COMMUNIQUE

Regional Ministerial Forum on Harmonising Labour Migration Policies in East and Horn of Africa
A United Approach on Safe, Regular and Humane Labour Migration

Priority Actions for Effective Labour Migration Policy Development and Drafting, Negotiating and Implementing Bilateral Labour Migration Agreements

Preamble:

The States of East and Horn of Africa, *acting in line with* international legal frameworks on human and labour rights of migrant workers,

Guided by the 2030 Sustainable Development Goals, the Objectives of the Global Compact for Safe Orderly and Regular Migration, African Union (AU) Agenda 2063 and the AU Free Movement Protocol to reach policy coherence and better development outcomes through migration,

Wishing to contribute to the implementation of the Revised Migration Policy Framework for Africa, the Joint Labour Migration Programme (JLMP) and other cross-thematic regional migration initiatives,

In line with ongoing initiatives which took place under joint interagency projects and initiatives such as AUC / IOM / ILO JLMP Priority, Africa Symposium on Labour Mobility of 2018, the Joint recommendations from the East and Horn of Africa regional workshop to promote ethical recruitment (Entebbe, Uganda, May 21-23, 2019), and the Global Conference on the Regulation of International Recruitment (Montreal, Canada, June 6-7, 2019); and the High Level Regional Ministerial Forum on Harmonising Labour Migration Policies in East and Horn of Africa "A United Approach on Safe, Regular and Humane Labour Migration " (Nairobi, Kenya January 20 -21 2020).

Taking into account good practices and approaches, tools and methodologies developed by the International Organization for Migration (IOM) / UN Migration, the International Labour Organization (ILO) within the UN Network on Migration and other international and regional partners, endorsed the importance of common and coordinated approaches in:

Regulation and enforcement:

- Ratify relevant human rights, labour and other international and regional instruments related to labour migration. Revise and enforce implementation thereof at the national level and share good practices and approaches.
- Develop policies, discuss and conclude interstate agreements, including Bilateral Labour Migration Agreements (BLMAs), when necessary, which would govern and facilitate safe, orderly, regular and ethical regular labour



migration in line with the international and regional standards, good practices and experiences.

- Enforce regional and Continental initiatives on freedom of movement to facilitate employment opportunities, stem irregular migration and counteract smuggling, trafficking and forced labour.
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Regional Cooperation

- Form a Regional Ministerial Labour and Social Protection Forum (RMLSPF), with a rotational chairmanship/host and define membership. Define also a monitoring and evaluation process.
- Hold the RMLSPF high-level meeting on an annual basis, with a mid-term technical review every six months, to report on progress made and identify areas of cooperation.
- A technical advisory committee chaired by PS/DG of the host country, will identify on immediate, short term and long term interventions including projects and programmes as per Priority Actions for Effective Labour Migration Policy Development and Drafting, Negotiating and Implementing Bilateral Labour Migration Agreements; and develop a monitoring and evaluation framework.
- Establish a road map for short, mid and long-term interventions.
- Promote ratification among Member States of the AU Free Movement Protocol that paves the way by providing for the progressive implementation of free movement of persons, right of residence and right of establishment in Africa, thereby fostering labour mobility in the continent.
- Advocate for cooperation on diplomatic, consular and labour attaché services in key labour destination countries.
- Intensify work within Regional Economic Communities (RECs), particularly in the initiatives, which relate to migration, such as the EAC Common Market Protocol on free movement of persons, workers, right of residence and establishment as well as EAC commitments on skills mobility within the Protocol. Equally, within the IGAD frameworks build on the opportunities for collaboration which can be realized with the adoption of the IGAD Free Movement Protocol.
- Strengthen national statistical institutions and data collection mechanisms as well as cooperation on exchange and analysis to inform policies and labour migration governance, including for effective development, drafting, negotiation and implementation of BLMAs and their monitoring and evaluation.
- Improve remittance data, and leverage the potential impact of remittances on social and economic development.
- Involve other line ministries as relevant in cross border cooperation in other areas of relevance to labour migration, such as: trade, transport and services, recognition of degrees, education and training, skills, migration of entrepreneurs and innovation, seasonal employment and transit and harness the demographic dividend. Intensify joint capacity building, consultations and interaction, develop joint tools, guidelines and approaches for policy, development of BLMAs and other instruments.
- Undertake research on global demands for labour though agencies concerned with industrial and other skill-based training.



- Explore joint coordinated approaches to BLMAs development, essential elements and provisions for inclusion for the countries of destination bearing in mind facilitation role of REC Secretariats and AU.
- Pursue and expand cooperation within East and Horn of Africa region on labour migration.
- Cooperate towards establishing a common platform for engagement with the Gulf Cooperation Council on labour migration.
- Establish interstate collaboration on diplomatic and consular assistance for migrant workers in particular in countries where some states don't have diplomatic representation; while at the same time promote and support the role of diasporas in assisting migrant workers and protecting their rights in vulnerable situations.

Strategic approach to labour migration governance and policy

- Expand the scope of BLMAs for other professions and skills levels beyond the current ones which mostly concern domestic workers.
- Increase inter-ministerial coordination and collaboration with particular emphasis of migration management agencies, including involvement of other stakeholders such as employers and private sector, social partners and non-governmental organizations.
- Strengthen the collection and analysis of labour market data, establish effective labour market information systems, research, ways to collect, analyze and use administrative data on labour migration as well as data from other sources such as private sector, employers, NGOs and job seekers.
- Harmonization of registration and regulation of private employment agencies and share the information of the registered agencies as well as formation of regional associations to enhance self-regulation among private employment agencies.

Respond to protection needs of migrant workers

- Allocate necessary resources to ensure protection needs of migrants are met in terms of legal assistance, emergency shelter, health, return and reintegration.
- Ensure the availability of the information on opportunities in the area of labour migration, international, regional and national legal frameworks providing rights of migrant workers, risks and threats, unscrupulous recruiters, employers and offenders of workers' rights.
- Include health aspects in the BLMAs both concerning occupation and general health of migrant workers and members of their families where relevant.
- Promote the rights of migrant workers to join trade unions/welfare associations, or benefit from the right of association in countries of destination, including through BLMAs.
- Prioritise the needs and protection aspects of women and youth in BLMAs and other regulatory frameworks, labour migration policies on national and regional levels.
- Improve integration and reintegration work for migrant workers and members of their families.
- Include migrant workers into national social security funds, work on transferability of social protection and other benefits.
- Improve the functioning of implementation, monitoring and evaluation committees for BLMAs, further support foreign affair ministries in strengthening of communication and coordination.



- Promote access to justice by strengthening consular services and posting labour attaches, for effective protection of human rights of migrant workers in destination countries, as part of addressing impunity, provide remedies and ensure the rule of law.
- Cooperate on intelligence gathering and sharing to prevent smuggling and trafficking of migrants and combat transnational organized crime as well as develop capacity of law enforcement agencies in counter smuggling and trafficking. Ensure effective referral mechanisms and human rights centred approach for the victims, including identification.
- Ensure cross border and integrated border management approaches to regularize and facilitate border crossings.



Proposed Draft Call to Action Priorities 2020-2023
Regional Ministerial Forum on Harmonising Labour Migration Policies in East and Horn of Africa[i]

Regional integration creates opportunities as well as challenges in labour migration management. Therefore, regional cooperation and collective action are essential to synchronise and synergise on international and regional on issues of labour migration. Bearing in mind the realities of labour migration and the priorities and strategies laid down in the Revised Migration Policy Framework for Africa and the African Union Free Movement Protocol, it is important to enhance regional cooperation among the ministries in charge of foreign affairs, labour migration, and social protection in the region to undertake several short, medium, and long-term measures to enhance proper management of labour migration and ensure common approach on labour mobility. Key among these interventions are policy, legislative and regulatory actions, targeted at strengthening the capacities of the institutions involved in labour migration management, bilateral agreements, enhancing collection, analysis and dissemination of labour market data and information as well as enhancing regional coordination of labour migration management with international partners.

The below objectives have been identified as of primary interest for the participating countries, while they are neither considered exclusive nor exhaustive.

Objective 1

Support Member States and Regional Economic Communities (RECs) to develop, adopt and implement bilateral and multilateral labour migration agreements (BLMAs), within and from Africa with destination countries, investing in institutional mechanisms and arrangements by establishing appropriate institutional, inter-institutional, and cross-border institutional mechanisms and arrangements to support and facilitate labour mobility agreements which incorporate reference to health and wellbeing of migrants during all phase of migration.

Proposed actions to provide technical assistance:

- Promote human and labour rights and related forms of protection of African migrant workers in destination countries; technical advice and training to Member State institutions and officials in a range of key areas such as:
- Enhance South-South and North-South learning and comparative experiences;
- Support social partner and private sector involvement globally, continentally, and nationally, for the labour and human rights and related forms of protection of African migrant workers in destination countries, including through the promotion of the right to join trade unions, associations and welfare groups;
- Utilise regional and inter-regional processes for social dialogue:
    - Develop and utilise continental and inter-continental processes, structures, and mechanisms to strengthen the protection of African migrant workers in destination countries;
    - Advocate for appropriate responses to deal with the condition of irregular/ undocumented African migrant workers in countries of destination (e.g., regularisation programmes including flexi-permits introduced by certain countries for irregular migrants);



- Ensure coordination and communication between social partners.

Objective 2

Promote common African policy responses to:

- Implement existing legal and policy frameworks; formulate new policy responses where protection gaps have been identified and involve multilateral stakeholders and development partners to improve the human and labour rights protection of African migrant workers in destination countries.

Proposed actions to provide technical assistance:

- Develop and implement a framework of policies on regional and continental level;
- Capacity development strategies and actions to strengthen respective institutions in analysis, elaboration and implementation of labour mobility policies;
- Collect, compile and pilot best practices and experiences in the area of policy development and implementation.

Objective 3

- Establish or reinforce existing labour market information systems within Africa to identify labour market needs for migrant workers;;
- Governments to strengthen the capacity of labour market institutions on labour migration.

Proposed actions to provide technical assistance:

- Develop of training and capacity building programmes for labour market institutions and social partners on labour market information systems, fair and ethical recruitment and countering exploitative practices.
- Improve data collection and analysis with regard to labour migration in existing labour market information systems.
- Undertake efforts to resolve skills shortages and skills/education mismatches while increasing recognition of harmonised academic and professional qualifications across Africa.

Objective 4

- Governments and Regional Economic Committees to identify and evaluate their existing capacity and training needs in the area of labour migration statistics, data collection and management;
- introduce harmonised standards and tools for data collection, analysis and monitoring on international labour migration in Africa to encourage quantitative and qualitative research on labour migration and its inter-correlated issues and facilitate evidence-based labour migration policymaking.



Proposed actions to provide technical assistance:

- Harmonise the collection of cross-thematic migration data, including definitions of migration variables, across countries and regions, and consolidate national migration data at regional and continental levels;
- Introduce the new statistical standards on labour migration.
- Implement a comprehensive research/study programme on labour migration and its inter-correlated aspects.

Objective 5

Governments to enhance inter-state, intra and inter-regional cooperation for implementation of Joint Labour Migration Program.

Proposed actions to provide technical assistance

- Promote the mainstreaming of labour migration issues within the overall dialogue on migration at national, regional and continental level;
- Engage the regional tripartite mechanisms through a multi stakeholder approach on policy consultation and coordination on labour migration issues, and facilitate consultation and technical cooperation with relevant regions of interest (intra Africa, GCC, EU, other);
- Integrate the issue of labour migration into the regular thematic dialogues held by Regional Consultative Processes (RCPs);
- Support the elaboration, adoption, and implementation of labour migration policies in the RECs coherent with relevant regional and continental frameworks;
- Facilitate dialogue with Ministries of Health to coordinate health aspects of labour migration assuring harmonization of protocols and access to care at pre-departure, during stay and upon return;
- Support the implementation of the WHO Global Code of Practice on the International Recruitment of Health Personnel.

Objective 6

Governments to support the overall strengthening of social security and welfare institutions in Member States in order to extend social security to migrant workers, promoting in particular the mainstreaming of gender and disability issues, induced mental health and psychosocial issues through access and portability regimes compatible with international standards and good practice.

Proposed actions to provide technical assistance

- Harmonize categories of social security benefits available in every Member State at national, REC and continental levels;
- Introduce policy reforms on portability of social security and welfare benefits through revision of national legal frameworks and regional social security agreements to make social security benefits available to migrant workers;
- Reform social security schemes to allow non-nationals working in host Member States may contribute on the basis of the principle of equality with nationals of host Member States.



Hereby sign as follows:

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21/01/2020

Hon. Felix Mpozeriniga Minister, Ministry of Public Services, Labour and Employment,
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Hon. Isman Ibrahim Robleh, Minister, Ministry of Labour, and Reform Administration

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Hon. Dr. Ergogie Tesfaye, Minister, Ministry of Labour and Social Affaires,
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Hon. Luul Gebreab, Minister, Ministry of Labour and Social Welfare,

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Hon. Dr. Richard Masozera, High Commissioner

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Hon. Baba Medan Konyi, Deputy Minister, Ministry of Labour,

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Hon. Sadik Hirsi Warfa, Minister, Ministry of Labour and Social Affairs, Federal Government of Somalia

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Hon. Ms. Lena Elsheikh Omer, Minister, Ministry of Labour and Social Development,

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