MAPPING OF MIGRATION POLICIES IN THE EAST AND HORN OF AFRICA:

Better Migration Management (BMM) Programme

Implemented by:

TABLE OF CONTENTS

FOREWORD

The East and Horn of Africa region continues to grapple with challenges in managing mixed migration as a significant number of migrants move irregularly across and beyond the region. Limited options for regular migration, lack of strong border governance capacity of countries, limited economic opportunities, and continued instability enable the existing migrant trafficking and smuggling industry in the region to facilitate irregular migration. Despite the COVID-19 pandemic, there were approximately 674,242 recorded irregular movements of migrants within the region in 2020 and 2021. The Horn of Africa route accounted for 50% of the movements, while the Eastern, Southern, and Northern routes accounted for 40%, 9%, and 1%, respectively.[1]

Governments in the region are working towards addressing this challenge through enhancing their migration policy making capacities through enactment of new migration policies and revision of existing policies. A number of countries have also put in place National Coordination Mechanisms (NCMs), which play a major role in migration policy making and implementation. These policy directions are informed by the Global Compact for Migration (GCM) and the African Union Migration Policy Framework and its Plan of Action (2018–2030. Migration policy frameworks by the Regional Economic Communities also play an important role including the East African Community's Common Market Protocol, Intergovernmental Authority on Development (IGAD)'s regional migration policy framework (2012) and free movement of persons protocol (2021).

Despite these commitments, effective implementation of relevant policies at the national level remains a challenge. This is due to limited resources, conflicting priorities, and more pressing issues such as conflict and insecurity, which have contributed to the lack of capacity and political will to translate and implement the requirements and standards outlined in these frameworks. These indicate that more work needs to be done by countries in the region to establish and implement policies to manage migration effectively.

To address this challenge, IOM continues to provide the necessary policy, technical and operational support to member states and regional economic communities to strengthen their migration policy making and implementation capacities. This is guided by its regional strategy 2020-2024[2] that calls for countries to prioritize the development and implementation of national policies and action plans on migration through a whole-of-society and whole-of-government approach. This requires strong political leadership that recognizes the vulnerabilities, rights of migrants and their contributions to society. Support from strategic partners is critical here including in ensuring the provision of adequate resources and building the required capacity to effectively implement the policies in place. Engagement on migration policy to support governments achieve these ideals is an important part of IOM's role, both as the leading UN organization on migration in its own right and as the Coordinator and Secretariat of the United Nations Network on Migration.

This report maps out migration policies and practices in the East and Horn of Africa region, which is a crucial step towards enhancing migration governance and improving cooperation. It covers a number of important migration policy areas including data management, labor migration, border management, climate change, gender, as well as refugees and asylum seekers. It also identifies areas of commonality and best practices and experiences to improve migration management across the region.

---

i. International Organization for Migration. (2021). A region on the move 2021: East and Horn of Africa. Retrieved from https://eastandhornofafrica.iom.int/sites/g/files/tmzbdl701/files/documents/EHoA-Region-on-the-Move-2021_4.pdf

ii. International Organization for Migration. (2020). Eastern and Horn of Africa Regional Strategy 2020-2024. Retrieved from https://mena.iom.int/sites/g/files/tmzbdl686/files/documents/EHoA-Regional-Strategy-2020-2024.pdf

We hope this report provides valuable insights in managing mixed migration in the East and Horn of Africa region, informing the development of evidence-based policies and interventions in the region that support regular migration. The Report can also promote dialogue and collaboration among governments, civil society organizations, and other stakeholders involved in migration governance. We believe that by working together, countries in the region can develop and implement effective policies that support safe and orderly migration while recognizing the rights of migrants and their contributions to society, in line with the commitments in the GCM and the 2030 Agenda.

IOM stands ready to continue supporting member states, Regional Economic Communities, working closely with important partners such as non- governmental organizations in addressing the challenges posed by mixed migration. Special emphasis will be given to ensuring governments are supported in their efforts to implement the various national and regional policy frameworks to facilitate safe, orderly and regular migration.

Mohamed Abdiker

Regional Director East & Horn of Africa

ACKNOWLEDGMENTS

Ali Abdi

Senior Regional Programme Manager

Nora is training apprentices in her sewing workshop. She had the opportunity to start an income-generating business as part as the reintegration support offered by IOM. ©Laëtitia Romain | IOM Burundi 2022

ABBREVIATIONS AND ACRONYMS

AU	African Union
BMM	Better Migration Management
CRRF	Comprehensive Refugee Response Framework
DTM	Displacement Tracking Matrix
EAC	East African Community
EHoA	East and Horn of Africa
FMP	Free Movement Protocol
EU	European Union
GCM	Global Compact for Safe and Orderly Migration
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IOM	International Organization for Migration
MPFA	Migration Policy Framework for Africa
NAPA	National Adaptation Action Program
NAC	National Aliens Committee
NCM	National Coordination Mechanism on Migration
NDC	National Determined Contribution
NPC	National Partnership Coalition for Migration
RECs	Regional Economic Communities
SoM	Smuggling of Migrants
SDGs	Sustainable Development Goals
TiP	Trafficking in Persons
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNOPS	United Nations Office for Project Services
USA	United States of America
VoTs	Victims of Trafficking

OPERATIONAL DEFINITION OF TERMS

Displacement	The act of people fleeing their homes because of persecution, conflict, violence, human rights violations or events seriously disturbing public order.[1]
Migration	Involves movement of any person across an international border or within a state away from his/her habitual place of residence, regardless of the person's legal status; whether the movement is voluntary or involuntary; what the causes for the movement are; or what the length of the stay is.[2]
NCMs	Government led inter-agency platform established in response to regional commitments to IGAD Regional consultative process (IGAD/RCP) with the mandate of steering debate and dialogue on migration related issues to realize coherence and inclusive attainment of IGAD Member States' migration priorities.[3]
Refugees	People who have fled war, violence, conflict or persecution and have crossed an international border to find safety in another country.[4]
Returnees	Persons returning to their country of origin after having moved away from their place of habitual residence and crossed an international border.[5]
SoM	The facilitation of a person's illegal entry into a State, for a financial or other material benefit.[6]
TiP	Recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.[7]
Whole of Government	An approach that integrates the collaborative efforts of the departments and agencies of a government to achieve unity of effort towards migration.
Whole of Society	Requires companies, civil society organizations and individuals in migration-related activities to ensure that their engagement with the public sector respects the shar

---

1. *UNHCR.* https://www.unhcr.org/internally-displaced-people.html

2. https://www.un.org/en/global-issues/migration; https://www.iom.int/about-migration

3. *Ministry of Interior and Coordination of National Government.* https://immigration.go.ke/national-co-ordination-mechanism-on-migration-ncm/#:~:text=The%20NCM%20is%20a%20government,inclusive%20attainment%20of%20the%20country's

4. *UNHCR.* https://www.unhcr.org/what-is-a-refugee.html; https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/

5. https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

6. *Article 3(a) of the Smuggling of Migrants Protocol.* https://www.unhcr.org/smuggling-of-migrants-and-refugees.html

7. *Article 3(a) of the* Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. https://www.unodc.org/e4j/en/tip-and-som/module-6/key-issues/crime-of-trafficking-in-persons.html; https://www.state.gov/what-is-trafficking-in-persons/

EXECUTIVE SUMMARY

HE Muferiat Kemil addresses the Kenyan delegation at RMFM biliateral meeting. Photo: Haimanot Abebe. IOM 2022.

Migration flows in and out of the East and Horn of Africa (EHoA) are diverse and significant in volume. Several migration policies have been developed by Regional Economic Communities (RECs) and their Member States to address these migration dynamics. New and intensified migration governance challenges, including those linked to the COVID-19 pandemic and the increasingly severe impacts of climate change in the region have, however, heightened the need to map and critically review the extent to which migration policies address current migration dynamics. This report maps migration policies across the East and Horn of Africa (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Uganda, Burundi, Rwanda, Tanzania) to support efforts to promote better migration governance in the region.

Based on a review of literature and policy documents complemented by 85 interviews with RECs government and non-government stakeholders, the study considers the extent to which migration policies are in line with the Global Compact for Safe and Orderly Migration (GCM), Sustainable Development Goals (SDGs), migration related United Nations Conventions, African Union's Migration Policy Framework for Africa (AU MPFA) and its 2018-2030 Plan of Action, and regional migration frameworks. It also examines whether cross-cutting issues of gender, migration and development, data management, climate change and human rights are addressed by the existing and draft national migration policies and the existence of reporting mechanisms.

The report identifies areas where significant policy progress has been made. Commendably, Djibouti's National Migration Strategy, launched in 2021, aligns itself with the GCM and AU MPFA. Rwanda in the same vein is revising its 2008 National Migration Policy and Strategy to align with these frameworks. Ethiopia, Kenya, South Sudan and Uganda have draft national migration policies awaiting approval from relevant government authorities. These too are aligned with the GCM and AU MPFA. The report, however, identifies important areas where efforts need to be redoubled to achieve policy progress. For instance, global and regional migration policy frameworks adopted or ratified by most countries

in the region are not being domesticated and implemented in line with country-specific commitments. State fragility, regime changes, competing government priorities and capacity gaps are some of the reasons attributed to this disparity.

Further, migration as an adaptation to climate change and migration data management are limitedly considered in adopted and draft national migration policies despite their centrality in contemporary migration dynamics in the region. Generally, data on migration is fragmented and there is a lack of policy coherence between migration policies addressing different migration issues - reinforced by coordination challenges amongst migration stakeholders at both national and local levels. Commendably, The Intergovernmental Authority on Development (IGAD) Member States have established National Coordination Mechanism for migration (NCMs) that have been central to migration coordination. The NCMs are, however, not anchored in law and have limited mandates to formulate and monitor the implementation of policies.

Reporting on migration is also generally poor especially among law enforcement officials and the judiciary, who apply policy- related legislative frameworks differently and are not often privy to legislative updates, following policy formulation. Local government administrators, police and border officials commonly restrict, fine and/or detain non-nationals in unlawful or unnecessary manners contrary to legislative frameworks related to migration governance.

Based on these key findings, the report provides the following main policy recommendations:

1. National Governments should adapt national migration policies that are currently in draft form. International Partners and RECs should implement and capitalize on capacity-building exercises, and Regional Consultative Processes (RCPs) to lobby for the same. This should go along with supporting National Governments to design context specific migration implementation roadmaps.

2. International partners need to lobby National Governments to share their Progress Declaration on the Implementation of the GCM. These reports can be used to identify migration policy gaps that can be addressed through financial, technical, and programmatic interventions.

3. National Governments should adapt a whole-of-government and whole-of-society approach to policy formulation to ensure policy coherence especially as regards climate change and development-focused policies. National Governments should further anchor National coordination Mechanisms for Migration (NCMs) in law to allow all relevant government and non-government stakeholders to coordinate on migration effectively. This will ensure the formulation coherent policies and policy implementation monitoring.

4. RECs and National Governments with the support of International Partners should set up infrastructure to allow for the harmonized collection of migration data. Rich data will allow for the formulation of informed Labour Migration, Trafficking in Persons (TiP), Smuggling of Migrants (SoM) and Return and Reintegration policies and laws. International Partners should also support national and local governments in appraising their staff on these policies and laws.

Migrants walk in the desert towards Obock in Djibouti. With just worn out sandals on their feet and a few belongings in hand, they have to walk for days. Photo: ©Alexander Bee / IOM 2021

INTRODUCTION

The East and Horn of Africa (EHoA) region is characterized by high mobility patterns. Migrants including asylum seekers and refugees often travel along similar routes into, within and out of the region – a trend that is referred to as mixed migration. Lack of economic opportunities and political instability are cited as two of the major migration drivers in the region.[8] Cultures of migration[9] is however an under reported migration driver in the region.[10]   The number of Internally Displaced Persons (IDPs) in the region has also been on the rise because of extreme weather events and conflicts[11]

Various global and regional frameworks exist to address the migration dynamics in the region. The GCM and the AU MPFA have been adopted by all countries in the EHoA and have impacted migration governance in the region variedly. IGAD's Regional Migration Policy Framework (RMPF) addresses Migration within IGAD, while The Protocol on the Establishment of the East African Community Common Market (EAC Free Movement Protocol), informs migration governance within the EAC. Despite Member States adopting these global and regional frameworks, they are limited in terms of the extent to which they are being effectively and fully implemented at the country levels. Capacity gaps and, competing state interests are identified as key barriers to the implementation of regional frameworks.[12]

---

8. IOM Migration Data Portal https://www.migrationdataportal.org/regional-data-overview/eastern-africa

9. The cultural beliefs and social patterns that influence people to move

10. IOM policy mapping validation workshop, Mombasa Kenya, 27-28th October 2021

11. IOM, A Region on the Move https://eastandhornofafrica.iom.int/sites/g/files/tmzbdl701/files/documents/EHoA-Region-on-the-Move-2021_4.pdf

12. IOM policy mapping validation workshop, Mombasa Kenya, 27-28th October 2021

Methodology and organization of the Report

The study was undertaken between June and October 2021 and draws from extant literature, migration policies and field data. Interviews were conducted with the AU, IGAD and EAC officials and government stakeholders from Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Uganda and Tanzania. The key informants were largely drawn from national government ministries/agencies, INGOs, CSOs, development partners and academia. Eighty-two key informant interviews were conducted in total across the mentioned countries. In-person interviews were conducted in Djibouti, Ethiopia, Kenya and Sudan. Due to COVID 19 travel restrictions, enumerators were employed in Somalia, South Sudan and Uganda. Online interviews were conducted in Tanzania. Desktop research was undertaken in the case of Eritrea, Rwanda and Burundi. One official from each of the regional bodies was interviewed bringing the cumulative number of interviews conducted to Eighty-five as illustrated in APPENDIX A.

The criteria for participation were one's direct involvement in migration governance in the region/countries of study. The analytical framework used by the study is adapted from the project's Terms of Reference (ToR) and structured around three key themes. (a) The existence of migration-related policies amongst states in the region (b) The extent to which these policies address cross-cutting issues (c) The existence of reporting mechanism as regards migration-related policies.

The report is organized as follows: Section 3 gives a snapshot of existing IGAD and EAC regional policies and provides a brief overview of the progress made in their adoption, domestication and implementation. The section also critically analyses policy trends in the region drawing examples from specific countries in the region. A matrix of existing policies across all countries studied is included in this section. Section 4 of the report presents the country specific findings and briefly describes the existing migration policies and legislative frameworks. The section also analyses the extent to which country specific policies are being implemented at the backdrop of global and regional frameworks while also looking at how they address crosscutting issues. Country specific policy recommendations are made at the end of each country section.

A Woman from the Migration Response Centre (MRC) are going to the beach as part of the Mental Health and Psychosocial Support (MHPSS) activity in Obock region, Djibouti.

Photo: ©Alexander Bee/IOM 2022

SYNTHETIC REPORT OF MIGRATION POLICY TRENDS IN THE EAST AND HORN OF AFRICA REGION

A. REGIONAL MIGRATION POLICY FRAMEWORKS

"

All countries in the East and Horn of Africa have adopted the GCM with Ethiopia and Kenya accepting to be champion countries.

All countries in the East and Horn of Africa have adopted the GCM with Ethiopia and Kenya accepting to be champion countries.[13] Together with Djibouti, the two countries submitted their voluntary reports to the 2022 International Migration Review Forum (IMRF)[14]. Migration policy formulation efforts in the EHoA region are however, largely guided by the African Union (AU) Migration Policy Framework for Africa and its 2018-2030 Plan of Action. The two main RECs - IGAD and EAC also have policy instruments that address specific migration dynamics in the region and which guide Member States in their migration policy discussions.

Table 1: Key IGAD Migration Related Policy Frameworks

Policy		Year
Regional Migration Policy framework	Adopted by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.	**2012**
Migration Action Plan (MAP) (2015-2020) to operationalize the Migration Policy Framework	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.	**2014**
Protocol on Free Movement of Persons	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda but yet to be domesticated by the Member States	**2020**
Protocol on Transhumance	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda but yet to be domesticated by the Member States	**2020**
The Kampala Declaration on Jobs, Livelihoods & Self-reliance for Refugees, Returnees & Host Communities	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda	**2019**
The Djibouti Declaration on Refugee Education and its Action Plan	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda	**2017**
The Nairobi Declaration on Durable solutions for Somali refugees and reintegration of returnees in Somalia and its Action Plan	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda	**2017**
IGAD Regional Climate Change Strategy	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda	**2018**

Table 2: IGAD MAP 2015 – 2020 Strategic Priorities

1. Migration Governance Architecture
2. Comprehensive National Migration Policy
3. Labour Migration
4. Border Management

---

13. https://migrationnetwork.un.org/champion-countries

14. https://migrationnetwork.un.org/international-migration-review-forum-2022#

5. Irregular Migration
6. Forced Displacement
7. Internal Migration
8. Migration Data
9. Migration and Development
10. Inter-State and Inter-Regional Cooperation
11. Migration, Peace and Security
12. Migration and Environment

The IGAD RMPF and the Migration Action Plan (MAP) – aimed at operationalizing the framework – are due for review because of the changing dynamics in the region with climate-induced displacement emerging as a key priority area. Discussions are currently underway on how IGAD can engage and support Member States on this formulating policies that address this cross-cutting issue together with the other priority areas. [15]

IGAD Protocols on Free Movement of Persons and Transhumance endorsed in 2020 are yet to be domesticated by Member States. IGAD is however currently designing a regional labour migration agreement that will benefit the countries that are sending immigrants to the Gulf states.[16] Anti-trafficking and smuggling policy initiatives have also emerged to counter national and international human trafficking, including forced labour. Two draft policies on the Prevention of Trafficking in Persons (TIP) and Prevention of Smuggling of Migrants (SOM) exist but are yet to be adopted by Member States. The drafts draw from various frameworks including the GCM and AU's MPFA.[17]

Table 3: Key EAC Migration Related Policy Frameworks

Policy		Year
Treaty for the Establishment of the EAC	Ratified by Kenya, Uganda, Tanzania, Rwanda, Burundi, South Sudan	**1999**
Protocol on the Establishment of the EAC Common Market	Ratified by Kenya, Uganda, United Republic of Tanzania, Rwanda, Burundi, South Sudan	**2010**
EAC One Stop Border Posts Act 2016	Adopted and domesticated by Kenya, Uganda, United Republic of Tanzania, Rwanda, and Burundi. While the legislation covers South Sudan as an EAC Partner State, the country has not fully domesticated the legislation.	2016
EAC Climate Change Policy	Adopted by Kenya, Uganda, United Republic of Tanzania, Rwanda and Burundi	2010

The EAC Common Market Protocol is being implemented by Member States as seen in the provisions for free movement of persons, the adaption of integrated border management; the removal of restrictions on the movement of labour and services; and the right of establishment and residence. The EAC has a passport currently operational for EAC citizens who can travel freely and reside in Member States for a period of up to 6 months. The EAC One Stop Border Post (OSBPs) Act enacted in 2016 has resulted in a reduction of border crossing time. The newest members of the REC, South Sudan and The Democratic Republic of Congo (DRC) are however, yet to put in place mechanisms to facilitate all provisions for the protocol and OSBPs. An EAC Labour Migration Policy is currently being developed and covers several focus areas like the social protection for migrant workers; combatting irregular migration; TiP and SoM; and diaspora engagement including easing cost of remitting.[18] An electronic immigration policy is currently also being developed to enhance the exchange and the protection of migrants' data within the region[19]

B. ANALYSIS OF MIGRATION POLICY PROCESSES IN THE EAST AND HORN OF AFRICAN REGION

a. *Domestication of regional migration frameworks*

The domestication of regional migration frameworks to allow for safe and orderly migration within the region has not fully taken off despite available data indicating that most migrants from the region move within the region.[20] IGAD's Free Movement Protocol (FMP) – recently endorsed by the Member States – is yet to be domesticated. EAC's FMP has on the contrary, facilitated visa-free migration flows between Member State countries. The harmonization of labour and employment legislation, and the right of establishment for citizens of the community has, however, been slow to take off.[21] Notwithstanding, there are efforts to create complementary policies to promote the movement of workers as seen in the draft EAC Labour Migration Policy. The policy addresses the recognition of educational attainments, the harmonization of social security benefits amongst the Member States, and the regulation of the movement of family members.[22][23] There is a need for relevant stakeholders to capitalize on Regional Consultative Processes (RCPs) on migration and lobby for the adoption and domestication of IGAD and EAC policies and laws by the Member States.

b. *Migration policy processes against the backdrop of divergent state capacities*

Political commitments on the domestication of regional policies have been mobilized and maintained through the sustained leadership of IGAD and the EAC. States in the region, however, have different capacities to domesticate these policies. Countries like Ethiopia, Kenya, Uganda, Djibouti, and Rwanda – considered as being in a development trajectory have more adaptive capacity compared to other countries in the region. Notwithstanding, all governments in the region prioritize security, the economy, and the provision of basic services to citizens in their national budgets –over migration governance.[24] This has impacted on the capacity of government officials at national and local/regional levels to formulate and implement migration policies. Migration coordination amongst government stakeholders, and the quality of infrastructure set up to implement existing policies, is particularly hindered by limited national funding.

While RECs and international partners have stepped in to build infrastructures and the capacity of relevant government stakeholders, the sustainability of this approach is questionable against the backdrop of reduced donor funding.[25]

Regime changes and state fragility particularly act as setbacks to migration policy processes as new governments often have differing priorities – coupled with the transfer of senior government officials whose capacities had been built[26]. This calls for the need to train government stakeholders as Trainers of Trainees (ToTs) and involve both senior and junior government officials in policy formulation and implementation to ensure continuity. This approach should be taken at both local and national levels.

---

20. IOM Migration Data Portal ; https://www.migrationdataportal.org/international-data?i=stock_abs_&t=2020&m=2&sm49=14

21. MS Teams Interview, EAC- Principle Labour and Employment Officer, 13th September, 2021

22. MS Teams Interview, EAC- Principal Labour and Employment Officer, 13th September 2021

23. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743315.pdf

24. MS Teams Interview, IGAD- SIMPI Project Officer, 15th September, 2021

25. Interview, EU Mission in Djibouti, 7th September 2021

26. IOM policy mapping validation workshop, Kenyan delegate, Entebbe Uganda, 30th August 2022

c. Room for improvement in migration data collection

Despite the increased digitization of data in the EHoA region, the availability of migration data remains extremely patchy and is generally focused on regular migration across various border points. Kenya, Rwanda and Tanzania recently conducted their national census and commendably collected data on migrant stocks in their countries and on remittances. Data on TiP and SoM, internal displacement, and return migration is, however, glaringly fragmented, and can be linked to the general absence of country-specific policies that address these dynamics in the region. Comprehensive data on labour migration is also lacking despite unemployment, especially amongst the youth, skill development, and skill transfer emerging as policy priorities within the region.[27] What is particularly needed is harmonized macro data collected across all relevant ministries to allow for the mapping of various migration trends and the extrapolation of the same to the wider EHoA region. Such integrated data is not only important to gain a more fundamental insight into who is moving, why, how, and where they are moving to but will contribute to robust and coherent policy debates and reporting mechanisms for better migration management. The availability of comprehensive data on migration also pertains to the possibility of linking migration to development frameworks in a coherent manner, consequently garnering national governments' sustained interest in migration policy formulation and implementation.

d. Centering climate-induced migration in policy discussions

Recurrent internal displacement because of environment-related factors like drought, famine and floods is a key characteristic of the region but has not secured a solid space in migration policy discussions at country levels.[28] South Sudan for instance, has witnessed massive displacement in the recent past as a result of floods but its Durable Solutions Framework is not coherent with climate change concerns. Somalia, Sudan and Uganda, commendably have IDP policies, while Burundi and Kenya have laws on the same. These frameworks, however, do not comprehensively address climate change and its long-term effects on migration. The IGAD-EAC 2022 Kampala Ministerial Declaration on Migration, Environment & Climate Change, aimed at tackling climate change-induced migration and displacement in EHoA, is a step in the right direction and should be harnessed Member states and non-government stakeholders to centre climate change in migration policy discussions. IGAD's Free Movement Protocol also marks a significant step in addressing the protection gap of growing numbers of people in the region displaced by disasters, who often do not qualify for refugee status or other forms of international protection.[29]

---

27. MS Teams Interview, IGAD- SIMPI Project Officer, 15th September 2021

28. https://ec.europa.eu/trustfundforafrica/sites/default/files/eutf_igad_case_study_final_0.pdf

29. MS Teams Interview, IGAD- SIMPI Project Officer, 15th September 2021

Migration as an adaptation strategy to long-term climate change is generally under discussed and researched. There are no clear roadmaps and legislative frameworks that guide discussions on this phenomenon nationally, regionally, and globally.

Governments and relevant stakeholders in the region also have limited information and data on other forms of migration linked to climate change. Generally, there is a lack of policy coherence when it comes to climate change as a cross-cutting issue in existing migration policies and vice versa. For instance, Uganda's climate change policy only mentions rural-urban migration twice, in passing. There is thus a need for capacity-building amongst national governments within the EHoA region to collect quality data and develop evidence-based policies that address displacement and other forms of human mobility in the context of climate change.

e. *COVID-19's impact on migration policy processes in the region*

COVID-19 slowed down the progress of migration policy discussions in the region. Most government functions were shut down at both national and local levels for long periods and other activities were reprogrammed to conform to the new realities of working. Different government and non-government stakeholders were found to have been deployed to other functions such as border management while RECs and international organizations also shifted their focus by directing resources to pandemic response. COVID-19, however, made the formulation of policies and programmes geared toward return and reintegration a priority. The pandemic exposed how ill-prepared governments were to deal with large numbers of migrants returning to their countries of origin. Returnees reportedly got back home empty handed and required extensive support to reintegrate into weakened labour markets. IGAD in collaboration with ILO and IOM is currently working towards a return and reintegration policy at the regional level. While Somalia has a Returnee policy, Ethiopia and Kenya are in discussions to formulate comprehensive return and reintegration policies.

> " *Migration as an adaptation strategy to long-term climate change is generally under discussed and researched.*

> " *COVID-19 slowed down the progress of migration policy discussions in the region*

COUNTRY FINDINGS

Country level migration policy frameworks

COUNTRY	NATIONAL MIGRATION POLICY	LABOUR / EMPLOYMENT POLICY/ACT	DIASPORA POLICY/ACT	IMMIGRATION /EMIGRATION POLICY/ACT	TRAFFICKING IN PERSONS POLICY/ACT	REFUGEE POLICY/ ACT	INTERNAL DISPLACEMENT POLICY	RETURN AND REINTEGRATION POLICY
Djibouti	National Migration Strategy, (2021)	National Employment Policy	Diaspora Engagement Strategy 2021-2025	The Entry and Residence Act	The 2016 Law No.133 on TiP and SoM	The Primary Law on Refugees		
Eritrea		Labour Proclamation 118/2001		The Proclamation Issued to Amend Proclamation No. 24/1992 Enacted to Regulate the Provision of Travel Documents, the Entry into and exit From Eritrea (2011-04-01) The Eritrean Nationality Proclamation No. 21/1992	The Eritrean Transitional Criminal penal code Art. 565 The Eritrean Penal Code of 2015			
Ethiopia	Draft National Migration Policy	Labour Proclamation 377/2003 Overseas Employment Amendment Proclamation No. 1246/2021	Ethiopian Diaspora Policy	Immigration Proclamation No. 270/2002 Proclamation No. 270/2002 providing Foreign Nationals of Ethiopian Origin with Certain Rights to be Exercised in their Country of Origin	2020 Proclamation No. 1178/2020 on the prevention and suppression of TIP and SOM. (Buttresses Proclamation No. 909/2015 on TiP and SoM)	2019 revised Refugees Proclamation		National Reintegration Directive (No. 65/2018)
Kenya	Draft National Migration Policy	The Employment Act, 2007 (No. 11 of 2007). National Labour Policy (Draft) National Labour Management Bill 2021 (Draft)	Kenya Diaspora Policy	Kenya 2011 Citizenship and Immigration Act and its 2014 amendment. Kenya Citizens and Foreign Nationals Management Service Act 2011	The Counter Trafficking in Persons Act, 2010 the National Plan of Action to Counter Human Trafficking (2013-2017) 2014 Victim Protection Act	Refugee Act 2021	IDP Act 2012	
Somalia		2015 Foreign Employment Act		Somalia Immigration Policy of 1961. Immigration Act, 1961. Citizenship Act, 1962.	Penal Code 1962	Somali Provisional Refugees and Asylum Act, Presidential Decree, 1984:	IDP Policy Somalia National Development Plan (NDP), 2017-2019 National Durable Solutions Strategy 2020-2024	Somalia's Returnees Policy

Country level migration policy frameworks

Country								
South Sudan	Draft National Migration Policy	Labour Act, 2017		Passport and Immigration Act, 2011		Refugee Act, 2012		Framework for Return, Reintegration Relocation of Displaced Persons: Achieving Durable Solutions in South Sudan Nationality Act, 2011
Sudan		The Labour Act, 1997 The Law of Employment of Foreigners (2001)	2015 Diaspora Policy with a 2016 strategic action plan	The Passports and Immigration Act, 2015 The Alien Affairs Regulation, 2006 and its 2008 Amendment	Combating of Human Trafficking Act, 2014.	The Asylum Regulation Act, 2014	2009 National Policy on Internal Displacement	
Burundi	National policy Framework on Migration (2015)				Law on the prevention of trafficking in persons and the protection of victims of trafficking of 2014	The law on asylum and refugee protection in Burundi of 13 November 2008	Protocol for the Creation of a Permanent Framework for Consultation on the Protection of Displaced Persons of February 7, 2001	Nationality law1/013 of 18 July 2000 Decree No. 100/156 on the procedure of getting the nationality by naturalisation of 14 October 2003
Rwanda	National Migration Policy (2008 -Under revision)	National Labour Mobility policy (2018) and its implementation Plan 2019 National Employment Policy and its implementation Plan	2009 National Diaspora Policy	Law No 57/2018 of 13/08/2018 on Immigration and Emigration to Rwanda Presidential Order No 129/01 of 16/12/2020 Relating to Border Posts and the Border Posts Steering Committee	Law Nº 51/2018 of 13/08/2018 relating to the Prevention, Suppression and Punishment of Trafficking in Persons and Exploitation of Others	Law No 13/2014 of 21/05/2014 Relating to Refugees		Ministerial Order No 06/01 of 29/05/2019 Relating to Immigration and Emigration Organic Law No 002/2021 of 16/07/2021 Governing Rwandan Nationality
Uganda	Draft National Migration Policy	The 2011 National Employment Policy The Employment Act, 2006.		Uganda Citizenship and Immigration Control Act (Amendment) Acts of 2006, 2009 and 2015	The Prevention of Trafficking in Persons Act, 2009	Refugee Act 2006	2004 National Policy for Internally Displaced Persons	
United Republic of Tanzania		Employment and Labour Relations Act, 2004 of mainland Tanzania Non-Citizens (Employment) Regulations, 2016 Zanzibar Employment Act no.11 of 2005		The Immigration Act of 1998, revised in 2016 Tanzania National Development Plan of 2016/17 Article 17 of the country's Constitution (1997)	Anti-Trafficking in Persons Act, No. 6 of 2008	The Refugees Act of 1998		

COUNTRY FINDINGS

1. REPUBLIC OF DJIBOUTI
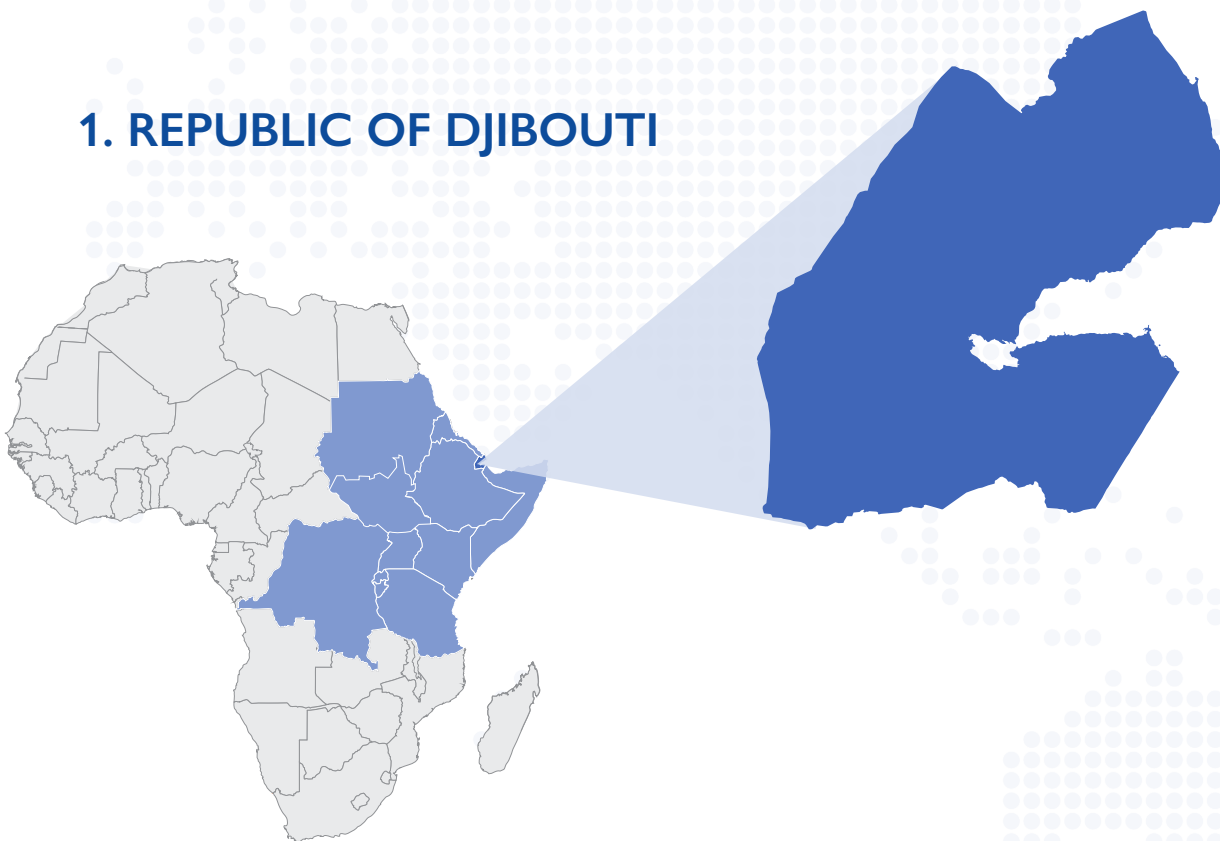
Djibouti is mainly a transit country for migrants in mixed migration flows from the Horn of Africa to Yemen and the Gulf States. The majority of migrants transiting through the country are Ethiopians with young men representing 70% of this population.[30] In 2020, the number of entries observed from Djibouti's western borders decreased by 99% due to the closure of Ethiopian borders because of COVID 19.[31] A significant rise in spontaneous returns was also witnessed during the pandemic period due to mobility restrictions imposed in Yemen and Saudi Arabia and the progressive deterioration of living conditions in Yemen.[32] COVID 19 also made Djibouti a country of destination for some migrants as opposed to a transit country.[33] Djibouti is also destination country for asylum seekers and refugees from IGAD countries, as well as for Yemenis who are fleeing war in their country.[34] Internal migration is also a key trend in Djibouti. Three quarters of the country's inhabitants live in Djibouti City due to the country's hot and arid climate, while the rest are mainly nomadic herders who move internally in search of food and water for cattle.[35]

Djiboutians migrate outside the country, but this is limitedly documented. However, labour migration to the Middle East and Gulf countries takes place and is facilitated by private recruitment agencies (PRAs)[36]. Djibouti currently has a Bilateral Labour Migration Agreement (BLMA) with Qatar. The BLMA includes aspects related to migrants' rights, including their working conditions, social security and portability of social security benefits and labour dispute settlement mechanisms.[37]

---

30. Interview, National Bureau of Statistics, Djibouti, 8 September 2021

31.

32. https://displacement.iom.int/sites/default/files/public/reports/DJI_FM_Nov21_dashboard_fr_0.pdf

33. Interview, National Bureau of Statistics, Djibouti, 8 September 2021

34. Interview, ONARS, Djibouti, 7th September 2021

35. Interview, EU Mission in Djibouti, 7th September 2021

36. https://www.ilo.org/wcmsp5/groups/public/—africa/—ro-abidjan/—sro-addis_ababa/documents/publication/wcms_743309.pdf

37. https://www.ilo.org/wcmsp5/groups/public/—africa/—ro-abidjan/—sro-addis_ababa/documents/publication/wcms_743309.pdf

The labour agreement currently applies to Djiboutian bus and truck drivers working in Qatar but has not specifically been keenly taken up for the case of domestic workers, for instance. [38] Regarding TiP and SoM, the route through Djibouti is a dangerous one, with migrants vulnerable to human rights abuses, trafficking, kidnapping, and being held for ransom.[39] The sex trafficking of Djiboutian and migrant women and street children takes place in Djibouti City, along the Ethiopia–Djibouti trucking corridor, and in Obock, the most important departure point for Yemen.

a. Migration policy making and implementation trends

At the global level, Djibouti has taken part in discussions on the GCM and endorsed its objectives. The country's Migration Governance Indicators (MGI) profile shows that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs.[40] The country has also endorsed most international conventions related to human rights and migration but misses out on some key ones as highlighted in ANNEX C. At the continental level, Djibouti has adopted AU's Free Movement Protocol (FMP) but has not ratified it. Regionally, Djibouti has adopted IGAD's Regional Migration Framework and IGAD's Free Movement Protocol and Transhumance. [41] Djibouti has a national migration strategy that was adopted in September 2021 which is undergirded by the GCM, SDG's and AU's MPFA. The country has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed.

38. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743309.pdf

39. Interview, United States Embassy, Djibouti, 8th September 2021

40. https://www.migrationdataportal.org/international-data?cm49=262&focus=profile&i=stock_abs_&t=2020

41. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting

"
Djibouti has a national migration strategy that was adopted in September 2021 which is undergirded by the GCM, SDG's and AU's MPFA.

Table 5: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORKS	DESCRIPTION
National Migration Strategy (2021)	• Adopted in 2021, it aims to improve the welfare of migrants from the region and the host communities in Djibouti. • Promotes sustainable livelihoods for migrants impacted by conflict, protracted crisis, climate change and the lack of jobs in the region
The Entry and Residence Act [42]	• Establishes entry and residency procedures/rules in Djibouti and initiates the ban on irregular movement of people in the country
National Employment Policy[43]	• Developed in 2014 by the Ministry of Labour and Administrative Reform • Puts in place mechanism for conducting labour surveys • Sets mechanism for effective utilization of information from private employment agencies
Djibouti's National Strategy for Social Protection (2018-2022)	• Addresses the question of migrants and refugees at the backdrop of health, housing, water and sanitation. Further, all migrants and refugees have access to education.
Diaspora Engagement Strategy 2021-2025 [44]	• Outlines the government's engagement with the diaspora. • Aims to attract skilled Djiboutian diaspora returnees to seek economic opportunities in the country, especially in the hospitality, IT, service, and culture sectors
The Primary Law on Refugees[45]	• Covers the international and primary legislation on refugees. The Act states that refugees have the same rights as everyone on the continent.
The 2016 Law No.133 on TiP and SoM[46]	• Criminalizes sex trafficking and labour trafficking. The Act is documented under the migratory population rule No. 111/NA/11/6, targeting terrorists and other violations.[47] • The Act aims to establish an inter-ministerial combat coordinating committee to fight the trade of human beings and stresses international, multilateral, and bilateral requirements and cooperation abroad. • It offers Victims of Trafficking (VoTs) security and support and provides a residency option for undocumented migrants from Ethiopia, given their vulnerability to trafficking in Djibouti. It also provides for capacity building criteria in this regard.

42. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=108312

43. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=100116&p_country=DJI&p_count=246&p_classification=08&p_classcount=10

44. https://www.djibouti-diaspora.org/wp-content/uploads/2022/03/Strategie_Nationale_Diaspora_djiboutienne.pdf

45. https://menarights.org/sites/default/files/2020-01/DJI_LawNo.159AN16-7thLOnTheStatusOfRefugees_2017_FR.pdf

46. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=101766&p_country=DJI&p_count=270

47. *Loi No. 210/AN/07/5éme* http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=78011&p_country=DJI&p_count=270

Policy gaps

- The implementation of Djibouti's National Migration Strategy is in its formative stages, having been adopted in the last quarter of 2021. The priority in this regard is putting in place a coordination framework for its implementation and highlighting everyone's role in the implementation process. All these are likely to have a three-year timeframe. Discussions to this end are being carried out by the National Committee on Migration, led by the Ministry of Interior.

- Djibouti does not have a labour migration policy, however, the country's Constitution and the Labour Code, 2006, apply to migrant workers. Djibouti is currently working to apply three IGAD labour migration pillars to govern this phenomenon namely: strengthening labour migration governance, improving opportunities for regulated labour migration and decent work, and enhancing the protection of migrant workers and their families. However, reporting to the regional body is lacking.

- There is a lack of policy coherence specifically as regards labour migration and development. The national migration strategy does not also address these two aspects of migration wholesomely.

- There is skewed migration data across different relevant ministries making the formulation and implementation of policies a challenge. Data gaps exist specifically on unaccompanied children, long-term transit migrants and IDP's who do not fit within the refugee category. Further, the profiles of those on the move are not clear particularly those who come from the Afar region given their close ethnic relations with Djiboutians.[48]

- There is a lack of awareness and incorrect interpretation of migration policies and laws, especially the Primary Law on Refugees and the 2016 Law No.133 on TiP and SoM. Judges in Djibouti rely on the 1995 penal code on trafficking despite the 2016 law addressing TiP and SoM[49] Local authorities are not aware of the The 2016 Law No.133 on TiP and SoM and consequently harass, arrest and prosecute VoTs. The government has not fully operationalized its national action plan to combat trafficking despite the plan being 6 years old.[50]

- There is limited funding directed to migration governance in Djibouti with the phenomenon not factored in Djibouti's national budget in the past.[51] International funding has also largely gone towards refugee management, counter-trafficking efforts, and border management.[52] The sustainability of this approach is questionable given the shrinkage of migration funding worldwide.[53]

48. Interview, GIZ, 8th September 2021

49. Interview, United States Embassy, Djibouti, 8th September 2021

50. https://www.state.gov/reports/2021-trafficking-in-persons-report/djibouti/

51. Interview, EU Mission in Djibouti, 7th September 2021

52. Interview, United States Embassy, Djibouti, 8th September 2021

53. Interview, European Union Mission, Djibouti. 7th September 2021

Table 6: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender

- Gender is captured in both Djibouti's National Migration Strategy and the 2016 law on TiP and SoM
- The link between sexual and gender-based violence (SGBV) and safe shelters for migrants is not however adequately addressed despite Migrant women an unaccompanied child being vulnerable to SGBV and child labour due to the lack of shelters.
- Djibouti's Gender Policy does not address gendered aspects of migration.

Migration and Development

- Migration and development is not adequately addressed by the National Migration Strategy. The role of the the diaspora/ labour migrants in promoting development in the country is specifically not covered. The same gap exists in the National Employment Policy.
- The development framework (Vision 2035) looks at migration from a rural urban drought perspective and misses out on the development aspects of migration pointing to a lack of policy coherence.

Migration and Data Management

- Data management is captured in the National Migration Strategy and stresses putting in place mechanisms for data sharing and protection which currently is missing.
- Digitalization of data and provision of infrastructure is however, not captured. Migrants have however, been identified as a demographic of interest in 2023 population census.
- Djibouti does not however, have a data protection policy

Migration and Climate Change

- Migration and Climate Change is captured in the National Migration Strategy in the context of the responses to climatic variations and in particular the persistent drought. IDPs are the main focus of the strategy as opposed to migrants in general.
- Djibouti's National Climate Change Committee (CNCC) in 2017, worked to enhance coherence between climate change actions and existing national frameworks but migration is not comprehensively addressed. The same applies to the 2000 National Adaptation Action Program (NAPA)

Migration and Human Rights

- Free and safe movement is addressed under the TiP, SoM and Human Rights themes in the migration strategy.
- Djibouti is, the only IGAD Member State that has a mechanism for the portability of social security benefits for all migrant categories.
- Djibouti's National Strategy for Social Protection (2018-2022) specifically addresses the question of migrants and refugees at the backdrop of health, housing, water and sanitation. Further, all migrants and refugees have access to education.

b. Reporting mechanisms

Djibouti has a national referral mechanism on TiP and Human Rights violations. It further has a victim protection mechanism, but this has not been effectively functioning because authorities are not fully conversant with referral procedures.[54] Further, fear of authorities has led to lack of victims to testify. The judiciary was also cited as being particularly lacking in knowledge on reporting procedures for TiP and migrant human right abuses.[55] Officials also continued to conflate TiP and SoM hindering the effectiveness of overall anti-trafficking efforts.[56] As such, there has not been a TiP prosecution since 2017 calling for further training and capacity-building exercises.[57] Djibouti National Human Rights Commission has also been at the forefront as regards reporting on the human rights violations of migrant workers and undocumented migrants in Djibouti. There are glaring protection gaps amongst women, unaccompanied minors and undocumented workers within Djibouti city. The arrest and deportation of unaccompanied children to Ethiopia is on the rise and needs attention. Most NGO's and CSO's focus on vulnerable migrants in transits towns like Obock with little or no presence in the capital city. There is also a lack of awareness on migrant's part of their rights especially on reporting mechanisms.

Reporting mechanisms on other migration policy areas remain a challenge in the country. This is attributed to limited resources and technical gaps on the government's side regarding the existing National Coordination Office on Migration.[58] Capacity challenges within and across government institutions in collecting, analyzing, and sharing data or information on the smuggling of migrants or trafficking in persons, migrant right abuses, and child abuses is also a challenge. It is, however, envisioned that the National Coordination Office for Migration, once fully functional, will be responsible for examining the shared priorities, challenges and opportunities on the management of migration and propose to the government the appropriate measures to take to effectively implement the National Migration Strategy.[59] A bottom-up approach to the implementation of the strategy at the backdrop of the GCM is needed for the sustainable management of migration in the country.

c. Policy specific recommendations

1. The Government of Djibouti with support from international partners should set up mechanisms to streamline the countries social and development priorities into Djibouti's national migration strategy. This should be in line with the objectives of the Diaspora Engagement Strategy and national development plan to enhance policy coherence. The labour migration policy development process should also take into account relevant national policies focusing on development and protection.

2. International partners need to support the capacity-building of NCM members and local government officials for the effective implementation of the new migration strategy and other legislative frameworks, especially the 2016 Law No.133 on TiP and SoM. There is need to publish and equip law enforcement officers and the judiciary with a compact document consisting of all updated laws that they can refer to besides the 1995 penal code. The penal code too needs to be republished in consideration of the TiP and SoM law.

3. The Government of Djibouti should operationalize the National Action Plan to Combat Trafficking which is currently 6 years old. This will jumpstart coordination between stakeholders working on TiP – which is currently lacking.

4. The Government of Djibouti should put in place mechanisms to ensure the effective and safe collection and sharing of migration data across relevant ministries and bodies for effective migration policy formulation and revision. Donors and international partners should support the government to set up infrastructure for migration data collection.

54. *Interview, Ministry of Women and Family Affairs, Djibouti, 9th September, 2021*

55. *Interview, United States Embassy, Djibouti, 8th September 2021*

56. https://www.state.gov/reports/2021-trafficking-in-persons-report/djibouti/

57. *ibid*

58. *Interview, GIZ, Djibouti, 8th September 2021*

59. *Interview, United States Embassy, Djibouti, 9th September, 2021*

"I am saving money until I have enough to continue to Saudi Arabia." A portrait of Mohammed Hassen (20 years old) Burao, Somaliland. Photo: ©Yonas Tadesse/ IOM 2021

2. REPUBLIC OF ERITREA
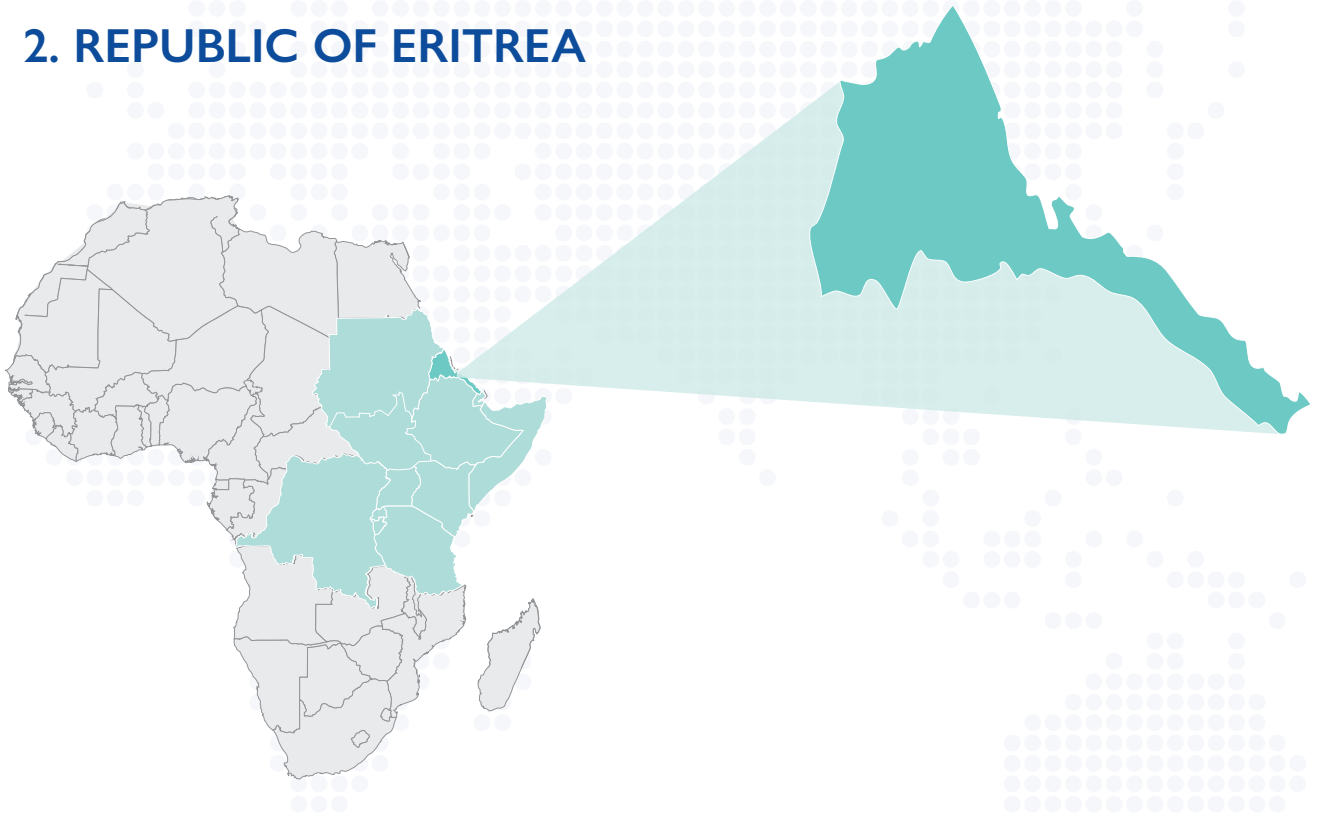
Eritrea is mainly a country of emigration with the primary internal driver of migration being the perceived lack of opportunities due to an unstable economy and little hope for any viable and desirable future.[60] Land expropriation, chronic droughts -which negatively affect near 80% of the population that survives on subsistence agriculture, insufficient access to goods, and the dependence of Eritrean families on international remittances, are other core drivers of international migration.[61] Literature on Eritrean migration further places social networks, flows of information and transnationalism (due to a large diaspora) at the heart of migrant decision-making, as well as the larger culture of migration present in the country.[62]

Eritreans are the seventh-largest group of asylum seekers in Europe and the third-largest group of people crossing the Mediterranean into Europe.[63] Majority of Eritreans however, end up in Sudan or Ethiopia, with limited possibilities for legal and socio-economic integration there.[64] Irregular migration, particularly SoM, is prominent in Eritrea since regular pathways to migration in the country are limited, specifically for young men.[65] TiP has also been reported along the northern route, with majority of people trafficking networks stretching from Sudan to Libya and all the way into the EU operated by Eritreans.[66] Return migration is not very popular in Eritrea as voluntary returnees currently pay a 2% "diaspora tax" and sign a "letter of regret" upon returning.[67]

60. https://migrants-refugees.va/country-profile/eritrea/

61. https://migrants-refugees.va/country-profile/eritrea/

62. *Milena Belloni, 2015,* https://www.ucpress.edu/book/9780520298705/the-big-gamble; *Tekalign Ayalew Mengiste, 2018,* https://journals.sagepub.com/doi/abs/10.1177/0002716217743944

63. https://www.csis.org/analysis/what-peace-eritrea-means-forced-migration

64. https://www.luminosoa.org/site/books/m/10.1525/luminos.82/

65. https://i.unu.edu/media/migration.unu.edu/publication/4711/Eritrea-Migration-Profile.pdf

66. https://taz.de/Migration-policy-in-Eritrea/!5417018/

67. https://reliefweb.int/sites/reliefweb.int/files/resources/190826_RundeYaybokeGallego_IrregularMigrations.pdf

Hawa lives in Fantahero, Djibouti. she is a member of the host community, and sells bread to migrants to earn a bit of money. Photo: ©Alexander Bee/IOM 2021

Migration into the country is also negligible. Most immigrants in the country however, come from countries in the region, including Somalia, the Democratic Republic of Congo (DRC), Uganda and South Sudan[68]. There is a lack of data to indicate the existence of internally displaced persons in Eritrea as internal movement is complex due to government restrictions.[69] Eritrea is, however, vulnerable to droughts, floods, increased variability in rainfall patterns and reduced precipitation, soil erosion, desertification, and land degradation. Conflict, and frequent drought, combined with population growth, have reduced food production and investment in development rendering migration a viable option out of this cycle.[70]

a. Migration policy making and implementation trends

At the global level, Eritrea has taken part in discussions on the GCM and endorsed its objectives. It is not clear from literature on the extent to which the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs. The country has however, endorsed some international conventions related to human rights and migration but misses out on most key ones as highlighted in ANNEX C. At a continental level, Eritrea has participated in discussions on AU's Free Movement Protocols (FMP) but has not ratified it. While Eritrea adopted the GCM and is guided by the AU's MPFA, it does not yet have a National Migration Policy. It does, however, have policies and regulations that govern various aspects of migration as below.

68. https://www.cia.gov/the-world-factbook/countries/eritrea
69. https://migrants-refugees.va/country-profile/eritrea/
70. https://www.luminosoa.org/site/books/m/10.1525/luminos.82/

Table 7: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORKS	DESCRIPTION
The Eritrean Nationality Proclamation No. 21/1992[71]	• Defines the conditions necessary for naturalization as an Eritrean citizen. • Regulates the issuing of travel documents like entry and exit visas from the country and manages foreigners' residence permits in Eritrea
The Proclamation Issued to Amend Proclamation No. 24/1992 Enacted to Regulate the Provision of Travel Documents, the Entry into and exit from Eritrea and Residence of Foreigners in Eritrea (2011-04-01)[72]	• Defines the imposition of fines on immigrants who stay in Eritrea beyond the expiration date of their visa and who do not possess a valid residence permit • Regulates fines against migrants who live in Eritrea, those whose visas are expired and those who have no legal permit of residence in Eritrea.
Labour Proclamation 118/2001[73]	• Governs employment relations between Eritrean employees and foreign diplomatic missions or international organizations • Prohibits forced labour
The Eritrean Penal Code of 2015[74]	• Criminalizes some forms of trafficking in persons. Article 315 criminalizes trafficking in women and young persons for sexual exploitation, punishable by up to seven years. Article 297 criminalizes enslavement and prescribes penalties of seven to 16 years' imprisonment.
The Eritrean Transitional Penal Code Art. 565[75]	• Prohibits the trafficking of youth and women for sexual exploitation • Prohibits slavery • Defines the terms under which immigrants get the Eritrean nationality

Policy gaps

- Eritrea does not have a national migration policy and diaspora policy despite the large number of Eritrean diasporas in Europe.
- Eritrea has not ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The labour proclamation of 2001 looks out for Eritreans working for diplomatic missions internally but fails to address Eritrean labour migrants working abroad. Literature does not reveal mechanisms put in place to ensure the protection of Eritrean migrant workers within the region and the Gulf Countries. The country lacks a labour migration policy.

---

71. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101056/121592/F1949985633/ERI101056.pdf

72. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101054/121590/F-2049364651/ERI101054%20Eng.pdf

73. http://www.ilo.org/dyn/travail/docs/493/The%20Labour%20Proclamation%20of%20Eritrea%20No%20118%20of%202001.pdf

74. https://www.cuhd.org/wp-content/uploads/2020/03/Eritrea_TIP-Provisions-2013.docx

75. https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=49216a0a2&skip=0&query=penal%20code&coi=ERI

- Eritrea lacks a legislative framework to combat TiP and SoM yet Eritreans are trafficked and smuggled both internally and within the region. [76] The penal code of 2015 does not fully address the protection gaps existing in the country as regards VoTs

- Eritrea is yet to normalize its relationship with IGAD curtailing its adoption of IGAD's migration related policy frameworks.

- There is little evidence in the literature on the extent to which the existing policies are being implemented. Data on migration is difficult to come by in the country and literature highlights limited capacity in terms of human resource and infrastructure to collect data on migrants moving into, within and outside the country. Literature on migration dynamics in the country is also scarce.

- The country further faces challenges related to limited collaboration and coordination among relevant government agencies and stakeholders, and this consequently curtails migration information exchange flows.   Literature does not highlight a government body, commission or ministerial working groups acting in a similar capacity.

- Currently, there is very minimal participation of INGO's, local NGOs and CSOs in Eritrea that work on migration governance. This poses a challenge to migration coordination and policy formulation in general.

" *There is little evidence in the literature on the extent to which the existing policies are being implemented.*

---

76. *Milena Belloni, 2015,* https://www.ucpress.edu/book/9780520298705/the-big-gamble *; Tekalign Ayalew Mengiste, 2018,* https://journals.sagepub.com/doi/abs/10.1177/0002716217743944

Table 8: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender

- Gender comes out strongly in the Penal Code of 2015 which criminalizes some forms of TiP. Women and young persons are particularly addressed.
- Migrants leaving Eritrea are mostly men below the age of 40, although there is a notable percentage of women in this age category too.
- Eritrea is currently developing its Gender Policy

Migration and Development

- The role of migration in development is not addressed by existing policies.
- Eritrea does not have a diaspora policy. Remittances are however, estimated to constitute one third of national gross domestic product as well as a significant proportion of private household income.
- UN Sustainable Development Cooperation Framework for Eritrea 2022 to 2026 does not address migration

Migration and Data Management

- Data management is not addressed in any of Eritrea's existing policies on migration.
- Figures on Eritrean migrants is limited in quantity and quality and often outdated. Official reports often rely on unverifiable information collected from Eritrean diaspora, migrants and refugees, and regional experts. The last national census was in 1994.
- Eritrea does not have a data protection policy

Migration and Climate Change

- Climate change is not addressed in any of Eritrea's existing policies on migration.
- Eritrea has different environmental policies, but they do not speak of migration as an adaptation strategy to climate change.
- Eritrea's NAPA does not factor climate induced migration.

Migration and Human Rights

- Human Rights issues are not captured in Eritrea's existing legislative frameworks on migration.
- Migration from the country is limited to those who have done national service fueling irregular migration pathways.
- Movement from one part of the country to the other is limited without government permits
- Migrants in the country do not have access to social benefits.

b. Reporting mechanisms

Eritrea lacks a national coordination mechanism on migration and the literature does not highlight any reporting mechanism regarding TiP, SoM or human rights violations. This study found that there is limited consistency and uniformity in the planning and reporting processes on migration-related initiatives. Law enforcement is generally weak in Eritrea in the context of a poorly functioning judicial system. As such, TiP and SoM and other human rights violations related to migration are not reported effectively.

c. Policy specific recommendations

1. Donors and International Partners should lobby and support the Eritrean Government to form a coordination body on migration governance to allow for migration policy formulation and implementation.

2. EHoA countries and donors should adapt migration diplomacy to address migration governance gaps in Eritrea. Continued international engagement with the country, both financially and diplomatically is essential to address regional isolation as regards the phenomenon.

Two returnee migrants at the Assisted Voluntary return and reintegration (AVRR) cetre in Ethiopia share a light moment .
Photo: Msheli Safa/IOM 2021
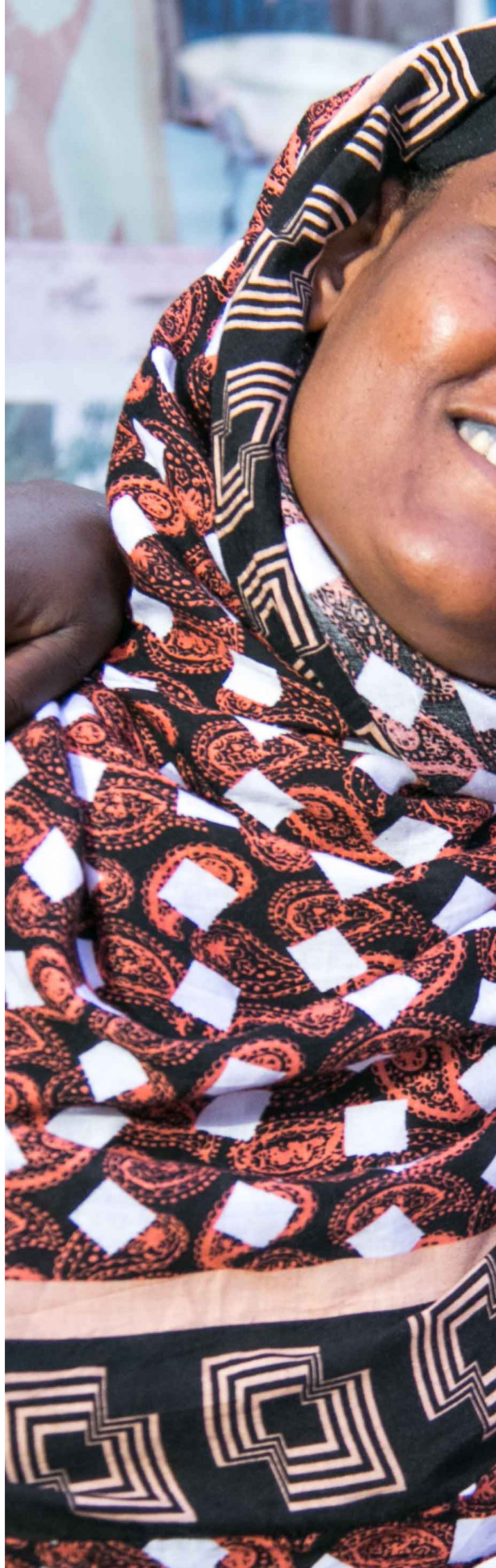
3. FEDERAL REPUBLIC OF ETHIOPIA
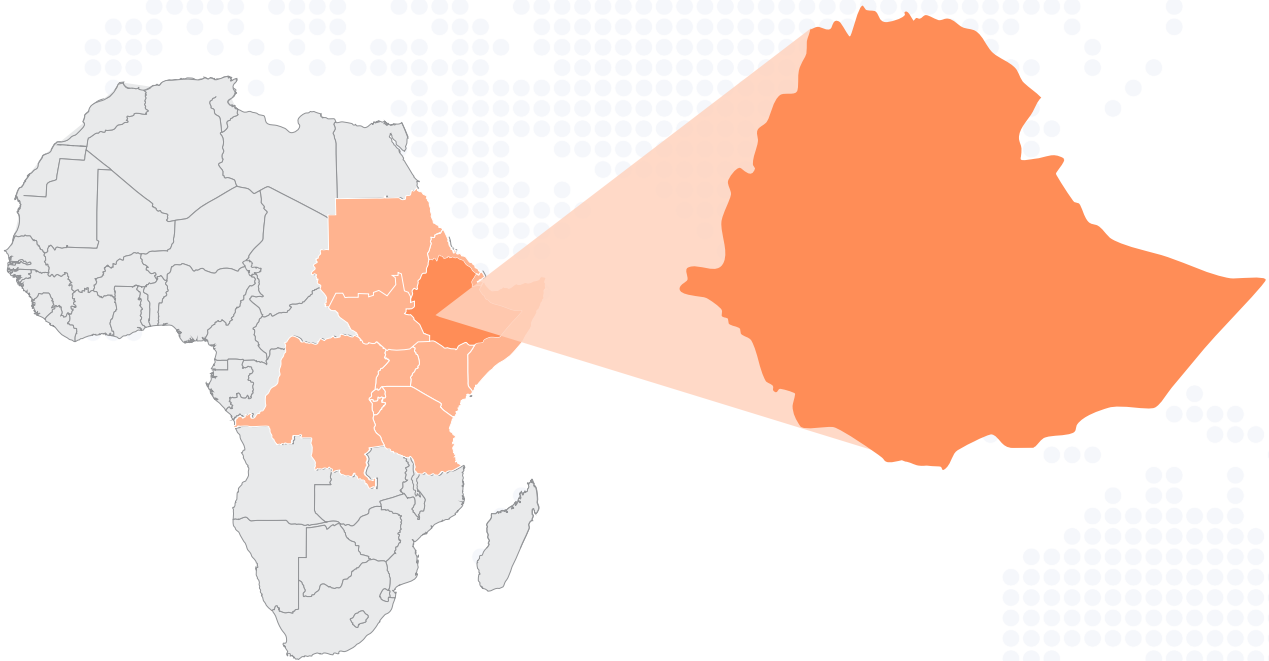
Ethiopia is a country of origin, transit, and destination and is characterized by mixed migration flows.[77] About 70% of Ethiopian international migration is undertaken by young men and women between the ages of 16 and 22, with Ethiopians making up the largest share of migrants within and out of the EHoA region.[78] Unemployment, political, cultural and environmental factors drive outward Ethiopian migration. The culture of migration has emerged as a key migration dynamic in the country.[79] Internal displacement is also prevalent in Ethiopia. As of December 2021, approximately 3.6 million Ethiopians internally displaced as a result of political and environmental challenges.[80]

Ethiopian labour migrants within in the EHoA region are based in Djibouti, South Sudan, and as seasonal agricultural workers in Sudan.[81] The country has signed BLMAs with Saudi Arabia, Qatar and Kuwait but these need to be revised to account for 2016 policy on Overseas Employment (Proclamation No. 923/2016). The country has also signed MoUs with United Arab Emirates and Jordan. The BLMAs and MoUs suggest an imbalanced negotiation process and limited leverage on the part of the Government of Ethiopia. For example, there are no minimum wage provisions in the existing BLMAs.   Further, the BLMAs are not being fully implemented. [82] Ethiopia is currently in the process of drafting a BLMA with Sudan on seasonal labour migration. Bilateral negotiations are also underway with Oman, Bahrain, and Lebanon

TiP and SoM are common phenomena in Ethiopia and apply to both Ethiopians wishing to leave the country and other EHoA migrants on transit.[83] COVID 19 disrupted regular migration pathways from Ethiopia with most GCC countries closing their borders and imposing travel restrictions. This resulted in Ethiopians and transit migrants being stuck in their country with others taking more precarious

77. https://i.unu.edu/media/migration.unu.edu/publication/4713/Ethiopia-Migration-Profile.pdf

78. https://ronairobi.iom.int/regional-data-hub-rdh

79. Ethiopian Delegate- IOM policy mapping validation workshop, Mombasa, Kenya 27-28th October 2021

80. https://www.internal-displacement.org/countries/ethiopia

81. https://www.unodc.org/easternafrica/en/Stories/new-ethiopian-law-on-human-trafficking-and-migrant-smuggling.html

82. Altai Consulting- State of Migration Governance in Ethiopia, 2021

83. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743313.pdf

routes through Djibouti and Puntland. Returnees from Yemen and other GCC countries via Djibouti also found it difficult getting back to Ethiopia due to the same reason.[84] Recently, returned migrants from Tigray—who accounted for 40 percent of returnees between November 2020 and June 2021—have remained stranded in the capital due to conflict in their native region.[85] There are, however, programmes to facilitate migrant reintegration in the country with the EU-IOM Joint Initiative for Migrant Protection and Reintegration being a case in point. The Federal Urban Job Creation and Food Security Agency (under the Ministry of Urban Development and Construction) is currently the national lead agency for reintegration programmes targeting victim returnee migrants.

a. Migration policy making and implementation trends

At the global level, Ethiopia has taken part in discussions on the GCM and endorsed its objectives. It is also a GCM Champion country in East Africa. Ethiopia's 2019 Migration Governance Indicators (MGI) profile shows that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs.[86] The country has also endorsed most international conventions related to human rights and migration but misses out on some key ones as highlighted in ANNEX C. At the continental level, Ethiopia has adopted AU's Free Movement Protocol (FMP) but has not ratified the same. The country, however, launched a visa upon arrival service for all African Union Member States and an e-visa system in 2018. Regionally, Ethiopia has adopted IGAD's Regional Migration Framework and IGAD's Free Movement Protocol and Transhumance. [87] Ethiopia has a draft migration policy that is undergirded by the GCM, SDG's and AU's FMP, and that has been approved by the Prime Minister. The country has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed as highlighted below:

---

84. *Interview, GIZ, Djibouti, 7th September 2021*

85. https://www.migrationpolicy.org/article/ethiopia-origin-refugees-evolving-migration#:~:text=Migrants%20from%20and%20traveling%20through,Sudan%20and%20often%20to%20Europe.

86. https://www.migrationdataportal.org/sites/g/files/tmzbdl251/files/2019-12/Migration%20Governance%20Profile%20-%20The%20Federal%20Democratic%20Republic%20of%20Ethiopia.pdf

87. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting

Portrait of a migrant at the Assisted Voluntary Return and Reintegration centre in Addis Ababa, Ethiopia, whom after being stranded in Yemen decided to return back to his home country..
Photo: ©Kennedy Njagi / IOM 2021

Table 9: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORK	DESCRIPTION
Immigration Proclamation No. 270/2022[88]	• Defines the conditions for entry into and departure (including deportation) from Ethiopia as well as requirements regarding travel documents, visas, registration, and residence permit
2015 Diaspora Policy[89]	• Encourages and facilitates a conducive environment for participation of Diaspora in the ongoing peace and democratization building process and aims to preserve their rights and interests abroad.[90] • Promotes collaboration between Government, non-governmental organizations (NGOs) and the diaspora in policy implementation.
Overseas Employment Amendment Proclamation No. 1246/2021[91]	• Amends the 2016 proclamation to ensure that the rights, safety and dignities of Ethiopians employed overseas are protected • Aims at protecting citizens and refugees from exploitation, abuse, human trafficking, and smugglers.
National Employment Policy and Strategy[92]	• Speaks on employment creation, growth of labour productivity and improving labour market institutions in Ethiopia • Addresses the employment of foreign nationals in Ethiopia • Provides legal protection to eliminate any form of employment and occupational discrimination between foreign nationals and Ethiopians
Labour Proclamation No. 1156/2019[93]	• Contains various measures to protect labour rights for workers in Ethiopia, such as working hours and leave. • Establishes processes to monitor labour conditions; occupational health and safety; and environmental protection together with bilateral and tripartite social dialogue mechanisms;
Proclamation No. 270/2002 providing Foreign Nationals of Ethiopian Origin with Certain Rights to be Exercised in their Country of Origin [94]	• Aims to attract foreign nationals of Ethiopian origin • Provides foreign nationals of Ethiopian origin with certain Rights. Allows certain privileges to persons who have at least one parent, grandparent, or great grandparent who is an Ethiopian national

88. https://www.refworld.org/docid/4c5844de2.html

89. http://www.ethiopianembassy.org.in/investment/diaspora-policy.pdf

90. https://www.migrationdataportal.org/overviews/mgi/ethiopia#0

91. https://www.lawethiopia.com/index.php/federal-laws/6646-proclamation-no-1246-2021-ethiopia-s-overseas-employment-proclamation-amendment

92. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89584/102962/F1789074138/ETH89584.pdf

93. https://www.mtalawoffice.com/images/upload/Labour-Proclamation-No_-1156-2019.pdf

94. https://www.refworld.org/docid/4c5844de2.html

2019 revised Refugees Proclamation[95]	• Repeals the previous Refugee Proclamation of 2004.
	• Grants the country's massive refugee population access to local integration, a wide range of services and improved socio-economic integration.
2020 Proclamation No. 1178/2020 on the prevention and suppression of TIP and SOM. (Buttresses Proclamation No. 909/2015 on TiP and SoM)[96]	• Aimed at rising Ethiopia's capacity to fight traffickers and smugglers and dismantle organized crime groups in the region.
	• Establishes a high-level council, chaired by the deputy prime minister, to spearhead the country's response to TIP and SOM.
	• A National Partnership Coalition (NPC) for the prevention and control of the crimes of TIP and SOM has also been convened
A National Reintegration Directive (No. 65/2018)	• Issued on 25 September 2018 to place a legal framework around the reintegration of returnees.
Ethiopia Development Plan (2021-2030) [97]	• Considers migration as a pathway to prosperity

Policy gaps

- Ethiopia draft national migration policy is yet to be adopted despite being given a green light by the Office of the Prime Minister. It pronounces itself on issues of Gender, Migration and Development Data Governance, Climate Change, Free and safe Movement and Health and would greatly improve migration governance in the country once adopted.

- Ethiopia has no proclamation on the status of internally displaced persons (IDPs) despite ratifying the Kampala Convention and having a huge IDP population.

- The country has not ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It further does not have a labour migration policy; however, the Overseas Employment Amendment Proclamation No. 1246/2021 aims to ensure that the rights, safety and dignities of Ethiopians employed overseas are protected.

- Whilst Ethiopia has progressive policies related to migration, their implementation faces various challenges linked with a general scarcity of resources dedicated to migration management initiatives and, to some extent, a lack of awareness on the latter, despite significant progress observed these last two years as regards stakeholder coordination.[98]

95. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/109317/135566/F-1190510897/ETH109317.pdf

96. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/113354/142083/F-760930814/ETH113354.pdf

97. https://europa.eu/capacity4dev/file/109230/download?token=rxippQKh

98. Interview, Planning and Development Commission, Addis Ababa, 29th September 2021

- Ethiopia lacks an organized system for management and sharing of migration data. This study found that there is limited consistency and uniformity in the planning and reporting processes on migration-related initiatives. The central statistics agency collects some data on migrants, but the data is not comprehensive enough. Proclamation 1178/2020 established the National Coalition Partnership for Migration (NPC), a legally mandated government agency within the Federal Attorney General's Office to coordinate migration issues. This has led to an improvement in migration coordination overall.

- There is a lack of awareness amongst federal and regional government officials on existing policies curtailing their effective implementation. There is further a gap in migration responses and the rollout of migration-related policies between the federal and regional state levels. Coordination of the migration response at the regional level remains limited despite significant efforts by the NPC.

"

Ethiopia's Development Plan (2021-2030) considers migration a pathway to prosperity.

Table 10: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender

- The draft policy recognizes that migration is a gendered phenomenon where gender norms inform migration decision- making (Female migration often financially supported by families compared to male)
- Women face more abuse and often sexually harassed. This is addressed by the TiP and SoM law and the Labour proclamation but not sufficiently.
- Brokers are required to be licensed by the Ministry of Labour but many operate informally, without licenses calling for better registration regulations aimed at protecting migrants. Migrant workers in Ethiopia face extortion, GBV, forced labour, wage extortion.
- Ethiopia's National Policy on Women (Women's Policy) does not address gendered aspects of migration.

Migration and Development

- The draft migration policy recognizes the role migration plays in development The policy advocates for regular pathways to migration to harness the social and economic contribution of the diaspora in the country's development and governance
- Ethiopia Development Plan (2021-2030) considers migration a pathway to prosperity.
- Ethiopian diaspora regarded as development partners by the 2011-2015 Growth and Transformation Plan (GTP)
- The 2015 Diaspora Policy promotes collaboration between Government, NGOs and the diaspora in policy implementation but is limited in scope, insufficiently engaging and misaligned with the current diaspora context.
- There exists policy coherence regarding migration and development

Migration and Data Management

- Data management features in Ethiopia's draft migration policy with recognition that gaps exist as regards the country's capacity to collect and share migration related data.
- Ethiopian Statistics Service (ESS) is working to integrate migration related information into the national statistics system as currently migration data is fragmented.
- Ethiopia has a draft Personal Data Protection Proclamation published in 2020 that covers the protection of migrants' data.
- Migration has been mainstreamed it in the ten-year Strategic Master Plan for Statistics and in the National Statistics for Development Strategy Three (NSDS III) pointing to policy coherence regarding migration and data management.

Migration and Climate Change

- Climate Change is captured in the draft migration policy. The policy recognizes how climate-induced migration in neighbouring countries impacts the country's migration dynamics. Internal migration is also linked to climate change but international migration from Ethiopia could benefit from an in-depth focus.
- The 2018 Humanitarian and Disaster Resilience Plan; 2013 National Policy and Strategy on Disaster Risk Management, and the 2014 Disaster Risk Management Strategic Programme and Investment Framework address internal displacement as a result of climate shocks
- The Environmental Policy of Ethiopia and Ethiopia's Programme of Adaptation to Climate Change (EPACC) replaces Ethiopia's NAPA but doesn't address migration

Migration and Human Rights

- Human Rights and free and safe movement are captured in Ethiopia's draft policy and other legislative frameworks regarding TiP and SoM
- Existing legislative frameworks on employment and labour protect the rights of migrants
- Irregular migrants are, however, not offered any protection in any of the existing policies and legislative frameworks
- Migrants do not have access to social benefits like health insurance unless paid for by the employer.

b. Reporting mechanisms

Reporting mechanisms on migration in general are not well established in Ethiopia, however, the NPC coordinates the prevention and control of TiP, SoM and unlawful sending of persons abroad for work from Ethiopia. Under it, the Attorney General's Office has put in place Standard Operating Procedures to ensure quality and uniformity in the investigation and prosecution of TiP and SoM.[99] Proclamation No. 1178/2020 on the prevention and suppression of TiP and SoM r has further put in place national referral mechanism meant to assist VoTs and other vulnerable migrants and returnees. There is, however, currently a low level of conviction for both crimes. The NPC reports that out of 2,332 investigations carried out by the police from July 2018 to July 2020, only 566 cases had resulted in the conviction of defendants while 596 cases were still pending. The rest have been discontinued, largely due to the unwillingness of witnesses to testify.[100] This reluctance to testify is not just a result of fear of retaliation from traffickers and smugglers. It's largely because communities do not see TiP and SoM as crimes that merit a law enforcement intervention given the culture of migration where smugglers are viewed in positive light by the community.[101] The NPC is cascaded to all 12 regions and these regions report to the National Council of Migration which together with the Office of the Prime Minister oversee migration governance issues.

Prior to the establishment of the NPC, Proclamation No. 909/2015 on TiP established a National Committee and the Anti-human Trafficking and Smuggling of Migrants Task Force, which was responsible for the day-to-day application of the proclamation. It met on a monthly basis and was organized into subgroups centred on awareness raising and monitoring, reintegration, research and evaluation, and prosecution. Periodic reports on counter-trafficking activities are produced by the Taskforce and submitted to the National Committee but these are not available in the public domain.[102] These reports are only circulated upon request to different stakeholders such as foreign embassies and international organizations.

The Attorney General's Office is developing a strategy for the prevention of TiP and SoM. This is a first-of-its-kind effort, given that no other crime has a specific prevention strategy in the Ethiopian criminal justice system. The Office produced, in early 2021, Standard Operating Procedures (SOPs) to ensure quality and uniformity in the investigation and prosecution of TiP and SoM.[103] In conclusion, there are protection gaps amongst VoTs and returnees in Ethiopia as most organizations offering assistance to migrants do not have adequate access to vulnerable migrants due to information and data gaps. Ethiopia has a large number of migrants using different routes and all these routes cannot be exhausted my existing agencies. The culture of migration in Ethiopia is a hindrance to regular pathways to migration as families facilitate the clandestine movements of their kin since migration is viewed as a sign of prestige.

99. https://enactafrica.org/enact-observer/combating-human-trafficking-and-migrant-smuggling-in-ethiopia-more-effectively

100. https://enactafrica.org/enact-observer/combating-human-trafficking-and-migrant-smuggling-in-ethiopia-more-effectively

101. Mengiste, T. A. (2021). Intensifications of border governance and defiant migration trajectories in Ethiopia. Geopolitics, 1-24.

102. https://www.migrationdataportal.org/overviews/mgi/ethiopia#0

103. https://enactafrica.org/enact-observer/combating-human-trafficking-and-migrant-smuggling-in-ethiopia-more-effectively

c. Policy specific recommendations

1. The Ethiopian Government should prioritize the adoption of the National Migration Policy and strengthen resource mobilization efforts for its implementation across the federal and regional levels. International partners should lobby for the adoption of the policy and mobilize resources for government officials' capacity building.

2. The Ethiopian Government should formulate a labour migration policy and develop mechanisms or agreements to ensure the portability of social benefits for migrant workers. The Government should further ratify and domesticate 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.

3. The Government should also adopt the draft National Communication Strategy aimed at promoting safe labour migration and alternative livelihood options. International Partners should also evaluate the effectiveness of their current communication campaigns. For instance, a recent IOM survey revealed that about 70% of Ethiopians immigrating via the Eastern route were unaware of the war in Yemen.[104]

4. The Ethiopian Government and international partners need to capacity-build and enhance policy awareness-raising activities amongst officials at the federal and regional levels. Capacity building exercises should be intentionally cascaded to the regional levels for effective policy implementation and management of irregular migration, TiP and SoM

5. The Ethiopian Government should prioritize launching national migration database under the coordination of the Ethiopian Statistics Service (ESS) to ensure data sharing for effective policy formulation.

---

104. https://enactafrica.org/enact-observer/combating-human-trafficking-and-migrant-smuggling-in-ethiopia-more-effectively

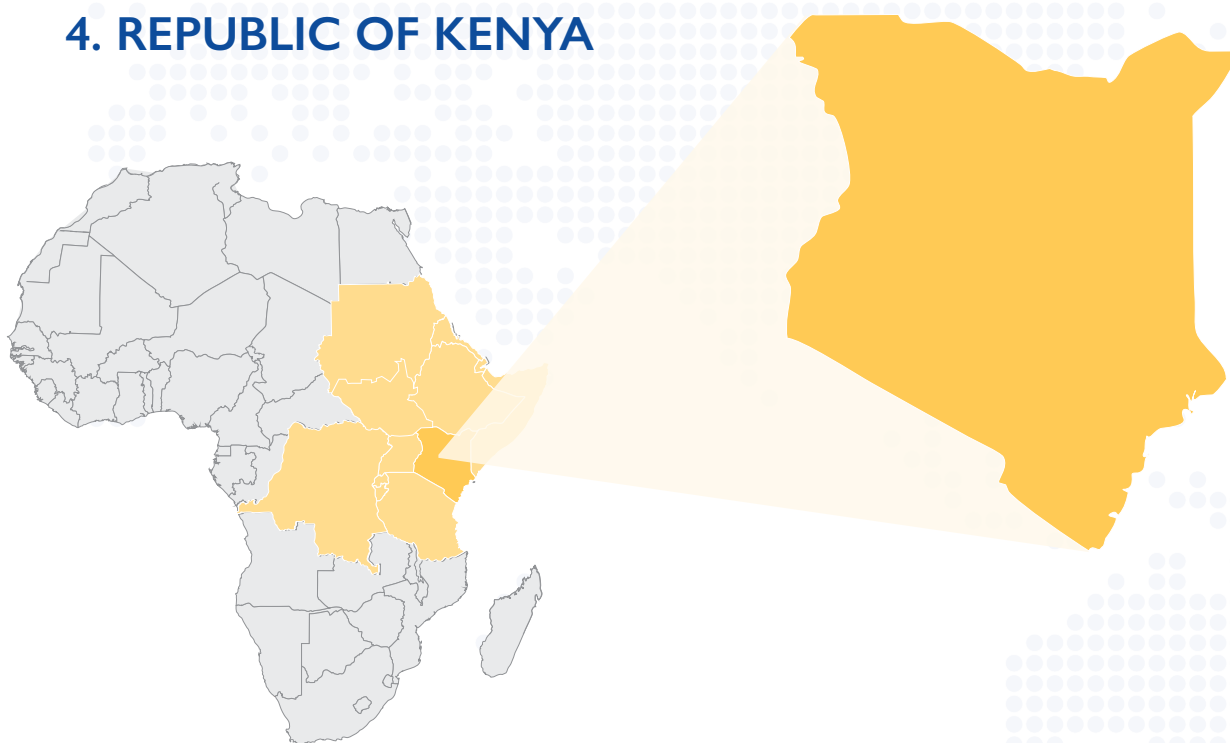*In Dire Dawa, Ethiopia, women returnee migrants are participating in community-based reintegration (CBR) projects to promote sustainable reintegration, addressing specific community needs as identified by the communities.*

4. REPUBLIC OF KENYA

Kenya is mainly a destination and transit country for people in mixed migration flows from EHoA, including refugees, irregular migrants, and economic migrants.[105] In contrast to its neighbours, Kenya is to a lesser extent a country of origin for migrants in mixed migration flow as most Kenyans migrate out of the country for work purposes.[106] Low-skilled migrant workers mostly migrate to the Middle East and the Gulf countries for work – facilitated by Private Recruitment Agencies (PRAs). Kenya has specifically signed BLMA's with the United Kingdom, Kingdom of Saudi Arabia, Qatar and the United Arab Emirates (UAE) on the welfare and protection of migrant workers from Kenya. Despite these efforts, abuse continues to be reported by Kenyan migrant workers in the Gulf countries.[107] Regarding TiP and SoM, Kenya is classified as a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking.[108] The forced labour of children takes place in domestic service, agriculture, fishing, cattle herding, street vending, and begging.

The return and reintegration of Kenyan migrants has not received adequate attention in policy discussions in the past but this became a matter of concern due to COVID 19, where a number of migrants in the GCC and the Middle East lost their jobs and had to return to the country.[109] The Government of Kenya has set up an inter-ministerial committee to deliberate on the establishment of return and reintegration centres and a policy discussions are ongoing to this end.[110] There still however, exists poor coordination and clarification in the process of return and integration and a lack of data for return and reintegrated migrants.[111] On IDPs, the Internal Displacement Monitoring Centre put the total number of disaster-induced displacements at 204,000 and conflict-induced displacement at 190,000 as of December 2021.[112]

105. https://publications.iom.int/books/migration-kenya-country-profile-2018

106. https://migration.unu.edu/publications/reports/kenya-migration-profile-study-on-migration-routes-in-the-east-and-horn-of-africa.html

107. MS Teams Interview, Anti-Trafficking in Person Secretariat, Nairobi, 21st October 2021 MS Teams Interview, Ministry of Labour and Social Protection, Nairobi, 12 October 2021

108. Ms Teams Interview, Trace Kenya, Nairobi, 16 September 2021

109. Interview, Ministry of Interior, Directorate of Immigration Services, Nairobi, 7th September 2021

110. Interview, Ministry of Interior, Directorate of Immigration Services, Nairobi, 7th September 2021

111. Kenyan Delegate, IOM policy mapping validation workshop, Mombasa, Kenya 27-28th October 2021

112. https://www.internal-displacement.org/countries/kenya

a. Migration policy making and implementation trends

At the global level, Kenya has taken part in discussions on the GCM and endorsed its objectives. It is also a GCM Champion country in East Africa. Kenya's 2022 Migration Governance Indicators (MGI) profile shows that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs.[113] At the continental level, Kenya has adopted AU's Free Movement Protocol (FMP) but has not ratified it. Regionally, Kenya has adopted IGAD's Regional Migration Framework and IGAD's Free Movement Protocol and Transhumance, the EAC Free Movement Protocol and One Stop Border. At the national level, Kenya has a draft National Migration Policy, which includes comprehensive guidelines for migration management that are in line with the UN Sustainable Development Goals; however, it is at the cabinet level for consideration and yet to be formally adopted by the government. The policy mainstreams the GCM and the revised AU MPFA.[114] The country has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed.

---

113. https://www.migrationdataportal.org/overviews/mgi/kenya-second-profile#0

114. https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/final_gcm_report_final.pdf

A Private Recruitment Agency (PRA) owner under going Ethical recruitment training at Movenpick Hotel , The Training is to support Recruitment Agencies to implement safe ethical recruitment for labour migrants. Photo: ©Watson Kanyi/IOM 2022

Table 11: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORK	DESCRIPTION
Kenya 2011 Citizenship and Immigration Act and its 2014 amendment.[115]	• Provides for matters relating to citizenship; issuance of travel documents; immigration and for connected purposes • The 2014 amendment establishes a Border Control and Operations Co-ordination Committee, which aims to enhance border management efficiency and inter-agency coordination.
Kenya Citizens and Foreign Nationals Management Service Act 2011[116]	• Establishes the Kenya Citizens and Foreign Nationals Management Service; to provide for the creation and maintenance of a national population register and the administration of the laws relating to births and deaths, identification and registration of citizens, immigration and refugees; administration of the laws relating to marriages and for connected purposes.
Kenya Diaspora Policy[117]	• Addresses the protection of Kenyan citizens abroad • Recognizes of the urgent need to mainstream the Kenya Diaspora into the national development process in line with the aspirations and goals of the Vision 2030
The Employment Act, 2007 (No. 11 of 2007).[118]	• Covers various aspects of employment, including the employment of migrant workers. • Defines the fundamental rights of employees, provides for basic conditions of employment, including migrant workers.
Refugee Act 2021[119]	• Provides refugees the opportunity to participate in social and economic activities. • Expands the designated areas of settlement as well as provided integration and inclusion measures at the county and national level.
The Counter Trafficking in Persons Act, 2010[120]and the National Plan of Action to Counter Human Trafficking (2013-2017)[121]	• Prohibits trafficking in persons and related offences and provides for the prosecution and punishment of non-compliance, assistance and protection of VoTs. • It establishes the Counter-Trafficking in Persons Committee and a National Assistance Trust Fund for VoTs. • Currently undergoing review to address the gaps and infuse good practice including some of the aspirations of the GCM into the Act for efficient management of Trafficking.
2014 Victim Protection Act[122]	• Provides for support of VoT's • Provides for protection of victims of crime and abuse of power, and to provide them with better information and support services to provide for reparation and compensation to victims; to provide special protection for vulnerable victims, and for connected purposes

115. https://www.refworld.org/pdfid/4fd9a3082.pdf

116. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_190729.pdf

117. http://www.kenyarep-jp.com/kenyans/Kenya%20Diaspora%20Policy%202014%20Final.pdf

118. https://www.ilo.org/dyn/travail/docs/505/Employment%20Act%202007.pdf

119. https://mixedmigration.org/wp-content/uploads/2022/01/qmmu-q4-2021-eay.pdf

120. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84999/115494/F-2071338712/KEN84999.pdf

121. http://www.parliament.go.ke/sites/default/files/2017-05/PreventionProtectionandAssistancetoInternallyDisplacedPersonsandAffectedCommunities_No56of2012_.pdf

122. https://statelaw.go.ke/wp-content/uploads/2020/11/Victim-Protection-Act-17-of-2014.pdf

Policy gaps

- Kenya's draft National Migration Policy is yet to be approved by the cabinet.[123] The draft National Labour Migration Policy 2020 and Labour Migration Management Bill 2021 are also at the cabinet level and the Attorney General's office respectively, waiting approval.

- Kenya's has not ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Kenya's Diaspora Policy is outdated and currently undergoing revision to address new and emerging issues.[124]

- The Counter Trafficking in Persons Act, 2010 is outdated but is undergoing review to address the gaps and infuse good practice including some of the aspirations of the GCM into the Act for efficient management of Trafficking.[125]

- Kenya still has not adopted a legal framework recognizing and providing for the protection and assistance of IDPs. However, the 2010 Constitution of Kenya articulates a Bill of Rights that protects the basic rights of IDPs. A Draft IDP policy, currently under consideration by the cabinet seeks to elaborate on these rights.[126]

- Kenya has no bilateral, regional, or multilateral agreements in place to facilitate the transferability and portability of social security benefits and should develop such agreements, including through finalizing the draft Social Security Portability Bill of the EAC Common Market Protocol.

- There is a lack of a centralized database on migration hindering effective policy formulation. Although the State Department of Immigration, Border Control and Citizen Services maintain a population database in Kenya, this is not accessible to other stakeholders like the Ministry of Foreign Affairs or Ministry of Labour.[127]

- Government agencies struggle to implement policies and procedures related to victim referral, protection, assistance and prosecution. There is further insufficient understanding and enforceability between TiP and SoM calling for capacity-building at all government levels.[128] Stakeholder coordination especially for labour migration and TiP however remains a challenge.

- Generally, the implementation of migration-related policies in Kenya is hindered by the paucity of appropriate resources and competing stakeholders' priorities[129] Competition for funding for priority developmental projects extends well beyond migration governance as budget deficits are a common scenario.[130]

> " *Data management is covered in the draft National Migration Policy*

123. MS Teams Interview, Ministry of Labour and Social Protection, Nairobi, 12 October 2021

124. http://www.kenyaembassyireland.net/news/review-of-the-kenya-diaspora-policy-2014/

125. MS Teams Interview, Anti-Trafficking in Person Secretariat, Nairobi, 21st October 2021

126. https://www.rckkenya.org/internally-displaced-persons/

127. MS Teams Interview, Ministry of Labour and Social Protection, Nairobi, 12 October 2021

128. MS Teams Interview, Anti-Trafficking in Person Secretariat, Nairobi, 21st October 2021

129. Zoom Interview, CEO, African Migration and Development Policy Centre, Nairobi, 5th August 2021

130. https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/final_gcm_report_final.pdf

Table 12: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender	• Gender dynamics in migration are addressed in the draft National Migration Policy and in the TiP and Victim Protection Act. • Rural-urban migration is dominated by males while international migration specifically to the GCC is highly feminized. Existing BLMA's don't guarantee fare wages or redress for abuse or torture.[131] • Kenya Citizenship and Immigration Act, 2011 provides for dual citizenship. Married women can now confer citizenship to their husbands from foreign countries, • Kenya's National Policy on Gender and Development does not address gendered aspects of migration.
Migration and Development	• The role of migration in development is addressed in Kenya's draft National Migration Policy and the Diaspora Policy • The Diaspora Policy focuses on the engagement of diaspora and less on their protection. BLMA's are not correctly monitored. • Kenya's development plan- Vision 2030 does not factor migration as playing a part in development. It however, touches on affordable housing and affordable healthcare which both affect migrants.
Migration and Data Management	• Data management is covered in the draft National Migration Policy. • The Department of Immigration has developed data sharing SoP's to be able to collect similar data with similar definitions and conceptualizations. • The NCM has data sharing MoU's to be able to share data in uniform ways and not to violate data protection laws[132] • The Data Protection Act, 2019[133] has been implemented and speaks on the protection of personal data including data on migrants. • The National Employment Authority, the ministry of labour launched the online/electronic platform for recruitment of domestic workers (MUSANED).
Migration and Climate Change	• Migration and climate change is covered in the draft National Migration Policy, but only with a focus on IDP's. • The National Disaster Management Unit has a disaster response strategy that touches on displacement in the case of disasters but migration, in general, is not addressed. • Kenya's NAPA 2015–2030 and Kenya's National Climate Change Action Plan 2018-2022 outlines specific climate resilience strategies related to migration.[134] • There is some semblance of coherence when it comes to policies related to internal migration and climate change. Different types of migration need to be addressed • A Draft IDP policy, currently under consideration by the cabinet seeks to elaborate on these rights
Migration and Human Rights	• Human Rights is addressed in Kenya's draft policy. Free and safe movement is not guaranteed as undocumented migrants from the region are often detained in police cells. • Existing legislative frameworks on TiP, employment uphold migrants human rights. • Social benefits are not guaranteed to migrants unless paid for by employers. Refugees and asylum seekers however, have access to education and are included in the National Health Insurance Fund (NHIF). • Kenya is in the process of reviewing its National Social Protection Policy – based on the adoption of ILO social protection recommendation 2012.[135] • Kenya has data on child trafficking and National Plan of Action (NPA) in this regard is being launched

131. MS Teams Interview, Anti-Trafficking in Person Secretariat, Nairobi, 21st October 2021

132. Validation workshop, Kenyan delegate, Entebbe, 30th August, 2022

133. http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2019/TheDataProtectionAct__No24of2019.pdf

134. https://www4.unfccc.int/sites/NAPC/Documents%20NAP/Kenya_NAP_Final.pdf

135. MS Teams Interview, Ministry of Labour and Social Protection, Nairobi, 12 October 2021

b.   Reporting mechanisms

Reporting mechanisms on migration in Kenya exist but are currently not streamlined. There exists a National Referral Mechanism (NRM) under the Ministry of East African Community, Labour and Social Protection, which offers guidelines for assisting victims of trafficking. The NRM highlights the role of various stakeholders regarding the professional victim identification processes, provision of better support and protection services as envisioned in the Counter-Trafficking in Persons Act, 2010.[136] There are also national referral guidelines for the protection of VoT's. Through the same ministry, Kenya assesses the domestic labour supply in conjunction with external partners and publishes national labour assessment report quarterly while updating the labour management information system portal. Similarly, in June 2022, an Oversight Mechanism and Community Feedback Mechanism was launched to address issue of unethical recruitment to prevent human trafficking.

Kenya's NCM has been playing a pivotal role in the implementation of regional policies and programs through resource mobilization, providing a collaboration platform, partnership support and direct participation in implementing some of these programs such as the migration data program[137] but has acted less as a reporting body on migration issues. Kenya's NCM despite being functional is not anchored in law. Anchoring the NCM in law will cement its role for purposes of continuity. Once it is legally constituted, all the responsible institutions on migration issues will report to the secretariat. This will also pertain to follow-up processes when it comes to implementing the draft National Migration Policy.[138] The Kenya National Commission on Human Rights (KNCHR) also applies formal and non-formal strategies to ensure redress for migrant rights violations. Finally, the Diaspora and Consular Affairs Directorate is in the process of developing a plan for evacuating Kenyans living abroad in times of crisis.

c.   Policy specific recommendations

1. The Kenyan Government should adopt the National Migration Policy currently at the cabinet level. The same should apply for the draft Labour Migration Management Bill and National Labour Migration Policy 2020.
2. International partners should lobby the Government of Kenya to ratify the Convention on the Protection of Migrant Workers and their Families as highlighted in ANNEX C.
3. Kenya should adopt the draft National Labour Migration Policy and the Labour Migration Management Bill currently in draft, and finalize the revision of the Diaspora Policy and existing BLMA's to enhance the the scope for Kenya to develop further mechanisms to protect the rights and interests of labour migrants.
4. The Kenyan Government should finalize the draft Social Security Portability Bill of the EAC Common Market Protocol to facilitate the transferability of social security benefits to EAC citizens.
5. International Partners should support the Government to build the capacity of national and local government officials as regards TiP, SoM, child labour, forced labour and violations of acceptable conditions of work. Law enforcement officers and administration of justice sector players should be prioritized in this regard.

---

136. MS Teams Interview, Ministry of Labour and Social Protection, Nairobi, 12 October 2021

137. https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/final_gcm_report_final.pdf

138. Interview, Ministry of Interior, Directorate of Immigration Services, Nairobi, 7th September 2021

5. REPUBLIC OF SOMALIA
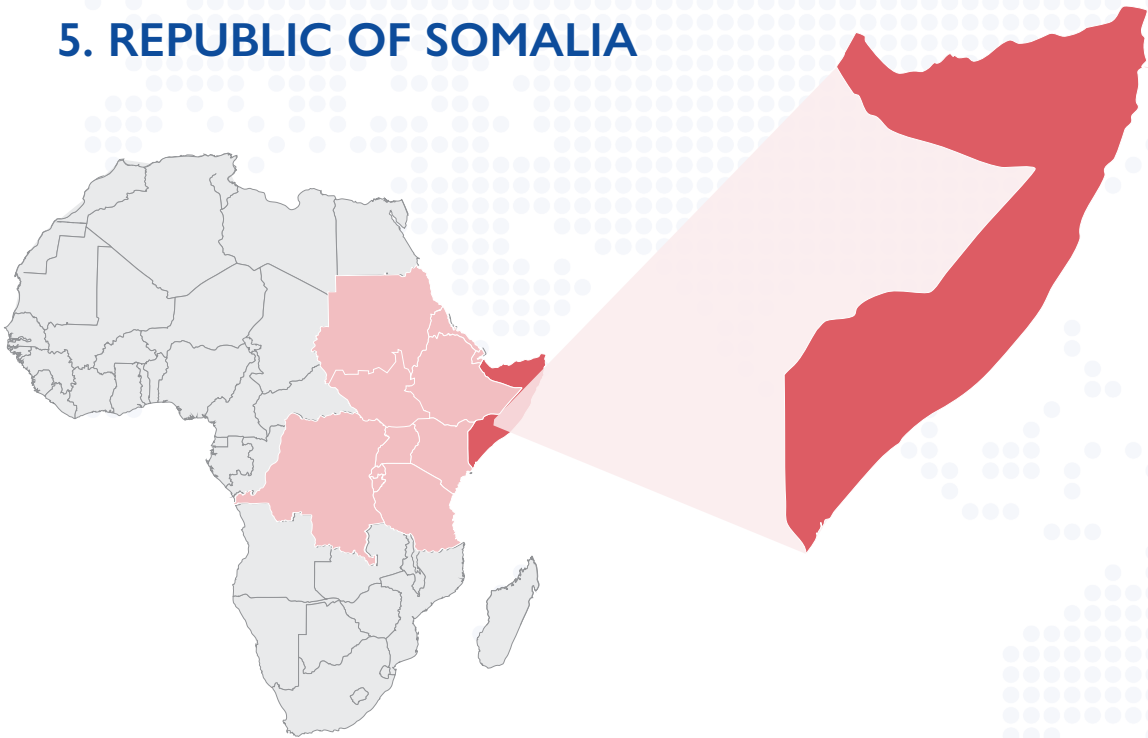
Somalia is a country of origin and transit for mixed migration flows in the Horn of Africa. Conflict, insecurity, poverty, and famine have led to massive emigration, especially over the last 20 years. [139] Better security, economic opportunities, and living conditions are important pull factors causing Somalis to join the mixed migration flows from the Horn of Africa to the Gulf countries, Europe, and South Africa.[140] Somalia is the fifth-highest country of origin for refugees in the world according to UNHCR data.[141] Somalia also faces significant internal displacement. The population is highly vulnerable to natural and human-made shocks. The causes and effects of displacement in the country are interlinked and include conflict; environmental disasters, such as droughts and floods; food and livelihood insecurity, weak governance; and lack of development according to IDMC.[142] As of December 2020, there were 1,037,000 people displaced by natural hazards. Conflict and violence triggered 293,000 new displacements in 2020.

Labour migration in Somalia takes place to neighbouring countries and South Africa, where Somalis often set up small businesses. Somali migrants also work as casual workers and domestic workers in the IGAD region and the Middle East.[143] Somalia has BLMAs with Kuwait and Turkey.[144] Its BLMA with Saudi Arabia is no longer being implemented. The Federal Government is developing a BLMA with Qatar, and the ILO is providing technical support in this regard.[145] Being largely a country of origin and transit of mixed migration flows, TiP and SoM are a key trend in Somalia.[146] Migrants generally use the services of smugglers and are exposed to various human rights abuses, including extortion, sexual violence, torture, and trafficking.[147]

139. https://eastandhornofafrica.iom.int/somalia

140. https://mixedmigration.org/wp-content/uploads/2021/06/175_impact-of_COVID1_on_refugees_and_migrants_moving_through_Puntland.pdf

141. https://data2.unhcr.org/en/situations/horn

142. https://www.internal-displacement.org/countries/somalia

143. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743318.pdf

144. *Validation workshop, Somalia delegate, Entebbe, 30th August, 2022*

145. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743318.pdf

146. https://www.state.gov/reports/2021-trafficking-in-persons-report/somalia/

147. https://www.state.gov/reports/2021-trafficking-in-persons-report/somalia/

Return migration of Somalis has been increasing in recent years. The November 2013 Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya between Kenya, Somalia, and the UNHCR, ushered in a period of refugee returns to Somalia. A dearth of infrastructure and livelihood opportunities has, however, resulted in returnees choosing to re-migrate.[148] In certain cases, the assistance that returnees receive cause tension with host and IDP communities.[149]Being a country of origin and transit for migrants in the EHoA, COVID 19 highly compromised the safety of migrants who found themselves stranded in various locations in Somalia due to neighbouring countries closing their borders. Job losses in the GCC, conflict in Yemen and Ethiopia have further resulted in most migrants failing to move onwards with limited options for forward migration and return.[150]

a. Migration policy making and implementation trends

At the global level, Somalia has taken part in discussions on the GCM and endorsed its objectives. It is not clear from this study the extent to which the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs.[151] The country has also endorsed most international conventions related to human rights and migration but misses out on some key ones as highlighted in ANNEX C. At the continental level, Somalia has adopted AU's Free Movement Protocol (FMP) but has not ratified the same. Regionally, Somalia has adopted IGAD's Regional Migration Framework and IGAD's Free Movement Protocol and Transhumance. [152] The country has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed.

148. https://migration.unu.edu/publications/reports/somalia-migration-profile-study-on-migration-routes-in-the-east-and-horn-of-africa.html

149. https://migration.unu.edu/publications/reports/somalia-migration-profile-study-on-migration-routes-in-the-east-and-horn-of-africa.html

150. https://mixedmigration.org/wp-content/uploads/2022/01/qmmu-q4-2021-eay.pdf

151. https://www.migrationdataportal.org/international-data?cm49=262&focus=profile&i=stock_abs_&t=2020

152. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting

"I left Ethiopia for a better life. I am now waiting in Bosaso until my family can send me money for the boat to Saudi Arabia."- Eyasu Molla (24 years old) Bosaso, Somalia. Photo: ©Yonas Tadesse/IOM 2021

Table 13: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORK	DESCRIPTION
Immigration Act, 1961 (currently under revision)	• Details all the procedures linked with legal migration
Citizenship Act, 1962[153]	• Defines the different ways of acquiring or losing Somali Citizenship.
2021 Foreign Employment Regulation	• Amends the 2015 Act. Regulates labour migration to Somalia
2015 Foreign Employment Act[154]	Regulates labour migration to Somalia
Somali Provisional Refugees and Asylum Act, Presidential Decree, 1984[155]	• Defines who is a refugee and the process on Determination of Refugee Status.
Penal Code, 1962: FGS[156]	• Outlaws forced labour and other forms of trafficking. "Art 464 (Compulsory Labour) Apart from the cases of military or civil emergency, or the cases in which compulsory labour is expressly provided by the law,
Policy Framework on Displacement within Somalia[157]	• Defines the various causes of internal displacements in Somalia, define what an IDP is and aims at providing a framework to provide durable solutions in line with international actors and standards
National Durable Solutions Strategy 2020-2024 [158]	• Aims to achieve durable solutions for displacement affected communities in Somalia Targets IDPS and returnees
Somalia's Returnees Policy[159]	• Details the conditions in which involuntary returns can happen. The objective is to safeguard the security gains made in Somalia while upholding the Human rights of citizens and returnees
Somalia National Development Plan (NDP), 2017-2019[160]	• The NDP has a special focus on women and youth and aims at providing durable solutions for IDPs.

153. http://citizenshiprightsafrica.org/wp-content/uploads/2016/01/Somalia_Citizenship_Law_28_22-Dec-62.pdf

154. http://molgov.so/wp-content/uploads/2018/06/Foreign-worker-emploment-Act.pdf

155. http://www.somalilandlaw.com/1984_Refugee_Status_Law_as_applied_in_Somaliland.pdf

156. http://www.somalilandlaw.com/Penal_Code_English.pdf.

157. https://www.refworld.org/pdfid/5b682c4c4.pdf

158. https://data.unhcr.org/en/documents/download/85880

159. https://www.refworld.org/pdfid/5d8332c64.pdf

160. https://info.undp.org/docs/pdc/Documents/SOM/NDP%20MTR%20Report%20-%20130319.pdf

Policy gaps

- Somalia does not have a national migration policy. A roadmap for the development of a migration policy was produced by the Office of the Special Envoy for Children's and Migrants' Rights at the end of 2018[161] but progress has been slow as regards its completion.

- Despite having a vibrant diaspora, Somalia lacks a diaspora policy. This limits the extent to which the diaspora can be engaged for development purposes.

- Somalia has not signed the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and does not have a labour migration policy. The labour code, however, is currently under revision.

- Somalia has not signed the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. It is however, formulating a law on TiP and SoM. There are glaring protection gaps as regards VoTs, unaccompanied children and irregular migrants in the country acts as a source and transit country in the Horn of Africa with limited infrastructural capacity.

- Most of the country's existing policies and legislative frameworks are outdated, as they come from the pre-1991 period. Commendably, the Somalia Immigration Law of 1966 and the Labour Code of 1972 are being updated[162]. Further, the revised draft Immigration Law is at present being reviewed by the Council of Ministers, who is expected to submit it to the Parliament for promulgation.[163]

- The Federal Government of Somalia has weak governance structures to facilitate policy implementation, undermined by limited human and financial resources. Knowledge of the legal frameworks is on average scant at various levels with limited awareness of the existing national policy frameworks cutting across federal and regional governments.

- There is narrow cooperation between ministries and institutions that deal with migration as the NCM is not fully functional. Migration data is scantly collected and shared between ministries.

"

Commendably, the Somalia Immigration Law of 1966 and the Labour Code of 1972 are being updated

---

161. MS Teams Interview, Ministry of Interior, Federal Affairs and Reconciliation, Mogadishu, 21st October, 2021

162. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743318.pdf

163. MS Teams Interview, Ministry of Interior, Federal Affairs and Reconciliation, Mogadishu, 21st October, 2021 Group Activity, Government Stakeholders, Mogadishu, 14th September, 2021

Table 14: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender

- Gender issues are not addressed by Somalia's existing migration related policies.
- The National Development Plan (NDP) 2017-2019, however, has a special focus on women and youth and aims at providing durable solutions for IDPs.
- Migration in the Somalian context is gendered in that while more men make up mixed migration flows, a large proportion of forced migrants from Somalia are women
- Overall, gender has not been adequately mainstreamed in migration policies in the country.
- Somalia Draft National Gender Policy does not address gendered aspects of migration.

Migration and Development

- The role of migration in development is not addressed by migration policies in Somalia. The country lacks a national migration policy, labour migration policy and diaspora policy
- The National Development Plan however, recognizes that the lack of sustainable economic opportunities for the youth is a major driver of out-migration, and states that two-thirds of Somali youth wish to migrate in search of livelihood opportunities abroad
- The diaspora is Somalia's biggest investor both through economic and social remittances. The country's lack of a diaspora engagement policy makes it difficult to streamline diaspora contribution to development-related policy discussions and overall policy implementation.

Migration and Data Management

- Data management is not captured in Somalias migration related policies.
- There is generally fragmented data collection across different ministries and at different government levels making it difficult for migration data to be shared within one platform and for the data to influence migration policy.
- The country lacks a data protection policy that would inform the ethical use of data collected regarding migrants

Migration and Climate Change

- Climate Change is captured in the draft migration policy. The policy recognizes how climate-induced migration in neighbouring countries impacts the country's migration dynamics. Internal migration is also linked to climate change but international migration from Ethiopia could benefit from an in-depth focus.
- The 2018 Humanitarian and Disaster Resilience Plan; 2013 National Policy and Strategy on Disaster Risk Management, and the 2014 Disaster Risk Management Strategic Programme and Investment Framework address internal displacement as a result of climate shocks
- The Environmental Policy of Ethiopia and Ethiopia's Programme of Adaptation to Climate Change (EPACC) replaces Ethiopia's NAPA but doesn't address migration

Migration and Human Rights

- Migrants' human rights are addressed by legislative frameworks that focus on TiP and forced labour however, free and safe movement is not guaranteed.
- The 2015 Foreign Employment Act does not contain any mechanisms to offer protection to migrant workers
- TiP and SoM are prevalent yet there are no referral mechanism for VoTs. The Al Shabab is known to engage in trafficking, through forced recruitment.
- Migrants in Somalia do not have access to social benefits.

b. Reporting mechanisms

There exists a High-level Task Force on Migration Management; the Technical Task Force on Human Trafficking and Smuggling; and the Technical Task Force on Return and Readmission – aimed at improving migration management. [164]These collectively constitute the Somali National Coordination Mechanism on Migration (NCM) and are supported by the Office of the Special Envoy for Children's and Migrants' Rights in the Office of the Prime Minister. However, since the new Somali Government came into power in 2017, interest in these task forces waned. There is no national referral mechanism to assist trafficked persons. So far, no trafficking crimes have been prosecuted under Somalia's existing laws.[165]UNHCR, IOM, the Office of the Special Envoy for Children's and Migrants' Rights, and the NCRI are working on establishing a Mogadishu-level Mixed Migration Task Force, to complement the federal High-Level Task Force on Migration Management. It is expected to serve as a forum for the FGS, IOs, NGOs, and other partners to discuss and exchange information on mixed migration trends, as well as their related activities and programmes.[166] It is not yet clear how the Mixed Migration Task Force will be linked to the NCM or coordinate with the NCM.

c. Policy specific recommendations

1. There is need for the Federal Government to develop a national migration policy that captures the mixed migration dynamics present in the country. The Federal Government should also ensure that the numerous old Somali laws are updated.

2. There is need for the Federal Government to finalize Diaspora Engagement Policy given the large number of Somalia Diaspora and Somalis returning to the country to contribute to the development of their country. Moreover, passing the draft Citizenship (Amendment) Bill, 2016, and thereby clarifying uncertainties regarding obtaining citizenship and dual citizenship, would also be favourable to circular migration amongst the diasporas.

3. IOM, ILO and other partners should build the capacity of Federal Government ministries to implement migration policies and related legal frameworks. They should ensure that specific structures and mechanisms within these ministries have the necessary competencies and capacities to develop, formulate, implement and monitor migration policies and legislative frameworks. Donors should fund such initiatives by these partners

4. With the help of international partners, the country should institute routine data collection, analysis and exchange of migration information from all ministries and agencies dealing with migration governance. The country should further institute a central information/data management system that will enable data sharing in an ethical manner for policy formulation and implementation. To this end, emphasis should be put on sex-disaggregated data

5. Somalia should sign the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000; develop an anti-trafficking law; and strengthen the investigation and prosecution of trafficking cases. In addition, governance in Somalia needs to be strengthened and law enforcement capacities bolstered to protect migrants from forced labour and exploitation. The country should also sign the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

---

164. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743318.pdf

165. https://www.unodc.org/easternafrica/en/unodc-regional-training-series-on-preventing-and-countering-trafficking-in-persons-and-smuggling-of-migrants-in-eastern-africa-in-somalia.html

166. Group Activity, Government Stakeholders, Mogadishu, 14th September, 2021

Portrait of an elderly woman at the IOM supported Migrant Response Centre (MRC) in Hargeisa. Migrants coming to the MRC are provided with needed health assistance, psychosocial support, information, as well as voluntary return assistance for those who wish to return to their countries of origin.. Photo: ©Claudia Rosel/IOM 2021

6. REPUBLIC OF SOUTH SUDAN
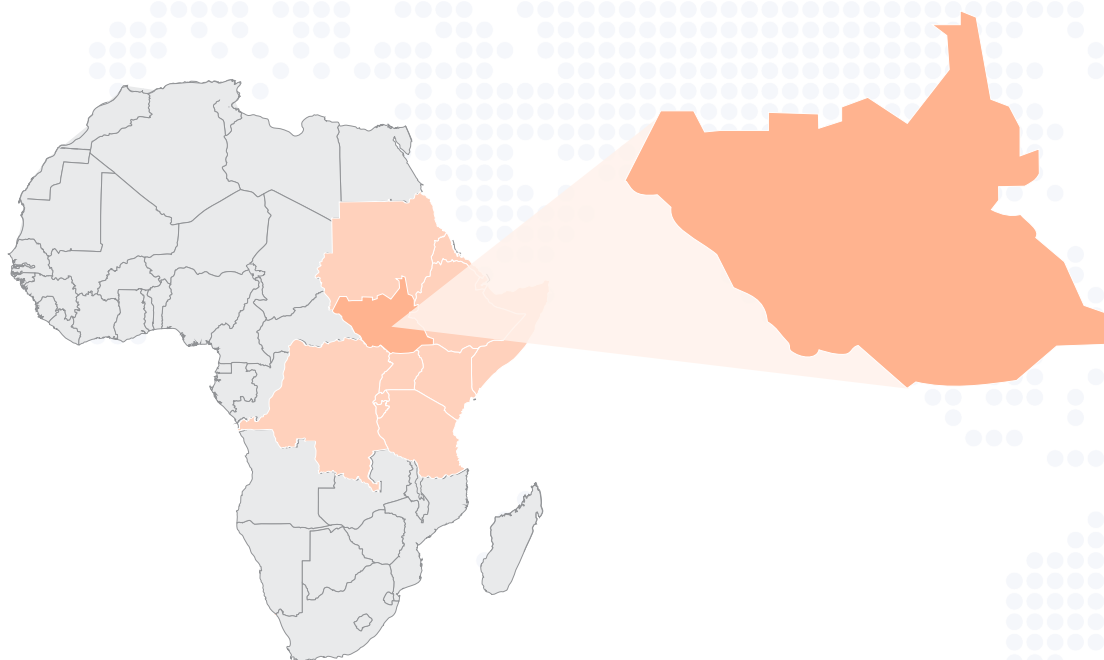
South Sudan is majorly a country of origin for refugees and asylum-seekers but also hosts refugees from neighbouring countries. South Sudanese do not mostly form part of onward mixed migration movements to Europe but are seeking refuge in neighbouring countries.[167] 85% of South Sudanese refugees are women.[168] Uganda hosts the largest number of South Sudanese asylum seekers and refugees.[169] Refugee-returns to South Sudan are largely individuals returning unassisted as return and reintegration efforts largely focuses on IDP population. [170]South Sudan's high number of IDPs is as a result of conflict and environment-related factors like floods and droughts. [171] South Sudan has a long history of flooding, but localized floods have become more frequent in recent years. In 2021, more than 750 000 people across 31 counties and eight states were affected by the floods, leading the UN to characterize these as the worst floods in over 60 years.[172] Climate-related influences on agriculture, as well as the prolonged conflict and its economic consequences, have spurred greater rural-urban migration, especially to the national capital, Juba.

Labour migration in South Sudan is largely characterized by women migrating to and from neighbouring countries as domestic workers.[173] South Sudan is classified as a source and destination country for the forced labour and sex trafficking of men, women, and children in the EHoA region.[174] Unaccompanied children are often at risk of kidnapping for sex or labour trafficking. South Sudanese women and girls, especially IDPs or those from rural areas, are also vulnerable to domestic servitude. [175] International migration, especially among the youth population is driven by the pursuit of education and employment opportunities. And increasingly, South Sudanese migrate to join families abroad. [176]

167. https://www.merit.unu.edu/publications/uploads/1517477179.pdf

168. https://migrants-refugees.va/country-profile/south-sudan/

169. https://data2.unhcr.org/en/situations/southsudan

170. https://migrants-refugees.va/country-profile/south-sudan/

171. https://dtm.iom.int/south-sudan

172. https://www.nupi.no/en/News/Climate-Peace-and-Security-Fact-Sheet-South-Sudan2

173. Validation workshop, South Sudanese delegate, Entebbe 30th August, 2022

174. https://www.state.gov/reports/2021-trafficking-in-persons-report/south-sudan/

175. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743321.pdf

176. https://www.merit.unu.edu/publications/uploads/1517477179.pdf

A policeman gives their contribution during a training session on strengthening border management in South Sudan. Photo: ©IOM 2021

a. Migration policy making and implementation trends

At the global level, South Sudan has taken part in discussions on the GCM and endorsed its objectives. There is little data to show that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs.[177] The country has also endorsed most international conventions related to human rights and migration but misses out on some key ones as highlighted in ANNEX C. At the continental level, South Sudan has adopted AU's Free Movement Protocol (FMP) but has not ratified the same. Regionally, South Sudan has adopted IGAD's Regional Migration Framework and IGAD's Free Movement Protocol and Transhumance. [178] South Sudan has a national migration strategy that was adopted in September 2021 which is undergirded by the GCM, SDGs and AU's FMP. The Government of South Sudan, together with international organisations, have been working to develop a National Comprehensive Migration Policy whose endorsement is at the final stage by the parliament.[179] The country has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed as highlighted below:

177. https://www.migrationdataportal.org/international-data?cm49=262&focus=profile&i=stock_abs_&t=2020

178. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting

179. South Sudan Delegate-IOM policy mapping validation workshop, Mombasa, Kenya 27-28th October 2021

Table 16: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORK	DESCRIPTION
Passport and Immigration Act, 2011[180]	• Covers entry permits, which are granted for visits; education; tourism; medical treatment; work; and missions. • Specifies that the DNPI will register foreign nationals upon arrival in South Sudan
Nationality Act, 2011[181]	• Aids the integration of migrants by offering pathways to citizenship, while allowing migrants to retain their original nationality
Labour Act, 2017[182]	• Establishes a legal framework for the minimum conditions of employment, labour relations, labour institutions, dispute resolution and provision for health and safety at the workplace, in accordance with the Constitution of the Republic of South Sudan, 2011, • Provides regulations on employment contracts and private employment agencies.
South Sudan Diaspora Engagement Strategy, 2014	• Outlines a framework for the engagement of the South Sudanese diaspora, including specification of concrete activities, institutional arrangements and concrete partnership initiatives through an Action Plan.
Refugee Act, 2012[183]	• - Defines the Government's obligations to refugees' support. Refugees are primarily located in the camps in South Sudan
Civil Registry Act 2018[184]	• Looks at issues of national Identity
National Framework for Return, Relocation and Reintegration of Displaced Persons[185]	• Seeks to comprehensively address and resolve internal displacement by assisting and protecting IDPs and host communities; and finding safe and lasting solutions for IDPs.

"

A Child Abduction Bill is currently being discussed as customary institutions are a hindrance to TiP

---

180. https://www.refworld.org/pdfid/4e9432652.pdf

181. https://www.refworld.org/docid/4e94318f2.html

182. https://docs.southsudanngoforum.org/sites/default/files/2018-01/Labour%20Act%202017.pdf

183. https://www.refworld.org/docid/51499cd02.html

184. https://www.refworld.org/docid/5ebcfd374.html

185. https://www.refworld.org/docid/5b72a64a4.html

Policy gaps

- South Sudan has a draft national migration policy that is yet to be passed by parliament. The key priority areas in the policy include border management and free movement of persons, labour migration, forced migration, including issues of refugees, IDPs, and TiP and SoM.

- South Sudan does not have a labour migration policy but the Labour Act, 2017 is currently being used as a framework for managing employment within the country. It further has not signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

- South Sudan does not have a diaspora policy despite having a vibrant diaspora in neighbouring countries and the Global North. There is little data on remittances flows despite South Sudan having a large diaspora community.

- South Sudan does not have an Anti-Trafficking law and has not ratified the protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. However, the Transitional Constitution of South Sudan, 2011, in Article 13 forbids slavery, the slave trade, and forced or compulsory labour. The Penal Code Act, 2008, also criminalizes forced labour and imposes a prison term of up to two years and/or a fine (Article 277). A Child Abduction Bill is currently being discussed as customary institutions are a hindrance to TiP. This is at the backdrop of the Child Act, 2008 that criminalizes certain types of child labour in Section 12.

- The country lacks an IDP policy despite having one of the largest IDP populations in the EHoA region. The Revitalized Peace Agreement in South Sudan, however, contains aspects of return and reintegration and climate induced migration. The National Durable Solutions Act further addresses return and reintegration of IDPS and refugees from neighbouring countries

- The procedures and rules governing labour migration and mobility in South Sudan are shaped by various laws and regulations, which are sometimes contradictory and not always applied in practice as prescribed by the law.

- Migration data in South Sudan is collected manually hindering the effective sharing and utilization of migration data and policy formulation. There is largely lack of infrastructure for effective migration governance in South Sudan. Government officials at the national and regional levels lack the capacity to implement different existing policies and legislative frameworks. There is further a high turnover of government officials who work on migration matters due to poor pay in comparison to IOs working in the country.

- Migration-related policies in South Sudan are not fully and effectively being implemented as a result of capacity and financial constraints.[186] This has been at the backdrop of poor timing of some programs which compete with national priorities aimed at peacebuilding.[187] Political instability in the country has further limited effective coordination amongst relevant stakeholders on matters migration. South Sudan, however, has a Coordination Mechanism on Migration (NCM) which draws its mandate from the National Aliens Committee (NAC) under the Ministry of Interior's (MOI) Department of Nationality, Passports and Immigration (NDPI).

- The MOI is the lead agency for the coordination of migration issues in South Sudan. The NAC consists of about 17 government ministries and agencies. The NAC Regulations do not list any CSOs or social partners among its participants. It states that academia will participate upon invitation.[188] Social partners, CSOs and IOs also do not appear to be engaged in consultations or coordination on migration.

---

186. Interview, Immigration Department- Ministry of Interior, Juba, 19th August 2021

187. Ms Team Interview, Juba, University of Juba 20th September 2021

188. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743321.pdf

Table 17: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender	• Gender issues are addressed by Sudan's draft migration policy specifically the feminization of migration and GBV. • South Sudan has a National Policy on Gender but there is a lack of policy coherence when it comes to migration matters. However, the Ministry of Gender, Child and Social Welfare has supported South Sudanese female small cross-border traders by providing them with information on the rules and procedures for trade with neighbouring countries
Migration and Development	• The role of migration in development is well captured in the draft migration policy with a strong emphasis on remittance and diaspora engagement and reintegration of returning labour migrants. • South Sudan Diaspora Engagement Strategy, 2014 acknowledges the role the diaspora plays in the country's development. • The Development Plan of 2011–2013 called on the acknowledged the role of migration in development. Its current National Development Strategy, 2018-2021 do not however, address migration. • The Investment Promotion Act of South Sudan, 2011, allows foreign investors to own and operate businesses, apart from a few sectors that have been preserved for national investors.
Migration and Data Management	• Data management comes out strongly in the draft national migration policy with an acknowledgment that South Sudan lacks institutional capacity to collect migration data. • Statistical units have however, been established in various government ministries touching on migration issues, with a view to facilitate the collection of data that would be used by the National Bureau of Statistics (NBS). • The country is currently working on producing a policy on data sharing protocol which will allow line ministries and other entities to collaborate with NBS in analyzing statistical data into evidence for policy making
Migration and Climate Change	• South Sudan's draft migration policy does not capture climate change as an issue yet South Sudan is highly vulnerable to the effects of climate change, including droughts and flooding. • There is evidence that climate change is triggering temporary, or more permanent, population displacements in South Sudan.[189] • South Sudan does not have a climate change related policy • South Sudan has a NAPA but migration does not feature in it. • Migration is generally not streamlined in climate change policies and vice versa.
Migration and Human Rights	• Human Rights do not come out directly in the draft migration policy, however, the policy speaks of promoting regular pathways to migration. • The Labour Act protects the right of workers in South Sudan. • South Sudan is classified as a source and destination country for forced labour and sex trafficking of men, women, and children. These issues are not addressed in the draft policy • Migrants in South Sudan have no access to social benefits unless provided by their employers.

189. https://www.nupi.no/en/News/Climate-Peace-and-Security-Fact-Sheet-South-Sudan2

b. Reporting mechanisms

South Sudan's Human Rights Commission issues an annual human rights report that highlights human rights challenges in South Sudan and provides recommendations to address these challenges. The report contains a section on human trafficking that records human rights violations in this area. The report, however, appears to draw heavily on the findings of the US State Department's TiP Report[190]. Over the last nine years, however, the Government did not report any investigations, prosecutions, or convictions for trafficking crimes.[191] Law enforcement is generally hampered by TiP crimes being under-reported due to the normalization of TiP within cultural practices, public distrust of law enforcement, stigmatization of victims, and lack of capacity of the justice sector, and knowledge of TiP and SoM.[192]

Reporting on other aspects of migration is also limited as the NCM does not currently act as a reporting body, further, coordination amongst key stakeholders in the NCM is weak. Discussions with informants indicate that NCM meetings have been infrequent due to funding challenges.[193] The country however has an Integrated Border Management Committee (IBMC), which was established in 2016 to strengthen inter-agency cooperation among border and migration management agencies.[194]

c. Policy specific recommendations

1. The Government of South Sudan should finalize the adoption of its national migration policy and put in place the necessary resources to ensure its effective implementation. This should take the form of a whole- of Government and whole of society approach.

2. International Partners should lobby the Government of South Sudan to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

3. The Government should simplify and consolidate labour migration laws and processes and enhance the transparency of and access to these processes by publishing them in an online portal.

4. The Government of South Sudan should develop an anti-trafficking law with support from international partners. Relevant ministries in the NAC/NCM should further develop an anti-trafficking strategy that addresses the prevention, protection, and prosecution of human trafficking.

5. The remittances systems and flows to South Sudan need to be studied to understand their possible positive and negative effects, and how remittances can be harnessed to positively impact on the country's development through a Diaspora Policy.

6. Donors and International Partners should support South Sudan in setting up mechanisms and infrastructure for migration data collection and sharing for effective policy formulation and implementation.

7. Donors and International Partners, should support South Sudan in enhancing the capacity of government officials in charge of policy formulation. Members of the NCM and the civil society should also be trained on TiP, SoM, data and border management. taking into account the high turnover of government officials who work on migration matters.

190. https://www.state.gov/reports/2021-trafficking-in-persons-report/south-sudan/

191. https://www.state.gov/reports/2021-trafficking-in-persons-report/south-sudan/

192. https://reliefweb.int/sites/reliefweb.int/files/resources/Research%20Brief%20-%20Trafficking%20in%20Persons%20in%20South%20Sudan.pdf
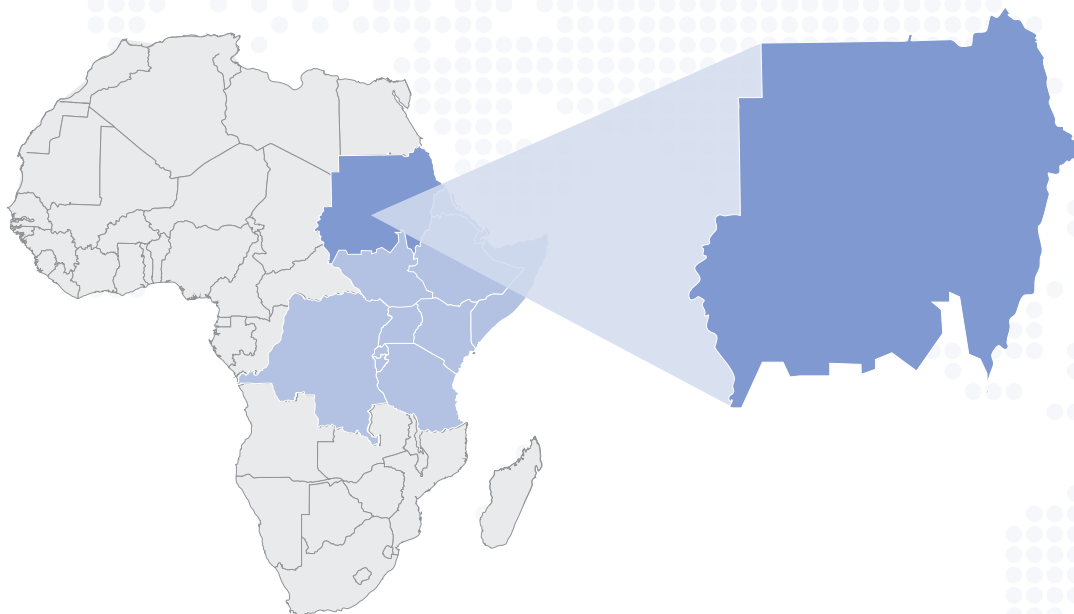
193. Interview, Immigration Department- Ministry of Interior, Juba, 19th August 2021

194. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743321.pdf

A family visists the IOM's primary health care clinic at the Malakal PoC site for a consultation. Photo: ©Amanda Nero/IOM

7. THE SUDAN

Sudan is an origin, destination, and most importantly, a transit country for mixed migration flows from West and East Africa towards North Africa, Europe, and the Gulf Countries.[195] As of August 2021, the country was host to more than 1.1 million refugees and migrants, largely from neighbouring countries. The wars in Syria and Yemen have also brought influxes from these countries, whose nationals receive *prima facie* refugee status in Sudan. [196]Sudan is a key country of transit for migrants from the EHoA and West Africa travelling along both the Northern Route to Europe and the Eastern Route to the Gulf States.

Sudanese are also well represented among mixed migration populations: many Sudanese can be found across the region and notably in North Africa, both engaged in circular migration between Sudan and countries like Libya and Egypt and sometimes engage in a more long-term settlement.[197] Increasing economic hardship, insecurity and recent political instability within the country may further intensify and accelerate movements out of the country.[198]

The eastern states of Sudan have an agreement with neighbouring states in Ethiopia that facilitates seasonal labour migration in agriculture.[199] Unofficial estimates point at up to half a million Ethiopian seasonal labour migrants working in agricultural production in Gadaref state on an annual basis.[200] The ministries of labour and interior however, do not have official data in this regard.[201]The lack of job opportunities and a growing young population also drives Sudanese labour migration flows, with the Gulf and Middle Eastern countries being top destinations for labour migrants from Sudan.[202] The country has signed BLMAs with Ethiopia and Jordan (2003); Kuwait, Libya, Oman, Qatar, the United Arab Emirates, and Yemen (2012); and Djibouti (2014) and these have been found to offer sufficient protection to Sudanese migrants. [203]

195. https://migration.unu.edu/publications/reports/sudan-migration-profile-study-on-migration-routes-in-the-east-and-horn-of-africa.html

196. https://reliefweb.int/report/sudan/sudan-country-refugee-response-plan-january-2020-december-2020

197. https://mixedmigration.org/articles/sudan-at-a-crossroads-the-mixed-migration-consequences-of-sudans-military-coup/

198. https://mixedmigration.org/articles/sudan-at-a-crossroads-the-mixed-migration-consequences-of-sudans-military-coup/

199. Interview, Ministry of Labour, Khartoum, 25th August 2021

200. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743322.pdf

201. Interview, Ministry of Labour, Khartoum, 25th August 2021 Interview, Ministry of Interior- Police Directorate, Khartoum, 24th August 2021

202. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743322.pdf

203. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743322.pdf

Return migration in Sudan is discouraged by the taxes that returning Sudanese migrants have to pay to the Ministry of the Interior.[204] The IOM has also been implementing Assisted Voluntary Return and Reintegration programmes in Sudan since 2005, with the organisation's displacement tracking matrix (DTM) recording a total of 1,073,428 returnees as of November 2021.[205] Internal Displacement is a key feature in Sudan and there were 3.08 million internally displaced persons (IDPs) as of December 2021.[206]Harsh climatic conditions like prolonged droughts have also pushed people to migrate internally and specifically to cities. Localised clashes conflict between nomads and farmers has increased since October 2021.

a. Migration policy making and implementation trends

At the global level, Sudan has taken part in discussions on the GCM and endorsed its objectives. The study could not ascertain that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other SDGs related to migration. The country has, however, endorsed most international conventions related to human rights and migration but misses out on some key ones as highlighted in ANNEX C. At the continental level, Sudan has adopted AU's Free Movement Protocol (FMP) but has not ratified the same. Regionally, Sudan has adopted IGAD's Regional Migration Framework and IGAD's Free Movement Protocol and Transhumance. [207] Sudan does not have a national migration policy but has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed as highlighted below:

---

204. *Interview, National Population Council, Khartoum, 25h August 2021*

205. https://data.humdata.org/dataset/sudan-returnee-data-iom-dtm

206. https://dtm.iom.int/sudan

207. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting

Mutasim, graduated as part of the vocational training in Car Maintenance from the Geinena Technical School in West Darfur with the support of EU-IOM Joint Initiative programme. Photo: @Yasir Elbakri/IOM

Table 18: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORKS	DESCRIPTION
The Passports and Immigration Act, 2015	Provides guidelines on the issuance of visa's
The Alien Affairs Regulation, 2006 and its 2008 Amendment	Also contains specifications on entry visas and states that an entry visa is valid for two months and can be renewed for a one-month period
The Labour Act, 1997[208]	Addresses labour migration through dealing with the employment of Sudanese within the country and abroad. (Part II, section 14), is being revised.
The Law of Employment of Foreigners (2001)	Provides guidelines on the employment of foreigners, that they may hold a job and be legally employed only following the issuance of a work permit by the competent authorities
The Asylum Regulation Act, 2014[209]	Establishes procedure for granting asylum and residence until the evaluation of asylum applications Enforces the encampment policy for refugees in eastern Sudan, who require travel permits to leave the camp.
Combating of Human Trafficking Act, 2014.[210]	Criminalizes some forms of trafficking but does not define exploitation. Further, forced labour is not explicitly mentioned in the law
2009 National Policy on Internal Displacement[211]	Stipulates the rights of IDPs and promotes their return, incorporation or relocation
Nation Investment Encouragement Act, 2013 (the Act) [212]	Aims to encourage investment in projects that achieve the national strategy development plans and investment initiatives of Sudanese and non-Sudanese private sector, as well as co-operative, mixed and public sector, as well as rehabilitation and expansion in investment projects

208. https://docs.southsudanngoforum.org/sites/default/files/2016-06/01.A.1.1.%20Labour%20Act%201997-%20Sudan%20-%20OFFICIAL%20VERSION_0.pdf

209. https://www.refworld.org/docid/542bad9c4.html

210. https://www.refworld.org/docid/542bb00a4.html

211. https://www.internal-displacement.org/sites/law-and-policy/files/sudan/Sudan_IDPPolicy.pdf

212. http://images.mofcom.gov.cn/sd/201304/20130423150140234.pdf

Policy gaps

- Sudan does not have a migration policy. The National Population Council (NPC) initiated a process to develop a national migration policy, but the process has been curtailed by political instability. [213]

- Sudan does not have a labour migration policy neither does it have a diaspora policy. The Ministry of Labour (MOL) is however, reviewing its existing labour migration legislation and finalizing its National Employment Policy. It further has not signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

- Sudan is currently drafting a National Strategy for Durable Solutions with the aim of shifting from solely focusing on humanitarian aid to considering long-term development planning for IDPs, refugees and migrants in the country.[214] Recent political instabilities have, however, cut the momentum gained in discussions around development, as the focus has shifted back to the care and maintenance of displacement populations.[215]

- Sudan has a legislative framework to combat human trafficking but does not have a national policy to tackle the same. However, the country has a National Action Plan to Combat Human Trafficking which contains measures to enhance the protection of migrant workers. The Action Plan (second phase) 2018–2019 recognizes forced and exploitative labour as a form of trafficking.[216]

- There is a lack of a centralized database on migration.[217] The measurement of international migration in Sudan is limited, despite numerous registration procedures for immigrants and emigrants. It is marked by a dearth of regular statistical production and the inadequate use and harmonization of the available administrative sources.[218] There's however, a TWG on data sharing and information led by Bureau of Statistics and consisting of relevant line ministries.

- The implementation of migration-related policy and legislative frameworks has been hindered by political instability which has limited effective coordination among relevant stakeholders.[219] There are, however, various Government stakeholders who are engaged in migration governance.

- Sudan is yet to establish its National Coordination Mechanism on Migration (NCM), though the National High Council on Migration coordinates migration issues at the political level and is chaired by the Vice-President.[220] The Council meets once or twice a year limiting the extent to which it can follow through on policy formulation and implementation.

> **"**
>
> *Sudan is currently drafting a National Strategy for Durable Solutions*

---

213. Interview, National Population Council, Khartoum, 25h August 2021

214. MS Teams Interview, UNHCR, Khartoum, 17th August 2021

215. https://mixedmigration.org/articles/sudan-at-a-crossroads-the-mixed-migration-consequences-of-sudans-military-coup/

216. Ms Teams Interview, UNODC, 16th August 2021

217. Interview, National Population Council, Khartoum, 25h August 2021

218. MS Teams Interview, GIZ, 17th, August 2021

219. Interview, Ministry of Cabinet Affairs, Khartoum, 25h August 2021

220. Interview, Ministry of Cabinet Affairs, Khartoum, 25h August 2021

Table 19: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender	• Sudan does not have migration-related policies that directly address gender issues in Sudan yet IDPs and refugees, especially women and girls, continue to face severe protection risks as per earlier mentioned TiP reports • Sudan's National Policy for women does not address gendered aspects of migration.
Migration and Development	• Sudan's existing policies related to migration do not directly link the phenomena to development. • Sudan does not have a diaspora policy, yet remittances are an important source of foreign exchange for Sudan, as well as an important source of income for families. • Sudan's development framework (Vision 2023) acknowledges the role of the diaspora in promoting development. IDPs, refugees and voluntary return are addressed in the framework too but under the backdrop of sustainable peace.
Migration and Data Management	• Data management is not considered in existing migration related policies. • The Secretariat for Sudanese Working Abroad (SSWA), however, have a database of the Sudanese diaspora. This data is however, not accessible to other ministries like., the ministry of Foreign Affairs or the Central Bureau of Statistics limiting the extent to which it can be used for policy formulation • No specific data protection legislation has been enacted in Sudan.
Migration and Climate Change	• Sudan's existing policies and legislative frameworks related to migration do not address climate change. • Despite disputes, and internal displacement over access to and use of natural resources, Sudan does not have a Climate Change Policy. • Sudan's NAPA does not also address the link between climate change and migration
Migration and Human Rights	• Sudan's existing policies related to migration do not address human rights. • Migrants in South Sudan have no access to social benefits unless provided by their employers. • Existing legislative frameworks on TiP, employment and labour protect the rights of migrants

b. Reporting mechanisms

The National Committee for Countering Human Trafficking (NCCT) coordinates the Government's counter-trafficking efforts and consists of 19 government ministries. The Committee finalized the National Action Plan to Combat Human Trafficking (second phase) in July 2017.[221] Moreover, its work has focused on using media channels to raise awareness on trafficking in persons and meets with non-governmental organizations (NGOs) to increase coordination on counter-trafficking activities. [222] The National Committee for Countering Human Trafficking (NCCT) meetings are infrequent –three times over the reporting period for the US Department of State's TiP Report 2018 –calling for more regular meetings. There also exists an Ethiopian–Sudanese border committee, which consists of representatives of eastern states in the Sudan and representatives from neighbouring regions in Ethiopia.[223] The committee works on securing the border, countering TiP and SoM, and facilitating trade.

c. Policy specific recommendations

1. There is need for the Government of Sudan to finalize the development of its national migration policy. The policy should increase options for regular migration and strengthen protection for agricultural workers. Gender, data management, climate change, human rights and other relevant cross-cutting issues should be addressed by the policy. The planned national migration policy should take into account and ensure coherence with the planned Labour Migration Policy and the National Employment Policy which are being finalized.

2. Sudan should consider the development of a diaspora policy and a return and reintegration strategy or include return and reintegration in the planned national migration and labour migration policy without any form of taxation. Sudan should explore these possibilities through a whole-of-government approach that engages the various relevant ministries and engage in consultations with IOs and NGOs active in this field, as well as social partners.

3. The Government of Sudan should strengthen the enforcement of legislations and policies to protect migrants from trafficking including through the full implementation of the National Action Plan to Combat Human Trafficking.

4. International Partners should lobby the Government of South Sudan to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

5. International Partners should fund the National Committee for Countering Human Trafficking (NCCT) to enable them meet frequently so as to adequately address policy gaps related to TiP and SoM.

6. With support from donors and international partners, the Government of Sudan should set up infrastructure for the effective collection and sharing of migrant data. Capacity-building of government officials should follow in this regard for effective policy formulation and implementation.

---

221. *Interview, Ministry of Interior- Police Directorate, Khartoum, 24th August 2021*

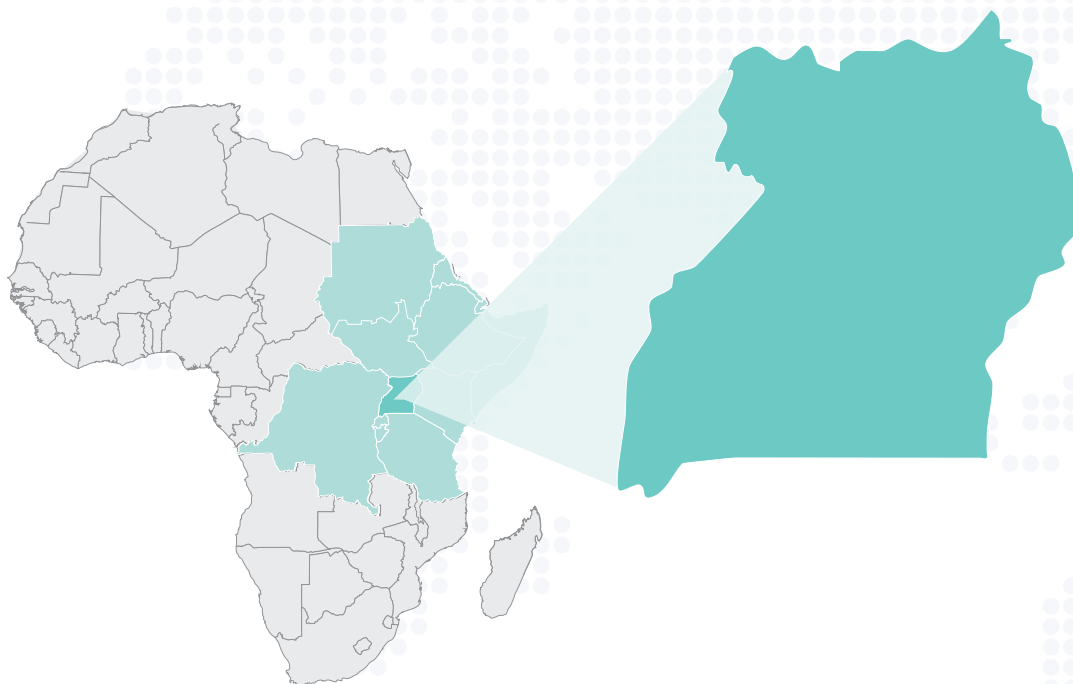222. *Ms Teams Interview, UNODC, 16th August 2021*

223. *Interview, Ministry of Interior- Police Directorate, Khartoum, 24th August 2021*

In 2021, the Gatumba border in Bujumbura rural province (bordering DRC) was one of the first border to open during the COVID-19 period. Photo: Ntore Triffin/IOM 2021

8. REPUBLIC OF UGANDA

Uganda is a country of origin for people in mixed migration flows, although to a lesser extent than some of its neighbours.[224] Uganda is Africa's largest refugee-hosting country, with the number of refugees standing at 1,595, 404 as of February 2020.[225] The refugees are largely from South Sudan. Most Ugandans migrate to neighbouring countries, especially Kenya and Ethiopia for work, while a large diaspora is also found in Europe and North America.[226] Low-skilled labour migration to the Middle East especially among women has become an established trend and is often facilitated by PRAs.[227] High population growth, youth unemployment, low wages, and the demand for labour in destination countries are some of the important driving forces behind these flows.[228] The Government of Uganda has signed BLMA's with Jordan and Saudi Arabia.[229] In addition, the Government is developing BLMAs with Bahrain, Kuwait, Lebanon, Qatar, and the United Arab Emirates. There is, however, little evidence to show that they have effectively addressed TiP, SoM and exploitation of Ugandans in the respective countries. [230] Uganda is classified as a source, transit, and destination country for men, women, and children that are trafficked for forced labour and sex.[231]

Internal displacement continues to be a reality in Uganda, as people flee to avoid the impact of hazards such as floods and landslides, inter-communal violence, or are evicted from their land to make way for development projects.[232] IDPs in Uganda are concentrated in large camps predominantly in the north-west, north-east and central districts of the country. Support for recovery and development in areas to which IDPs have returned has however, been insufficient. Internal and international returnees

224. https://migrants-refugees.va/it/wp-content/uploads/sites/3/2021/11/2021-CP-Uganda.pdf

225. https://data2.unhcr.org/en/country/uga

226. https://migrants-refugees.va/it/wp-content/uploads/sites/3/2021/11/2021-CP-Uganda.pdf

227. http://www.oit.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743324.pdf

228. http://www.oit.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743324.pdf

229. Interview, Ministry of Foreign Affairs, Kampala, 9th September 2021

230. Interview, Ministry of Foreign Affairs, Kampala, 9th September 2021

231. https://www.state.gov/reports/2021-trafficking-in-persons-report/uganda/

232. https://www.internal-displacement.org/publications/uganda-new-displacement-in-uganda-continues-alongside-long-term-recovery-needs

face continuing difficulties due to inadequate basic services and limited support to rebuild their livelihoods. The return process has been marred by land conflicts, sometimes leading to violence.[233]

a. Migration policy making and implementation trends

At the global level, Uganda has taken part in discussions on the GCM and endorsed its objectives. The country's Migration Governance Indicators (MGI) profile shows that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other related SDGs.[234] Uganda has also endorsed most international conventions related to human rights and migration as highlighted in ANNEX C. At the continental level, Uganda has adopted AU's Free Movement Protocol (FMP) but has not ratified it. It has however, endorsed and adopted the African Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention). Regionally, Uganda has adopted IGAD's Regional Migration Framework and IGAD's Free Movement Protocol and Transhumance, the EAC Free Movement Protocol and One Stop Border[235] The country has several national laws and regulatory frameworks that address migration management, and which are in the process of being further developed.

Ugandan Maritime Immigration Officers salute upon their graduating from a maritime skills training, supported by IOM in Kampala, Uganda. Photo: ©Innocent Vuga/IOM

233. *Interview, Uganda Human Rights Commission, Kampala, 8th September 2021*
234. https://www.migrationdataportal.org/overviews/mgi/uganda#0
235. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting

Table 20: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORK	DESCRIPTION
Uganda Citizenship and Immigration Control Act (Amendment) Acts of 2006, 2009 and 2015[236]	• Regulates the issue of passports to citizens of Uganda, provides for the regulation and control of aliens in Uganda. • Repeals the Uganda Citizenship Act, the Immigration Act, the Passports Act and the Aliens (Registration and Control) Act • Currently being revised.
The 2011 National Employment Policy[237]	• Proposes an integrated framework for a macroeconomic environment that provides linkages of employment creation to labour absorbing economic sectors.
Refugee Act 2006[238]	• Allows freedom of travel, land supplies, and job permits to reduce refugees' reliance on assistance
The Prevention of Trafficking in Persons Act, 2009,[239]	• Criminalizes all forms of trafficking, including forced labour. • Trafficking convictions have taken place under the Act. • Provides provision for the national awareness strategy on the prevention of trafficking in persons and a national action plan to combat trafficking.
2004 National Policy for Internally Displaced Persons[240]	• Establishes the principles which will serve as a guide to 'Government institutions, humanitarian and development agencies while providing assistance and protection to Internally Displaced Persons in Uganda.
The Employment Act, 2006,[241]	• Imposes restrictions on certain foreign employers. Section 41(8) requires an employer who is not incorporated or resident in Uganda to pay a bond equivalent to one month's wages for each employee employed, or to be employed, by that employer.

Policy gaps

• Uganda's draft national migration policy is yet to be tabled before the cabinet. It, however, addresses the role of migration in development, migration and health, migration and environment, migration and human rights, TiP and regional cooperation. The draft national migration policy also calls for the development of "a comprehensive policy framework for the safe management of repatriation of returning Ugandans

• Uganda lacks a labour migration policy, but one is currently being drafted. The ongoing review of the Employment Act, 2006, may lead to an expansion of this Act to cover migration and labour migration issues more comprehensively.[242]

---

236. https://ulii.org/akn/ug/act/1999/3/eng%402015-03-26

237. https://www.ilo.org/dyn/youthpol/en/equest.fileutils.dochandle?p_uploaded_file_id=155

238. https://www.ilo.org/dyn/travail/docs/1820/Employment%20Act.pdf

239. https://www.law.berkeley.edu/wp-content/uploads/2015/10/Uganda_Prevention-of-Trafficking-in-Persons-Act_2009.pdf

240. https://www.refworld.org/docid/5a7af0854.html

241. https://www.ulrc.go.ug/system/files_force/ulrc_resources/employment-act-2006.pdf

242. Interview, Ministry of Gender, Labour and Social Development, Kampala, 31st August 2021

- Uganda similarly lacks a diaspora policy despite having a large number of Ugandans working in neighbouring countries, the GCC and in the Global North. It is however, drafting a National Diaspora Policy, which would facilitate Uganda's involvement with the diaspora.

- Uganda does not have a return and reintegration policy or strategy – hindering the effective integration of returnees. The need for such a policy was laid bare by the COVI9 19 pandemic which saw a lot of returnee labour migrants needing socio-psychological support.[243]

- The Prevention of Trafficking in Persons Act, 2009 does not fully capture the nuances of TiP and SoM. However, Uganda has an Anti-Slavery Bill, 2020; Prohibition of Person Sacrifice Bill, 2020; and Uganda Human Organ Donation and Transplant Bill, 2021 which addresses some of the gaps inherent in the TiP law. Uganda's Constitution (1995), further, outlaws' slavery and servitude in Article 25(1), and forced labour in Article 25(2).

- Whilst Uganda has made great strides to collect migrants' data, there are no SOPs for effective collection and safe sharing of migration data amongst relevant ministries for policy formulation. While the External Employment Management Information System (EEMIS) has been central in collecting labour migrants' data, it does not have the capacity to monitor regular migrant flows.

- Uganda is implementing the EAC one stop border post, and its Ministry of Education has memoranda of understanding (MOUs) with EAC countries, including Ethiopia and the Sudan, which have sections on the recognition of qualifications of students, and which serve as a basis for bilateral cooperation in this area. Uganda does not, however, have a bilateral, regional or multilateral agreement in place to facilitate the transferability and portability of social security benefits within the region.

---

243. Validation workshop, Ugandan delegate, Mombasa, 28th October, 2021

Table 21: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender	• Gender issues are prominently missing in the draft migration policy despite labour migration in the country being largely gendered. Young Ugandan women migrate to neighbouring countries for domestic work and in the hotel industries, with Kenya being a top destination country. • Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad 2015 and the Employment Regulations 2005 however, address gender aspects of migration. • Uganda's National Gender Policy does not speak on migration issues.
Migration and Development	• The draft national migration policy addresses the role of migration in development. The draft labour policy and national diaspora policy all acknowledge the role migration plays in development at the backdrop of remittances. • Uganda has included migration in its Third National Development Plan- currently under development. Since 2007, the Comprehensive National Development Planning Framework (CNDPF) has been Uganda's strategic planning framework. The Government of Uganda is promoting policy coherence through the CNDPF which touches on migration issues.
Migration and Data Management	• The draft migration policy and other migration related policies and legislative frameworks in Uganda do not pronounce themselves on issues of migration data management. • Uganda has a centralized local data centre accessible to all government agencies and departments. It has records of its nationals living abroad and immigrants in the country through provisions from the Uganda Citizenship and Immigration Control Act. • Uganda has a Data Protection and Privacy Act; 2019 that regulates the processing of personal information of Ugandan citizens but does not address data relating to migrants (non-citizens).
Migration and Climate Change	• The draft national migration policy addresses climate Change from an environment perspective with focus mainly on IDP and refugees. • Uganda has a new Climate Change Act that was passed in August 2021. The relationship between climate change and migration is not explored in detail by both policies. • The Ugandan government is also developing a water and environment response plan to address environmental degradation in refugee-hosting areas under the Comprehensive Refugee Response Framework (CRRF)
Migration and Human Rights	• The draft national migration policy addresses regular migration at the backdrop of free and safe movement. • Existing legislative frameworks on TiP, employment and labour protect the rights of migrants • The Government publishes a list of licensed PrEAs through the online EEMIS platform and in the Media to offer opportunities for safe labour migration. • As regards Social Protection, migrant workers with an employment contract who work in an establishment of at least five employees can participate in the National Social Security Fund (NSSF), but the self-employed cannot and NSSF benefits are not portable.

b. Reporting mechanisms

Uganda has various reporting mechanisms when it comes to migration issues. Uganda's Human Rights Commission addresses alleged violations of migrants' rights, regardless of whether the migrants are in a regular or irregular status.[244] Human rights are enshrined in Uganda's Constitution of 1995 and migrants' rights are enforced by courts of law, including the Industrial Court of Uganda, the Uganda Human Rights Commission Tribunal, and the Tribunal of the Equal Opportunities Commission.[245] The National Counter Human Trafficking Taskforce, which coordinates all anti-trafficking efforts, also addresses TiP and labour migration issues. The country has developed a national action plan against trafficking in persons and national referral guidelines for assisting victims of trafficking.[246] Further, the country has put in place victim identification and assistance guidelines for adult and child trafficking victims and an anti-trafficking training curriculum for the immigration department. [247]

Trafficking convictions have taken place under the The Prevention of Trafficking in Persons Act, 2009. Measures to prevent trafficking and identify and protect victims include a national awareness strategy on the prevention of trafficking in persons and a national action plan to combat trafficking. [248] All forms of trafficking including forced labour are criminalized.[249] Moreover, Ugandan law allows foreign trafficking victims to stay in Uganda while the investigation of their case is ongoing, and to apply for residence and work permits.Other measures the Government of Uganda has undertaken to prevent and address the exploitation of migrant workers, include: initiating the criminal prosecution of PRAs engaged in TiP and transforming the Coordination Office to Combat Trafficking in Persons into an official department with a small permanent budget allocation to aid its anti-trafficking efforts.[250] This is at the backdrop of trafficking and exploitation of Ugandan migrant workers, especially in the Middle East, which has been a concern to the Government of Uganda.

c. Policy specific recommendations

1. The Ugandan Government should adopt the draft national migration policy as this will be a big boost to migration management given that Uganda currently operates without a tacit migration policy. Amendments should be made on the draft policy so that Gender, Climate change and data management are more pronounced.

2. The Government of Uganda should finalize the draft National Diaspora Policy which will facilitate Uganda's involvement with the diaspora.

3. There is the need to develop a clear policy framework for reintegration of migrants that identifies needs and gaps and facilitates coordination between service providers and stakeholders, more so at the backdrop of increases flows back to the country following the COVID 19 pandemic.

4. With support from international partners, the Government of Uganda should develop data collection and sharing SOPs and put in place mechanism for the central collection of different forms of migration data. The Government should develop a strategy for data collection and analysis that informs migration policy development.

5. The Government of Uganda should develop bilateral, regional, or multilateral agreements to facilitate the transferability and portability of social security benefits, including through finalizing the draft Social Security Portability Bill of the EAC Common Market Protocol.

---

244. Interview, Uganda Human Rights Commission, Kampala, 8th September 2021

245. Interview, Uganda Human Rights Commission, Kampala, 8th September 2021

246. Interview, Ministry of Internal Affairs, Coordinator prevention of trafficking in persons, Kampala, 31st August 2021

247. Interview, Ministry of Internal Affairs, Coordinator prevention of trafficking in persons, Kampala, 31st August 2021

248. http://www.oit.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743324.pdf

249.

250. Interview, Ministry of Internal Affairs, Coordinator prevention of trafficking in persons, Kampala, 31st August 2021

IOM facilitated the dialogue between the Police and the community at border areas in Burundi (here in Gatumba, Bujumbura province) to tackle the challenges of the cross-border crimes including trafficking in persons.

Photo: ©Ntore Triffin/IOM 2021

9. REPUBLIC OF BURUNDI
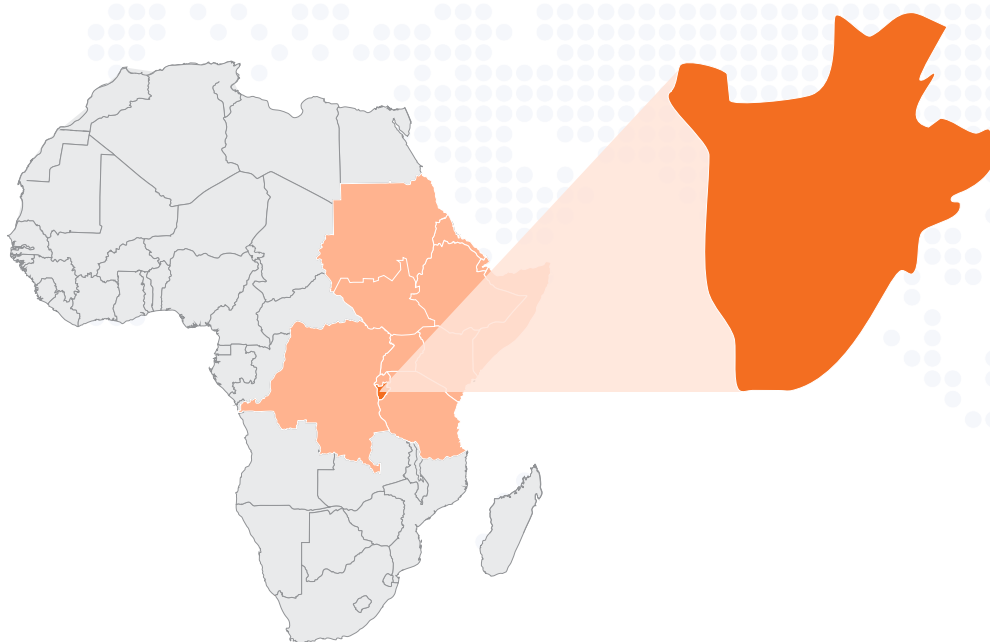
Burundi is largely a country of origin for migrants and has witnessed significant migration flows over the course of history, most of the migrants being refugees escaping ethnic conflict.[251] Tanzania continues to host the largest number of Burundian refugees with almost all living in the eastern part of the country in Ndutu, Mtendeli, and Nyarugusu camps.[252] Despite being largely a country of origin, Burundi hosts refugees and asylum seekers, mainly from the Democratic Republic of Congo and to a lesser extent Rwanda.[253] Internal Displacement is also key feature in Burundi. This is caused largely by conflict and environmental hazards.[254] Burundi remains vulnerable to floods, drought, desertification, land degradation and increased variability in rainfall patterns and reduced precipitation.[255] There has been a gradual migration from the rural areas to the urban areas over the years because of the country's civil wars and changing climatic conditions.[256]

As regards labour migration, recent flows mostly consist of low skilled migrants who move to Rwanda, Uganda, Kenya and South Africa and highly skilled migrants who move to Europe and Western Africa.[257] Burundi has also received an influx of new immigrants looking for business and investment opportunities, many of whom originate from China and Pakistan. COVID-19 pandemic greatly affected this migration trend primarily through travel disruptions and restrictions.[258] TiP and SoM is prevalent in Burundi given the country's challenging security environment, poverty, and low education levels.[259] VoTs and smuggled migrants often transiting through Kenya and Tanzania before migrating to China,

251. https://www.iom.int/countries/burundi
252. https://reporting.unhcr.org/sites/default/files/Burundi%202020%20RRRP%20-%20February%202020_0.pdf
253. https://www.iom.int/countries/burundi
254. https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Burundi%20Newsletter%20Mar-Apr%202019%20%28EN%29.pdf
255. https://reliefweb.int/sites/reliefweb.int/files/resources/Burundi_1.pdf
256. https://www.researchgate.net/publication/265598558_Migration_in_Burundi_History_Current_Trends_and_Future_Prospects
257. https://www.ulandssekretariatet.dk/wp-content/uploads/2021/08/LMP-Burundi-2021-final-version.pdf
258. https://reliefweb.int/sites/reliefweb.int/files/resources/EHoA%20%20COVID-19%20Strategic%20Response%20and%20Recovery%20Plan%202021_0.pdf
259. https://www.state.gov/reports/2021-trafficking-in-persons-report/burundi/

Kuwait, Saudi Arabia, Oman, Qatar, and Yemen. Burundi has however, in October 2021, entered into two agreements with Saudi Arabia with the aim of facilitating safe, orderly and regular migration devoid of exploitation and human right abuses. The agreements are however, yet to be fully implemented.[260]

Return migration is a trend in the country. The end of Burundi's violent conflict has seen a large influx of voluntary return-migration flows from neighbouring countries.[261] An increasing number of Burundians in the diaspora have returned home temporarily, permanently, or as tourists to help with the country's reconstruction. IDPs are also currently being assisted to settle in their previous villages and homes. Conflict between rapatriés and résidents over land has however, been witnessed.

a. Migration policy making and implementation trends

At the global level, Burundi has taken part in discussions on the GCM and endorsed its objectives. Literature does not show that the country has put in place mechanisms to achieve SDG 10, target 10.7 or other relevant SDGs. The country has also endorsed most international conventions related to human rights and migration but misses out on some key ones as highlighted in ANNEX C. At the continental level, Burundi has adopted AU's Free Movement Protocol (FMP) but has not ratified it. Regionally, Burundi has adopted EAC FMP. Burundi has a national policy framework on migration that was adopted in 2015. The country has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed.

" *Burundi has a national policy framework on migration that was adopted in 2015.*

260. https://www.state.gov/reports/2021-trafficking-in-persons-report/burundi/
261. https://direct.mit.edu/isec/article/44/2/110/12236/Home-Again-Refugee-Return-and-Post-Conflict

An immigration agent at the Gatumba border point in Bujumbura rural province (bordering DRC) in September 2021. Gatumba is one of the first border points to open during the COVID-19 period.

Photo: ©Ntore Triffin/*IOM 2021*

Table 22: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORKS	DESCRIPTION
2015 National policy framework on migration	• Aims to provide a framework for the return of Burundian refugees (and by implication, the diaspora) to facilitate their reintegration in the social and economic life of the country.
The law on asylum and refugee protection in Burundi of 13 November 2008	• Regulates the award of refugee and asylum status • Provides for naturalization and assimilation of refugees
Nationality law1/013 of 18 July 2000	• Reforms the nationality code • Defines and regulates nationality
Decree No. 100/156 on the procedure of getting the nationality by naturalisation of 14 October 2003	• Determines the practical modalities for the acquisition of Burundian nationality by naturalization and creates an Advisory Commission for naturalization
Law on the prevention of trafficking in persons and the protection of victims of trafficking of 2014	• Criminalizes forced labour and sex trafficking with penalties ranging from 5 to 10 years
2015 Diaspora Policy with a 2016 strategic action plan	• Contains key strategic objectives aimed at improving communication and coordination with diaspora groups and recognizing the potential impact of the economic and social contributions of the diaspora for the country's development.
Protocol for the Creation of a Permanent Framework for Consultation on the Protection of Displaced Persons of February 7, 2001,[262]	• Implements rapid intervention mechanisms to provide solutions for issues pertaining to access and the protection of displaced persons, including joint field missions • Evaluates and monitors the situation of human and international humanitarian rights violations in displaced persons camps

Policy gaps

- Burundi's National Migration Policy Framework does not pronounce itself on issues of Data management and Climate Change. The social security of migrant workers is also not adequately addressed in the policy. Burundi's national migration policy is commendably gender-sensitive and stresses the role of the diaspora in the country's development

- Burundi is currently in the process of finalizing a national labour migration policy that will complement existing labour management legal frameworks. These are the recently developed strategic plan to implement the National Labour Policy (2018-2022) and the East African Community (EAC) Labour Migration Policy Framework.[263] It has however, not signed or ratified International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

- Burundi does not have a return and reintegration policy despite having a large number of returnees from neighbouring countries and overseas.

---

262. https://www.refworld.org/docid/452d05a14.html

263. https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Burundi_Labour%20migration%20infosheet_%20June%202021.pdf

- Burundi's law on TiP misses out on some nuances related to the vice specifically the difference between TiP and SoM. Some of these gaps are however, filled by the Burundi's Constitution which prohibits trafficking and slavery and provides for children's rights in this regard. The Code of Criminal Procedure of 2017 and the Criminal Code of 2018 offer broad criminalization of some forms of TiP, emphasizing trafficking involving children. The Labour Code, Decree-Law No. 1/11 of November 24, 2020, revising Decree-Law No. 1/337 OF July 7, 1993, revising the labour code of Burundi also contains some provisions useful for combating human trafficking.[264]

- Official data on migration in the country is hard to come by. The Government of Burundi lacks infrastructure and technical capacity to effectively collect migration data for effective policy formulation.

- The desk review could not ascertain the extent to which the policy and other legislative frameworks are being implemented. Literature, however, highlights a lack of capacity by Government officials for the effective implementation of existing migration related policies and legislative frameworks. [265] The Ministry of Public Security was recently given exclusive responsibility to address migration management issues and to construct the migration and diaspora involvement policy.

---

264. https://www.researchgate.net/publication/265598558_Migration_in_Burundi_History_Current_Trends_and_Future_Prospects
265. https://www.verite.org/wp-content/uploads/2018/01/SSA-Verite-Country-Report-Burundi.pdf

Table 23: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender
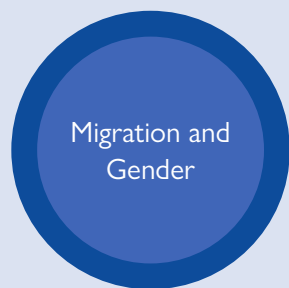
- Burundi's National Migration Policy is gender sensitive and recognizes that women are particularly more affected by poor conditions compared to men, specifically, sexual gender-based violence (SBV) during their flight to safety and when moving irregularly.
- The Government of Burundi is currently developing a gender-sensitive National Labour Migration Policy that aims to provide longer-term protection and good governance for migrant workers.
- Burundi's National Gender policy does not speak to gender aspects of migration.

Migration and Development

- Burundi National Migration Policy recognizes the role of the diaspora in promoting development in the country, especially via the impact of remittances and this is highlighted in the national migration policy.
- Burundi's diaspora policy recognizes the potential impact of the economic and social contributions of the diaspora for the country's development.
- The National Plan for the Development of Burundi 2018-2027 acknowledges regional cooperation and migration as positive steps towards the country's development.

Migration and Data Management

- Burundi National Migration Policy does not pronounce itself on data governance.
- There is generally a lack of comprehensive data or official migration statistics on Burundi.
- Burundi does not have a law that specifically regulates personal data protection.

Migration and Climate Change

- Burundi National Migration Policy does not pronounce itself on climate induced migration despite Burundi being among the 20 countries most affected by climate change worldwide.266
- Burundi does not have a climate change policy or legislative framework.
- The country's NAPA does not address migration as an adaptation strategy for climate change.

Migration and Human Rights

- Burundi National Migration Policy does not offer provisions for free and safe movement.
- Burundi however, promotes migrants human rights by criminalizing sex and labour trafficking through various legislative frameworks.
- Social benefits are also not open to migrants living in the country.

---

266. https://www.iom.int/countries/burundi

b. Reporting mechanisms

From a reporting standpoint, Burundi has an Inter-ministerial Committee on Migration which assesses the framework of migration management in the country and the drafting of relevant migration policies.[267] There are no clear reporting mechanisms on TiP, which limits systematic reporting and law enforcement actions.[268] However, the current TiP law is used to combat this migration dynamic. There is a Code of Criminal Procedure of 2018 that buttresses the 2014 TiP law specifically addressing the prosecution process of those involved in trafficking in persons and the smuggling of migrants, but the code does not provide a definition of human trafficking, thus limiting its utility.

c. Policy specific recommendations

1. The Government of Burundi should revise its 2015 National Migration Policy to capture the objectives of the GCM and AU'S MPFA as it was formulated before these frameworks were adopted. Amendments should also factor cross-cutting issues of Climate change and Data Management. The Government of Burundi in collaboration with international partners should also finalize and adopt the labour migration policy so as to benefit from skill and knowledge transfer.

2. International Partners need to lobby the Government of Burundi to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and develop a national labour migration policy.

3. The Government of Burundi should formulate a return and reintegration policy or strategy that identifies returnees' needs at the backdrop of increases flows back to the country.

4. The Government of Burundi should develop a strategy for data collection and analysis that informs migration policy development. International Partners should map out the capacities that need to be built to enhance migration data collection and analysis for policy development in Burundi.

5. International Partners should support the Government of Burundi in setting up a reporting mechanism on TiP at the backdrop of the Law on the prevention of trafficking in persons and the protection of victims of trafficking of 2014.

6. The Government of Burundi should develop bilateral, regional, or multilateral agreements to facilitate the transferability and portability of social security benefits, including through finalizing the draft Social Security Portability Bill of the EAC Common Market Protocol.

---

267. https://www.esoko.bi/akazi/business/info/oim-burundi/

268. https://www.state.gov/reports/2021-trafficking-in-persons-report/burundi/

10. REPUBLIC OF RWANDA
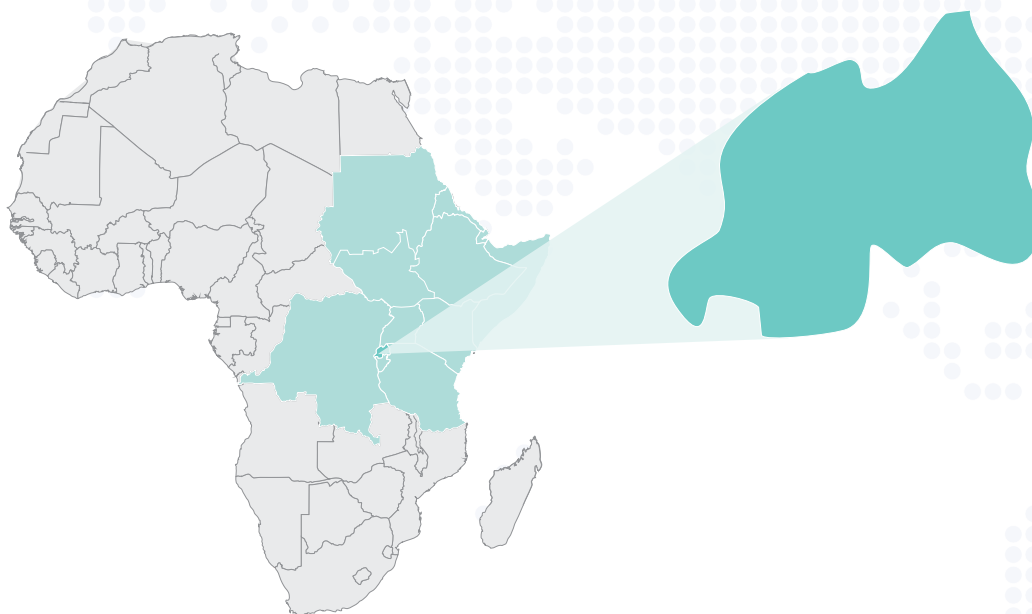
Rwanda is country of origin, destination and similarly a transit point for different migrant categories.[269] Since the beginning of 1996, Rwanda has gradually transformed from being a refugee-producing country to being a host and transit point for refugee and migrants from the Great Lakes and East Africa region. Currently, migration from Rwanda is primarily driven by people searching for greater freedoms and better economic opportunities.

Labour Migration into Rwanda has increased in the recent past due to the country's political and economic stability. The labour market in the country is however, primarily composed of low-skilled immigrants from neighbouring countries like Burundi, DRC and Uganda. Small cross-border traders are also a characteristic of mobility patterns in Rwanda.[270] Internal Displacement in the country has mainly been caused by natural disasters, especially flooding and landslides due to heavy rainfalls. For example, in May 2021 floods and subsequent landslides displaced 631 people in only one district. There are currently about 4,600 IDPs currently living in Rwanda[271].

As regards TiP and SoM, unemployment in the country which stands at 20.6% has led many young people to become victims of trafficking.[272] Traffickers often target vulnerable groups such as orphaned children, children with disabilities, unemployed adults, and internally displaced persons. The trend is particularly higher among women (77.67%) than men. Common destination countries for victims of human trafficking from Rwanda include Saudi Arabia, Kuwait, Uganda, Kenya, Zambia, China and India, with Kenya and Ethiopia primarily used as transit countries to the GCC. [273] Rwanda has a MoU with the United Arab Emirates (UAE) on the recruitment of Rwandans by private-sector firms in the UAE.[274] It is not clear from literature on the extent to which this MoUis being implemented.

269. https://eastandhornofafrica.iom.int/rwanda#:~:text=The%20migration%20dynamics%20in%20Rwanda,returned%20since%20the%201994%20genocide.
270. https://publications.iom.int/fr/system/files/pdf/making-the-case-to-integrate-human-mobility.pdf
271. https://eastandhornofafrica.iom.int/regional-data-hub
272. https://borgenproject.org/human-trafficking-in-rwanda/
273. https://www.state.gov/reports/2021-trafficking-in-persons-report/rwanda/
274. https://www.migrationdataportal.org/overviews/mgi/rwanda#3

A young man taking farm produce to the local market in Rwanda © Amanda Nero. IOM

The return migration of refugees and asylum seekers who left the country during the 1994 Genocide is also a unique trend.[275] In 2009, the new government adopted an eight-point plan to ensure the return and reintegration of Rwandese forcefully displaced which, among other things, included promoting national unity and security for all Rwandans, repatriation and reinstallation of all Rwandan refugees, and social and economic well-being of all citizens. More than 3 million people have since returned to Rwanda.[276]

a. Migration policy making and implementation trends

At the global level, Rwanda has taken part in discussions on the GCM and endorsed its objectives. The country's Migration Governance Indicators (MGI) shows that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs.[277]   The country has also endorsed most international conventions related to human rights and migration as highlighted in ANNEX C. At the continental level, Rwanda has adopted AU's Free Movement Protocol (FMP) and is among the 4 countries that have ratified the same. The country has ratified the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa as well as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Regionally, Rwanda has adopted EAC Free movement protocol, One Border stop and E-gate. Rwanda has a national migration strategy that was adopted in September 2008. The country has several other laws and regulatory frameworks that address migration management, and which are in the process of being further developed.

275. https://eastandhornofafrica.iom.int/rwanda#:~:text=The%20migration%20dynamics%20in%20Rwanda,returned%20since%20the%201994%20genocide.

276. https://migrants-refugees.va/wp-content/uploads/2022/02/2021-CP-Rwanda.pdf

277. https://www.migrationdataportal.org/international-data?cm49=262&focus=profile&i=stock_abs_&t=2020

Table24: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORKS	DESCRIPTION
National Migration Policy 2008	• Pronounces itself on issues, such as border management, labour migration, residency, and the institutional framework for migration, as well as providing strategies through which the policy actions can be implemented or achieved
National Labour mobility policy (2018) and its implementation Plan[278]	• Outlines Rwanda's governance of labour migration, protection and empowerment of migrant workers • Links migration to development and growth. • Address empowerment and protection of migrant workers against abuses, malpractice and exploitation that abound in most destination countries
2019 National Employment Policy and its implementation Plan[279]	• Aims at promoting employment as a strategy for poverty reduction and sustainable development. • Highlights employment generation related constraints in Rwanda and then proposes solutions to this
2009 National Diaspora Policy	• Looks at coordinating Rwanda diaspora and having them invest in Rwanda
Law No 57/2018 of 13/08/2018 on Immigration and Emigration to Rwanda[280]	• Regulates immigration and emigration in Rwanda. • Regulates foreigners' registration in Rwanda and issuance of national passports
Organic Law No 002/2021 of 16/07/2021 Governing Rwandan Nationality[281]	• Regulates the acquisition, renunciation and revocation of Rwandan nationality • Spells out the offences and penalties under Rwandan nationality
Law No 13/2014 of 21/05/2014 Relating to Refugees[282]	• Establishes the refugee status determination committee and its responsibilities • Spells out the rights and obligation of refugees • Regulates refugee camps and their management
Ministerial Order No 06/01 of 29/05/2019 Relating to Immigration and Emigration[283]	• Regulates entry into, transit and exit from Rwanda • Regulates the issuance of residence permits • Governs the management of foreigners in Rwanda
Presidential Order No 129/01 of16/12/2020 Relating to Border Posts and the Border Posts Steering Committee[284]	• Establishes Border posts and determines the composition, responsibilities and functioning of the Rwanda border posts steering committee.

278. https://www.mifotra.gov.rw/fileadmin/user_upload/Mifotra/Publication/_POLICIES/FINAL_LABOUR_MOBILITY_POLICY.pdf
279. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-dar_es_salaam/documents/publication/wcms_715230.pdf
280. https://www.refworld.org/docid/6087379f4.html
281. https://www.refworld.org/docid/632864884.html
282. https://www.refworld.org/docid/53fb08cd4.html
283. https://www.refworld.org/docid/6087443c4.html
284. https://gazettes.africa/archive/rw/2020/rw-government-gazette-dated-2020-12-21-no-41.pdf

Law N° 51/2018 of 13/08/2018 relating to the Prevention, Suppression and Punishment of Trafficking in Persons and Exploitation of Others[285]	• Explicitly addresses the 'four Ps' of combatting human trafficking: prevention, protection, prosecution, and partnership.
The Economic Development and Poverty Reduction Strategy of Rwanda II	• Acknowledges the role of migration in development and promotes free flow of highly skilled labour from within and outside the EAC.

Policy gaps

- Rwanda's National Migration Policy is dated but is currently under review to capture the current migration dynamics, recent continental and regional frameworks and, also to address existing gaps in cross-cutting matters.[286] Currently, the policy highlights women as being particularly vulnerable to human trafficking but does not include a broader focus on gender-based differences and discriminations. It also does not address data management, environment and gender aspects of migration or the transferability of social security funds for the EAC migrant workers. Rwanda's National Migration Policy pronounces itself on issues, such as border management, labour migration, residency, and the institutional framework for migration, as well as providing strategies through which the policy actions can be implemented or achieved. Section 4.11 of the Migration Policy covers border control and management issues and is aligned with the EAC Common Market Protocol.

- Rwanda lacks a return and reintegration policy despite having a large number of returnees.

- The country does not also have an inter-ministerial coordination mechanism on migration yet limiting coordination amongst different stakeholders as regards policy issues.

- The capacity on the part of law enforcement officers as regards systematic implementation of TiP law and referral of victims of trafficking to appropriate care has hindered effective reporting on TiP.[287]

- Even though not properly enshrined in law, the country has a de facto right to work, open borders, and access to long-term solutions (resettlement, local integration, and return) is unconstrained.[288] The harmonization and amendments of the Immigration Law, Investment Code, Trade Policy, Labour Code and the review of bilateral and multilateral agreements signed by Rwanda with regard to visa requirements is currently ongoing.[289]

285. https://www.refworld.org/docid/6087389a4.html

286. *Rwandese Delegates- IOM policy mapping validation workshop, Mombasa, Kenya 27-28th October 2021*

287. https://www.state.gov/reports/2021-trafficking-in-persons-report/rwanda/

288. *Validation workshop, Rwandan Delegate, Entebbe, 30th September, 2022*

289. https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.384.6122&rep=rep1&type=pdf

Table 25: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender	• The current migration policy does not give enough attention to gender dynamics. It is however, under review to address this issue • The National Labour Migration Policy focuses on ensuring that labour migrants' rights especially the rights of women labour migrants who are more vulnerable to gender-based violence, sexual abuse and human trafficking are addressed. • Rwanda's law against human trafficking commendably addresses the 4P's of combatting TiP at the backdrop of Gender which applies to locals, migrants and members of their families but it does not, however, deal with irregular migrants in the context of trafficking. • Rwanda's Revised Gender Policy acknowledges that women form the largest percentage of workers but does not specifically mention migrant workers or migration in general.
Migration and Development	• The role of migration in development is captured in Rwanda's National Migration Policy and various migration-related policy documents due to the Government's recognition of the socio-economic role migration plays in the country. • Rwanda's Diaspora Policy encourages investments to enable the diaspora to contribute towards nation-building. • Rwanda's Labour Mobility Policy (2018) and Labour Mobility Famework (2018) aligned to the EAC common market protocol are designed to attract skilled labour both from the region and internationally. The policy is aligned with the National Employment Policy, and its implementation plan was approved by the cabinet in 2019. • The Economic Development and Poverty Reduction Strategy of Rwanda acknowledges the role of migration in development and promotes free flow of highly skilled labour from within and outside the EAC.
Migration and Data Management	• Data management does not come out clearly in Rwanda's current migration policy however, the labour policy pronounces itself on the need of a comprehensive migration data Management system in the country. • The National Institute of Statistics of Rwanda collects and publishes data on migration and the labour market through quarterly Labour Force Surveys. • Rwanda has a 2021 Data Protection Law that establishes obligations for entities that collect and record users' personal data. The law does not speak however on migrants data.
Migration and Climate Change	• Climate induced migration is not addressed in the relevant migration-related policies. IDPs are mentioned largely from a conflict perspective in the national migration policy. • The National Disaster Management Policy further does not mention migrants specifically. • Rwanda's 2019 National Environment and Climate Change Policy mentions migration once at the backdrop of adaptation strategies but does not address the link between the two concepts. • Rwanda's NAPA does not give attention to climate induced migration.
Migration and Human Rights	• Even though not properly enshrined in law Rwanda has a de facto right to work, open borders, and access to long-term solutions (resettlement, local integration, and return) is unconstrained. • Migrants with regular status have equal access to social protection as nationals. Rwanda implements the provisions on portability of social security benefits within the East African Community (EAC) Common Market Protocol for Movement of Labour.

b. Reporting Mechanism

Rwanda's National Migration Policy and Strategies includes an institutional framework for migration policy implementation and monitoring. As such, feedback from continuous monitoring and evaluation from relevant ministries, international partners and NGOs influence the continuous process of policy adjustment as seen in the current revision of the National migration Policy.[290] The National Institute of Statistics of Rwanda further collects and publishes data on migration and the labour market through quarterly Labour Force Surveys. The National Census conducted in August 2022 captured migrant stock in the country. As regards TIP, the country has developed a national referral mechanism, currently being used to inform the countrys' Ministerial Order on the assistance to victims of trafficking.[291]

c. Policy specific recommendations

1. The Government of Rwanda needs to finalize and adopt the revised National Migration Policy which from anecdotal evidence capture the objectives of the GCM, AU MPFA and addresses cross cutting issues not captured in the current policy.

2. International partners should support the government in building the capacity of enforcement officers as regards TiP and SoM laws.

"Rwandan Diaspora policy encourages investments to enable the diaspora to contribute towards nation-building.

---

290. https://publications.iom.int/books/migration-governance-indicators-profile-2021-republic-rwanda

291. https://www.state.gov/reports/2021-trafficking-in-persons-report/rwanda/

11. UNITED REPUBLIC OF TANZANIA
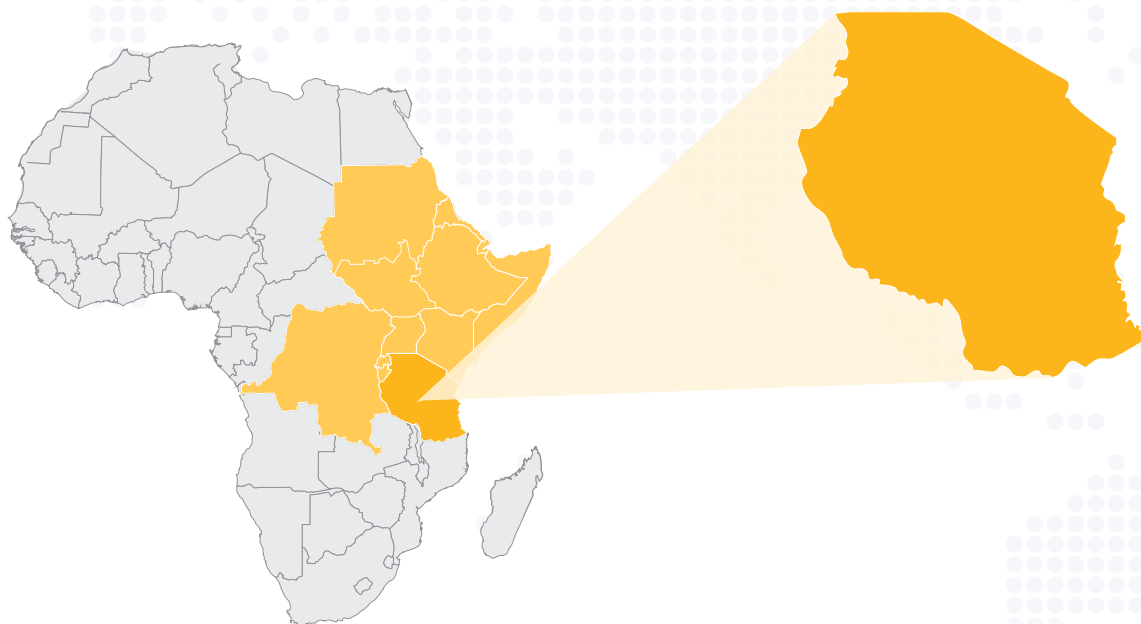
The United Republic of Tanzania exhibits mixed migration dynamics being a country of origin, transit, and destination. The United Republic of Tanzania hosts refugee-hosting country with the number of refugees and asylum-seekers- mainly from Burundi and the Democratic Republic of Congo.[292] Labour migration is prevalent amongst citizens of the United Republic of Tanzania and is mainly informed by the pursuit of better economic opportunities across the mainland and Zanzibar and to neighbouring EAC and SADC countries.[293] Tanzania also receives labour migrants from the neighbouring countries.[294] The study did not find any BLMA's signed with any country. TiP and SoM is also prevalent in Tanzania with the country being a country of origin and transit along the Southern Route.[295]

Internal displacement in Tanzania is mainly caused by environmental hazards specifically floods and drought.[296] Due to its geographical position, the country is also affected by earthquakes from time to time. In 2020, the number of new internally displaced persons (IDPs) in Tanzania reached 57,000. Tanzania remains vulnerable to climate change and this impacts on existing migration drivers, especially economic drivers such as declining agriculture-based household income.[297] The emergence of the Covid-19 pandemic and the consequent negative economic impacts in terms of job losses and declining economic opportunities as well as the spread of containment measures across the region saw an increase in mass return migration of Tanzanians from the country's urban to rural areas and similarly Tanzanians residing and working in the neighbouring countries returning home.[298]

---

292. https://data2.unhcr.org/en/country/tza

293. https://www.ilo.org/africa/countries-covered/tanzania/lang--en/index.htm

294. *MS Teams Interview, Ministry of Finance and Planning- National Planning Division, 3rd September, 2021*

295. https://tanzania.iom.int/iom-tanzania#:~:text=In%20Tanzania%2C%20IOM's%20work%20in,the%20Tanzanian%20Anti%2DTrafficking%20Committee

296. https://www.migrationpolicy.org/article/tanzania-climate-change-migration-conflict

297. https://www.migrationpolicy.org/article/tanzania-climate-change-migration-conflict

298. https://africanleadershipcentre.org/index.php/covid-19-research/659-covid-19-how-the-east-african-community-s-convoluted-response-has-exposed-the-slow-integration-process

a. Migration policy making and implementation trends

At the global level, The United Republic of Tanzania has taken part in discussions on the GCM and endorsed its objectives. There is little evidence that the country has put in place mechanisms to achieve SDG 10, target 10.7 and other relevant SDGs. It has however, endorsed most international conventions related to human rights and migration but misses out on some key ones as highlighted in ANNEX C. At the continental level, The United Republic of Tanzania has adopted AU's Free Movement Protocol (FMP) but has not ratified it. Regionally, Tanzania has adopted EAC Common Market Protocol. Nationally, the country lacks a national migration strategy but has regulatory frameworks that address migration management, and which are in the process of being further developed.

IOM Tanzania team is carrying out refresher training for Community Health Workers on gender-sensitive outreach and community integrated screening campaigns and referral for HIV/STIs, Sexual and Reproductive Health, Malaria and Tuberculosis services in Kigoma in partnership with the Ministry of Health. © IOM Tanzania

Table 26: Key migration policies and legislative frameworks

POLICY/LEGISLATIVE FRAMEWORKS	DESCRIPTION
The Immigration Act of 1998, revised in 2016[299]	• Provides the framework for immigration into the country and related issues
The Refugees Act of 1998[300]	• Lays out the roles and responsibilities for the reception of refugees, as well as the working and living conditions
Employment and Labour Relations Act, 2004 of mainland Tanzania[301]	• Regulate access to work on the Tanzanian mainland
Non-Citizens (Employment) Regulations, 2016[302]	• Regulates the employment and engagement of non-citizens in mainland Tanzania • Outlines the procedures for work permit application and issuance
Zanzibar Employment Act no.11 of 2005[303]	• Provides some regulations on the recruitment of workers, which require that contracts stipulate wages, vacation time, working hours and annual leave
Anti-Trafficking in Persons Act, No. 6 of 2008[304] and National Anti-Trafficking in Persons Action Plan (2018-2021)	• Criminalizes trafficking in persons and other associated offences • The plan intends to develop a comprehensive approach to treating suspected victims and potential victims.
Tanzania National Development Plan of 2016/17-2020/21[305]	• Acknowledges migration and pastoralist mobility in the context of climate change
Article 17 of the country's Constitution (1997)[306]	• Governs internal migration • Provides for the right to citizens' freedom of movement and residence within the country and the right to leave and enter the country

299. https://procedures.tic.go.tz/media/IMMIGRATION%20ACT%20CAP%2054%202016.pdf

300. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/53877/97749/F2035208161/TZA53877.pdf

301. https://www.ilo.org/legacy/english/inwork/cb-policy-guide/tanzaniaemploymentandlabourrelationsact2004sec626to7.pdf

302. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104376/127288/F-1695642030/TZA104376.PDF

303. http://www.rttz.org/wp-content/uploads/2011/01/Employment-act-2005d.pdf

304. https://www.refworld.org/pdfid/57c429004.pdf

305. https://www.cabri-sbo.org/uploads/bia/tanzania_2016_planning_external_national_plan_author_region_english_.pdf

306. https://rsf.org/sites/default/files/constitution.pdf

Policy gaps

- The United Republic of Tanzania does not have a national migration policy, however, the Constitution, distinguishes between 'persons' and 'citizens', explicating rights that are restricted to citizens, such as freedom of movement (Art. 17), and those that are technically available for all. The governance of migration in the United Republic of Tanzania is generally focused on the arrival and transit of international migrants. As such, The Immigration Act of 1998, revised in 2016, provides the framework for immigration into the United Republic of Tanzania and related matters.

- Tanzania has a vibrant diaspora in the EAC and SADC community. There are, however, no policies to harness the contribution of the diaspora to the country's development.

- The United Republic of Tanzania has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and does not have a national labour migration policy. There however, exist employment regulations in the mainland and Zanzibar which Regulates the employment and engagement of non-citizens in mainland Tanzania. The Law of the Child (Child Employment) Regulations of 2012 prohibits the employment of children under the age of 14. The National Action Plan for the Elimination of Child Labour (2009-2015) continues to be implemented.

- The implementation of migration regulatory frameworks in the United Republic of Tanzania is happening fragmentally and varies between the Mainland and Zanzibar. Infrastructural and capacity gaps are some of the key barriers to policy implementation in the country with limited funds directed towards migration governance.

- The United Republic of Tanzania does not have an inter-ministerial coordination mechanism on migration yet to facilitate policy discussions.

- Whilst migration laws cut across the United Republic of Tanzania, the same does not apply to labour laws. The 2014 Labour and Employment Acts in the mainland and Zanzibar's Employment Act no.11 of 2005 provide some regulations on the recruitment of workers. There are, however, no bilateral laws governing labour migration between the mainland and Zanzibar.

- The Government of Tanzania does not have a ministerial coordination mechanism to ensure effective coordination amongst various government and non-government stakeholders regarding migration governance. CSOs, NGOs and the Private Sector are currently not involved in migration governance in the country.

- Migration data in Tanzania is fragmented and minimally collected within various ministries working on migration governance. The upcoming national census will however, have a category on migrants.

" *There are, however, no bilateral laws governing labour migration between the mainland and Zanzibar.*

Table 27: Selected cross-cutting issues in key migration policies and legislative frameworks

Migration and Gender	• Gender dynamics are not well captured in existing policies and legislative frameworks, calling for a comprehensive national migration policy and labour migration policy that capture these dynamics while at the same time ensuring policy coherence. • Migration in the United Republic of Tanzania is gendered whereby young women tend to migrate long-term to urban centres and abroad while young men in contrast are more likely to engage in seasonal and temporary movements since they have land to come back to during the farming season. • Tanzania's National Strategy for Gender Development acknowledges the rights of women as human rights but does not pronounce itself on gendered aspects of migration.
Migration and Development	• The role of migration in development is not captured in existing policies and legislative frameworks. • Tanzania does not have a national diaspora policy. The potential impact of migration on development especially at the backdrop of remittances has only recently gained the attention of Tanzanian policy actors partly because international migration was restricted during the country's socialist period (approximately from 1961 to 1985). • Tanzania's 5-year development plan (2016-2021) was aimed at attracting investment into the country. It however only addressed migration from the standpoint of reducing push factors for rural-urban migration to relieve pressure on urban social amenities and infrastructure.
Migration and Data Management	• The existing migration related policies and legislative frameworks do not address data management • Migration in Tanzania is commonly viewed within the traditional security framework, as such, most institutions collect such data only for their internal use and primarily for purposes related to reporting to their own ministries and for budgeting purposes to the national parliament. • Most of the data is not stored or processed in digital databases, making it largely inaccessible to policymakers, researchers or the general public. • There is no general data protection legislation in Tanzania, there are however, discussions regarding a draft personal data protection bill307
Migration and Climate Change	• The existing migration related policies and legislative frameworks do not address climate change. • Climate change has altered mobility patterns and fostered migration from rural to urban areas, especially towards big cities, such as Dar es Salaam, which are perceived to offer better livelihood opportunities. Environmental disasters have also contributed to internal displacement and for most affected households, migration is therefore seen as a risk management or adaptation strategy to climate change. • Tanzania's National Climate Change Strategy (NCCS) developed in 2012 guides the integration of climate change into sectoral policies and plans. Tanzania's NAPA has also marked a step in the integration of climate change in sectoral policies and plans. Migration is not included in both the strategy and NAPA.
Migration and management	• The existing migration related policies and legislative frameworks minimally address human rights, that is the TiP law and Employment laws of the mainland and Zanzibar. • Free and safe movement in the United Republic of Tanzania is not guaranteed by existing policy frameworks • Social benefits are not transferable to migrants

307. https://www.dataguidance.com/jurisdiction/tanzania#:~:text=Summary,for%20public%20review%20and%20opinion.

b. Reporting mechanisms

The United Republic of Tanzania holds National Implementation committee meetings, monitoring and evaluation reporting framework, which among other things, checks and acts as a watchdog on the progress of the United Republic of Tanzania's implementation and attainment of free movement of persons and workers from EAC to the United Republic of Tanzania.[308] The study did not identify a comprehensive national reporting mechanism that covers all aspects of migration in the country. There exist significant gaps in both policy and practice as regards TiP and safeguarding the rights of migrants. However, The United Republic of Tanzania has a child labour monitoring system that aims to end child labour in the extractive industries.[309]

c. Policy specific recommendations

1. The Government of Tanzania needs to formulate a national migration policy which captures the objectives of the GCM, AU MPFA and addresses cross-cutting issues of gender, climate change, migrant rights. A diaspora policy should also be formulated to harness the role of migration in development.

2. The Government of Tanzania should develop bilateral laws governing labour migration between the mainland and Zanzibar to ensure fair and ethical recruitment.

3. International Partners need to lobby the Government of Tanzania to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and develop a national labour migration policy.

4. International Partners should support the Government of Tanzania in setting up a migration coordination mechanism to ensure that migration governance is coordinated across different relevant ministries.

5. The Government should ensure regular and comparable data collection to better understand the long-term impacts of migration on Tanzania productivity and growth.

6. The Government of Tanzania should develop bilateral, regional, or multilateral agreements to facilitate the transferability and portability of social security benefits, including through finalizing the draft Social Security Portability Bill of the EAC Common Market Protocol.

---

308. MS Teams interview, Ministry of Foreign Affairs and East African Cooperation, 7th September 2021

309. MS Teams Interview, Ministry of Health, Community Development Gender Erlderly and Children (Social Welfare Department), 17th August, 2021

Trucks ferrying goods crossing at Namanga, the border point between Kenya and Tanzania © IOM 2021.

KEY RECOMMENDATIONS

To further promote synergies with existing programmes, this report mapped existing policies in countries within the EHoA region to complement existing initiatives and maximize resources. Country specific policy recommendations have been included at the end of each country's section. The report provides four main overarching recommendations:

1. National Governments should adapt national migration policies that are currently in draft form. International Partners and RECs should implement and capitalize on capacity-building exercises, and Regional Consultative Processes (RCPs) to lobby for the same. This should go along with supporting National Governments to design context specific migration implementation roadmaps.

2. International partners need to lobby National Governments to share their Progress Declaration on the Implementation of the GCM. These reports can be used to identify migration policy gaps that can be addressed through financial, technical and programmatic interventions.

3. National Governments should adapt a whole-of-government and whole-of-society approach to policy formulation to ensure policy coherence especially as regards climate change and development-focused policies. National Governments should further anchor National coordination Mechanisms for Migration (NCMs) in law to allow all relevant government and non-government stakeholders to coordinate on migration effectively. This will ensure the formulation coherent policies and policy implementation monitoring.

4. RECs and National Governments with the support of International Partners should set up infrastructure to allow for the harmonized collection of migration data. Rich data will allow for the formulation of informed Labour Migration, Trafficking in Persons (TiP), Smuggling of Migrants (SoM) and Return and Reintegration policies and laws. International Partners should also support national and local governments in appraising their staff on these policies and laws.

A seamstress who was displaced by flooding outside of Bujumbura works in a displacement site operated by IOM and the Government of Burundi. Photo: Armel Nkunzimana © IOM 2021.

BIBLIOGRAPHY

African Union (AU) and the International Organization for Migration (IOM)

2010.   African Migration Report: Challenge the Narrative. Addis Ababa.

United States Department of Labour (DOL)

2017   Findings on the Worst Forms of Child Labour. Tanzania. Washington DC.

European Union (EU)

2020a.   European Union Global Diaspora Facility Report 2020: Diaspora engagement
mapping Report- Burundi. Brussels.

2020b   European Union Global Diaspora Facility Report 2020: Diaspora engagement mapping
Report- Rwanda. Brussels.

2020c   European Union Global Diaspora Facility Report 2020: Diaspora engagement
mapping Report -Tanzania. Brussels.

Audace Gatavu

2016.   Legal Remedies for Human Trafficking in Burundi. Student Working Paper. The
Center for Civil and Human Rights. Indiana.

The United Nations High Commissioner for Refugees (UNHCR)

2016.   Submission by the United Nations High Commissioner for Refugees For the
Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review:
3rd Cycle, 29th Session, Burundi. Geneva.

The United Nations High Commissioner for Refugees (UNHCR)

2015   Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan.

Strengthening Alternatives to Onward Movements, 2015-2017, 2015, available at:

https://www.refworld.org/docid/581b3ba64.html [accessed 30 July 2021]

Bronwen Manby

2018   Statelessness and Citizenship in the East African Community. Geneva.

African Centre for Migration & Society (ACMS), University of the Witwatersrand (WITS) and
Samuel

2018.   Free and Safe Movement in East Africa: Research to promote people's safe and
unencumbered movement across international borders. Cape Town.

German Corporation for International Cooperation (GIZ)

2019   Better Migration Management in Djibouti. Brussels.

Maastricht Graduate School of Governance (MGSoG)

2017a   Study on Migration Routes in the East and Horn of Africa - Eritrea. Netherlands.

2017b   Study on Migration Routes in the East and Horn of Africa -Kenya. Netherlands.

2017c   Study on Migration Routes in the East and Horn of Africa - Somalia.
Netherlands.

2017d   Study on Migration Routes in the East and Horn of Africa - Sudan. Netherlands.

2017e   Study on Migration Routes in the East and Horn of Africa – South Sudan.
Netherlands.

International Labour Organization (ILO)

2017   Country report for Ethiopia: 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.

Geneva

2020   Country report for Kenya: An assessment of labour migration and mobility
governance in the IGAD region

2020   Country report for Sudan: 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.

Geneva

2020   Free Movement of Persons and Transhumance in the IGAD Region: Improving

Opportunities for Regular Labour Mobility. Geneva.

2021.   Assessment of labour migration legal frameworks in Africa. Geneva.

Marion Couldrey & Maurice Herson

2016.   Forced Migration Review. Issue 52.

The Global Compact for Migration (GCM)

2018.   Global Compact for Safe, Orderly and Regular Migration Report. New York.

United Nations, Department of Economic and Social Affairs, Population Division

2017   International Migration Policies: Data Booklet (ST/ESA/ SER.A/395).

The Organisation for Economic Co-operation and Developmentt (OECD)

2018   How Immigrants Contribute to Rwanda's Economy. Geneva. Available at
https://doi.org/10.1787/9789264291829-en.

European Commission

2016   Enhancing Somalia's responsiveness to the management and reintegration of mixed

migration flows. Brussels. Available at:

https://ec.europa.eu/trustfundforafrica/region/horn-africa/somalia/re-integ-enhancing-somalias-
responsiveness-management-and-reintegration_en

2018   Supporting South Sudan in developing its first ever Migration Policy. Brussels. Available

at https://ec.europa.eu/trustfundforafrica/all-news-and-stories/iom-supporting-south-sudan-developing-its-first-ever-migration-policy_en

2018   Migration Profile. 11 November. Available at

https://ec.europa.eu/knowled-ge4policy/migration-demography

Republic of Rwanda

2008   National Migration Policy and Strategies – Final Report of the e Directorate General of Immigration and Emigration

International Refugee Rights Initiative (IRRI)

2014   Conflict in South Sudan: Refugees Seek Protection in Uganda and a Way Home.

Abbott, Pamela & Sapsford, Francesca.

2012   Legal and Policy Framework for Child Rights in Rwanda.

Opportuna. K

2012   Mapping of migration data sources in Tanzania.

Human Rights Watch (HRW)

2017   "Working Like a Robot" Abuse of Tanzanian Domestic Workers in Oman and the United Arab Emirates. New York.

United Nations

2016a   Human Rights Council, United Republic of Tanzania: Report of the Working Group on the Universal Periodic Review (A/HRC/33/12).

2016b   Human Rights Council, United Republic of Tanzania: National report submitted   in accordance with paragraph 5 of the annex to Human Rights Council resolution   16/21* (A/HRC/WG.6/25/TZA/1).

2016c   Assistance to refugees, returnees and displaced persons in Africa - Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/71/354) 2017 Permanent Mission of The Republic of Uganda.

(GVA-UN/TECH/12)

Republic of South Sudan

2009   Land Act available at: https://www.refworld.org/docid/5a841e7a4.html

2017   National Framework for the Return Resettlement and Reintegration of Displaced Persons available at: https://www.refworld.org/docid/5b72a64a4.html

Republic of Djibouti

2019   Decree No. 2019-279 / PR / MI establishing a National Coordination Office for Migration available at:

https://www.presidence.dj/texte.php?ID=2019-279&ID2=2019-11-05&ID3=D%E9cret&ID4=21&ID5=2019-11-14&ID6=n.

International Organization for Migration (IOM)

2011a   Migration in Sudan: A Country Profile 2011. Geneva.

2011b   Migration in Sudan: A Rapid Country Profile. Geneva.

2013a   Migration in Uganda: A Rapid Country Profile. Geneva.

2013b   Displaced Youth's Role in Sustainable Return: Lessons from South Sudan.
Geneva.

2018a   Republic of Kenya: Migration Governance Snapshot. Geneva.

2018b   The Republic of Uganda: Migration Governance Snapshot. Geneva.

2018c   Migration in Kenya: A Rapid Country Profile. Geneva.

2018d   Comparative Study on The Free Movement of Workers in Select East African
Community Countries: Burundi Kenya, Rwanda, and the United Republic of Tanzania. Geneva.

2018e   Kenya's Draft National Migration Policy Integrates Global Compact

        Commitments: Kenya's Draft National Migration Policy Integrates Global Compact.

      Geneva.

2018f   Regional Data Hub (RDH) for East and Horn of Africa. Available at:

        https://ronairobi.iom.int/regional-data-hub-rdh . Geneva.

2019a   Migration Governance and Policy in the Global South: Introduction and
        Overview. Geneva.

2019a   Ethiopia Profile: Migration Governance Indicators. Geneva

2019b   International Migration Law: Glossary on Migration. Geneva

2019c   Migration Governance Indicators Profile 2019 – Ethiopia. IOM. Geneva.

2019d   Understanding Human Trafficking in Rwanda: Causes, Effects, and Impact.
Geneva.

2020a   Inception Report for IOM Ethiopia: Consultant to Develop National Migration
        Policy. Geneva.

2020b   Report for IOM Ethiopia: National Migration Policy Consultancy - Compendium
of Legislation and Policies Relevant for Ethiopia National Migration Policy Development. Geneva.

2020c   World Migration Report 2020. Geneva.

2021   How One Pediatrician is Trying to Reduce Neonatal Deaths in Somalia. Geneva. Available at:
https://midasom.iom.int/stories/how-one-pediatrician-trying-reduce-neonatal-deaths-somalia

        World Health Labour Organization (WHO)

2017   WHO Eastern Mediterranean Region 2018: Health of refugees and migrants - Situation
analysis and practices in addressing the health needs of refugees and migrants. Geneva.

Republic of Kenya

2009   Kenya law available at: http://kenyalaw.org/kl/

        Republic of Somali

2020   National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs). Available at https://www.refworld.org/pdfid/5d8332c64.pdf

   Republic of Sudan

2009   Ministry of Humanitarian Affairs: National Policy on Internally Displaced Persons (IDPs).

2017   Sudan Country Statement: Addressing Migrant Smuggling and Human Trafficking in East Africa

   Republic of Uganda

2020   Ministry of Foreign Affairs: Diaspora Service Overview. Available at https://www.mofa.go.ug/data/smenu/16/Overview%20and%20Mandate.html

United States Department of States

2020   2020 Trafficking in Persons Report: Burundi. July 30. Available at:

https://www.state.gov/reports/2020-trafficking-in-persons-report/burundi/

ANNEXES

DJIBOUTI	
Government	Ministère des Affaires Étrangères et de la Coopération International
Development Partner	European Union
Government	ONARS
Development Partner	Ambassade du Japan
Development Partner	Ambassade du United States
Government	Bureau National de la coordination pour les Migrations
Development Partner	GIZ
Government	Ministère de la Femme et de laFamille
Government	- INSTAD
Government	Ministère du logemen
ETHIOPIA	
International Organisation	UN Habitat
Government	Planning and Development Commission
Government	Anti-Human Traffciking and Smuggling Task Force
Government	Ministry of Labour and Social Affairs
International Organisation	ILO
Government	Ethiopia Diaspora Agency
Academia	Addis Ababa University
Government	Anti-Human Traffciking and Smuggling Task Force
KENYA	
International Organization	IOM
Government	Directorate of Immigration Services
Government	Ministry of Labour and Social Protection
Government	National Employment Authority
CSO	Kenya National Human Rights Commission
Government	Anti-Trafficking in Person Secretariat
Academia	African Migration and Policy Centre
CSO	Trace Kenya
INGO	IOM
SOMALIA	
Government	Office of the special Envoy (OSE)
Government	Ministry of foreign affairs (MOFA)
Government	Ministry of Humanitrian and Disaster Management.
Government	Ministry of Interior, Federal Affairs and Reconciliation.
Government	Ministry of Healthy
Government	Somalia National Bureau of Statistics (SNBS)
Government	National Displance & Refugee Agency (NDRA)

Government	Immigration
Government	Ministry of Justice
SOUTH SUDAN	
Government	Immigration Department – Ministry of Interior
Government	National Migration and Labour, Ministry of Labour
Government	National Bureau of Statistic (NBS)
CSO	United Nation Association of South Sudan (UNASS)
Government	National Taskforces
Government	South Sudan National Police Service
CSO	The National Transformational Leadership Institution (NTLI)
INGO	UNICEF
CSO	Community Empowerment Progress Organization (CEPO)
Government	The Ministry of Humanitarian and Disaster Management
NGO	South Sudan NGO Forum
Academia	University of Juba
SUDAN	
Government	Secretariat of Sudanese Working Abroad
Government	MoI. I&P Directorate
Government	National Population Council
Government	Ministry of Cabinet Affairs
Government	Ministry of Labour
International Organisation	GIZ
International Organisation	UNHCR
International Organisation	ILO
International Organisation	UNODC
UNITED REPUBLIC OF TANZANIA	
Government	Ministry of Finance and Planning
Government	Office of the Chief Government Statistician, Zanzibar
Government	Ministry of Health, Community Development, Gender, Elderly and Children
Government	Ministry of Finance and Planning- National Planning Division
Government	Ministry of Foreign Affairs and East African Cooperation
Government	Ministry of Health, Community Development Gender Erlderly and Children (Social Welfare Department)

UGANDA	
Government	Ministry of education and sports
Government	Office of the prime minister
Government	Ministry of Justice and constitutional affairs
Government	National Planning Authority
Government	Ministry of Internal affairs
Government	Ministry of gender labour and social development
CSO	Uganda child's right NGO network
Government	Ministry of defence and veteran affairs
CSO	Platform for labour action
CSO	Uganda Human Rights Commission
Government	Ministry of Internal affairs
Government	Ministry of Foreign affairs
Academia	Makerere University
Government	Ministry of East African Community affairs
INGO	GIZ Uganda
Government	Ministry of Local Government
Government	Uganda bureau of statistics
Private Sector	Bank of Uganda
Government	Ministry of Foreign affairs

ANNEX B: Regional instruments/Policies related to Migration

PART A: IGAD instruments

Instrument	Signing/Ratification	Analysis
IGAD Regional Migration Policy Framework (2012)	Adopted by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.	**From a policy dimension, it serves as a coherent strategy to guide IGAD priorities in migration management, and as a useful framework for Member State adaptation and further elaboration into national migration policy frameworks.** • The framework identifies the following eight broad thematic areas of attention: 1) Labour migration; 2) Border management; 3) Irregular migration; 4) Forced displacement; 5) Internal migration; 6) Migration data; 7) Migration and development; and, 8) Inter-State and Inter-Regional cooperation. • Additionally, it identifies fourteen cross-cutting and special issues needing policy attention: 1) National and international security and stability; 2) Crisis prevention, management and conflict resolution; 3) Rights of migrant; 4) Migration, poverty and conflict; 5) Migration, climate change, environment and adaptation; 6) Migration and gender; 7) Migration and vulnerable groups; 8) Migration and health; 9) Migration and education and human resources; 10) Nomadic pastoralism; 11) Migration and culture; 12) Migration and tourism; 13) Migration and trade; and, 14) Migration, human security and social protection.
IGAD Free Movement of Persons Protocol	Endorsed by Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda but yet to be adopted.	**Establishes A) Free Movement of Persons and Labour B) Rights of Establishment and Residence** • Art 13: Accords to citizens of Member States the right of free movement of persons and guarantee right of entry, stay, move freely and exit the territory of other Member States; • Extends the right of free movement of workers and self-employed persons and their dependents and guarantee them the right to apply for employment, conclude contracts and accept offers of employment and accord the right of the worker to be accompanied or joined by dependents in the territory of other Member States • Progressively realizes the right of establishment and residence of citizens of other Member States in their territory. Member States shall facilitate the free movement of specific vulnerable groups including victims of human trafficking, women at risk, unaccompanied children separated from their families, persons with disabilities and elderly persons. • Art 15: Makes special provisions for residents of cross-border communities for further easing of movement. (This may be seen as an approach to ease tensions or solidify social cohesion in cross-border communities.) • Art 25: Touches on Remittances - Member States shall facilitate the transfer of earnings and savings • Both rights and responsibilities are detailed, including the in Articles [6] and [7] the requirement to enter and exit the territory through designated point or official point of entry, with a recognized and valid travel document, and not in violation of public security and public health procedures.
IGAD Protocol on Transhumance	Endorsed by the IGAD Committee of Ambassadors and High-Level Experts, Khartoum, 27 February 2020. Pending signature by the IGAD Council of Ministers	**The protocols preamble notes the relationship between the proposed Transhumance policy and the African Union's goals and priority areas of Agenda 2063 which includes working towards environmentally sustainable and climate resilient economies and communities.** • Art 1: Defines "Transhumance" as pastoral livestock production system characterized by seasonal movement of herds and herders to access water and pasture, between complementary ecological areas within and between Member States; • Art 5: proposed special approach to border crossing administration for Transhumance Corridors • Art 7: Transhumance herders are required to possess duly issued identification documents • Art 13: Details use of IGAD Early Warning Mechanism for Transhumance movement management • Art 19: Member States shall invest in border communities through integrated land use plans that consider the needs of pastoralists, disaster risk management strategies, tracking of animal mobility, early warning mechanisms and long-term investment in the pastoral areas.

Instrument	Signing/Ratification	Analysis
IGAD Convention on Mutual Legal Assistance in criminal matters, 2009	Djibouti and Ethiopia are the only member states that have ratified the Convection.	• Establishes a legal basis for mutual legal assistance and extradition requests between Member States –important aspects in prosecuting transnational TiP
IGAD Convention on Extradition, 2009	Djibouti and Ethiopia are the only member states that have ratified the Convection.	• Establishes a legal basis for mutual legal assistance and extradition requests between Member States –important aspects in prosecuting transnational TiP

PART B: EAC Instruments

Instrument	Signing/Ratification	Analysis
1999 Treaty for the Establishment of the EAC	Ratified by Kenya, Uganda, Tanzania, Rwanda, Burundi, South Sudan	**In force: 1999** • Art. 104 contains provisions for the free movement of persons, labour and services, as well as right of 'establishment and residence.' • In Art. 76, the states agree to establish a common market, with 'free movement of labour, goods, services, capital, and the right of establishment'. Note that 'residence' is provided for in Art. 104, but not Art. 76. • Art. 104 includes the following: • The state parties agree to conclude a Protocol on the Free Movement of Persons, Labour, Services and Right of Establishment and Residence. This has not been concluded yet. • Provision for easing and standardising travel and border management procedures, including travel documents, creation of common employment policies, reciprocal opening of border posts and strengthening of labour institutions (for instance, training and productivity centres, and enhancing the activities of employers and workers' organisations)
2010 Protocol on the Establishment of the EAC Common Market	Ratified by Kenya, Uganda, United Republic of Tanzania, Rwanda, Burundi. South Sudan	**In force: 2010** **Part D of the 2010 Protocol contains provisions on the 'Free movement of persons and labour' and provides the following** • Free movement of EAC member country citizens (a) subject to limitations imposed by member host states on grounds of public health, public policy, and public security (Art. 7(5)), and (b) providing them protections in accordance with national laws (Art. 7(3)). • Movement of refugees between EAC states is to be governed by the provisions of international conventions (Art. 7(8)). • The establishment of a common travel document. • Art. 10 specifically guarantees the free movement of workers between EAC countries. EAC states are required to ensure that workers from other EAC countries are not discriminated against in respect of employment, remuneration and conditions of work. • Art. 10(3)(e) and (f) specify that workers from other EAC countries are entitled to i) enjoy freedom of association and collective bargaining as per the laws of the host EAC state, and ii) enjoy the rights and benefits of social security. The same rights are to be extended to the spouse and child of the worker. Travel of dependants of workers is to be permitted in accordance with the laws of the host state. • Art 10(9) excludes the application of national laws of a state where those laws are to be applied to exclude the employment of another EAC state worker. • Art. 10(10) disapplies these provisions from applying to public (i.e., government) employment in another EAC state. • Art 10(11) subject's movement to limitations imposed by member host states on grounds of public health, public policy, and public security • Art. 11 enjoins member states to harmonise recognition of academic and professional standards and harmonise accreditation of educational and training institutions. • In Art. 12, member states undertake to harmonise labour and social security laws, programmes and policies to facilitate movement. **Part E, on the 'Right of Establishment and Residence' provides the following** In Part E (Art. 13), states guarantee the right of migrants from other EAC states to pursue self-employment and set up businesses. • Residence of other EAC citizens is guaranteed under Art. 14. • The rights of residence and establishment are subject to limitations imposed by the host partner state on grounds of public policy, public security, or public health (Arts. 13(10) and 14(4)). • Art. 15 states that land use is to be governed by host state laws. • In practice, the EAC passport was launched in 1999 and is presently operational for EAC citizens to travel freely in the EAC region for a period of six months. After ratifying the CMP, Kenya and Rwanda abolished requirements for work permits for citizens of member states. Kenya, Rwanda and Uganda have been allowing their respective citizens to travel across borders by using only their respective national identity cards. These three countries also issue a single tourist visa, creating a subregion for international travelling. A single immigration entry or departure card eases the procedures for issuing entry and work permits in the EAC.

Instrument	Signing/Ratification	Analysis
EAC One Stop Border Posts Act, 2016	Adopted by Kenya, Uganda, United Republic of Tanzania, Rwanda, and Burundi. While the legislation covers South Sudan as an EAC Partner State, the country has not fully domesticated the legislation.	• Aims to enhance border management and outlines provisions for investigation of offences committed at the border

ANNEX C. Key treaties, conventions, protocols, and charters relevant to migration in the East and Horn of Africa

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Burundi	• The International Covenant on Economic, Social, and Cultural Rights (Ratified) • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) (Ratified) • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Not Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Common African Position on the Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• 1999 Treaty for the Establishment of the EAC (Ratified) • 2010 Protocol on the Establishment of the EAC Common Market (Ratified)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Djibouti	• The International Covenant on Economic, Social, and Cultural Rights Ratified • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) Not Ratified • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Not Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Eritrea	• The International Covenant on Economic, Social, and Cultural Rights Ratified • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Not Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Not Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) Not Ratified • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Not Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Not Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Ethiopia	• The International Covenant on Economic, Social, and Cultural Rights Ratified • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified with restrictions on Article 15 concerning the jurisdiction of the International Court of Justice) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) Ratified • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Not Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Kenya	• The International Covenant on Economic, Social, and Cultural Rights Ratified • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) Ratified • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Not Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• 1999 Treaty for the Establishment of the EAC(Ratified) • 2010 Protocol on the Establishment of the EAC Common Market (Ratified) • Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Rwanda	• The International Covenant on Economic, Social, and Cultural Rights (Ratified) • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women (Ratified). • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) (Ratified) • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• 1999 Treaty for the Establishment of the EAC (Ratified) • 2010 Protocol on the Establishment of the EAC Common Market (Ratified)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
South Sudan	• The International Covenant on Economic, Social, and Cultural Rights (Not Ratified) • The International Covenant on Civil and Political Rights (Not Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Not Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Not Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Not Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) (Ratified) • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Sudan	• The International Covenant on Economic, Social, and Cultural Rights (Ratified) • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Not Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Not Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) (Ratified) • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Not Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Somalia	• The International Covenant on Economic, Social, and Cultural Rights (Ratified) • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Not Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified with reservations based on Sharia Law) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Not Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) (Not Ratified) • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Not Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
United Republic of Tanzania	• The International Covenant on Economic, Social, and Cultural Rights (Ratified) • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Not Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Not Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Not Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Not Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) (Ratified) • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Not Ratified) • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• 1999 Treaty for the Establishment of the EAC(Ratified) • 2010 Protocol on the Establishment of the EAC Common Market (Ratified)

COUNTRY	GLOBAL	CONTINENTAL	REGIONAL
Uganda	• The International Covenant on Economic, Social, and Cultural Rights (Ratified) • The International Covenant on Civil and Political Rights (Ratified) • The Convention on the Elimination of All Forms of Discrimination against Women. (Ratified) • The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Ratified) • International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (Ratified) • 1930 Convention concerning Forced or Compulsory Labour (Ratified) • Convention concerning Migration for Employment (Revised 1949) Not Ratified • 1951 Convention Relating to the Status of Refugees and its 1967 protocol (Ratified) • 1957 Convention concerning the Abolition of Forced Labour (Not Ratified) • 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Ratified) • 1989 Convention on the Rights of the Child (Ratified) • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ratified) • 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Ratified) • The International Convention for the Protection of All Persons from Enforced Disappearance; (Ratified) • The Convention of the Rights of Persons with Disabilities (Ratified) • The Global Compact for Safe, Orderly and Regular Migration (Adopted)	• 1994 Treaty Establishing the African Economic Community (Abuja Treaty) (Ratified) • African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa • 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified) • 2018 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Not Ratified) • African Charter on Human and Peoples' Rights (Ratified) • Revised Migration Policy Framework for Africa and Plan of Action (2018–2027)	• 1999 Treaty for the Establishment of the EAC(Ratified) • 2010 Protocol on the Establishment of the EAC Common Market(Ratified) • Protocol on Free Movement of Persons in the IGAD Region. (Endorsed)