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An assessment of
labour migration and
mobility governance
in the IGAD region
Country report for

Ethiopia



FMPT

Free Movement of Persons and Transhumance
in the IGAD Region: Improving Opportunities
for Regular Labour Mobility

An assessment of labour migration and mobility governance in the IGAD region: Country report for Ethiopia

**Free Movement of Persons and Transhumance
in the IGAD Region: Improving Opportunities
for Regular Labour Mobility**

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An assessment of labour migration and mobility governance in the IGAD region: Country report for Ethiopia
Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility

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List of abbreviations and acronyms

ARRA	Administration for Refugee and Returnee Affairs
AU	African Union
BLA	bilateral labour agreement
BOLSA	Bureau of Labour and Social Affairs
COMESA	Common Market for Eastern and Southern Africa
CSA	Central Statistics Agency
EDTF	Ethiopian Diaspora Trust Fund
ETB	Ethiopian birr [currency]
EUTF	European Union Trust Fund
FEMSEDA	Federal Small and Medium Manufacturing Industry Development Agency
GDP	gross domestic product
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Development Agency)
GTP	Growth and Transformation Plan
ILO	International Labour Organization
IO	international organization

IOM	International Organization for Migration
JLMP	Joint Labour Migration Programme
MOFA	Ministry of Foreign Affairs
MOLSA	Ministry of Labour and Social Affairs
NCM	National Consultative Mechanism on Migration
NGO	non-governmental organization
NPC	National Planning Commission
OECD	Organisation for Economic Co-operation and Development
PEA	private employment agency
RCP	Regional Consultative Process
REC	regional economic community
<i>TIP Report</i>	US State Department <i>Trafficking in Persons Report</i>
TVET	technical and vocational education and training
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund

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Foreword

The International Labour Organization (ILO) in close collaboration with the IGAD Secretariat has produced this report titled *Labour migration and mobility governance in the IGAD region: Country report for Ethiopia* as part of the project on “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” financed by the European Union. The report forms part of the knowledge-generation component of the project, and aims to generate an evidence base for improving labour migration and mobility governance in the Intergovernmental Authority on Development (IGAD) region, which is characterized by forced displacement, mixed migration flows, and limited options for regular labour migration and mobility.

However, increasing opportunities for labour mobility through an IGAD Free Movement of Persons Protocol is believed to promote regional integration and reduce pressure on national labour markets that are unable to provide sufficient decent work opportunities. In addition, countries of destination within IGAD could benefit from labour and skills that they require for socio-economic development. Furthermore, increased opportunities for legal migration are expected to lead to more migrants migrating safely and enjoying decent work opportunities. The monitoring and enforcement of migrants’ rights are also expected to be improved through the normative framework that such a Protocol will put in place.

In this context, the country report for Ethiopia highlights major trends and examines various policy and legal frameworks governing labour migration and mobility in the country using a comprehensive Analytical Framework developed for this study. The findings and recommendations of the study are structured around three major pillars and 12 thematic areas that are building blocks of labour migration and mobility governance. The first pillar, Strengthening Labour Migration Governance, examines national systems and capacities to collect and analyse labour migration data; capacity to develop and implement labour migration policies; the regulating of recruitment agencies; and improving coordination on migration issues at various levels. The second pillar, Advancing Opportunities for Regulated Labour Migration and Decent Work, assesses migrants’ access to labour markets, information, education, and finance, and facilitating the social inclusion and integration of migrants. The third pillar, Enhancing the Protection of Migrant Workers and their Families, reviews migrants’ rights, social security, labour inspection, and reception and return.

I believe the findings of the study will provide a comprehensive overview of migration and mobility governance in Ethiopia and significantly contribute to the development of the IGAD Free Movement of Persons Protocol, as well as its implementation once it is adopted.

Alexio Musindo,

Director

ILO Country Office for Ethiopia,
Djibouti, Somalia, South Sudan,
Sudan and Special Representative
for AU and UNECA



Executive summary

The International Labour Organization (ILO) is implementing the European Union Emergency Trust Fund-funded project “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” in collaboration with the Intergovernmental Authority on Development (IGAD).

The project aims to improve opportunities through the development of models of intervention in the broader context of regional integration. In the long-term it is expected to extend decent work opportunities to current and potential migrants in the region, and further contribute to regional integration.

In this context, the ILO is conducting a series of studies to better understand the migration and labour market dynamics in the region, including the constraints and opportunities for employment creation and the causes of skills shortages. Labour migration and mobility governance assessments have been undertaken of the IGAD Member States, which are captured in country reports and a global report. These assessments should support the development and implementation of the IGAD Free Movement of Persons Protocol.

For these assessments an Analytical Framework was developed, which assesses policies, laws and practices on labour migration and mobility. The Analytical Framework is structured around three pillars that are building blocks for enhancing labour migration in the IGAD region:

- ▶ **Pillar I.** Strengthening labour migration governance;
- ▶ **Pillar II.** Advancing opportunities for regulated labour migration and decent work; and
- ▶ **Pillar III.** Enhancing the protection of migrant workers and their families.

Each pillar contains a set of thematic areas with guidelines that contribute towards achieving the respective pillar. The guidelines are derived from the:

- ▶ *ILO Multilateral Framework on Labour Migration: non-binding principles and guidelines for a rights-based approach to labour migration* (ILO, 2006);
- ▶ IGAD Regional Migration Policy Framework; and
- ▶ draft IGAD Free Movement of Persons Protocol.

The last part of the report contains pivotal recommendations for advancing the governance of labour migration in Ethiopia and the IGAD region, which are derived from the Analytical Framework assessment. Data for this assessment was gathered through desktop research and semi-structured interviews with government officials, civil society organizations, employers’ and workers’ organizations, international organizations (IOs), and European Union (EU) Delegation in Ethiopia during a field mission to Addis Ababa from 12–16 February 2018.

Overview of Ethiopia's migration trends and migration management

Ethiopia is an origin, transit, and destination country for mixed migration flows in the Horn of Africa. It is the second-largest refugee hosting country in Africa, with refugees largely originating from the IGAD region. Migrants from the region also cross Ethiopia to travel to the Sudan and Libya, en route to Europe, and may work informally in Ethiopia to fund their onward journey. Regular labour migration to Ethiopia is largely limited to the highly skilled, such as foreign companies that bring in senior management staff, often from Asian countries, or expatriates who work in the aid sector.

Unemployment, poverty, and political factors drive outward Ethiopian migration, which largely entails low-skilled labour migration, such as for domestic work, to the Middle East. To address reports of abuse and trafficking in these flows, the Government of Ethiopia has strengthened the regulation of the private employment agencies (PEAs) that facilitate these flows, and has concluded bilateral labour agreements (BLAs) with destination countries in the Middle East, namely Qatar, Jordan, Saudi Arabia, and the United Arab Emirates.

In search of work and a better life, Ethiopians also undertake the perilous journey through the Sudan and Libya to Europe, and the journey south towards South Africa. The assistance of smugglers are generally required to travel these migration routes, and migrants are vulnerable to abuse and exploitation. Little information is available on the labour migration of Ethiopians in the IGAD region, but they are known to engage in domestic work and construction in Djibouti, the hospitality sector in South Sudan, and seasonal agricultural work in the Sudan.

Various ministries and agencies play a role in migration and mobility governance in Ethiopia, including the Ministry of Labour and Social Affairs (MOLSA), the Ministry of Foreign Affairs (MOFA), the Administration for Refugee and Returnee Affairs (ARRA), and the Office of the Attorney General.

Social partners engage in tripartite consultation with the Government, namely the Confederation of Ethiopian Trade Unions (CETU) and the Ethiopian Employers Federation (EEF). The Anti-Human Trafficking and Smuggling of Migrants Task Force facilitates inter-ministerial coordination on migration and coordination with partners.

The next section below presents an assessment of Ethiopia's labour migration and mobility governance in terms of the thematic areas of the Analytical Framework, while offering recommendations that are more fully developed in the final chapter of this report.

Analytical Framework analysis

Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect and analyse labour migration data

Ethiopia needs to develop a Labour Market Information System (LMIS), which it lists as a goal in its 2016 National Employment Policy. The LMIS should regularly collect and analyse data, including on the demand for labour and skills shortages and on the long-term impact of demographic trends on labour demand and supply.

The MOLSA collects data on outbound labour migration by registering migrant workers who travel to the Middle East and on inbound migration by issuing work permits. Evidence-based policy-making requires labour migration data collection and analysis to be strengthened and applied to policy-making. The Government should undertake research on labour migration flows between Ethiopia and IGAD Member States, and identify opportunities for enhancing labour migration that aids economic development and fills skills gaps. Moreover, while labour flows and skill shortages are at times discussed in IGAD meetings, the Government of Ethiopia and the other IGAD Member States should put in place routine sharing of data and analysis on labour supply and demand.

Thematic Area 2. Coordination on labour migration

The Anti-Human Trafficking and Smuggling of Migrants Task Force's discussions on labour migration have focused on low-skilled, outbound labour migration to the Middle East and addressing exploitation in these flows. Regular tripartite consultations take place at the national level and address some labour migration policy issues. The Task Force should undertake more comprehensive dialogue on all dimensions of labour migration and involve social partners, IOs, non-governmental organizations (NGOs), and academia. Tripartite consultation does not take place at the international or IGAD level, and should be put in place by IGAD to coordinate labour migration policy, especially with respect to the upcoming IGAD Free Movement of Person Protocol. Moreover, the sharing of labour market information and profiles of good practices on labour migration should be instituted in existing regional and continental forums, such as the IGAD Regional Consultative Process and AU meetings.

Thematic Area 3. Capacity to formulate and implement policy

Ethiopia does not have a labour migration policy or a migration policy. Labour migration policy objectives are spread across different laws and policy frameworks. The Government should develop a labour migration policy through a whole-of-government approach that involves the ministries engaged in labour migration governance, as well as through consultations with social partners, IOs, NGOs, and academia. The labour migration policy should be coherent with other relevant national policies, such as those on economic integration and employment and the country's five-year national development plan, the Growth and Transformation Plan.

The Overseas Employment Proclamation 923/2016 contains various provisions to protect Ethiopian migrants, such as requiring BLAs with destination countries for low-skilled labour migration to take place. But this only applies to regular labour migrants. The labour migration policy should include protection mechanisms for irregular migrants and for Ethiopian migrants in labour migration flows to countries with which Ethiopia does not have a BLA. The Government should ratify and domesticate the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The standards contained in these Conventions should be reflected in the labour migration policy and its implementation.

Thematic Area 4. Regulating recruitment agency practices

The Government promotes written, understandable, and enforceable employment contracts, which should be approved by the MOLSA for Ethiopians to migrate for work. The Government has ratified the ILO Private Employment Agencies Convention, 1997 (No. 181); put in place a standardized system of licensing for PEAs; and requires PEAs to provide migrant workers with pre-departure training. But some costs related to deployment can be charged to migrant workers, such as the medical examination fee, and these should be covered by the PEAs or by employers.

Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

In 2019 the Government of Ethiopia launched an online e-visa portal through which tourist and business visas can be applied for, and which should boost labour mobility. Labour migration is impeded by the multiple laws and regulations that govern the admission, employment, and residence of migrant workers, which are hard to obtain and navigate. These procedures should be simplified, including through consultations with social partners. The revised procedures should be captured in one policy document and placed on the online e-visa portal, and the Government and its embassies, social partners, IOs, and NGOs should raise awareness on these revised procedures. Relevant Government officials, including from the MOLSA and MOFA, should be trained on the updated system. Restrictions regarding investment should also be revised and reduced, such as reserving investment in certain sectors for the Government.

While the Government has strengthened collaboration with the diaspora, including by launching the Ethiopian Diaspora Trust Fund, which involves the diaspora in development projects in Ethiopia, it should consider dual citizenship to encourage circular and return migration. Labour exchanges and temporary labour migration schemes should be developed to meet skills gaps, and as more effective measures to prevent the loss of critical skills.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

The CETU provides information on the dangers of irregular migration to aspiring Ethiopian migrant workers. The Government, IOs, and NGOs should disseminate information to migrant workers in Ethiopia on their rights and opportunities for integration, including access to finance and skills recognition. Migrant workers in Ethiopia can access education and obtain National Occupational Qualification Certificates to have their skills and competencies recognized in Ethiopia. The Government should assess which additional mechanisms need to be developed for the harmonization and mutual recognition of academic, professional, and technical skills and qualifications, which will be required for the implementation of the IGAD Free Movement of Persons Protocol.

Remittances to Ethiopia have increased more than 50-fold in the last 20 years (Ghosal, 2015, p. 181). Various actions could further facilitate remittances, including increasing the number of remittance pay out locations in rural areas and increasing financial education, especially on new technologies (Isaacs, 2017).

Thematic Area 3. Promoting social integration and inclusion

The Government is promoting the integration of refugees through the implementation of the Comprehensive Refugee Response Framework, but has no activities focused on the integration of migrant workers. The Government, in collaboration with IOs and NGOs, should identify the social and economic contribution of migrant workers, devise mechanisms to bolster it, and raise public awareness on this contribution to promote their integration.

Migrant workers can be accompanied to Ethiopia by their spouse and children, who are also allowed to access the education system. The current legal framework lacks clear directives on the issuance of work permits to migrant workers' dependents (MOLSA, 2012, pp. 36–37). A new directive is being developed that would allow the family members of migrants to apply for work permits if they meet the criteria of the pertaining position.

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' human rights

In principle, regular migrant workers should enjoy the human rights afforded by Ethiopia's Constitution, but the enforcement of these rights is unclear. The Government's anti-trafficking law largely conforms to international standards on addressing human trafficking. Protection mechanisms should be developed for irregular migrant workers in Ethiopia, and the Anti-Human Trafficking and Smuggling of Migrants Task Force should ensure that the national referral mechanism also facilitates protection services for migrants in an irregular status.

Thematic Area 2. Social security and social protection

Regular migrant workers in Ethiopia are covered by the provisions of Labour Proclamation 377/2003, which contains various measures to protect labour rights, such as working hours and leave. All migrant workers should be given access to the pension system, and the Government should develop mechanisms or agreements to ensure the portability of these benefits.

Thematic Area 3. Labour inspection for migrant workplaces

While the inspection of migrants' workplaces is taking place, the extent to which it takes place regularly and aids in the enforcement of migrants' rights is unclear. The Government should ensure that labour inspectors are trained on the legal framework governing migrant workers; that they have access to the work contracts of migrant workers; and that the inspection service is adequately resourced to allow for the regular inspection of migrants' workplaces.

Thematic Area 4. Facilitating reception and return

The recent Reintegration Directive provides a policy framework for return and reintegration programmes. Ethiopia should continue to invest in government services, infrastructure, and livelihood opportunities in areas to which return takes place.

On-arrival training is not taking place. The Government should provide or facilitate on-arrival information or training for incoming migrant workers, which should cover the legal framework governing migrant workers, their rights, and the dispute settlement mechanisms available to them.

1. Introduction

“

The long-term objective of FMPT project is to extend decent work opportunities to current and potential migrants within the region as well as to contribute to regional integration.

The International Labour Organization (ILO) is implementing the project “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” in collaboration with the Intergovernmental Authority on Development (IGAD). The project is a key component of the European Union Emergency Trust Fund for Africa (EUTF) financed programme “Towards Free Movement of Persons and Transhumance in the IGAD Region”. The overall objective of the programme is to support the free movement of persons in the IGAD region, with a view to spurring regional economic integration and development.

The specific objective of the Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility project is to improve opportunities for regulated labour mobility and decent work within the IGAD Member States, through the development of models of intervention, in the broader context of the regional integration. In the long term, it is expected to extend decent work opportunities to current and potential migrants within the region, as well as to contribute to regional integration, strengthen the link between economic and job growth, and enhance the social and economic integration of migrants.

This report forms part of the knowledge-generation component of the project and aims to create an evidence base on labour migration and mobility governance in the region. This should contribute to the development of the IGAD Free Movement of Persons Protocol, as well as to building the capacities of Member States to implement the Protocol, once it is adopted. To this end, labour migration and mobility assessments of the IGAD Member States have been undertaken, to gain an overview of how labour migration and mobility are governed by these States, as well as areas that require reinforcement at the national and international level.

The assessments capture:

- ▶ the key policies and laws that regulate labour migration and mobility;
- ▶ the roles and responsibilities of the ministries and agencies whose work touches on labour migration;
- ▶ the involvement of social partners; and
- ▶ the inter-ministerial and national coordination mechanisms on migration.

Comprehensive country assessment reports on Djibouti, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda have been developed, and follow the same structure and assessment exercise. This enables the identification of areas of commonality and divergence, as well as where capacities need to be strengthened or policies harmonized to pave the way for the implementation of the IGAD Free Movement of Persons Protocol. Moreover, a regional report captures the findings of the country reports; provides an overview of the governance of labour migration and mobility in the IGAD region; and details recommendations for how it can be advanced. The implementation of these recommendations should support the implementation of the IGAD Free Movement of Persons Protocol and aid countries in meeting IGAD and international labour migration governance standards.

The report commences in chapter 2 with an overview of the analytical framework employed in the study. This is followed by an overview of Ethiopia and its migration trends in chapter 3. Chapter 4 presents an overview of the roles and responsibilities of the key government ministries and agencies whose work touches on labour migration. Chapter 5 covers Ethiopia's National Coordination Mechanism on Migration. Chapter 6 is an overview and assessment of Ethiopia's policies, laws, and practices on labour migration and mobility, as per the analytical framework presented in chapter 2.

The last part of the report contains key recommendations for advancing governance of labour migration in Ethiopia and the IGAD region, which are derived from the Analytical Framework assessment. These recommendations, which include policy areas that need to be developed or capacities that need to be built, could be implemented by the Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility project, or by other actors, partners, or projects.

2. Methodology

“

Data gathered through desk research and semi-structured interviews with government officials, civil society organizations, employers' and workers' organizations, international organizations (IOs), and EU.

The research methodology employed for the assessments conducted in this study consists of interviews with key informants undertaken during field missions to the capitals of seven IGAD countries, for which semi-structured interview questionnaires were used. The organizations interviewed include:

- ▶ relevant government ministries and agencies;
- ▶ the IGAD Secretariat;
- ▶ international organizations (IOs);
- ▶ employers' and workers' organizations; and
- ▶ civil society organizations.

The field research was complemented by desktop research and interviews via Skype/phone. A field mission was undertaken to Addis Ababa, Ethiopia from 12–16 February 2018. Appendix I contains the list of key informants that were interviewed for this assessment.

In addition, an analytical framework was used to analyse the adherence of national laws, policies, practices, and coordination and consultation mechanisms on labour migration and mobility to the provisions of:

- ▶ the draft IGAD Free Movement of Persons Protocol;
- ▶ the IGAD Regional Migration Policy Framework; and
- ▶ ILO standards on labour migration as put forward in the *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration* (ILO, 2006).

The analytical framework is structured around three pillars, which are all building blocks for enhancing labour migration in the IGAD region:

- ▶ **Pillar I.** Strengthening labour migration governance;
- ▶ **Pillar II.** Advancing opportunities for regulated labour migration and decent work; and
- ▶ **Pillar III.** Enhancing the protection of migrant workers and their families.

Each pillar contains a set of thematic areas with guidelines that contribute towards achieving the respective pillars. These guidelines are derived from the three key documents mentioned above: the ILO Multilateral Framework on Labour Migration; the IGAD Regional Migration Policy Framework; and the draft IGAD Free Movement of Persons Protocol. In order to ease reading of this report, the analytical framework is presented in table 1 below.

In brief outline, the thematic areas of the three pillars are as follows:

- ▶ **Pillar I. Strengthening labour migration governance:**
 1. Capacity to collect, analyse, and share labour migration data;
 2. Coordination on labour migration;
 3. Capacity to formulate and implement policy; and
 4. Regulating employment agency practices.
- ▶ **Pillar II. Advancing opportunities for regulated labour migration and decent work:**
 1. Labour mobility schemes to support labour market needs;
 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance; and
 3. Promoting social integration and inclusion.
- ▶ **Pillar III. Enhancing the protection of migrant workers and their families:**
 1. Protection of migrant workers' human rights;
 2. Social security and social protection;
 3. Labour inspection for migrant workplaces; and
 4. Facilitating reception and return.

In table 1, each thematic area contains a set of guidelines that are used to assess the relevant governance structures and mechanisms in the country. Certain thematic areas contain sub-headings, under which a set of related guidelines are captured to facilitate reading of the report.

In chapter 6 below, each thematic area and sub-heading will be expanded upon through "Overview" and "Assessment" passages. The Overview provides the background information that informed each Assessment, such as the relevant laws and policies. The Assessment contains an evaluation of how Ethiopia is faring with regards to each sub-heading and its related guidelines. In cases where information is limited, all the information is captured in the Assessment, and an Overview is not provided.

TABLE 1. Overview of guidelines related to the pillars and thematic areas of the study

Pillar I. Strengthening labour migration governance
Thematic Area 1. Capacity to collect, analyse, and share labour migration data
<p><i>Labour market information and data: Guidelines</i></p> <p>ILO Multilateral Framework on Labour Migration</p> <p>5.1. Establishing systems and structures for periodic, objective labour market analyses that take into account gender issues and that include:</p> <ul style="list-style-type: none"> 5.1.1 sectorial, occupational and regional dimensions of labour shortages and their causes, and relevant issues of labour supply; 5.1.2 shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors; and 5.1.3 long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour.
<p><i>Labour migration data collection and analysis, and applying it to labour migration policy: Guidelines</i></p> <p>ILO Multilateral Framework on Labour Migration</p> <p>3.1. Improving government capacity and structures for collecting and analysing labour migration data, including sex-disaggregated and other data, and applying it to labour migration policy.</p>
<p><i>Sharing of labour market information and labour migration data and analysis at the regional level: Guidelines</i></p> <p>IGAD Regional Migration Policy Framework</p> <p>4.2. Regional Cooperation and Harmonization of Labour Migration Policies</p> <p><i>Recommended Strategies:</i></p> <p>iv. Institute routine data collection, analysis and exchange on labour flows, stock and needs in labour-supply vis-à-vis labour-demand countries in IGAD to eliminate skills mismatch and to maintain proper skills audit.</p>
Thematic Area 2. Coordination on labour migration
<p><i>Coordination of labour migration at national, regional, and continental levels: Guidelines</i></p> <p>ILO Multilateral Framework on Labour Migration</p> <p>2.2. Developing intergovernmental dialogue and cooperation on labour migration policy, in consultation with the social partners and civil society and migrant worker organizations.</p> <p>2.5. Establishing mechanisms for tripartite consultations at regional, international and multilateral levels.</p> <p>3.5. Collecting and exchanging profiles of good practices on labour migration on a continuing basis.</p> <p>4.7. Establishing a mechanism to ensure coordination and consultation among all ministries, authorities, and bodies involved with labour migration.</p>

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

x. Establish formal national and IGAD-wide social dialogue mechanisms to address migrant labour issues (including social protection and social security benefits, insurance, compensation for employment due to injury and old age pension for labour migrants while working abroad and/or upon their return to the countries of origin).

4.2. Regional Cooperation and Harmonization of Labour Migration Policies

Recommended Strategies:

iii. Hold regular dialogue among IGAD Member States and between them and the Member States of contiguous RECs [regional economic communities] to enhance communication between countries of origin, transit countries, and destination through reviews of national policies and legislation.

Thematic Area 3. Capacity to formulate and implement policy

Labour migration policy development and implementation: Guidelines

ILO Multilateral Framework on Labour Migration

- 4.2. Ensuring coherence between labour migration, employment, education and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment.
- 4.8. Ensuring that specific structures and mechanisms within these ministries have the necessary competencies and capacities to develop, formulate and implement labour migration policies, including, where possible, a special unit for issues involving migrant workers.
- 15.2. Expanding analyses of the contribution of labour migration and migrant workers to the economies of destination countries, including employment creation, capital formation, social security coverage and social welfare.

Policies that protect the rights of migrant workers, including bilateral labour agreements and gender-sensitive policies: Guidelines

ILO Multilateral Framework on Labour Migration

- 4.4. Implementing policies that ensure that specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed.
- 4.5. Ensuring that labour migration policies are gender-sensitive and address the problems and particular abuses women often face in the migration process.
- 5.3. Where appropriate, establishing policies and procedures to facilitate the movement of migrant workers through bilateral, regional or multilateral agreements.

Ratification and domestication of international labour migration Conventions: Guidelines

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

i. Promote the signing, ratification and domestication by the Member States of international instruments relating to labour (e.g. the ILO [Migration for Employment Convention (Revised), 1949] No. 97 and Migrant Workers (Supplementary Provisions) Convention, 1975] No. 143 and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) through national legislation.

Thematic Area 4. Regulating employment agency practices

Employment contracts: Guidelines

ILO Multilateral Framework on Labour Migration

- 10.3. Promoting the establishment of written employment contracts to serve as the basis for determining obligations and responsibilities and a mechanism for the registration of such contracts where this is necessary for the protection of migrant workers.
- 13.3. Ensuring that migrant workers receive understandable and enforceable employment contracts.

Licensing and monitoring of private employment agencies: Guidelines

ILO Multilateral Framework on Labour Migration

- 13.1. Providing that recruitment and placement services operate in accordance with a standardized system of licensing or certification established in consultation with employers' and workers' organizations.
- 13.2. Providing that recruitment and placement services respect migrant workers' fundamental principles and rights.
- 13.5. Working to implement legislation and policies containing effective enforcement mechanisms and sanctions to deter unethical practices, including provisions for the prohibition of private employment agencies engaging in unethical practices and the suspension or withdrawal of their licences in case of violation.

Recruitment and placement fees: Guidelines

ILO Multilateral Framework on Labour Migration

- 13.7. Providing that fees or other charges for recruitment and placement are not borne directly or indirectly by migrant workers.

Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

Rules and regulations governing labour migration and mobility: Guidelines

ILO Multilateral Framework on Labour Migration

- 5.2. Establish transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs.
- 5.5. Ensuring that temporary work schemes respond to established labour market needs, and that these schemes respect the principle of equal treatment between migrant and national workers.
- 12.3. Simplifying administrative procedures involved in the migration process and reducing processing costs to migrant workers and employers.
- 6.3. Promoting dialogue and consultation with employers' organizations on practical opportunities and challenges they confront in the employment of foreign workers.
- 6.4. Promoting dialogue and consultation with workers' organizations on particular concerns posed by labour migration and their role in assisting migrant workers.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

3. For the purpose of this Article, the free movement of workers shall entitle a worker to:
 - d. stay in the territory of a Member State for the purpose of employment in accordance with the national laws and administrative procedures governing the employment of workers of that Member State;
8. The national laws and administrative procedures of a Member State shall not apply where the principal aim or effect is to deny citizens of other Member States the employment that has been offered.

Circular and return migration: Guidelines

ILO Multilateral Framework on Labour Migration:

15.8. Adopting policies to encourage circular and return migration and reintegration into the country of origin, including by promoting temporary labour migration schemes and circulation-friendly visa policies.

Labour exchanges and critical skills: Guidelines

ILO Multilateral Framework on Labour Migration:

15.7. Adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment.

IGAD Regional Migration Policy Framework

4.2. Regional Co-operation and Harmonization of Labour Migration Policies

Recommended Strategies:

vi. Establish bilateral and multilateral labour exchanges among IGAD Member States and with contiguous non-Member States of neighbouring RECs to employ or deploy temporarily human resources with scarce or desirable skills

Establishment and investment: Guidelines

Draft IGAD Free Movement Protocol:

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

11. For the purposes of this Article, the Member States shall:
 - a. remove the administrative procedures and practices, resulting from national laws or from agreements previously concluded between the Member States, that form an obstacle to the right of establishment;
 - b. progressively remove any administrative procedures and practices resulting from national laws that restrict the right of establishment, in respect of the conditions for:
 - i. setting up agencies, branches or subsidiaries of companies or firms in their territories; and
 - ii. the entry of personnel of the companies or firms registered in another Member State into managerial or supervisory positions in agencies, branches or subsidiaries in that Member State.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

Disseminating information to migrant workers: Guidelines

ILO Multilateral Framework on Labour Migration

12.4. Promoting the participation of employers' and workers' organizations and other relevant non-governmental organizations in disseminating information to migrant workers.

Education, training, skills recognition, the harmonization of qualifications, and access to finance: Guidelines

ILO Multilateral Framework on Labour Migration

14.3. Improving the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities.

12.6. Promoting the recognition and accreditation of migrant workers' skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized.

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

ix. Facilitate the integration of migrants in the labour market including the education and training sector.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 4. Harmonization and Mutual Recognition of Academic and Professional Qualifications

For the purpose of ensuring the free movement of labour, the Member States undertake to:

- a. mutually recognize the academic and professional qualifications granted, experience obtained, requirements met, licences or certifications granted, in other Member States; and
- b. harmonize their curricula, examinations, standards, certification and accreditation of educational and training institutions.

Facilitating remittances: Guidelines

ILO Multilateral Framework on Labour Migration

15.6. Reducing the costs of remittance transfers, including by facilitating accessible financial services, reducing transaction fees, providing tax incentives and promoting greater competition between financial institutions.

Thematic Area 3. Promoting social integration and inclusion

Public education and awareness-raising campaigns on the contribution of migrants: Guidelines

ILO Multilateral Framework on Labour Migration

14.9. Promoting public education and awareness-raising campaigns regarding the contributions migrant workers make to the countries in which they are employed, in order to facilitate their integration into society.

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

vi. Promote integration of migrants by enhancing local citizenry, inclusive policies and engaging with societies in destination countries; address discrimination and xenophobia through civic education and awareness-raising campaigns.

Family reunification, and access to employment for family members and education for children: Guidelines

ILO Multilateral Framework on Labour Migration

- 14.10. Facilitating the reunification of family members of migrant workers as far as possible, in accordance with national laws and practice.
- 14.12. Facilitating the integration of migrant workers' children into the national education system.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

5. A worker shall have the right to be accompanied by a spouse and a child, and:
- a spouse who accompanies the worker shall be entitled to be employed as a worker or to engage in any economic activity;
 - as a self-employed person in the territory of that Member State;
 - child who accompanies the worker shall be entitled to be employed as a worker or to engage in any economic activity as a self-employed person in the territory of that Member State subject to the age limits under the national laws of that Member State

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' human rights

Protecting the human rights of migrants: Guidelines

ILO Multilateral Framework on Labour Migration

- 8.1. Governments should ensure that national laws and practice that promote and protect human rights apply to all migrant workers and that they are respected by all concerned.
- 8.2. Information should be provided to migrant workers on their human rights and obligations and assisting them with defending their rights.
- 8.3. Governments should provide effective enforcement mechanisms for the protection of migrant workers' human rights and provide training on human rights to all government officials involved in migration.
- 10.5. Providing for effective remedies to all migrant workers for violation of their rights, and creating effective and accessible channels for all migrant workers to lodge complaints and seek remedy without discrimination, intimidation or retaliation.
- 10.7. Providing effective sanctions and penalties for all those responsible for violating migrant workers' rights.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 1. Free Movement of Persons

- 1.3. The Member States shall, in accordance with their national laws, guarantee the protection of the citizens of the other Member States while in their territories.

Protecting migrants from forced labour and exploitation: Guidelines

ILO Multilateral Framework on Labour Migration

- 8.4.2. Legislation and policies should be adopted, implemented and enforced to protect migrant workers from conditions of exploitation and forced labour, including debt bondage and trafficking, particularly migrant workers in an irregular situation or other groups of migrant workers who are particularly vulnerable to such conditions.

Thematic Area 2. Social security and social protection

National labour laws and social protection laws applying to migrant workers: Guidelines

ILO Multilateral Framework on Labour Migration

9.8. Adopting measures to ensure that national labour legislation and social laws and regulations cover all male and female migrant workers, including domestic workers and other vulnerable groups, in particular in the areas of employment, maternity protection, wages, occupational safety and health and other conditions of work, in accordance with relevant ILO instruments.

Social security coverage and portability: Guidelines

ILO Multilateral Framework on Labour Migration

9.9. Entering into bilateral, regional or multilateral agreements to provide social security coverage and benefits, as well as portability of social security entitlements, to regular migrant workers and, as appropriate, to migrant workers in an irregular situation.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

3.3. For the purpose of this Article, the free movement of workers shall entitle a worker to:

- f. enjoy the rights and benefits of social security as accorded to the workers of the host Member.

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

3. For the purposes of paragraph 1, the right of establishment shall entitle:

- b. a self-employed person who is in the territory of another Member State to join a social security scheme of that Member State in accordance with the national laws of that Member State.

Thematic Area 3. Labour inspection for migrant workplaces

ILO Multilateral Framework on Labour Migration

10.1. Extending labour inspection to all workplaces where migrant workers are employed, in order to effectively monitor their working conditions and supervise compliance with employment contracts.

10.2. Ensuring that the labour inspectorate or relevant competent authorities have the necessary resources and that labour inspection staff is adequately trained in addressing migrant workers' rights and in the different needs of men and women migrant workers.

Thematic Area 4. Facilitating reception and return

ILO Multilateral Framework on Labour Migration

12.1. Facilitating migrant workers' departure, journey, and reception by providing, in a language they understand, information, training and assistance prior to their departure and on arrival concerning the migration process, their rights and the general conditions of life and work in the destination country.

12.2. Wherever possible facilitate migrant workers' return by providing information, training, and assistance prior to their departure and on arrival in their home country concerning the return process, the journey and reintegration.

3. Overview of Ethiopia and its migration trends

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Approximately 901,235 registered refugees and asylum seekers and is the second-largest refugee hosting country in Africa.

Ethiopia is a land-locked country that borders Djibouti, Eritrea, Kenya, Somalia, South Sudan, and the Sudan. It holds a prominent position in Horn of Africa, with the largest population in the region, and the second largest in Africa, currently amounting to 105,350,020 people (CIA, 2018). Ethiopia's economic growth averaged an impressive 10.5 per cent a year from 2005/06 to 2015/16, and currently stands at about 8 per cent (World Bank, 2018). It has the lowest level of income-inequality in Africa, and one of the lowest in the world (CIA, 2018). Despite advances in poverty reduction, it remains one of the poorest countries in the region, with a per capita income of US\$660 (World Bank, 2018). Ethiopia aims to achieve lower-middle income status by 2025 through the implementation of its second Growth and Transformation Plan (GTP), which is geared towards industrialization and the expansion of physical infrastructure (World Bank, 2018). A low starting base, rapid population growth, and drought are some of the challenges Ethiopia faces. More than 80 per cent of its population still lives in rural areas, and more than 70 per cent still works in the agricultural sector, but services have surpassed agriculture as the main contributor to gross domestic product (GDP) (CIA, 2018).

On 2 April 2018, Abiy Ahmed became Ethiopia's new Prime Minister. He has introduced several liberal reforms. These include freeing thousands of political prisoners; ending a 20-year state of war with Eritrea; and taking steps to open up important economic sectors to private investors, including the state-owned Ethiopian Airlines (Marsh, 2018). As part of his vision of a closer and more integrated Africa, he announced that Ethiopia would start issuing visas on arrival for African citizens from 9 November 2018 (Shaban, 2018).

Ethiopia is an origin, transit, and destination country for mixed migration flows in the Horn of Africa. According to United Nations (UN) data, Ethiopia had an international migrant and refugee stock of 1,227,143 persons in 2017 (UN Statistics Division, 2018). It currently hosts

approximately 901,235 registered refugees and asylum seekers (RMMS, 2018, p. 4) and is the second-largest refugee hosting country in Africa. The majority of refugees originate from South Sudan, Somalia, Eritrea, and the Sudan (UNHCR, 2018a). It also serves as a transit country for refugees and migrants from Somalia, Somaliland, and Eritrea, who travel through Ethiopia to the Sudan and Libya en route to Europe (RMMS, 2018: 4). While refugees are currently not allowed to work in Ethiopia, some work informally in small businesses, construction, the hospitality sector, or as sex workers. In September 2016, following the adoption of the New York Declaration on Refugees and Migrants, Ethiopia made nine pledges to better the lives of refugees, which includes access to employment. Ethiopia started to apply the Comprehensive Refugee Response Framework in February 2017, making it one of the first countries to do so (UNHCR, 2018a). Ethiopia's parliament adopted revisions to its refugee law in January 2019, which gives refugees access to work permits, primary education, drivers' licenses, national financial services (such as banking), and the right to legally register life events such as births and marriages (UNHCR, 2019).

Regular labour migration to Ethiopia is largely limited to the highly skilled, such as foreign companies that bring in senior management staff, often from Asian countries, or expatriates who work in the aid sector. Work permits are required to be regularly employed in Ethiopia, and are generally not issued for other skill levels, so as not to disadvantage Ethiopian nationals searching for jobs. For the period of 8 July 2015 to 7 July 2016, 20,689 work permits were issued.

Asian migrants received 90.5 per cent of these work permits, with 63.07 per cent issued to Chinese nationals. Only 4.4 per cent of work permits were issued to Africans, which amounts to a total of 903 work permits, of which 88 were issued to African women. According to Ministry of Labour and Social Affairs (MOLSA) statistics, the majority of migrant workers are employed in the construction sector, with 55.24 per cent of work permits issued for this sector; followed by 16.7 per cent for manufacturing and 9.8 per cent for the category of "Community, Social and Personal Service" (MOLSA, 2017, pp. 32, 34).

Ethiopia is a member of the Common Market for East and Southern Africa (COMESA), which has 21 Member States. COMESA's Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements, 1984 is in force, but is not fully implemented. The COMESA Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence was adopted in 2001, but has only been ratified by Burundi and signed by Kenya, Rwanda, and Zimbabwe (COMESA, 2017, p. 4). Moreover, Ethiopia is a member of IGAD, which is developing a protocol to allow for the free movement of persons among its Member States.

Migrants in transit may work informally to partially fund their onward journey. Irregular migration to Ethiopia, primarily for work, is considered uncommon, as wages are low and opportunities few in comparison to other countries in the region or further afield. There are, however, no statistics on this group of transitory migrants. According to the 2018 US Department of State *Trafficking in Persons Report (TIP Report)*, Ethiopia is a source, and to a lesser extent, destination and transit country for forced labour and sex trafficking.

Internal migration of Ethiopians is thought to be larger than outward migration, but exact numbers are not known. Rural-to-urban migration is a growing trend and can be a first

step towards international migration (Carter and Rohwerder, 2016, p. 2). Ethiopia is one of Africa's major labour-sending countries, with economic factors being a primary driver. Poverty, an unemployment rate of 17.53 per cent, and family and peer pressure have led to a culture of migration. Other drivers include political factors, drought, and environmental shocks; incitements by smugglers and traffickers; and demand for labour in destination countries, especially in the Middle East. Social networks and better access to information and communication also facilitate migration (ILO, 2017, p. 5). Compared to other Sub-Saharan African countries, Ethiopia actually has a low emigration rate of 0.4 per cent, but due to its population size it has a large diaspora in absolute numbers (Kuschminder, 2010, p. 1).

Migration from Ethiopia is largely irregular, mainly due to limited options for regular economic migration, with the majority of Ethiopians travelling to the Middle East, while others move South towards South Africa, or West through the Sudan and Libya to Europe (RMMS, 2016). Many Ethiopian migrants are recruited by local brokers, returnees, relatives, and friends, who may make false promises of a better life in the destination country. Their irregular status renders them vulnerable to abuse and exploitation during the various stages of migration: recruitment, travel, destination/employment, and return (ILO, 2017a, p. 11). However, research suggests that Ethiopian migrants are often aware of the risks they may face on their journey and choose to migrate despite the risks (RMMS, 2014, p. 8). This seems to point at the cultural significance of migration, as well as its importance as a livelihood strategy for families and communities.

Most Ethiopian migrants are female, primarily young and single, and migrate to the Middle East as domestic workers (Kuschminder and Siegel, 2014, p.3). Few female labour migrants work in other sectors, and men work mainly in construction, agriculture, hotels, hospitals, or as drivers. The most popular destination countries in the Middle East are Saudi Arabia, the United Arab Emirates, Kuwait, and Lebanon (Lindgren, Uaumnua, and Emmons, 2018, p. vii).

Furthermore, seasonal labour migration in the agricultural sector is known to take place to the Sudan. According to the Sudanese Ministry of Interior, the eastern states of the Sudan have an agreement with their neighbouring states in Ethiopia that facilitates seasonal labour migration in agriculture, but the number of Ethiopian labour migrants are not known. Gadaref state in eastern Sudan borders the Amhara and Tigray regions of Ethiopia and is a centre for agricultural production. During planting and harvest season, there is great demand for seasonal agricultural labour. Since South Sudan's independence, the local supply of seasonal agricultural labour in Gadaref state has diminished and Ethiopian seasonal labour migration increased. Unofficial estimates point at up to half a million Ethiopian seasonal labour migrants working in agricultural production in Gadaref state on an annual basis (Eldin and Ferede, 2018, p. 10–11).

In October 2013 the Government of Ethiopia banned low-skilled migration to the Middle East in response to the abuse and trafficking of Ethiopians in transit and destination countries (ILO, 2017a, p. 13). The ban also followed the expulsion of irregular Ethiopian migrants from Saudi Arabia in 2013/14. MOLSA data indicates that 480,480 Ethiopian citizens regularly migrated to the Middle East between 2011 and 2013. However, many more migrated irregularly and became victims of trafficking and exploitation (ILO, 2017b, p. 2). The labour migration ban was lifted on 30 January 2018 (Anberbir, 2018). On 9 October 2018, the Government announced that overseas employment services to the Middle East could resume activity the following day (Ezega.com, 2018). Therefore, regular low-skilled migration to Middle Eastern countries, with which the Ethiopia has bilateral labour agreements (BLAs), can now take place. These BLAs specify the conditions of workers. Moreover, to ensure the protection of Ethiopian labour migrants, the deployment of labour attachés to these destination countries is planned.

The exact number of Ethiopian migrants abroad is unknown due to the large numbers who migrate irregularly and the lack of a centralized registration system (ILO, 2017a, p. 6). The Ministry of Foreign Affairs (MOFA) estimates that there are at least 2 million Ethiopians abroad, with the diaspora in North America and Europe generally having better incomes and educational status (MOFA, 2013, p. 5–6). According to the Organisation for Economic Co-operation and Development (OECD, 2015, p. 396), there were 308,100 Ethiopian emigrants living in OECD countries in 2010/2011. The actual number of Ethiopians abroad may be higher, as outward migration is believed to have increased in recent years (ILO, 2017a, p. 6). By consequence, the MOLSA claims a current brain drain in the education and health sectors.

Remittances account for more than 5 per cent of Ethiopia's GDP and one quarter of the country's foreign exchange earnings (Isaacs, 2017, p. 6). Remittances are mainly used for non-productive purposes, such as daily needs, with less than 20 per cent of remittances received used for productive investments such as education or business (Kuschminder and Siegel, 2014, p. 4). Most remittances are sent through informal channels. The Government is taking steps to improve the remittances environment and promote the use of formal means for remitting. The National Bank of Ethiopia Directive No. FXD/30/2006 and its amendment of 2009 aim to reduce the cost of remittances and to enhance access to secure and efficient remittance service providers. This includes ensuring the transparency of money transfer operators' fees and a 0 per cent commission for local banks for the pay out of remittances. Channelling these remittance flows towards productive investment could contribute to the long-term development of Ethiopia (Isaacs, 2017).

4. Overview of the roles and responsibilities of the key ministries, agencies, and tripartite organizations

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*Key Actors: Government: MoLSA, MOFA, ARRA, The Office of the Attorney General and others
Social Partners: CETU and EEF*

4.1 Government ministries and agencies

The Ministry of Labour and Social Affairs (MOLSA)

The Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 916/2015 defines the roles and responsibilities of Ethiopian ministries. Under this Proclamation, the MOLSA is responsible for the supervision and enforcement of labour laws. The Ministry should support employers and workers with forming organizations and exercising their rights to collective bargaining, and register employers' associations and trade unions that are established at national level. It should encourage bipartite forums between workers and employers and tripartite forums with the Government, and set up a system for the management of labour disputes. The MOLSA is mandated to establish a system to prevent occupational accidents and occupational diseases, and to issue occupational health and safety standards and supervise their implementation. It should carry out labour inspection in Federal Public Enterprises, and provide labour dispute settlement services that may arise between employers and employees within these enterprises. The Ministry should set up and implement a national labour market information system. It should undertake studies on national manpower and employment, and work with relevant bodies to enhance social protection systems that promote the wellbeing of citizens.

The MOLSA regulates labour migration, in cooperation with the other concerned bodies. It is responsible for the implementation of Ethiopia's Overseas Employment Proclamation No. 923/2016, which is the legal framework regulating the labour migration of Ethiopians. In collaboration with the MOFA, the Ministry assigns labour attachés to be posted in Ethiopian missions in countries with which Ethiopia has BLAs. The MOLSA can recruit and place workers

for a governmental agency of another State on the basis of a concluded government to government BLA. In such case, the Ministry would render/oversee the following services:

- ▶ interview and select workers;
- ▶ medical examinations of workers;
- ▶ pre-departure and pre-employment training for workers; and
- ▶ approval of employment contracts; and departure of employees.

Moreover, the MOLSA licenses and regulates private employment agencies (PEAs) that facilitate the deployment of Ethiopian migrant workers abroad. This includes oversight of the conditions under which Ethiopian migrant workers are employed abroad. The Ministry also aims to regulate the conditions of direct employment, including through the approval of employment contracts. In practice this may be difficult, as such migrant workers will be able to migrate without having their employment contracts approved.

Furthermore, the MOLSA regulates the conditions of migrant workers in Ethiopia. It has the authority to issue, renew, and cancel work permits, and oversees the protection of the rights of migrant workers in their working environment, in accordance with national labour law (MOLSA, 2012, p. 16). The MOLSA is represented at the regional level by the Bureaus of Labour and Social Affairs (BOLSAs).

The Ministry of Foreign Affairs (MOFA)

As per Proclamation No. 916/2015, the MOFA negotiates and signs treaties that Ethiopia enters into with other States and IOs. It coordinates and supervises the activities of Ethiopia's diplomatic and consular missions and permanent missions of Ethiopia to IOs.

It holds the responsibility for the protection of the interests and rights of Ethiopians living abroad. It aids in the implementation of the Overseas Employment Proclamation, including through the joint appointment of labour attachés with the MOLSA. Moreover, its Diaspora Affairs Directorate-General leads the Government's engagement with the diaspora, and drives the implementation of the 2013 Diaspora Policy.

The Administration for Refugee and Returnee Affairs (ARRA)

The ARRA is the government agency responsible for coordinating and managing refugee affairs. The Refugee Proclamation No. 409/2004 governs the management of refugees. The ARRA works closely with the United Nations High Commissioner for Refugees (UNHCR). It undertakes refugee status determination and leads refugee service provision, including camp management and the provision of health, education, and sanitation services.

The Office of the Attorney General

As per Proclamation No. 916/2015, the Office of the Attorney General (previously the Ministry of Justice) is the chief legal adviser to the Government and assists in the preparation of laws and legal reform. The Office's relevant powers include studying and promoting crime prevention, and undertaking or ordering criminal investigations. It should ensure the protection of whistle blowers and witnesses of criminal offences. It should follow up on the implementation of

Ethiopia's international and regional human rights agreements and issue national reports on their implementation. It also holds the responsibility for the preparation of a national human rights action plan and following up on its implementation. The Office should raise public awareness on the protection of human rights, and cooperate with the appropriate bodies in the provision of legal education and training. It should develop strategies for the provision of free legal aid and follow up on its implementation. Moreover, it plays a pivotal role in countering international crime, including human smuggling and trafficking.

The Ministry of Finance and Economic Cooperation

As per Proclamation No. 916/2015, the Ministry of Finance and Economic Cooperation has the power to initiate economic cooperation policies and fiscal policies. It prepares and evaluates the performance of the Federal Government budget. It coordinates bilateral economic cooperation with other States and international and regional organizations, which has implications for labour migration and mobility.

The National Planning Commission

The National Planning Commission was established by the National Planning Council and the National Planning Commission Establishment Council of Ministers Regulation No. 281/2013. It develops the five-year national development plan – the Growth and Transformation Plan (GTP) – which is aimed at countrywide balanced growth, and which fits within a 15-year development strategy. Ministries, including the MOLSA, transmit their individual plans and targets to the Commission, which compiles these plans and targets into the GTP. The National Planning Commission also conducts periodic evaluation of the implementation of the GTP. Labour migration objectives should be captured in the GTP in order to ensure policy coherence with other sectors, to mainstream migration into national plans, and to further enhance the nexus between migration and development.

The Ministry of Trade

As per Proclamation No. 916/2015, the Ministry of Trade coordinates trade negotiations and signs trade agreements, which affect trade in services, labour migration, and mobility. It also provides commercial registration and business licensing services in accordance with the relevant laws.

The Federal Small and Medium Manufacturing Industry Development Agency (FEMSEDA)

FEMSEDA was established by the Federal Small and Medium Manufacturing Industry Development Agency Establishment Council of Ministers Regulation No. 373/2016. Its role is to boost small and medium manufacturing industry and to assist and coordinate institutions that support them, in order to make the sector competitive and to drive industrial development.

FEMSEDA works with five manufacturing sectors – leather, textiles, and garments; agro processing; wood and metal work products; construction material; and chemicals – and

is represented at the federal and regional levels. The Agency's activities include business skills training for returnees, who are taught how to make products in incubation centres. Returnees who are already skilled are linked with work opportunities. The Agency also works with potential migrants in the different regions, who they provide with technical and financial training, working premises, and loans. FEMSEDA's efforts are geared towards promoting entrepreneurship and creating sustainable and decent work opportunities that enable potential migrants to stay in Ethiopia.

The Ministry of Education

As per Proclamation No. 916/2015, the Ministry of Education leads higher education and is responsible for developing national technical and vocational education and training (TVET) strategies and for ensuring their implementation, as well as for formulating a national qualifications framework that aids skills recognition and thereby labour migration. Moreover, the Ministry oversees curriculum development and education standards in Ethiopia.

The Ministry of Women and Children Affairs

As per Proclamation No. 916/2015, the duties of the Ministry of Women and Children's Affairs include:

- ▶ awareness raising on women and children's issues;
- ▶ undertaking studies on discriminatory practices affecting women, and devising and following up on strategies to address such practices;
- ▶ ensuring that women's issues are included in policies, legislation, and development programmes; and
- ▶ facilitating opportunities for the active participation of women in political, economic, and social affairs.

The Ministry does not work on issues pertaining to foreign migrant women and children in Ethiopia.

The Ministry of Youth and Sports

As per Proclamation No. 916/2015, the duties of the Ministry of Youth and Sports include:

- ▶ creating awareness on youth issues;
- ▶ ensuring that opportunities are created for youths to actively participate in Ethiopia's political, economic, and social affairs; and
- ▶ ensuring that youth issues are included in policies, legislation, and development programmes.

The Central Statistical Agency of Ethiopia (CSA)

The CSA was established in 1960, and is the statistical arm of the Government. The CSA undertakes socio-economic and demographic data collection, processing, evaluation, and dissemination that is used for the country's socio-economic development and planning,

monitoring, and policy formulation. It performs this role through the National Integrated Household and Enterprise Survey Program, undertaking ad-hoc surveys, conducting the census, and compiling secondary data from administrative records (CSA, 2016).

The Central Statistics Agency Establishment Proclamation No. 442/2005 established the CSA as an autonomous federal government agency. The duties and powers laid out in the Proclamation include:

- ▶ collecting statistical data through censuses, sample surveys, and administrative records, and analysing and disseminating the results;
- ▶ preparing short-, medium-, and long-term national statistical programmes, and implementing these programmes, as well as monitoring their implementation by other agencies;
- ▶ advising government agencies on statistical activities upon request and providing basic training to them;
- ▶ determining the system for the collection, compilation, classification, and flow of statistical data, and monitoring its implementation; and
- ▶ and maintaining international standards for statistical data collection.

The National Bank of Ethiopia

The Bank was established in 1963. Its function, as laid out in the National Bank of Ethiopia Establishment (as Amended) Proclamation No. 591/2008, is to “maintain stable rate of price and exchange, to foster a healthy financial system and to undertake such other related activities as are conducive to rapid economic development of Ethiopia”. The Bank’s duties include:

- ▶ printing and circulating the legal tender currency; formulating and implementing exchange rate policy;
- ▶ issuing debt and payment instruments; managing and administering the international reserves of Ethiopia;
- ▶ licensing and supervising banks, insurers, and other financial institutions; and
- ▶ acting as banker, fiscal agent, and financial adviser to the Government.

Remittances are regulated by the Foreign Exchange Monitoring and Reserve Management Directorate (IOM, 2017, p. 26).

The Ethiopian Investment Commission

The Ethiopian Investment Commission, an autonomous government institution, is accountable to the country’s Investment Board, which is chaired by the Prime Minister. Its services include:

- ▶ promoting the country’s investment opportunities and conditions to foreign and domestic investors;
- ▶ issuing investment permits, business licenses, and construction permits;
- ▶ issuing commercial registration certificates, as well as renewals, amendments, replacements, or cancellations;
- ▶ registering the names of firms;

- ▶ issuing work permits, including renewals, replacements, suspensions, or cancellations;
- ▶ negotiating and, upon government approval, signing bilateral investment promotion and protection treaties with other countries; and
- ▶ advising the Government on policy measures needed to create an attractive investment climate for investors (Ethiopian Investment Commission, 2018).

4.2 Workers' and employers' organizations

Regular migrant workers in Ethiopia are covered by national labour law, unless specified otherwise. The Labour Proclamation 377/2003, which gives workers and employers the right to establish and join workers' unions and employers' associations, respectively, therefore also applies to migrant workers. The Annual Labour Market Information Bulletin 2015/16 reports 1,429 registered trade unions with 473,626 members.

The Confederation of Ethiopian Trade Unions (CETU)

The CETU is an umbrella organization and consists of nine industrial federations. It represents the workers' organizations in the tripartite structure in Ethiopia. It is tasked with defending the rights of workers, and has seven branches in different states. The CETU promotes the protection of Ethiopian migrant workers, including through bilateral agreements with trade unions in countries of destination (namely Lebanon and the Sudan), which stipulate the conditions of Ethiopian migrant workers.

Migrant workers in Ethiopia do not participate in trade unions. According to the CETU, regular migrant workers are generally highly skilled, and do not see any benefit in belonging to a union.

The Ethiopian Employers Federation (EEF)

In terms of employers' associations, the EEF is the Government's key counterpart. The EEF is an umbrella organization encompassing 19 member associations. It promotes the interests of employers, and advises and gives training to members on labour law, collective bargaining, and agreements, and represents members before labour courts upon request. It also assist employers with obtaining work permits for their employees.

The EEF has foreign company members that employ migrant workers, namely Chinese companies and a Sudanese company. The EEF has good relations with the line ministries, and if their members are affected, will contact those ministries to discuss the issues at hand. The EEF also represent employers in labour relation boards and government committees on tax, health, pensions, and social security.

5. National coordination mechanisms on migration

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The Anti-Human Trafficking and Smuggling of Migrants Task Force facilitates inter-ministerial coordination on migration and coordination with partners.

The national mechanism for inter-ministerial coordination on migration and coordination with partners is the Anti-Human Trafficking and Smuggling of Migrants Task Force. The Task Force was established by the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015, and it operates at a technical level and falls under the Office of the Attorney General. The Taskforce is accountable to the National Committee that addresses human trafficking and smuggling, and which was established by the same Proclamation. The National Committee is a political body in which state ministers participate, and is overseen by the Deputy Prime Minister. The Task Force holds meetings that effectively serve as a national coordination mechanism on migration (NCM), but it has not been officially endorsed as an NCM.

The following ministries and agencies participate in the Task Force:

- ▶ ARRA;
- ▶ MOFA;
- ▶ MOLSA;
- ▶ FEMSEDA;
- ▶ Ministry of Women and Children Affairs;
- ▶ Ministry of Education; and
- ▶ the National Intelligence and Security Service.

Other participants include the

- ▶ Ethiopian Federal Police Commission;
- ▶ CETU;
- ▶ EEF; and
- ▶ IOs, such as the ILO, the International Organization for Migration (IOM), and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ – German Development Agency).

The Task Force has four sub-groups working on: (1) human trafficking and smuggling prevention; (2) protection; (3) capacity building; and (4) prosecution. It also operates at the regional, zonal, and district levels, where it follows the same structure of four sub-groups. Certain Task Force configurations are more active than others, but the national Task Force functions well and meets quarterly. Development partners and line ministries are given the opportunity to present their projects and plans at Task Force meetings, which facilitates cooperation and the complementarity of initiatives. To date, however, labour migration has not featured much in the discussions of the Task Force.

Moreover, the MOLSA indicated that an inter-ministerial committee has been formed to steer and follow up on the implementation of the Overseas Employment Proclamation No. 923/2016, which aims to promote the protection of Ethiopian labour migrants. The Committee was restarted in early 2018 following the lifting of the labour migration ban, which prohibited the low-skilled labour migration of Ethiopians, and a number of meetings have been convened.

6. Analytical Framework analysis

6.1 Pillar I. Strengthening labour migration governance

6.1.1 Thematic Area 1. Capacity to collect, analyse, and share labour migration data

6.1.1.1 Labour market information and data

Overview

National labour force surveys are the main source of statistics for monitoring the labour market in Ethiopia. The last survey was undertaken in 2013. The 2018 survey has been postponed until further notice. The 2013 National Labour Force Survey captures data on:

- ▶ the workforce currently engaged or available to be engaged in productive activities at town, national, and regional levels;
- ▶ the distribution of the employed in the different sectors of the economy; and
- ▶ the participation of women in the labour force (CSA, 2014).

The NFLS focuses on labour supply and does not capture skill shortages. The impact of long-term demographic trends on the demand for and supply of labour is not assessed.

Public Employment Services Offices and local private employment agencies (PEAs), register jobseekers, collect vacancies, and match the jobseekers with job opportunities/employers, for which local PEAs charge fees to employers. The Annual Labour Market Information Bulletin contains gender-disaggregated statistics on:

- ▶ registered jobseekers by occupation;
- ▶ level of education of jobseekers;
- ▶ age and region of jobseekers; and
- ▶ reported vacancies by occupation, industry, and region.

The Bulletin also contains data on job placements by occupation, industry, age group, education, and region. This data provides a picture of labour demand and supply, but does not detail skill shortages per sector (MOLSA, 2017, p. 18–30).

Manpower surveys are conducted ad hoc, and the last survey was undertaken 5–6 years ago. To date, such surveys have been cumbersome and costly, as they required the collection of completed questionnaires from individual companies, which was then compiled and analysed. The MOLSA is planning to establish a system whereby they would work with different networkers, which should simplify the process.

Ethiopia lacks an official skills inventory (IOM, 2017, p. 16). The Ministry of Education produces annual statistics on the qualifications that were obtained in different fields of study, and data

on the supply of skills is therefore produced in this way. Moreover, skills gaps are identified through the process of issuing work permits to incoming labour migrants. Work permits are only granted once a letter of support has been issued by the ministry of the relevant sector, and the decision to grant a permit is based on the identification of a needed skill. The Ministry of Health, for example, would need to provide a letter of support in order for a foreign doctor to obtain a work permit for Ethiopia.

Assessment:

Ethiopia needs to develop a Labour Market Information System (LMIS), and this is listed as one of the goals of the 2016 National Employment Policy. Information on the supply of skills is gathered, but data on skills shortages is not systematically collected. The long-term impact of demographic trends on labour demand and supply is not sufficiently assessed.

6.1.1.2 Labour migration data collection and analysis, and applying it to labour migration policy

Overview

The MOLSA is the only government agency that collects labour migration data. They have a four-year-old database of migrant workers migrating to the Middle East through regular channels, and also of returnees. The database contains the following data on migrant workers:

- ▶ name;
- ▶ sex;
- ▶ age;
- ▶ marital status;
- ▶ emergency contact;
- ▶ level of education;
- ▶ region of origin;
- ▶ destination country;
- ▶ employment agency, or means through which employment is organized; and
- ▶ employers' address.

The MOLSA obtains this data when it approves the written employment contracts of labour migrants. The approval of these contracts is required by law and stipulated in the Overseas Employment Proclamation No. 923/2016. The database is internal to the MOLSA, but they have plans to put it online. In addition, the ILO has supported the MOLSA with the creation of an online database for international labour migration, which has interfaces for PEAs, migrant workers, and different partners of the Ministry, but this database has not been operationalized.

The MOLSA has an expatriate database to support the expatriate work permit service, and includes information on the work permits issued and the education levels of the persons they were issued to (MOLSA, 2012). Moreover, the MOLSA produces the Annual Labour Market Information Bulletin, which contains gender-disaggregated statistics on work permits issued to expatriates by occupation, industry, marital status, salary level, age group, and country of origin.

To date the CSA has not gathered any data on international labour migration. The MOLSA is responsible for the collection of labour migration statistics, and there is reportedly no cooperation between the Ministry and the CSA. The next census will be the first time the CSA plans to collect data on international migration. The census was due to take place in 2018, but has been postponed until further notice. The census is expected to collect the following data on international migration from households:

- ▶ how long a person has been in the current place of residence;
- ▶ the country of birth;
- ▶ the name of the previous country of residence;
- ▶ whether the previous place of residence was rural or urban; and
- ▶ the reason for migrating.

Labour migration policy is largely shaped by the political and social objectives of the Government, rather than an analysis of labour migration data. The official position of the Government is that it is not going to promote outward labour migration, and is instead focused on creating jobs for its nationals through industrialization and enterprise development. The Overseas Employment Proclamation No. 923/2016 requires BLAs with other States for the overseas deployment of workers to those States (in practice this provision relates to unskilled workers whose employment is facilitated by public or private employment agencies, and not to professionals who obtain direct employment independently). Ensuring the protection of migrant workers is the primary motivation for these BLAs, which specify the working conditions of migrant workers. The requirement of these agreements and the development of Overseas Employment Proclamation No. 923/2016 was a response to the abuse suffered by Ethiopian labour migrants in the Middle East.

The 2016 National Employment Policy and Strategy explains in paragraph 2.5.6.2 on “international labour migration”:

The growing outmigration of labor from Ethiopia makes it necessary to extend legal protection to the migrants in the best interest of the country and the migrants...

2.5.6.2.1 Goal

Protecting the safety and rights of international labor migrants from Ethiopia in order to make them competitive and ensure their benefits from their employment engagements

2.5.6.2.2 Strategies

- a. Establishing and implementing a system to well protect the rights of international labor migrants from Ethiopia and to ensure their benefits;
- b. Establishing bilateral and multilateral agreements with labor receiving countries and other relevant bodies to ensure equitable employment opportunities for international labor migrants from Ethiopia.

Moreover, Ethiopia does not have a proper system in place to collect data on skills supply and shortages. Its policy regarding inward labour migration and meeting skills gaps through these flows is consequently not sufficiently informed by data collection and analysis.

Assessment

The Government's labour migration data is limited to Ethiopian labour migrants going to and returning from the Middle East, and to migrant workers in Ethiopia whom they provide with work permits. Too little data is collected for evidence-based policy development. Policy development is driven mostly by social and political objectives, rather than in-depth data and the analysis of labour migration flows and their potential benefits. Labour migration data collection and analysis, as well as its application to labour migration policy, should be strengthened.

6.1.1.3 Sharing of labour market information and labour migration data and analysis at the regional level

Overview

Labour flows and skill shortages are at times discussed in IGAD meetings, such as the Regional Consultative Process (RCP), but there are no systems in place for regularly sharing data on labour supply and demand between Ethiopia and the IGAD countries. This also applies to the COMESA region, where information may be exchanged ad hoc at COMESA meetings and RCPs, but where there is no routine sharing of such data.

There is little regular labour migration from the IGAD Member States to Ethiopia, and scant data on the economic migration of Ethiopians to the IGAD Member States. There are also no efforts to identify skills gaps with a view to attracting IGAD Member States' citizens to work in Ethiopia. The MOLSA estimates that 90 per cent of Ethiopian labour migrants migrate to the Middle East, and there are few regular African labour migrants in Ethiopia. Only 4.4 per cent of work permits were issued to Africans during the period of 8 July 2015 to 7 July 2016, which amounts to a total of 903 work permits (MOLSA, 2017, p. 34). Ethiopia does not have BLAs with any African countries, and has not expressed interest in developing these agreements with African countries, which would facilitate labour migration. At present, Ethiopia only has BLAs with Middle Eastern countries, namely the Jordan, Qatar, Saudi Arabia, and the United Arab Emirates.

Assessment

Routine data collection and analysis of labour flows, stocks, and needs between Ethiopia and the IGAD countries is not undertaken, and systems should be put in place to collect this data. Ethiopia should develop a skills inventory and a system to identify skills gaps. In addition, research of labour migration flows between Ethiopia and the IGAD Member States should be undertaken to better understand these flows, and to identify opportunities for enhancing labour migration to aid economic development and meet skills gaps.

6.1.2 Thematic Area 2. Coordination on labour migration

6.1.2.1 Coordination on labour migration at national, regional and continental levels

Overview

The Anti-Human Trafficking and Smuggling of Migrants Task Force, which constitutes the national mechanism for coordination on migration, has had little discussion on labour migration beyond human trafficking issues related to low-skilled labour migration to the Middle East. However, the Overseas Employment Proclamation No. 923/2016 assigns the following powers and duties to the Task Force, for which it remains accountable to the National Committee:

- ▶ implementation of the Proclamation;
- ▶ coordination of activities related to the reintegration of returnees;
- ▶ undertaking studies to support the conclusion of BLAs;
- ▶ supporting legal action against those engaged in human trafficking and abusing the rights of Ethiopians abroad;
- ▶ ensuring that public awareness raising on illegal overseas employment takes place; and
- ▶ facilitating the exchange of overseas employment information with the relevant organs, and establishing a data centre to support this process.

With the recent lifting of the labour migration ban, the Task Force may now start to undertake these tasks. Moreover, the MOLSA indicated that an inter-ministerial committee has been formed to steer and follow up on the implementation of the Overseas Employment Proclamation. The Committee was restarted in early 2018 following the lifting of the ban, and a number of meetings have reportedly been convened.

There are no migrant associations in Ethiopia, nor are there any civil society organizations specifically working with migrant workers in Ethiopia. There is also no intergovernmental dialogue with civil society on labour migration policy.

Tripartite consultation takes place through a Tripartite Committee, which meets once a month and consists of five government ministries, namely the MOLSA; the Attorney General's Office; and the ministries of Transport, Education, and Industry. Five members of CETU and five board members of the EEF participate in the Committee. Labour disputes and labour policy are discussed at meetings of the Tripartite Committee, including Labour Proclamation 377/2003, which is currently being revised. The draft Proclamation has been subject to discussions for more than two years, and CETU has made several proposals to be included in the revised law, such as introducing a minimum wage (Endeshaw, 2017).

Labour Proclamation 377/2003 covers labour migrants coming into Ethiopia, but does not apply to Ethiopian labour migrants going abroad. The Overseas Employment Proclamation No. 923/2016 is the legal framework for Ethiopians working abroad. The EEF indicated that it was consulted on the development of the Proclamation through its participation in the Labour Advisory Board, which is coordinated by the MOLSA.

There are no mechanisms for tripartite consultation at the regional, international, and multilateral levels, including at the IGAD level. However, the CETU has a bilateral agreement with a Lebanese trade union, which stipulates the conditions of Ethiopian migrant workers in Lebanon and aims to enhance their collaboration to ensure the protection of migrant workers. While the labour migration ban forbid Ethiopian domestic workers from going to Lebanon, they were not considered irregular by the Lebanese Government. Ethiopian domestic workers therefore used tourist and visitors visas to travel to Lebanon for work. Furthermore, the CETU has an agreement with a Sudanese trade union to promote the protection of Ethiopian migrant workers in the Sudan.

While there is no established mechanism for collecting and exchanging good labour migration practices at the IGAD level or with Member States of neighbouring regional economic communities, labour migration policy issues are at times discussed at the IGAD RCPs. Such matters are also being discussed in consultations on the development of the IGAD Free Movement of Persons Protocol. Moreover, exchanges on labour migration data, policy, and practice take place at African Union (AU) meetings and meetings of the Joint Labour Migration Programme (JLMP). The JLMP – which is led by the AU and implemented by ILO, IOM, and the UN Economic Commission for Africa (UNECA) – promotes migration and development by strengthening capacities for improved labour migration management at national, regional, and continental levels.

The AU has increasingly focused on migration, including labour migration, and serves as a useful forum for bringing together origin, transit, and destination countries. In the past two years it has held numerous migration consultations as it reviewed the AU Migration Policy Framework; developed the AU Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Establishment; and cultivated inputs for the Global Compact on Migration. Moreover, the implementation commenced in 2018 on the revised AU Migration Policy Framework for Africa and its Action Plan (2018–2030), which has a strong focus on labour migration and the free movement of persons. In addition, the African Labour Migration Advisory Committee was inaugurated in May 2018 to promote and protect the rights of migrant workers and members of their families across the continent. Participants of the Committee include representative of the regional economic communities, AU bodies, ILO, IOM, UNECA, and social partners. The AU is therefore expected to continue to serve as central forum for exchanges on labour migration law, policies, and practice.

Assessment

More comprehensive dialogue on all dimensions of labour migration should take place at the national level, and incorporate a tripartite structure involving the inclusion of NGOs, academia, and IOs. These consultations could take place through the Anti-Human Trafficking and Smuggling of Migrants Task Force, which constitutes Ethiopia's primary national mechanism for coordination on migration, and which brings together the relevant actors and their respective areas of expertise. In addition, tripartite consultation should be established at regional, international, and multilateral levels to discuss and coordinate labour migration issues and policy. Employers' and workers' organizations are well placed to identify impediments to labour migration, and workable solutions can be devised through tripartite consultation. Moreover, regular exchanges on labour migration laws, policies, and

best practices should be instituted in existing forums, such as the IGAD RCP, COMESA RCP, AU meetings, and JLMP meetings.

6.1.3 Thematic Area 3. Capacity to formulate and implement policy

6.1.3.1 Labour migration policy development and implementation

Overview

Ethiopia does not have a labour migration policy or a migration policy. The IOM is working on a migration profile, and expects it to inform the development of a migration policy. The 2016 National Employment Policy contains the Government's most explicit formulation of its labour migration policy objectives. In terms of the international labour migration of Ethiopians, the primary policy objective is to protect their safety and rights (Goal 2.5.6.2.1 of the Policy – see section 6.1.1.2 above).

Incoming labour migration is regarded as necessary to fill skills gaps (on a temporary basis) and should facilitate the transfer of knowledge, technology, and skills. This approach is reflected in Ethiopia's work permit policy. Labour Proclamation No. 377/2003 stipulates that foreigners require work permits to access employment. Work permits are granted for a maximum period of three years (article 174) and only if a national cannot fill the position for which the work permit is requested. During the three-year period, a national should be trained, so that it will no longer be necessary to employ a foreign worker. Work permits are renewed annually and can be cancelled by the MOLSA if it deems that a national can fill the position.

The Government is promoting policy coherence through the GTP, which is the country's five-year national development plan. The National Planning Commission develops the GTP on the basis of individual plans and targets submitted by the ministries. The GTP fits within the framework of 15-year development plans, that are less detailed and provide overall strategic direction. The 2015–2030 plan is being developed and will be completed before the end of the current Ethiopian calendar year. Ethiopia is currently implementing GTP II (2015/16–2019/20). Moreover, each ministry reports on their annual GTP-related performance to the National Planning Commission. The GTP should be evaluated annually and mid-term, and the National Planning Commission's Monitoring and Evaluation Office is developing an evaluation tool for the GTP. GTP II contains an overview of the performance of the different sectors under GTP I.

While GTP II contains linkages between national labour issues and other sectors, such as the development of the labour force and education, it lacks linkages between international labour migration policy objectives and other sectors. The GTP could be a tool through which international labour migration objectives are mainstreamed into national development objectives and across sectors. However, the first step should be the formulation of a comprehensive labour migration policy that sets out the various facets of labour migration, how they are linked, and which building blocks are required to enhance labour migration.

The labour migration policy should be developed through a whole-of-government approach that would involve the following ministries and agencies:

- ▶ MOLSA;
- ▶ MOFA;
- ▶ ARRA;
- ▶ Attorney General's Office;
- ▶ Ministry of Finance and Economic Cooperation;
- ▶ CSA;
- ▶ National Planning Commission;
- ▶ Ethiopian Investment Commission;
- ▶ Ministry of Trade;
- ▶ Ministry of Industry;
- ▶ Ministry of Innovation and Technology;
- ▶ Ministry of Women and Children Affairs;
- ▶ Ministry Youth and Sport; and
- ▶ FEMSEDA.

In addition, the CETU and EEF should also be engaged in this process, as well as local and international partners, such as the:

- ▶ ILO;
- ▶ IOM;
- ▶ UN Office on Drugs and Crime;
- ▶ UNHCR,
- ▶ UN Children's Fund (UNICEF),
- ▶ GIZ, and
- ▶ relevant NGOs and academia.

As the Anti-Human Trafficking and Smuggling Task Force serves as the coordination mechanism for migration issues in Ethiopia, it would be a good mechanism to employ for the development of the migration policy.

In terms of the implementation of policy, a number of weaknesses have been previously identified by the Government regarding the management of incoming labour migration:

- ▶ Lack of strategic vision, lack of leadership focus, and weak interinstitutional coordination;
- ▶ Weak implementation of existing laws and monitoring of compliance of employers with the laws, which is partly attributed to a lack of understanding/knowledge of the laws and procedures;
- ▶ Inconsistent requirements for obtaining work permits;
- ▶ Lack of understanding of the requirements for obtaining and renewing work permits by migrant workers and employers;
- ▶ Challenges at the court level due to lack of clarity regarding existing laws and procedures;
- ▶ Poor management of data, and lack of access to relevant data by the BOLSAs, such as to employment contracts, which is needed to undertake labour inspection;
- ▶ Weak labour inspection service; and
- ▶ Lack of a skills database (MOLSA, 2012).

The fact that a specific unit – MOLSA's Employment Service Promotion Directorate – is dedicated to migrant workers has been identified by the Government as a strength (MOLSA, 2012, p. 39–40). Moreover, within the MOLSA there is a conciliation unit that handles the complaints of migrant workers. Dispute settlement for workers, including migrant workers, also fall within the remit of the BOLSAs that represent the MOLSA at the regional level.

A 2012 MOLSA-commissioned study highlighted the contribution of incoming labour migrants to Ethiopia, citing:

- ▶ the filling of skills gaps;
- ▶ skill, knowledge, and technology transfers;
- ▶ developing national talent;
- ▶ creating employment opportunities for citizens, and increasing investment projects and capital flows;
- ▶ contributing to labour productivity;
- ▶ improving interstate relations;
- ▶ improving the working culture through learning from other cultures; and
- ▶ building Ethiopia's image (MOLSA, 2012, p. 30).

Regarding outward labour migration, the MOLSA has received training from the ILO and IOM in a number of areas, and started implementation of the Overseas Employment Proclamation following the lifting of the ban on labour migration. In addition, the MOLSA has requested training in the following areas: addressing the complaints of migrant workers; inspection of PEAs; pre-departure orientation for migrant workers; and labour migration database management.

Assessment

Ethiopia's labour migration policy objectives are currently spread across different laws and policies, which renders it unclear, inaccessible, and difficult to work towards and to assess progress against. Moreover, there is no single policy framework dedicated to the employment of migrant workers. The rules and procedures for regulating their employment are contained in a number of laws and documents, with the effect that it is difficult to know what they are and how to implement them harmoniously at the federal and regional levels (MOLSA, 2012). The development of a labour migration policy, and the development of a single policy document that details the rules and regulations regarding the employment of migrant workers will help to address policy implementation challenges.

Ethiopia should develop a labour migration policy through a whole-of-government approach. The policy should encompass and harmonize all of its labour migration objectives; detail concrete actions to achieve these objectives; and define the roles and responsibilities of the various ministries and agencies that will implement the policy. The numerous facets of labour migration – such as regional economic integration, migration and development, and the protection of migrant workers – should be brought together in one policy document, and their synergies explained. Analyses of the contribution of labour migration and migrant workers to the economies of destination countries should be expanded and used to inform policy development. Furthermore, the linkages between labour migration policy and other policy areas should be spelt out, as well as how strategies and actions in these different

areas will reinforce one another. The coherence between labour migration, employment, education, and other national policies needs to be bolstered.

6.1.3.2 Policies that protect the rights of migrant workers, including bilateral labour agreements and gender-sensitive policies

Overview

The Overseas Employment Proclamation contains various provisions to prevent the exploitation of Ethiopian migrants abroad. Firstly, BLAs with destination countries specify the working conditions of migrant workers. The Government does not make these agreements publicly available. However, the MOLSA shared in an interview that they cover the following aspects:

- ▶ recruitment and employment conditions, including safe working conditions;
- ▶ employment rights;
- ▶ work permits;
- ▶ age limits;
- ▶ training;
- ▶ insurance;
- ▶ annual leave;
- ▶ payment and remittances;
- ▶ measures to address human trafficking and illegal recruitment;
- ▶ administrative rules;
- ▶ settlement of disputes; and
- ▶ complaint mechanisms.

As noted above, Ethiopia currently has BLAs with the Jordan, Qatar, Saudi Arabia, and the United Arab Emirates. An agreement with Bahrain is being developed, and an agreement with Lebanon is in draft form.

Other provisions in the Overseas Employment Proclamation 923/2016 that promote the protection of Ethiopian migrant workers include:

- ▶ pre-employment and pre-departure awareness raising on the conditions of destination countries, the required skill for a job, and rights and duties;
- ▶ for deployment to take place a person has to be at least 18 years old, have a grade eight education, and a certificate of educational competence;
- ▶ the licensing and monitoring of PEAs;
- ▶ the approval of work contracts;
- ▶ the assignment of labour attachés in destination countries to ensure the protection of migrant workers; and
- ▶ provisions for the submission and hearing of complaints by workers.

In October 2013 the Government of Ethiopia banned low-skilled migration to the Middle East in response to the abuse and trafficking of Ethiopians in transit and destination countries (ILO, 2017a, p. 13). The ban also followed the expulsion of irregular Ethiopian migrants from Saudi Arabia in 2013/14. However, the ban led to an increase in irregular labour migration

to the Middle East, and without a regular status, Ethiopian migrant workers were even more vulnerable to abuse and exploitation. As noted above, the ban was lifted on 30 January 2018, and implementation of the Overseas Employment Proclamation has now started.

Assessment

The prevention of human trafficking – to which domestic workers, mainly females migrating to the Middle East, are especially vulnerable – is addressed in:

- ▶ the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015;
- ▶ the Anti-Trafficking Strategic Plan 2015/6- 2019/2020; and
- ▶ the Overseas Employment Proclamation 923/2016.

These instruments were developed in response to the abuses experienced by low-skilled migrant workers in the Middle East, most of whom were female domestic workers. The Overseas Employment Proclamation contains various provisions to prevent the exploitation of these migrant workers, and in this sense could be considered responsive to the specific abuses faced by women. The Proclamation requires BLAs with destination countries in order for low-skilled labour migration to take place, and this was designed as a measure to prevent human trafficking and the exploitation of migrants.

However, the Overseas Employment Proclamation only applies to regular labour migrants. Ethiopia's policy framework should be expanded and mechanisms put in place to ensure that Ethiopian migrants in an irregular situation are also given protection. These mechanisms should also offer protection to low-skilled Ethiopian migrant workers in African countries of destination, none of which currently have a BLA with Ethiopia.

6.1.3.3 Ratification and domestication of international labour migration Conventions

Assessment

Ethiopia has not acceded to the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and is not taking any known steps to do so.

6.1.4 Thematic Area 4. Regulating employment agency practices

6.1.4.1 Employment contracts

Overview

The Overseas Employment Proclamation 923/2016 permits three types of overseas recruitment (and stipulates their conditions):

- ▶ recruitment through public employment services, based on intergovernmental agreements;
- ▶ recruitment through PEAs; and

- ▶ direct employment, in the event that:
 - the employer is staff of an Ethiopian mission;
 - the employer is an IO; or
 - the jobseeker acquired the position independently (with the exclusion of domestic work).

Regardless of the type of recruitment, a written employment contract needs to be submitted to the MOLSA for approval. As noted above, however, this rarely occurs in practice when a jobseeker acquires a position independently.

PEAs need to submit to the MOLSA a written contract signed by the employer, the agency, and the worker for approval (article 37). It should be based on the model contract prepared by the MOLSA (article 17), and include the following conditions:

- ▶ working hours;
- ▶ wages for regular working hours and overtime pay, which shall not be lower than the prescribed minimum wage in the receiving country, or the appropriate minimum wage set by the bilateral agreement, or international agreements ratified by both countries, whichever is highest;
- ▶ transportation fee to work;
- ▶ annual leave and weekly rest;
- ▶ benefits such as free medication, food, and accommodation; and
- ▶ life insurance or disability insurance.

Other terms, conditions and benefits can be stipulated in the employment contract if it does not contravene Ethiopian law or policy and is more beneficial to the worker than the minimum standards of the model contract.

The MOLSA registers employment contracts once they are approved. Labour inspectors are tasked with monitoring PEAs to ensure they fulfil their obligations, which includes entering the offices of PEAs during working hours and examining necessary documents, such as records and accounting books. The license of a PEA can be revoked or suspended if it withholds the wages or remittances of a migrant worker.

Assessment

Ethiopia is promoting written, understandable, and enforceable employment contracts that serve as the basis for determining obligations and responsibilities, as well as the registration of these contracts, with a view to ensure the protection of Ethiopian migrant workers.

6.1.4.2 Licensing and monitoring of private employment agencies

Overview

The Overseas Employment Proclamation requires, in part four, any person who wishes to operate an overseas employment exchange service to obtain a license from the MOLSA and a separate license for every country they wish to operate in. Only an Ethiopian citizen or business can obtain a MOLSA license, and they must have capital of 1 million Ethiopian birr (ETB) (US\$35,540). There are a number of cases in which a license cannot be issued,

such as if a license has previously been revoked and the prescribed remedies to address rights violations have not been applied; or if an individual has been charged (and the case is still pending) or prosecuted for human trafficking, smuggling of migrants, organized crime, terrorism, drug trafficking, or money laundering.

To obtain a license, a completed application form and a number of documents need to be submitted to the MOLSA, these include:

- ▶ a certificate of business registration and a trade name, enabling the applicant to operate as an agency;
- ▶ a criminal record clearance certificate; and
- ▶ a document which verifies that it has a decent office in the destination country, or a representative from the country who is licensed to engage in overseas employment exchange services.

A license is valid for one year. In order for it to be renewed, an application for its renewal needs to be submitted one month prior to its expiry. The application should be accompanied by a number of documents, including a general report on the status of deployed and returned workers.

As per the Overseas Employment Proclamation, PEA inspectors from the MOLSA are monitoring whether PEAs act in accordance with their duties and responsibilities detailed in the Proclamation. Inspectors verify whether an agency has the necessary expertise to conduct the recruitment process, pre-employment orientation, and counselling services before their license will be issued or renewed. Inspectors also ensure that PEAs have provided workers with information on the working conditions and situation in the destination country, and with pre-departure training. Moreover, the inspector will monitor agencies so as to prevent the illegal recruitment and deployment of workers, and report their findings to the MOLSA.

Part five of the Overseas Employment Proclamation describes contraventions that will lead to the suspension of a PEA's license, which include:

- ▶ failure to remedy violations of workers' rights, safety, and dignity;
- ▶ withholding a worker's wage or remittances; and
- ▶ failure to refund the expenses of a worker who was not deployed for a reason not attributable to the worker.

Part five also lists contraventions that will lead to the revoking of a PEA license, including:

- ▶ recruiting and deploying a worker below the age of 18;
- ▶ withholding a travel document and other information of the worker before or after deployment; and
- ▶ forcing a worker to relinquish their rights and benefits through fraudulent practices or under duress.

Moreover, the Proclamation contains steps for the submission of oral and written complaints by migrant workers to the MOLSA, as well as how these complaints will be followed up on, and the consequences for the pertaining PEA, which could be the suspension or cancelling of their license.

Pre-departure training

The Overseas Employment Proclamation 923/216 (article 8) requires the MOLSA “to undertake regular pre-employment and pre-departure awareness raising to citizens who show interest to take-up overseas employment pertaining to the conditions of receiving countries, the required skill for a job position they are taking, their rights and duties and similar other matters”. In addition, article 20 requires labour inspectors to ensure that employment agencies have “given orientation on general conditions of work, situation of receiving countries, and pre-employment and pre-departure orientation and counselling services to workers destined for overseas”.

With the lifting of the labour migration ban, the BOLSAs commenced the provision of pre-departure training to aspiring migrants. With the support of the EU, the ILO, and UN-Women, a *Pre-departure training manual for Ethiopian migrant domestic workers* was developed in 2016. The Government has trained awareness-raising facilitators in certain migration-prone localities on how to provide pre-employment and pre-departure training to potential migrant workers (US Department of State, 2017). Moreover, the Overseas Employment Proclamation requires migrants to obtain a certificate of occupational competence. Regional TVET agencies will provide occupational training in collaboration with the MOLSA and the ILO. The Federal TVET Agency and the MOLSA have developed occupational standards for labour migration sectors, such as domestic and care work. In addition, certain NGOs, such as AGAR and WISE, plan to provide pre-departure basic life skills training (Guay and Kuschminder, 2017).

Assessment

Ethiopia has a standardized system for licensing PEAs that recruit Ethiopians for overseas employment, which is laid out in the Overseas Employment 923/2016 Proclamation. The Proclamation was discussed at meetings where the CETU and EEF were presented.

Ethiopia is working to ensure that that recruitment and placement services respect Ethiopian migrant workers’ fundamental principles and rights, including through enforcement mechanisms. Moreover, Ethiopia has ratified ILO Private Employment Agencies Convention, 1997 (No. 181). However, effective implementation of the Overseas Employment Proclamation and Convention No. 181 remains to be seen as the Government rolls out its Overseas Employment Service, which holds this responsibility.

6.1.4.3 Recruitment and placement fees

Overview

Part two of the Overseas Employment Proclamation states that the MOLSA can provide recruitment and placement services to governmental organizations in receiving countries on the basis of government-to-government agreements. In this context, the employer will cover the following expenses of the employee:

- ▶ entry visa fee to the country of destination;
- ▶ round-trip transport costs;
- ▶ work permit fee;
- ▶ residence permit fee;

- ▶ insurance coverage;
- ▶ visa costs and costs related to document authentication paid to the embassy of the destination country; and
- ▶ employment contract approval service fee, which is paid to the MOLSA.

The migrant worker will cover the following expenses:

- ▶ passport issuance fee;
- ▶ costs associated with the authentication of contract of employment received from overseas;
- ▶ criminal record clearance certificate;
- ▶ medical examination fee;
- ▶ vaccination fee;
- ▶ birth certificate issuance fee; and
- ▶ expenses for certificate of occupational competence.

In the event that the worker is not deployed, for reasons not attributable to the worker, the agency or employer will refund the worker these expenses.

Part five of the Proclamation states that a PEA's license will be revoked if it receives payment in cash or kind from a worker for providing it with overseas employment services.

Assessment

The Overseas Employment Proclamation 923/2016 requires the migrant worker to fund certain recruitment and placement-related expenses. In order to ensure the protection of migrant workers, they should not be required to fund any recruitment and placement-related expenses.

6.2 Pillar II. Advancing opportunities for regulated labour migration and decent work

6.2.1 Thematic Area 1. Labour mobility schemes to support labour market needs

6.2.1.1 Rules and regulations governing labour migration and mobility

Overview

Entry visas

Prime Minister Abiy Ahmed announced that all African citizens would be issued with visas on arrival from 9 November 2018 (Shaban, 2018). Certain other countries can obtain a tourist visa upon arrival. A visa on arrival or a tourist visa normally costs between US\$30 to US\$50. In 2019 the Government launched a e-visa portal, which is available at: <https://www.evisa.gov.et>.

Tourist and business e-visas can be applied for through the portal, but Ethiopia can currently only be entered via Addis Ababa Bole International Airport with these e-visas.

Immigration Proclamation No. 354/2003 stipulates the conditions for entry in part two: To enter Ethiopia a foreigner should possess a valid travel document; a valid entry visa or a valid permanent residence permit; or an identity card issued by the appropriate authority if they are covered by article 14 of the Proclamation, which concerns foreigners not required to register. A health certificate may also be necessary, but is not specified further.

Furthermore, persons who travel to Ethiopia for investment activities; for humanitarian service without remuneration; for participation in meetings, workshops, or training, including the provision thereof; or for study and research need to obtain a business visa, as laid out in article 16 of the Immigration Council of Ministers Regulation No. 114/2004.

Residence permits

Part six of Immigration Proclamation No. 354/2003 concerns the registration of foreigners and residence permits, and states that the following foreign nationals will be registered by the Authority:

- ▶ all foreign nationals residing in Ethiopia;
- ▶ a foreign national who enters Ethiopia with an immigrant visa, within 30 days of the date of his arrival;
- ▶ a foreign national who enters Ethiopia with a business or student visa and intends to stay for more than 90 days, within 30 days of the date of his arrival; and
- ▶ anyone who enters Ethiopia that is exempted from an entry visa (as per article 4) and intends to stay for more than 90 days, within 30 days from the date of his arrival.

Article 15 states that registered foreigners should obtain a temporary or permanent residence permit. The conditions for registration and for obtaining a residence permit shall be issued in another regulation, the name of which is not specified.

Foreign nationals residing in Ethiopia are registered by the National Intelligence and Security Service. To obtain a resident permit, foreign nationals need to register with the Immigration and Nationality Main Department (MOFA, 2014, p. 68).

Council of Ministers Regulation No. 114/2004 states in part five the requirements for the registration of foreign nationals and for obtaining residence permits, which includes: filling in an application form; presenting a valid travel document; and demonstrating evidence to support one's reasons for staying in Ethiopia for more than 90 days. It is also noted that additional documents and information may be required, in accordance with other directives issued by the government. After registration and payment of the registration fee, a foreign national will be given a temporary or permanent residence permit, and conditions for these permits are further specified.

Work permits

The Labour Proclamation No. 377/2003 applies to Ethiopian workers and to regular labour migrants in Ethiopia. Once regular labour migrants are granted a work permit and employed

in Ethiopia, they fall under the same legal framework as Ethiopian workers and should enjoy the same rights.

While the national laws and administrative procedures do not have the principal aim to deny citizens of other IGAD Member States employment that has been offered to them, obtaining a work permit for Ethiopia remains very difficult.

Article 174 of Labour Proclamation No. 377/2003 concerns the “Employment of Foreign Nationals”. It states that a work permit needs to be obtained from the MOLSA, and that this permit will be granted for a specific type of employment for a maximum of three years, and needs to be renewed annually. The MOLSA can decide to vary the three-year time limit. A work permit can be cancelled if the MOLSA decides that the foreign national holding the permit is not required for the work, and a national is able to fill the job.

In practice this means that only skilled migrants – referred to as “expatriates” in Ethiopian regulations – will obtain a work permit, and only if the pertaining skilled service cannot be provided by an Ethiopian. The work permit will be issued for a limited time period only, as Ethiopians should be trained to fill these positions. To obtain a work permit, a letter of support is required from the line ministry for the sector that the type of employment falls under. The Ministry of Health, for example, would need to confirm to the MOLSA that there is a need for more doctors in Ethiopia, in order for a foreign doctor to obtain a work permit.

The 2010 Directive on the Issuance of Work Permits for Expatriates echoes this approach. Article 4 states that, in order to access employment, expatriates need to obtain a work permit from the MOLSA or from an authorized Federal Investment Agency. The employer needs to request the work permit, and it is only valid for the specific position for which it was requested.

Article 5 of the Directive exempts foreign nationals of Ethiopian origin who hold an Ethiopian Origin ID Card from requiring a work permit to access employment. Foreign nationals may also be exempted from requiring a work permit by the MOFA, or if they are employed in a special manner, be granted with a work permit if they are employed by one of the following:

- ▶ a diplomatic mission/consulate;
- ▶ a UN agency;
- ▶ the AU;
- ▶ the World Bank;
- ▶ the International Monetary Fund;
- ▶ the International Atomic Energy Agency; or
- ▶ other organizations of a similar status.

Article 6 of the Directive stipulates that an employer can only obtain a work permit to employ an expatriate in the following cases:

- ▶ the MOLSA deems the expatriate necessary to fill the position;
- ▶ the expatriate works with non-governmental civil society organizations on education, health, or similar social services, and the service is considered important for the country;
- ▶ the expatriate works for an organization whose headquarters are outside of Ethiopia and the employment of the person in Ethiopia will bring job opportunities for Ethiopians;

- ▶ the expatriate is employed in a business which they partially own;
- ▶ the expatriate is employed as a result of bilateral or multilateral agreements and contracts signed by the Government;
- ▶ the employer/foreign investor needs to employ expatriates in top management positions and their employment is approved by the Ethiopian Investment Commission, in the case of it being a new organization, or by the MOLSA, in the case of it being an existing one; or
- ▶ employing the expatriate is related to a trade agreement, and the importance of employing the person is confirmed by the Ethiopian Investment Commission.

According to the Rate of Fee for Work Permit, Private Employment Agency License and Approval of Contract of Employment Council of Ministers Regulation No. 394/2016, the issuance of a new work permit costs ETB2,000 (US\$73); the renewal costs ETB1,500 (US\$55); and replacement costs ETB1,200 (US\$44). Although the monetary cost of a work permit is considered fair by employers, the time it takes to obtain work permits imposes costs on businesses, including opportunity costs. Information on the requirements for work permits is inconsistent and not clearly communicated, and constitute a further obstacle that delays the process (MOLSA, 2012).

As part of the work permit application (article 7), the employer needs to submit a knowledge transfer plan, which indicates how an Ethiopian will be trained to replace the expatriate, and when this will occur. The employer may be asked to provide a competency certificate from the relevant government office in order to employ expatriates in the health and education sectors. The MOLSA can also ask the employer for additional (unspecified) documents. During the time period for which the work permit is issued, the employer shall train an Ethiopian to fill the position for which the work permit was issued and submit periodic reports on the progress of this training (article 8). The MOLSA will monitor this knowledge transfer process, as well as the working conditions of the Ethiopian trainee. In addition, the employer needs to submit to the MOLSA a certificate from the appropriate government office that confirms the work the expatriate will do and the benefit this will hold for the country (article 9).

Under the Directive, the work permit needs to be renewed annually, with a maximum duration of three years. The MOLSA can decide to amend the three-year period, but the work permit can only be extended beyond three years once, and will still need to be renewed annually (article 10).

The Directive also sets out various obligations for the employer regarding the employment of expatriates (article 11), including not employing a foreign national without a work permit, and terminating a foreign national's employment contract if their services are no longer required, which must involve informing the MOLSA within five working days and returning the work permit to the MOLSA. Article 12 sets out obligations for the migrant worker: they shall only undertake the work specified in the work permit; only work for the employer specified in the work permit; and appear before the MOLSA immediately if summoned.

Furthermore, the Directive specifies: various requirements for the application of a new work permit, including holding an unexpired business visa (article 13); the requirements for the renewal of a work permit (article 14); and the requirements for extending a work permit (article 15). A work permit is only extended if an Ethiopian cannot fill the position or the MOLSA deems the expatriate important for the work. In spite of these provisions,

an employer/foreign investor may be allowed to renew or extend the work permit of an expatriate who is employed in a top management position of a business that they have sole or partial ownership of. Article 18 specifies reasons that can cause the cancellation of a work permit, including if the MOLSA decides that the expatriate is not important for the work/position.

Investment Proclamation No. 769/2012 contains similar provisions. According to article 37, an investor may employ qualified expatriate experts required for his business, but they need to be replaced within a limited time period with Ethiopians who have been given the necessary training to do so. The time period is not specified, but following from the specifications of the Labour Proclamation and above Directive, the time limit is generally believed to be three years. However, article 37 of the Proclamation also states that a foreign investor may employ expatriate employees for top management positions without any restrictions. Permission to do so is required from the Ethiopian Investment Commission (MOLSA, 2017, p. 31).

Assessment

The e-visa portal is a positive step that should enhance labour mobility and business development by easing visa application processes. On a less positive note, a number of different laws and regulations govern the admission, employment, and residence of migrant workers, and are challenging to navigate for employers and migrant workers and not conducive to labour mobility or migration. Administrative procedures should be simplified and captured in one succinct document and on the online e-visa portal (<https://www.evisa.gov.et>). More extensive consultation with the private sector and their employees should take place to better understand the opportunities and challenges faced in the employment of foreign workers, and migrant workers' concerns.

The Labour Proclamation No. 377/2003 applies to Ethiopian workers and regular labour migrants in Ethiopia. Once regular labour migrants are granted a work permit and employed in Ethiopia, they fall under the same legal framework as Ethiopian workers and should enjoy the same rights, unless specified otherwise. While the national laws and administrative procedures do not have the principal aim to deny citizens of other IGAD Member States employment that has been offered to them, obtaining a work permit for Ethiopia remains very difficult.

Work permits for migrant workers are only issued if an Ethiopian cannot fill the position, and are generally limited to three years. During the three-year period an Ethiopian should be trained to perform the role of the migrant worker. (Investors are an exception and can bring in skilled expatriates for senior management positions for an indefinite period, if they obtain permission from the Ethiopian Investment Commission.) In this sense, policies on the employment and residence of migrant workers respond to labour market needs, as migrant workers are employed to fill gaps in the domestic labour market, and during the period they are employed in Ethiopia, nationals are trained to acquire the pertaining skill. However, the Government is not proactively identifying gaps in the labour market and undertaking efforts to attract those skills. There are no temporary work schemes to support labour market needs and the development of the economy. The only temporary work schemes involve low-skilled labour migration of Ethiopian migrant workers to the Middle East.

6.2.1.2 Circular and return migration

Overview

The MOFA has a Diaspora Affairs Engagement Directorate-General that drives diaspora engagement, and which is presented through coordination offices at the regional level (*Ethiopian News Agency, 2017a*). Ethiopia encourages labour mobility of the diaspora, and states in its 2013 Diaspora Policy that employment opportunities would be provided to the diaspora, upon request, in governmental institutions and the education and health sectors, in line with their profession and experience and on a temporary or permanent basis.

The MOFA has a web portal for the diaspora that lists the services provided to the diaspora. The web portal indicates that persons from the Ethiopian diaspora or of Ethiopian origin who would like to engage in technology and knowledge transfer need to provide support letters from the Ethiopian mission in their country or residence; the original and a photocopy of education credentials and related experiences; and their curriculum vitae. The applicant is required to list up to three institutions that they are interested in working with.

At a Diaspora Coordination Forum in November 2017, the MOFA announced that it is developing a Diaspora Proclamation to give full effect to its Diaspora Policy. It also mentioned that the diaspora is already engaged in the transfer of knowledge and technology in the agriculture, education, health, manufacturing, and service sectors.

Prime Minister Abiy Ahmed has been reaching out to the Ethiopian diaspora since he came into office in April 2018, and consequently relations between the Ethiopia diaspora and the Ethiopian Government have significantly improved. The Prime Minister met with members of the diaspora in Washington, DC, in August 2018 and in Frankfurt, Germany, in October 2018. He has encouraged the diaspora to invest in and return to Ethiopia.

In August 2018, the Prime Minister created the Ethiopian Diaspora Trust Fund (EDTF). The EDTF is a non-profit organization working in coordination with the Ethiopian Government to involve the diaspora in socio-economic projects in Ethiopia. The EDTF finances social and economic development projects, such as health, education, water, and sanitation facilities, and agricultural development projects. In November 2018 the EDTF was in the process of applying for tax deductible status, so that contributions made to the EDTF would be tax deductible (EDTF, 2018).

Proclamation No. 101/2004 – the Council of Ministers Regulation Providing Foreign Nationals of Ethiopian Origin with Certain Rights and Privileges to be exercised in their Country of Origin – describes the procedures under which foreign nationals of Ethiopian origin are to be issued with an Ethiopian national identity card. With such an identity card a work permit is not required, which facilitates mobility. Ethiopian Nationality Proclamation No. 378/2003 details how persons of Ethiopian descent – i.e., who have one or two parents that are Ethiopian – can obtain Ethiopian nationality. However, article 20 states that if another nationality is obtained, Ethiopian nationality is automatically lost, which is not conducive to diaspora engagement.

Assessment

Ethiopia encourages diaspora mobility and return, and is developing a Diaspora Proclamation to ensure the full implementation of its 2013 Diaspora Policy. Policies that encourage circular migration, such as dual citizenship and temporary labour migration schemes, should be considered. Reintegration is not addressed in the Overseas Employment Proclamation 923/2016, and requires a policy framework.

6.2.1.3 Labour exchanges and critical skills

Overview

As stipulated by the Overseas Employment Proclamation 923/2016, all employment contracts for Ethiopian migrant workers need to be approved by the MOLSA. In practice, professionals need permission from the line ministry relevant to their sector to facilitate this process. This measure may not be very effective to address the loss of critical skills, as some professionals could simply leave the country; nor is it supportive of their human right to mobility. Freedom of movement, including the freedom to leave Ethiopia at any time, is guaranteed in the Constitution and subsidiary legislation (MOFA, 2014, p. 66).

A further governmental measure to address the supply of critical skills is to encourage tertiary education in certain areas. However, these measures are insufficient to address the loss of critical skills. Brain drain is a problem that the MOLSA reports as existing in the health and education sectors.

In addition, there are no bilateral or multilateral labour exchanges between Ethiopia and other IGAD states, nor with the Member States of other African regional economic communities. Currently there is little regular labour migration between Ethiopia and other African countries. The majority of Ethiopian migrant workers migrate to the Middle East, and as noted above, Ethiopia issues very few work permits for Africans.

Assessment

Identifying critical skills and developing measures to address and prevent the loss of critical skills is an area that needs to be enhanced.

6.2.1.4 Establishment and investment

Overview

Ethiopia actively encourages foreign investment through the establishment of industrial parks – it currently has two operational and seven more planned. Incentives for investment are offered in these parks, including 10–15 years income tax exemption for development of industrial parks depending on their location, and 60–80-year land lease rights at a promotional rate, with sub-lease rights. Favourable visa terms are given to industrial park investors: multiple entry visas valid for up to five years for foreign investors in industrial park; and up to three-year visas for industrial park service providers, managers, board members, and senior experts employed by foreign investors (Ethiopian Investment

Commission, 2017). Article 37 of the Investment Proclamation No. 769/2012 allows foreign investors to employ expatriate employees for top management positions without any restrictions.

In terms of remitting from Ethiopia, tax incentives are provided to investors: up to 10 years of corporate income tax exemption, depending on the sector, and up to 5 years of personal income tax exemption for expatriate employees of industrial park enterprises following the issuance of a business license (Ethiopian Investment Commission, 2017, p. 7).

Other investment incentives include tax incentives to invest in certain sectors, such as agriculture and energy (Ethiopian Investment Commission, 2017). Moreover, article 390 of the 1960 Civil Code prohibited foreigners from owning immovable property in Ethiopia, but article 24 of Investment Proclamation No. 769/2012 relaxes this restriction and allows foreign investors or a foreign national treated as domestic investor to have the right to own a dwelling house and other immovable property requisite for their investment.

However, there are also restrictions to establishing businesses in Ethiopia. Investment Proclamation No. 769/2012 reserves in part two the following areas for investment by the Government only:

- ▶ transmission and distribution of electrical energy through the integrated national grid system;
- ▶ postal services with the exception of courier services;
- ▶ air transport services using aircraft with a seating capacity of more than fifty passengers.

The following areas can be invested in jointly with the Government:

- ▶ manufacturing of weapons and ammunition;
- ▶ telecom services.

The Investment Incentives and Investment Areas Reserved for Domestic Investors Council of Ministers Regulation No. 270/2012 reserves in article 3 the following areas for investment by Ethiopian nationals:

- ▶ Banking, insurance and micro-credit and saving services;
- ▶ Packaging, forwarding and shipping agency services;
- ▶ Broadcasting service;
- ▶ Mass media services;
- ▶ Attorney and legal consultancy services;
- ▶ Preparation of indigenous traditional medicines;
- ▶ Advertisement, promotion and translation works;
- ▶ Air transport services using aircraft with a seating capacity up to 50 passengers.

Assessment

The Government has been promoting foreign investment and the establishment of foreign-owned business in Ethiopia since its first Growth and Transformation Plan, which ran from 2010 to 2015 (Lovells, 2016). While Ethiopia provides incentives for investment in certain areas, restrictions still remain in other areas, which hamper the establishment of businesses.

6.2.2 Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

6.2.2.1 Disseminating information to migrant workers

Assessment

The dissemination of information to migrant workers by workers' organizations and NGOs needs to be enhanced. The CETU is currently the only workers' organization engaged in the dissemination of information to aspiring Ethiopian migrant workers, and only on the dangers of irregular migration to the Middle East. The CETU does not have members who are migrant workers in Ethiopia, nor are there other organizations working specifically with migrant workers in Ethiopia. The EEF disseminates information to its member companies, for whom migrant workers work, and in this way disseminates information to migrant workers. The EEF, inter alia, advises its members on labour law, obtaining work permits, and collective bargaining.

6.2.2.2 Education, training, skills recognition, and harmonization of qualifications

Overview

Migrant workers can access self-paid educational and training opportunities in Ethiopia. In order for migrants' skills to be recognized in the IGAD region, each Member State would need to follow and implement a national occupational assessment and certification system that is sufficiently harmonized with equivalent systems in the other IGAD Member States. Each Member State needs to provide a TVET qualifications framework, arrangements for occupational assessment and certification, and an agency to oversee it (Keevy, Paterson, and Boka, 2018, p. 51).

The Ministry of Education's 2008 National TVET Strategy states that occupational standards will be developed for all occupational fields at all relevant qualification levels attainable within the TVET system. Occupational standards define the competences of a worker according to the requirements of the labour market, as it describes the competencies a person needs to be considered "qualified" in a certain field. The Federal TVET Agency is responsible for organizing, facilitating, and endorsing the occupational standards. Occupational assessment take place in accredited public and private centres. Twelve sectors are currently being assessed: agriculture, automotive, business, construction, culture, electronics and electricity, health, hotel and tourism, information communication technology, leather technology, manufacturing, and textiles and garments. Migrants can obtain National Occupational Qualification Certificates to prove their competency in a certain field. As a result, overall levels of competence have increased among TVET graduates, but significant challenges remain, as a high number of Ethiopian TVET institution graduates have been assessed as incompetent, prompting many to question the fairness of the system. There appears to be a disconnect between the training learners receive, and what they are assessed on. Quality challenges have also been experienced in certain assessment centres (Keevy, Paterson, and Boka, 2018, p. 59).

Assessment

There are no targeted efforts to support vocational training and educational opportunities for migrant workers and to integrate them into the Ethiopian labour market. Migrant workers can access self-paid educational opportunities in Ethiopia.

The instruments available for skills recognition in Ethiopia are National Occupational Qualification Certificates. The extent to which the system that awards these certificates is being used by migrants, and the extent to which it has helped them to gain employment in Ethiopia, has not been assessed and would need to be studied further.

6.2.2.3 Facilitating remittances

Overview

The last 20 years have seen a more than 50-fold increase of remittances to Ethiopia (Ghosal, 2015, p. 181). Ethiopia has introduced a number of measures to aid remitting through formal channels. National Bank of Ethiopia Directive No. FXD/31/2006 allows the opening

of foreign currency bank accounts for non-resident Ethiopians, with a view to incentivize investment by the diaspora and increase Ethiopia's foreign exchange reserves. Nevertheless, informal remittance flows remain significant, accounting for as much as 78 per cent in some corridors. To fully harness the development impact of remittances, formal channels need to be bolstered. The following challenges prohibit the use of formal channels:

- ▶ lack of formal services in rural areas in Ethiopia;
- ▶ the cost of using formal channels, especially relative to using informal channels (such as sending money with a traveller to Ethiopia; using an unregulated money transfer/*hawala*; or sending physical goods);
- ▶ speed of service; and
- ▶ undocumented migrants in sending countries not having access to the formal remittances system (Isaacs, 2017).

Numerous actions could help to address this, including:

- ▶ increasing the number of remittance pay out locations in rural areas;
- ▶ increasing financial education, especially on new technologies;
- ▶ encouraging Ethiopian banks to open money transfer locations in countries with large numbers of Ethiopian migrants; and
- ▶ increasing competition and transparency through price comparison sites and through regulations on transparency; and
- ▶ awareness campaigns to educate consumers about money transfer options (Isaacs, 2017).

Since Prime Minister Abiy Ahmed came to power, reforms have been introduced to attract more remittances to the country. Diaspora accounts held at financial institutions were previously limited to US\$50,000; this ceiling has been lifted and diaspora account holders can now have unlimited amounts of foreign currency in their accounts (*New Business Ethiopia*, 2018).

Assessment

Ethiopia has improved the remittances environment, but the majority of remittances are still sent through informal channels. The cost of remitting through formal channels and the ease of using formal channels need to be improved further. Incentives to remit from Ethiopia are aimed at significant investors and do not aid other migrant workers.

6.2.3 Thematic Area 3. Promoting social integration and inclusion

6.2.3.1 Public education and awareness-raising campaigns on the contribution of migrants

Assessment

Regular migrant workers in Ethiopia tend to be highly skilled. Refugees or migrants transiting Ethiopia may engage in informal work, but are, to date, not recognized as migrant workers. There are no education or public awareness-raising campaigns regarding the contribution

that migrant workers are making to Ethiopia, nor are there government-driven efforts to integrate migrant workers into society.

Ethiopia is, however, taking steps to integrate refugees through the implementation of the Comprehensive Refugee Response Framework. In May 2018 the UNHCR recorded key achievements in this regard: Since the 2016 school year, the enrolment of refugee children in primary schools has increased by 37 per cent (UNHCR, 2018b). Ethiopia's Parliament adopted revisions to its refugee law in January 2019, which gives refugees access to work permits, primary education, drivers' licenses, national financial services such as banking, and the right to legally register life events such as births and marriages (UNHCR, 2019).

Moreover, the World Bank Group has committed US\$200 million through its Job Compact Project, which the Government plans to use to create economic opportunities for refugees and nationals through formal entrepreneurship and employment, including in new industrial parks that will generate 30,000 jobs for refugees (UNHCR, 2018c).

6.2.3.2 Family reunification and access to employment for family members and education for children

Assessment

The spouse and children of a migrant worker are allowed to accompany the worker. Migrant workers' children can participate in the national education system; however, there are no specific efforts to integrate them. Due to language differences, many are likely to join international schools. Clear directives and guidelines on the issuance of work permits to the dependents of migrant workers is not captured in current legislation (MOLSA, 2012, p. 36–37). A new directive is being developed that will allow the family members of migrants to apply for work permits if they meet the criteria of the pertaining position.

6.3 Pillar III. Enhancing the protection of migrant workers and their families

6.3.1 Thematic Area 1. Protection of migrant workers' human rights

6.3.1.1 Protecting the rights of migrants

Overview

Human rights are enshrined in Ethiopia's 1995 Constitution, which in principle applies to all people in Ethiopia, including migrant workers. On 27 April 2017, Ethiopia's second Human Rights Action Plan, which runs until 2019, was launched (*Ethiopian News Agency*, 2017b). The Plan encompasses civil and political rights; the economic, social, and cultural rights of vulnerable groups; and the right to a clean environment and development, and aims to improve the promotion and protection of human rights. The Head of the Ethiopian Human Right Commission named resource constraints and lack of capacity as the primary challenges to the promotion of human rights. The second Human Rights Action Plan (which

is not publicly available) includes strategies to raise awareness on human rights (Embassy of Ethiopia to Belgium, 2017).

The Ethiopian Human Rights Commission was established as an independent body by the House of Peoples' Representatives to promote and enforce human rights, investigate human rights abuses, and educate the public on human rights (Embassy of Ethiopia to Belgium, 2017). GTP II confirms that the Human Rights Commission requires strengthening. It contains plans to bolster the Commission; fully implement the National Human Rights Action Plan; and raise public awareness on the relevant laws and Constitution through the use of mass media (NPC, 2016: 52).

Assessment

In principle, national laws on human rights apply to migrant workers, and the Human Rights Commission is responsible for investigating and following up on the implementation of human rights. In addition, regular labour migrants have access to Ethiopian labour courts under national labour law (Labour Proclamation 377/2003). But there are no activities dedicated to informing migrant workers in Ethiopia of their rights, and the extent to which the rights of migrant workers are enforced is unclear. Moreover, protection mechanisms are geared towards regular labour migrants, with no notable mechanisms to protect migrant workers in an irregular situation. Government officials involved in migration, such as the MOLSA, have benefitted from training by the ILO and IOM on the human rights of migrant workers.

6.3.1.2 Protecting migrants from forced labour and exploitation

Overview

Ethiopia is party to the 2000 United Nations Convention Against Transnational Organized Crimes and has ratified the United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children. The Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015 largely conforms to international standards on addressing human trafficking.

The 2018 US Department of State *TIP Report* assesses Ethiopia as a source, and to a lesser extent, destination and transit country for men, women, and children subjected to forced labour and sex trafficking. It recognizes the Government's anti-trafficking law enforcement efforts, which focus on transnational labour trafficking. The 2016 national referral mechanism, for which the Anti-Human Trafficking and Smuggling of Migrants Task Force is the lead coordinator for referring trafficked persons to services, was initiated in the Tigray and Southern Nations, Nationalities, and People's Region during the reporting period of the 2018 *TIP Report*. The national referral mechanism employs special identification and screening tactics for child trafficking victims (US Department of State, 2018).

To prevent the trafficking of Ethiopian migrant workers, Ethiopia's Overseas Employment Proclamation No. 923/2016 requires BLAs to be in place with other countries for low-skilled

labour migration from Ethiopia to these countries to take place. The ban on international low-skilled labour migration from Ethiopia, which was put in place in October 2013, was lifted on 30 January 2018. Consequently, the Overseas Employment Proclamation, which contains various provisions to prevent human trafficking, can now be fully implemented. Relevant provisions include:

- ▶ the approval of work contracts by the MOLSA;
- ▶ licensing conditions for overseas employment exchange services and PEAs;
- ▶ complaint mechanisms for workers; and
- ▶ the assignment of labour attachés in destination countries to ensure protection of the rights, safety, and dignity of workers employed overseas.

To date no labour attachés have been deployed. Moreover, these measures only apply to countries with which Ethiopia has BLAs, and it only has such agreements with four Middle Eastern countries.

Assessment

The Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015 and the Overseas Employment Proclamation No. 923/2016 are the key legal instruments to prevent trafficking for labour. However, migrants in an irregular situation in Ethiopia do not enjoy sufficient protection, and policies and measures should be expanded to ensure their protection.

6.3.2 Thematic Area 2. Social security and social protection

6.3.2.1 National labour laws and social laws apply to migrant workers

Overview

Regular migrant workers are covered by the provisions of Labour Proclamation 377/2003, which is currently being revised. The Proclamation contains various provisions to offer protection to workers, including the requirement of written employment contracts that contain the conditions of work; occupational safety and health measures; severance pay and compensation; and working hours and annual leave.

Ethiopia's 2016 National Employment Policy and Strategy, which was launched in October 2017 calls for "providing legal protection to avoid employment related prejudice and discrimination to migrant workers and ensuring that the rights and safety of foreigners employed in Ethiopia are protected as per the Ethiopian Labor Law". A National Employment Council that evaluates and monitors the implementation of the Policy will be established (*Ethiopian News Agency*, 2017c). The Council will comprise federal and regional level public sector representatives, workers' and employers' associations, representatives from the informal sector, and others as appropriate. The MOLSA is mandated to follow up on the implementation of the Policy (Government of Ethiopia, 2016, p. 26–28).

Assessment

In principle, regular labour migrants in Ethiopia enjoy the same protection as Ethiopian workers under Ethiopia's national labour law, unless specified otherwise (such as the case of the pension scheme – discussed in the next section). However, it is not clear to what extent this protection is enforced, and irregular labour migrants in Ethiopia do not benefit from protection under Ethiopia's legal framework.

6.3.2.2 Social security coverage and portability

Assessment

Private Organization Employees Pension Proclamation No. 715/2011 established the Private Organizations Employees Pension Scheme and, inter alia, specifies the payments by the employer and employee. The Scheme is administered by the Private Organization Employees Social Security Agency, which was established by Council of Ministers Regulation No. 202/2011. Ethiopians and foreign nationals of Ethiopian origin can participate in the scheme.

Ethiopia has not concluded any bilateral, regional, or multilateral agreements to provide social security coverage or benefits – or to provide for the portability of benefits – to migrant workers.

6.3.3 Thematic Area 3. Labour inspection for migrant workplaces

Overview

The Labour Inspection service should ensure compliance with legislation and collective agreements in terms of occupational safety and health; wages; working hours; holidays; termination; benefits; and maternity benefits. Its duties also include:

- ▶ the promotion of good health and safety practices;
- ▶ minimizing occupational accidents, diseases, and disabilities at workplaces;
- ▶ promoting environmentally and human friendly workplaces;
- ▶ protecting workers from workplace contamination; and
- ▶ ensuring that occupational injuries are recorded, analysed, and reported (ILO, 2009a).

The MOLSA's Occupational Safety, Health and Working Environment Department undertakes labour inspection of state-owned enterprises in Addis Ababa and Dere Dawa. The Department has three teams: Occupational Safety, Occupational Health, and Minimum Labour Conditions. The Industrial Relations Department and the Employment Services Department are two other relevant MOLSA departments who give advice to labour inspectors. The BOLSAs and the City Administrations in Addis Ababa and Dere Dawa undertake labour inspection in private enterprises in the regions and in the cities, respectively (ILO, 2009a).

The Labour Proclamation 377/2003 makes provision for the establishment of a Tripartite Labour Advisory Board, which would examine the employment service; working conditions;

the safety and health of workers; and labour laws in general, and advise the Minister accordingly.

The inspection service of the employment of migrant workers needs to be strengthened. Inspection plans at the federal and regional levels need to be aligned, and the BOLSAs and the MOLSA should establish a platform for shared inspection planning. The inspection service should also have better access to information, such as employment contracts and work permits, to ensure that they are being respected. The MOLSA and the BOLSAs should also build the capacity of inspectors regarding policies and legal frameworks that apply to migrant workers (MOLSA, 2012, p. 48). A labour inspection audit by the ILO recommended the development of a national training policy and plan, which would allow for a more systematic and thorough approach to training, rather than ad hoc training, and which would include entry level and mid-career training (ILO, 2009b, p. 22–23). Other areas in which the labour inspection service should reportedly improve are: taking a preventative approach, rather than a reactive approach, and extending coverage to the informal sector (ILO, 2009a).

Assessment

Regular migrant workers are covered by national labour laws and the provisions of the Labour Proclamation 377/2003, which provides for labour inspection. According to the MOLSA, the workplaces of all incoming regular migrant workers are inspected. Studies of the labour inspection service indicate that inspectors require better access to the employment contracts of migrant workers to monitor compliance, and require capacity building regarding the legal framework that covers migrant workers (ILO, 2009a; 2009b). However, these studies were undertaken a number of years ago and a new assessment of the labour inspection service is required to determine the extent to which the recommendations of these studies have been implemented, and what the current challenges are that need to be addressed.

6.3.4 Thematic Area 4. Facilitating reception and return

Overview

The return of Ethiopian migrants is often challenging and few succeed in improving their standard of living upon return. Reintegration is, inter alia, hampered by:

- ▶ lack of savings, as most migrants remit regularly, pay their debts, and spend income on consumption items;
- ▶ lack of business and entrepreneurship skills and opportunities;
- ▶ lack of work opportunities; and
- ▶ poor health and troubled family relationships (ILO, 2017a, p. 13).

The Anti-Trafficking Proclamation addresses the return and repatriation of victims of trafficking, including assistance and protection upon their return. One of the sub-committees of the National Task Force on Human Trafficking and Smuggling is dedicated to reintegration. It serves as the main mechanism for multi-stakeholder collaboration on reintegration, although it is not sufficiently active at present. The reintegration sub-committee is chaired by FEMSEDA (Guay and Kuschminder, 2017). With the support of the EU, the MOLSA, the ILO, and UN-Women developed the *Guidelines for the reintegration of Ethiopian returnee migrant*

domestic workers in 2014. In addition, the Office of the Attorney General has developed a national reintegration guideline and package with the support of the ILO. A Reintegration Directive, which provides a policy framework for return and reintegration programmes, has also been approved by the Government

Return and reintegration activities have been expanding since the first mass deportation from Saudi Arabia in 2013. The MOLSA has a department dedicated to reintegration; it oversees reintegration at the regional level and is the government focal point for reintegration. The BOLSAs receive lists of returnees from the MOLSA; register the returnees at local/regional level; and refer them to training programmes and other means of support (Guay and Kuschminder, 2017).

The ILO is implementing an EU-funded project – “Support to the Reintegration of Returnees in Ethiopia” – that aims to bolster labour migration governance in Ethiopia and assist returnees with securing productive employment and decent work. The IOM has been providing Assisted Voluntary Return services to Ethiopian migrants for a long time, including to returnees from Europe, North America, Libya, and Yemen. The UNICEF provides assistance with child repatriations and returns. Numerous NGOs also assist returning migrants: AGAR and Good Samaritan, for example, provide comprehensive support to vulnerable female returnees. The EEF facilitates skills and job matching through their wide network of employers, and may also provide support to returnees who will set up a small enterprise and become employers (Guay and Kuschminder, 2017).

Assessment

The recent Reintegration Directive provides a policy framework for return and reintegration programmes, and should enhance efforts in these areas.

Ethiopian labour migrants who migrate regularly through public or private employment services should receive pre-departure information and training, as specified in the Overseas Employment Proclamation 923/2016.

Migrant workers arriving in Ethiopia do not receive on-arrival training and information from the Government. They may receive information and training from their employer. The Government should ensure that incoming migrant workers receive on-arrival training/information on their rights; obligations; access to services, such as health, education, and finance; as well as on cultural awareness.

7. Recommendations

Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect, analyse, and share labour migration data

- ▶ The Government of Ethiopia should develop an LMIS and official skills inventory with mechanisms to regularly collect and analyse data, including on the demand for labour and skills shortages, and to apply it to labour migration policy development.
- ▶ The Government should enhance coordination between the MOLSA and the CSA, and develop common objectives for data collection based on the information that is required for evidence-based policy development. The Government should specify the division of roles and responsibilities between these actors with regard to labour migration data collection, and specify the mechanisms for sharing and analysing data.
- ▶ The Government should undertake research on labour migration flows between Ethiopia and IGAD Member States to better understand these flows, and to identify opportunities for enhancing labour migration that aids economic development and fills skills gaps.

Thematic Area 2. Coordination on labour migration

- ▶ The Government should institute labour migration information sharing, coordination, and policy development in the Anti-Human Trafficking and Smuggling of Migrants Task Force, and involve a tripartite structure in these consultations.
- ▶ The IGAD Secretariat and IGAD Member States should establish tripartite consultation at the IGAD level. Tripartite consultation could highlight impediments to the free movement of persons in the IGAD region and contribute to devising workable solutions.
- ▶ The Government of Ethiopia should collect good practices on labour migration and mobility governance.
- ▶ The relevant regional economic communities and the AU should institute the sharing of labour market information and profiles of good practices on labour migration in existing forums, such as the IGAD RCP, COMESA RCP, AU meetings, and meetings of the JLMP.

Thematic Area 3. Capacity to formulate and implement policy

- ▶ The Government of Ethiopia should develop a labour migration policy through a whole-of-government approach that involves all the ministries engaged in labour migration governance, and also include social partners, IOs, NGOs, and academia in the policy development process. The Anti-Human Trafficking and Smuggling of Migrants Task Force could be considered as a forum for discussions on the policy.
- ▶ The labour migration policy should capture the numerous facets of labour migration, such as regional economic integration, migration and development, and the protection of migrant workers, including those in an irregular status in Ethiopia and low-skilled Ethiopian labour migrants in African countries of destination with which Ethiopia does not have BLAs. Analyses of the contribution of labour migration and migrant workers to Ethiopia's economy

should be undertaken and should inform the policy development process. The labour migration policy should be coherent with other relevant national policies, such as policies on economic integration and employment as well as the GTP. The linkages between labour migration policy and other policy areas should be made explicit; as should the means by which strategies and actions in these different areas will reinforce one another. These linkages should be highlighted in the GTP and bolstered by its implementation.

- ▶ Ethiopia should sign, ratify, and domesticate the ILO Convention No. 97, ILO Convention No. 143, and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The standards contained in these Conventions should be reflected in Ethiopia's labour migration policy and its implementation.
- ▶ The Government should implement all aspects of the Overseas Employment Proclamation 923/2016, including the deployment of labour attachés to ensure the protection of Ethiopian migrant workers in countries of destination.

Thematic Area 4. Regulating employment agency practices

- ▶ The Overseas Employment Proclamation 923/2016 should be reviewed and migrant workers should not be liable for any placement or deployment-related expenses.

Pillar II: Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

- ▶ The Government should proactively identify skills and knowledge gaps in the labour market and undertake efforts to address these gaps, including through temporary work schemes and through circular migration with other IGAD Member States.
- ▶ The Government should simplify the administrative procedures for labour mobility and migration into Ethiopia, including through consultations with social partners, investors, private sector actors, and their employees. This should help to better understand the opportunities and challenges faced in the employment of foreign workers; better address migrant workers' concerns; and inform how to develop more accessible and effective administrative procedures that spur labour mobility and migration.
- ▶ The revised system should be captured in one policy document that is widely disseminated by the MOLSA, the BOLSAs, Ethiopian embassies, IOs, and NGOs. This information should also be made available on the online e-visa portal. The Government should provide training on the revised system for officials who will be responsible for implementing these updated procedures.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

- ▶ The MOLSA, the BOLSAs, IOs, and NGOs should disseminate information to migrant workers in Ethiopia on their rights and on the opportunities for integration into the Ethiopian economy and society, including access to education, training, skills recognition, and finance.

- ▶ The Government should assess the extent to which National Occupational Qualification Certificates are used by migrant workers to gain recognition of their skills and competencies in Ethiopia, and to what extent this has assisted them in gaining employment. The Government should determine what additional mechanisms need to be developed for the harmonization and mutual recognition of academic, professional, and technical skills and qualifications, which will be required for the implementation of the IGAD Free Movement Protocol.
- ▶ The Government should reduce the cost of remittance transfers and buttress the use of formal channels for remitting. Measures to this end include:
 - increasing the number of remittance pay out locations in rural areas;
 - increasing financial education, especially of new technologies;
 - encouraging Ethiopian banks to open money transfer locations in countries with large numbers of Ethiopian migrants; and
 - increasing competition and transparency through price comparison sites, and regulations on transparency; and
 - awareness campaigns to educate consumers about money transfer options (Isaacs, 2017).

Thematic Area 3. Promoting social integration and inclusion

- ▶ The Government, in collaboration with civil society and IOs, should identify the social and economic contribution that migrant workers and refugees make to Ethiopia, devise mechanisms to bolster this contribution, and raise public awareness on this contribution to promote the integration of migrant workers.

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' human rights

- ▶ The MOLSA should inform migrant workers of their rights and of the dispute settlement mechanisms available to them in Ethiopia by providing migrant workers with an information package when they apply for a work permit or its renewal.
- ▶ The Anti-Human Trafficking and Smuggling of Migrants Task Force, as the lead coordinator of the national referral mechanism, should ensure that the mechanism also facilitates protection services for migrants in an irregular status.

Thematic Area 2. Social security and social protection

- ▶ The Government should conclude bilateral, regional, and multilateral agreements to provide social security coverage and benefits – as well as the portability of those benefits – to migrant workers.

Thematic Area 3. Labour inspection for migrant workplaces

- ▶ The Government should ensure that labour inspectors are trained on the legal framework governing migrant workers; that they have access to the work contracts of migrant workers;

and that the inspection service is adequately resourced to allow for the regular inspection of migrant workplaces.

Thematic Area 4. Facilitating reception and return

- ▶ The Government should provide on-arrival information or training to incoming migrant workers. This training should cover the legal framework governing migrant workers; their rights; access to services, such as education, health, and finance; cultural awareness; and the dispute settlement mechanisms available to them.
- ▶ The Government should continue to invest in government services, infrastructure, and livelihood opportunities in areas to which migrant return takes place. Ethiopian returnees and host communities should have access to basic services, infrastructure, and livelihood opportunities for reintegration to succeed.

Appendix I – List of key informants

Administration for Refugee and Returnee Affairs

Zewidu Bedada, Returnees Project Coordinator.

Africa Union

Oumar Diop, Senior Policy Officer, Social Affairs Department

Nicholas Ouma, Senior Youth Advisor, Human Resources, Science & Technology Department

Attorney General's Office

Yibelital Walelign, Anti-Trafficking Office Coordinator

Central Statistics Authority

Abay Getachew, Labour Survey Officer

Akalework Bezu, Population Census Officer

Confederation of Ethiopian Trade Unions

Rahel Ayele, Head of Women's Affairs

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

Josh Friedman, Project Coordinator

Laura Schusser, Advisor

Hiwote Tadesse, Coordinator

Ethiopian Employers Federation

Miraf Ashenafe, Executive Director

Suidi Mohamed, Project Manager

Ethiopia Investment Commission

Hanna Arayaselassie Zemichael, Chief of Staff, Industrial Parks Division

EU Delegation

Maria Elena Ruth Ruiz Roman, Migration and Employment Officer

Expertise France

Laurent Grosbois, Project Director

Ermiyas Kostre, Project Manager

Federal Small and Medium Manufacturing Industry Development Agency

Asfaw Abebe, Director General

International Labour Organization

Ephrem Getnet, Technical Officer

International Organization for Migration

Aron Teklegze, Liaison Officer

Ministry of Foreign Affairs

Ambassador Mulugeta Zewdu, Diaspora Affairs Director General

Ministry of Labour and Social Affairs

Birhanu Abera, Overseas Employment Director

Meselech Asefa, Overseas Employment and Workers Welfare Director

Abebe Haile, Manpower Research and Employment Promotion Director

Ministry of Women and Children Affairs

Silesh Tadesse, Women Participation Director

Ministry of Youth and Sport

Nasir Legese, Communication Head

National Planning Commission

Fikire Gesso Telila, Population Planning Implementation Head

United Nations High Commission for Refugees

Elena Ferrari, Livelihoods Expert

Richelle Haines, Protection Officer

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Free Movement of Persons and Transhumance
in the IGAD Region: Improving Opportunities
for Regular Labour Mobility

