practices that safeguard against any unlawful or unethical discrimination);
- (g) Respect for workers' rights;
- (h) Respect for confidentiality;
- (i) Respect for professional knowledge and quality of service; and
- (j) Respect for fair competition.

Kenya provides an important example of a country experience – in terms of both public regulation and self-regulation through the Kenyan Association of Private Employment Agencies (KAPEA). KAPEA serves as an umbrella body for a large number of private employment agencies (PEAs) in Kenya and has, among others, adopted a Code of Conduct for Private Employment Agencies in 2006. This is a valuable instrument, as it systematically provides for important matters such as the following:

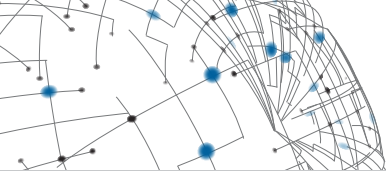
- (a) The objective of the organization;
- (b) Its status;
- (c) Compliance with legal and basic business requirements;
- (d) Integrity and professionalism;
- (e) Knowledge and application of national policies, laws and best practices;
- (f) Knowledge and application of international conventions, standards and best practices;
- (g) Non-discrimination and gender sensitivity;

<sup>127</sup> The CIETT is the authoritative voice representing the interests of agency work businesses. Founded in 1967, CIETT consists of 40 national federations of PEAs and 6 of the largest staffing companies worldwide. Its main objective is to help its members conduct their businesses in a legal and regulatory environment that is positive and supportive. Its headquarters for the secretariat are in Brussels, Belgium (see [www.ciett.org](http://www.ciett.org) for more information).

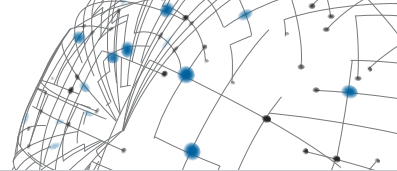
<sup>128</sup> PEAs that are CIETT members agree to recognize, through the CIETT Charter of Private Employment Agencies, that (see: A. Kimani, Role of Private Employment Agencies in Preventing Labour-Related Trafficking: Promoting Best Practices of Private Employment Agencies (PEAs) in Kenya (IOM, Nairobi, 27 September 2011)):

- (a) Employment through private agencies should respect the international and national principles of non-discrimination on all issues linked to working conditions.
- (b) PEAs should not charge directly or indirectly any fees or costs to workers for job-finding services.
- (c) PEAs should not make workers available to a user enterprise to replace workers of that enterprise who are on a strike.
- (d) The PEA should facilitate access to training for the agency workers to ensure they are in tune with international guidelines.
- (e) Social dialogue and collective labour bargaining should be seen as an appropriate means to organize the PEA industry whenever relevant and fitting.





- (h) Anti-trafficking and prevention of unethical employment of children and persons with disability;
- (i) Efficient provision of services;
- (j) Dealings with members of KAPEA and other PEAs;
- (k) Dealings with employers/principals;
- (l) Dealings with job seekers; and
- (m) Breach of the Code.



## APPENDIX V:

### Road map

**Context and approach:** The overall objective of this road map is to assist the Government of Ethiopia with operationalizing the recently completed national labour migration management assessment. The overall objective of the assessment is to comprehensively assist the Government of Ethiopia to better regulate, manage and monitor labour migration by identifying gaps in the institutional framework, legislation, policies, data management, coordination mechanisms among relevant stakeholders and identifying proposed solutions in the country.

In accordance with the terms of reference, the specific objectives of the assessment are as follows:

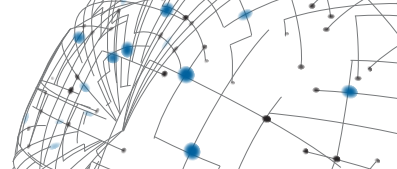
- Conduct an in-depth analysis of existing legislation, policies, institutional structures and coordination mechanisms pertaining to labour migration in Ethiopia and provide recommendations in line with international good practices;
- Identify and assess recruitment centres, recruitment practices and related support services in Ethiopia, as well as point out any deficiencies in relation to international good practices; and
- Consider the flow of remittances to Ethiopia and provide recommendations for their increased utilization for development purposes.

The approach adopted by this road map is to highlight three components: (a) indicated activity; (b) lead agency/agencies involved; and (c) priority to be given to the particular activity. As far as the latter is concerned, the priority (with brief justification) is determined with reference to a weighing or balancing of three criteria: (a) importance of the activity concerned; (b) urgency of addressing the relevant issue covered by the activity; and (c) complexity of executing the activity. “Highest” priority usually indicates that the matter needs urgent attention and execution; “moderate” priority suggests that it may take time to implement the proposed activity; while “lower” priority assumes that execution of the matter can await long-term implementation. Naturally, given the nature of the matters to be attended to, all of these turn out to fall within the highest and moderate priority categories.

Finally, some sequencing is indicated. Those activities which, in our view, should be undertaken in the first year of action, are emphasized in blue font. The activities so indicated are those that would have to be prioritized from a planning perspective and, in particular those that relate most closely to ensuring that migrant workers who migrate are adequately protected.

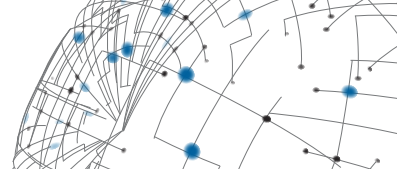
The road map follows the thematic sequence of the draft report.

Activity	Lead agency	Priority
<b>1. Data collection and analysis</b>		
1.1. Appoint and capacitate a preferred custodian of labour migration data	Ministry of Labour and Social Affairs (MoLSA), with Central Statistical Agency (CSA) assistance and technical expertise	Highest – The activity is required to drive labour migration data standardization, collection, analysis and dissemination
1.2. Include standardized migration-related indicators in relevant census and household surveys	CSA	Moderate – This is not immediately realizable, as inclusion of indicators may have to await planning cycle of future surveys
1.3. Standardize labour migration data collection framework (including definitions, methodologies, standards) and develop impact indicators of migration initiatives at micro, meso and macrolevels, in accordance with international and regional approaches, particularly within the Intergovernmental Authority for Development (IGAD) context	CSA, MoLSA, International Labour Organization (ILO)	Highest – The activity is central to labour migration data standardization, collection, analysis and dissemination; and a core activity underpinning regional integration and cross-border movement of migrant workers and skills
1.4. Introduce and undertake a stand-alone labour migration and a stand-alone human trafficking survey	CSA, MoLSA, Ministry of Foreign Affairs (MoFA), ILO, Public employment agencies (PEAs), International Organization for Migration (IOM)	Highest – These surveys are crucial as they are meant to inform policy-making and operational frameworks in relation to labour migration and human trafficking respectively
1.5. Expedite LMIS development and the conducting of the manpower survey	CSA, MoLSA, ILO	Moderate – This may take time to materialize
1.6. Mainstream labour migration data, including remittances data, in national development planning	MoLSA, National Planning Commission (NPC), National Bank of Ethiopia (NBE), assisted by CSA in collaboration with development partners, such as IOM and ILO	Moderate – This will take time to materialize
1.7. Collect labour market data/intelligence from countries of destination	MoLSA, MoFA, assisted by CSA	Highest – Needed in order to identify work opportunities for Ethiopian workers
1.8. Share (sufficiently disaggregated) labour migration data with relevant public and private sector role players	MoLSA, assisted by CSA	Highest – Since this activity informs decision-taking and direction
1.9. Enhance the technical, system and human capacity of line Ministries and Ethiopia's foreign missions to collect and analyse labour migration data	CSA, MoLSA, MoFA, ILO, IOM, PEAs, NBE and labour attachés	Highest – This is a crucial capacity-building step enabling the all-important data collection and analysis activity



Activity	Lead agency	Priority
<b>2. Institutional structures and inter-institutional collaboration</b>		
2.1. Establish a one-stop facility for migrants workers and business persons who move to Ethiopia and for Ethiopian migrant workers and businesspersons moving abroad	Immigration Department, Directorate for Diaspora Engagement Affairs (MoFA), MoLSA, Ethiopian Investment Commission	Moderate – Setting up this facility entails extensive inter-institutional collaboration and requires time to develop
2.2. Establish and capacitate an alone-standing MoLSA directorate	Cabinet, MoLSA, MoFA, Regional bureaus in collaboration with development partners such as IOM and ILO	Highest – This activity is crucial for streamlining and improving Government of Ethiopia's involvement in labour migration and requires policy decisions at Cabinet level; the Directorate's lead and extensive role as regards labour externalization (including the recruitment context) requires urgent action
2.3. Improve inter-institutional collaboration by ensuring multi-stakeholder representation on migration governance bodies	Various line ministries	Moderate – Even though this important activity may require legislative amendments
2.4. Establish and strengthen cross-border institutional structures – in the form of joint technical committees	MoFA, MoLSA, PEAs, Immigration Department, Federal Policy, Regional structures in collaboration with IOM and ILO	Highest – Collaborative approaches with neighbouring countries are required to deal with human trafficking and irregular migration as priority issues
2.5. Appoint labour attachés at Ethiopian embassies in countries that host a sizeable number of Ethiopian migrant workers	MoFA, in close collaboration with MoLSA	Highest – In view of the need to extend more comprehensive protection to Ethiopian migrant workers
2.6. Make available migration-related services not currently sufficiently provided for, including protection of migrant workers' rights abroad, and reintegration of returning migrant workers	MoLSA, MOFA, Ministry of Women, Children and Youth Affairs	Highest – Initial steps of a gradual roll-out of forms of support to address these serious shortcomings can be taken soon
2.7. Establish and utilize public-private partnerships, for example to lower the costs of migration, including remittances	NBE, MoLSA, MoFA (depending on intended purpose of a dedicated partnership)	Moderate – Developing a framework for partnering, in addition to consultation, is required

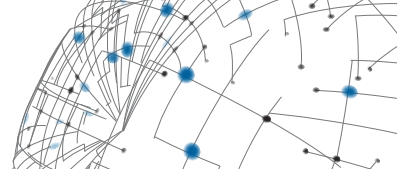
Activity	Lead agency	Priority
<b>3. National legislative basis and international norms</b>		
3.1. Undertake a comprehensive analysis of Ethiopia's adherence/non-adherence to international instruments and standards in the area of labour migration	MOFA, MoLSA, Ministry of Justice (MoJ), Immigration Department, Ethiopian Human Rights Commission, Standing Committee for Laws and Administration of the Parliament	Highest – Urgent steps are required to ensure compliance with international law standards
3.2. Ratify and implement the 1990 UN Migrant Workers Convention	MoFA, MoJ, MoLSA, Standing Committee for Laws and Administration of the Parliament	Medium – Several steps to align law, policy and practice in Ethiopia with provisions of the Convention may be required
3.3. Address restrictions in labour and immigration law of rights of immigrant workers	MoLSA, Standing Committee for Laws and Administration of the Parliament	Moderate – This requires legislative amendments; nevertheless, prompt action is required to comply with international standards and to heed equality considerations
3.4. Ensure that social protection and employment guarantees explicitly provided for in international and regional instruments (in particular the 1990 UN Convention, the 1975 ILO Convention, the 2006 African Union Migration Policy Framework and the 2012 IGAD-Regional Migration Policy Framework, in relation to migrant workers and their dependants) are indeed embedded in law, policy and administrative action	Immigration Department, MoLSA, MOFA, Standing Committee for Laws and Administration of the Parliament	Highest – Compliance with international and regional commitments is encouraged
3.5. Remove discriminatory provisions in social security legislation as regards the position of immigrant workers	MoLSA, Public Servants' Pension Agency, Private Organizations Employees' Pension	Highest – Compliance with binding international and regional commitments is required
3.6. Introduce legislative and operational measures to ensure social security coverage of Ethiopian migrant workers not covered by social security schemes of countries of destination	MoLSA, Public Servants Social Security Agency, Private Organizations Employees Social Security Agency, Standing Committee for Laws and Administration of the Parliament	Moderate – Although important, this could follow other more urgent interventions
3.7. Implement overarching anti-human trafficking legislation	MoLSA, National Council and National Task Force to Combat Trafficking in Persons, Standing Committee for Laws and Administration of the Parliament	Highest – To ensure compliance with Ethiopia's international obligations and to deal efficiently with a critical issue of some proportion



Activity	Lead agency	Priority
3.8. Ensure that bilateral labour agreements (BLAs) and bilateral social security agreements (BSAs) provide for sufficient employment and social protection of Ethiopian migrant workers abroad, in accordance with decent work principles and international and regional standards	MoLSA, MoFA, Public Servants Social Security Agency, Private Organizations, Employees Social Security Agency	Highest – The importance and urgency of this intervention is highlighted by the treatment to which Ethiopian migrant workers are exposed and the current drive to negotiate and conclude such agreements with certain destination countries
3.9. Revise/improve BLAs as a means to facilitate the orderly exporting of surplus Ethiopian labour force capacity and acquire key skills required in the Ethiopian labour market	MoLSA, MoFA	Highest – Action in these contexts should be integrated in the current drive to negotiate and conclude such agreements with certain destination countries
3.10. Build the capacity of the Government of Ethiopia and implementing agencies to negotiate, conclude and implement BLAs and BSAs	MoLSA and MoFA in collaboration with development partners such as IOM and ILO	Highest – BLAs are currently being negotiated and concluded and need to be appropriately implemented
3.11. Strengthen the regulatory environment applicable to PEAs (see also 4.5 regarding required legislative amendment)	MoLSA, Standing Committee for Laws and Administration of the Parliament	Highest – To ensure a consistent framework for orderly regular labour migration from Ethiopia
3.12. Review non-fitting and difficult-to-enforce obligations imposed on recruitment agencies as regards recruited migrant workers abroad	MoLSA, Standing Committee for Laws and Administration of the Parliament	Highest – This is required to relieve inordinate burden on recruitment agencies
3.13. Introduce measures to enhance the facilitative and promotional role of the Government of Ethiopia as regards the provision of services to migrant workers and their families abroad	MoFA and MoLSA	Highest – The need to provide a streamlined and effective service to migrant workers and their families also flows from Ethiopia's international obligations
3.14. Facilitate the movement abroad of Ethiopian businesspersons/ entrepreneurs through the development of an appropriate legal and policy framework (see also 2.1.)	MoLSA, MoFA, MoJ	Moderate – This requires extensive inter-institutional collaboration and consultation, and the development of a policy and legal framework



Activity	Lead agency	Priority
<b>4. Recruitment and support services</b>		
4.1. Develop an operational framework to channel Ethiopians, particularly young Ethiopians, to work in other countries, to accommodate surplus human resource capacity	MoLSA, MoFA	Highest – This activity will help address un- and underemployment, and to help deal with significant youth unemployment
4.2. Strengthen seamless liaison between the Government of Ethiopia and the Association of Overseas Recruitment Agencies of Ethiopia (AOREA), while emphasizing the facilitative and promotional role of the Government of Ethiopia as regards the provision of services to migrant workers and their families abroad (see also 3.13. above)	MoLSA, AOREA	Highest – This will ensure improved supervision of recruitment agencies and a better service overall to migrant workers at all stages
4.3. Improve the pre-departure and skill training framework applicable to recruited Ethiopian migrant workers	MoLSA, recruitment agencies, Technical and Vocational Educational Trainings	Highest – The need for capacitated migrant workers requires the development and presentation of standardized training modules, involving sufficient expertise
4.4. Strengthen inspection and monitoring of and reporting by recruitment agencies	MoLSA	Highest – Enhanced inspection is needed and the development of a more substance-oriented reporting format is required
4.5. Finalize legislative steps relevant to the revision of Proclamation 632/2009 and develop an operational framework to implement the new instrument (see also 3.11.)	MoLSA, MoJ, Standing Committee for Laws and Administration of the Parliament	Highest – To ensure a consistent framework for orderly regular labour migration from Ethiopia
4.6. Promote ethical recruitment in accordance with international standards and guidelines	MoLSA, IOM, ILO	Highest – To address shortcomings in the current regime (e.g. inordinate fee structures, retention of passports) and to comply with international standards and guidelines, even if not binding
4.7. Investigate, with a view to improvement, the contractual framework regulating the relationship between Ethiopian migrant workers and foreign employers, as well as the prevailing welfare and social security system of major destination countries	MoLSA, MoFA	Highest – This activity is required to ensure decent treatment of Ethiopian migrant workers, in the light of current shortcomings



Activity	Lead agency	Priority
4.8. Introduce dedicated reintegration measures and mechanisms for the benefit of returning Ethiopian migrant workers	MoLSA, Federal Micro and Small Enterprises Development Agency (FeMSEDA), IOM, ILO and other civil society organizations and the private sector	Highest – This is an area in serious need of intervention, also to address poverty and deprivation among returnees and their family members
4.9. Create a dedicated and enhanced public employment service framework	MoLSA	Highest – The need to provide a streamlined and effective service to migrant workers and their families involving the Government of Ethiopia
<b>5. Remittances</b>		
5.1. Take steps to reduce transaction costs (including the promotion of competition among financial institutions, capping charges, and promoting cheaper avenues), taking into account partnering regulations and East African Community (EAC) and Common Market for Eastern and Southern Africa (COMESA) regional developments	NBE, Ministry of Finance and Economic Development, MoFA	Highest – remittances play a predominant role in household survival and support
5.2. Harness remittances for socioeconomic development, prioritizing income generation activities, development of investment products, and involving the diaspora	NBE, financial institutions, Investment Commission, MoFA, FeMSEDA	Moderate – Developing appropriate activities, products and involvement modalities requires analysis, consultation and development of appropriate interventions
5.3. Utilize remittances to provide and/or enhance social security coverage for Ethiopian migrant workers abroad	NBE, MoLSA, MoFA, Public Servants Social Security Agency, Private Organizations Employees Social Security Agency	Moderate – Insufficient and even absence of social security coverage in certain destination countries requires the development of suitable mechanisms that need to be linked to other indicated social security reform measures

Activity	Lead agency	Priority
<b>6. Regional context</b>		
6.1. Align all relevant labour migration aspects with IGAD and African Union instruments and priorities	MoLSA, MoFA along with development partners, such as IOM and ILO	Highest – The need for alignment is informed among others with binding continental and regional obligations
6.2. Implement decisions and indicated strategies adopted at the IGAD level	MoLSA, MoFA	Highest – To improve the Ethiopian domestic framework pertaining to labour migration and serve the cause of regional integration
6.3. Consider and address, through appropriate measures, the impact of other regional frameworks (COMESA, EAC) on Ethiopia's labour migration framework	MoLSA, MoFA	Highest – Streamlined flow of migrant labour and business, as well as diverse regional obligations, requires urgent attention



# NATIONAL LABOUR MIGRATION MANAGEMENT ASSESSMENT:

ETHIOPIA



International Organization for Migration  
The UN Migration Agency



Federal Democratic Republic of Ethiopia