



EAST AFRICAN COMMUNITY

THE EAC LABOUR MIGRATION POLICY

JANUARY 2024



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P.O. Box 1096
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The East Africa Community (EAC) Labour Migration Policy is a result of the directive of the 30th Meeting of the Sectoral of Ministers responsible for EAC Affairs and Planning, held on 11th October 2019, that directed the EAC Secretariat to expedite the finalization of the draft EAC Labour Migration Policy (**EAC/SCMEACP/directive 10**).

In 2020, the African Union Commission (AUC), through the AU-ILO-IOM Joint Programme on Labour Migration Governance for Development and Integration in Africa (JLMP) provided technical and financial assistance to the EAC Secretariat to develop the draft Policy. The contributions of the AUC and its implementing partners namely; the International Organization for Migration and the International Labour Organization, in the formulation and consultations on the draft Labour Migration Policy and its Implementation Plan are greatly appreciated.

The Policy was developed and national consultations were conducted in all Partner States between January and February 2021. The process also involved the hierarchical decision-making structures of the East African Community. This involved a series of meetings with Labour Experts, Social Partners, Directors of Labour and Employment, Senior Officials culminating in sessions with Permanent Secretaries and the Ministerial Sessions.

The development of this policy navigated various stages both at regional and national levels. This included literature review, data collection for a comprehensive situational analysis on labour migration in the EAC; drafting the document, consultations, experts' meetings, consideration and validation of the final draft. Numerous parties and individuals including Labour Experts, Directors of Labour and Employment, Immigration officials of the EAC Partner States and national and sub-regional umbrella organizations of employers and employees and other key stakeholders of the respective Partner States participated and made invaluable contributions, for which we are extremely grateful.

The 33rd Sectoral Council of Ministers responsible for EAC Affairs and Planning adopted the EAC Labour Migration Policy and its Implementation Plan on 17th June 2024 (**EAC/CM 44/ Directive 48**). This was subsequently approved by the 45th Council of Ministers on 28th June 2024 (**EAC/CM 45/Decision 42**).

Completion of the EAC Labour Migration Policy would not have been possible without the decision-making power of the Sectoral Council and the Council of Ministers. We acknowledge and appreciate the approval of the Policy by the EAC.





FOREWORD

Labour Migration has gained importance as a strategic policy area for the African continent both intra- and inter-regionally. It is one of the drivers of development which should be addressed more comprehensively for the benefit of all. The African Union formulated the Migration Policy Framework for Africa and Plan of Action (2018-2030) to guide Member States and Regional Economic Communities in integrating migration in their national and intra- and inter-regional development strategies and mainstream labour migration across policy domains. This will result into the development of regular, transparent and comprehensive labor migration policies, legislation and structures that will significantly benefit countries of origin and destination, in terms of remittances, labour market needs, migrants themselves and members of their families and society in general.

Labour migration in the East African Community (EAC) is guided by Article 104 of the Treaty for Establishment of East African Community and the EAC Common Market Protocol wherein, Partner States undertook to adopt measures to achieve the free movement of persons, labor and services and to ensure the enjoyment of the right of Establishment and Residence to their citizens.

Implementation of the labour migration policy and initiatives in the Community is central to the overall objective of widening and deepening cooperation among the EAC Partner States in the economic and social fields for the benefit of their citizens. In addition, the Policy will contribute to the Partner States' efforts in actualizing labour migration programs and provide general guidance to Partner States in their pursuit to have a common approach on labour migration. The Policy also lays out a framework and sets benchmarks against which Partner States can develop, strengthen, revise and harmonize their labour migration policies.

The policy takes cognizance of the fact that Partner States have their own national labour migration policies and other legal frameworks. Thus, harmonization, standardization are the key driving factors in the EAC Labour Migration Policy.

The EAC recognizes that achieving benefits from the implementation of the Policy requires working closely with the EAC Partner States' governments, the private sector, the financial institutions, trade unions and employers' associations, civil society, development partners, and other actors. It is for this reason that this policy is an outcome of several consultative forums of all key stakeholders.


H.E Veronica Mueni Nduva
Secretary General
EAST AFRICAN COMMUNITY



ACRONYMS/ABBREVIATIONS

AEC	African Economic Community
AfCFTA	African Continental Free Trade Agreement
AIDS	Acquired Immunodeficiency Syndrome
AU	African Union
AYC	African Youth Charter
BLMAs	Bilateral Labour Migration Agreements
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMW	Committee on Migrant Workers
CSOs	Civil Society Organizations
EAC	East African Community
EAQFHE	East African Qualifications Framework for Higher Education
EALA	East African Legislative Assembly
EATUC	East Africa Trade Union Confederation
ECASSA	East and Central Africa Social Security Association
ECCAS	Economic Community of Central African States
EHOA	East and Horn of Africa
GCC	Gulf Cooperation Council
GCM	Global Compact for Safe, Orderly and Regular Migration
HIV	Human Immunodeficiency Virus
ICLS	International Conference of Labour Statisticians
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
ILS	International Labour Standards
IMF	International Monetary Fund
IML	International Migration Law
IOM	International Organization for Migration
ISSA	International Social Security Association
IUCEA	Inter-University Council for East Africa
LMICs	Low -and-Middle-Income Countries
LMIS	Labour Market Information System
MOUs	Memorandums of Understanding
MPFA	Migration Policy Framework for Africa
MRAs	Mutual Recognition Agreements
NCMs	National Coordination Mechanisms on Migration
PEAs	Private Employment Agencies



RECs	Regional Economic Communities
RLMP	Regional Labour Migration Policy
RMFM	Regional Ministerial Forum on Migration
RMG	Regional Monitoring Group
RMMS	Regional Mixed Migration Secretariat
SADC	Southern Africa Development Community
SDGs	Sustainable Development Goals
SMEs	Small and Medium Enterprises
STC-SDLE	Specialised Technical Committee on Social Development, Labour and Employment
TVPA	Trafficking Victims Protection Act
UAE	United Arab Emirates
UN	United Nations
UNAIDS	The Joint United Nations Programme on HIV/AIDS
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNDESA	United Nations Department of Economic and Social Affairs
WHO	World Health Organization



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CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND

1.1. Introduction

Labour Migration has gained importance as a strategic policy area for the African continent both intra- and inter-regionally. This interest stems from acknowledgment that migration is one of the drivers of development and hence must be addressed more comprehensively. To this end, the African Union (AU) has formulated the Migration Policy Framework for Africa (MPFA) and Plan of Action (2018-2030) to guide Member States and Regional Economic Communities (RECs). Member States as well as RECs are now integrating migration as one of the main dimensions in their national and their intra- and inter-regional development strategies and are mainstreaming it across policy domains.

According to the International Convention on the Protection of the Rights of all Migrant Workers and members of their Families (1990), a “migrant worker is a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.” (Art 2). Similarly, the ILO Standards define “migrant for employment” and “migrant worker” in largely similar terms, notably as a person who has migrated from one country to another with a view of being employed otherwise than his own account, and includes any person regularly admitted as a migrant for employment [ILO Migration for Employment Convention (Revised), 1949 (No. 97) and ILO Migrant Workers (Supplementary Provision) Convention 1975 (No. 143), Art 11 (1)].

The EAC Labour Migration Policy is anchored on Article 104 of the EAC Treaty and Part D of the Common Market Protocol, the AU Protocol on Free Movement of Persons and its Guidelines, the above relevant ILO Conventions.

The EAC LMP is premised on the generally accepted view that migrant workers can best contribute to the economies of both destination and origin countries when they have decent working conditions, and their fundamental social, economic, labour and human rights are protected by the countries from which they come and those in which they work. According to the International Labour Organization (ILO) publication of 2009 called, “Protecting the rights of migrant workers: A shared responsibility”, the countries from which migrant workers come and those in which they work have a shared responsibility to promote and protect their rights in the four basic stages of the migration process (recruitment, pre-departure, at destination, and upon return).

The EAC LMP is aligned to international labour standards and international human rights principles as well as international, continental and regional frameworks on labour migration. At the international level, it is guided by International Migration Law (IML), ILO labour Conventions and Recommendations, UN Sustainable Development Goals (SDGs) (particularly goals 8 and 10), and the Global Compact for Safe, Orderly and Regular Migration (GCM), particularly Objectives 5, 6 and 18.



1.2. Background

The EAC Labour Migration Policy is anchored in Article 104 of the Treaty for the Establishment of the EAC where, Partner States agreed to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community. In accordance with the provisions of Articles 76 and 104 of the Treaty, this Protocol provides for the following: the free movement of goods; the free movement of persons; the free movement of labour; the right of establishment; the right of residence; the free movement of services; and the free movement of capital. As such, Labour mobility is recognized as an integral part of the areas of cooperation envisaged in the Treaty and the EAC Common Market Protocol.

The EAC Labour Migration Policy has been developed in compliance with the Directive on the 30th Meeting of the Sectoral Council of Ministers responsible for EAC Affairs and Planning, held on 11th October 2019, that directed the EAC Secretariat to expedite the finalization of the draft Policy and report progress to the 31st SCMEACP (**SCMEACP 30/Directive 10**).

The African Union Commission (AUC) through its Joint Labour Migration Programme (JLMP) under program outcome No.2 “on improved policy and regulatory systems at Member States and Regional Economic Community level, gender dimension and relevant human rights and international labour standards” provided technical and financial support to the EAC Secretariat to finalize the draft policy in November 2020.

In the EAC and IOM revised MoU signed on 18th June 2021, both parties agreed to cooperate in the implementation of the Global Compact for Safe, Orderly and Regular Migration, facilitate mobility of persons, labour and support regional integration; and develop and support implementation of migration-related policies, laws and regulations.

1.3. Legal and Policy Framework

In Article 104 of the Treaty for the Establishment of EAC, Partner States agreed to adopt measures to achieve the free movement of persons, labour and services and the rights of establishment and residence. To affect these freedoms and rights, under Article 76 of the Treaty, the Partner States concluded a Protocol on the establishment of the EAC Common Market.

Under Article 3 of the Protocol, Partner States undertook to resolve the principle of non-discrimination of nationals of other Partner States on grounds of nationality; to accord treatment to nationals of other Partner States that is not less favorable than treatment accorded to third parties; and to share information for the implementation of the Protocol.



To facilitate the free movement of labour, Partner States under Article 10 of the Protocol guaranteed the free movement of workers, who are citizens of the other Partner States in their territories. In Article 11, Partner States undertake to mutually recognize the academic and professional qualifications granted, experience obtained, requirements etc, licenses or certifications granted in other Partner States, and to harmonize their curricula, examinations, standards, certifications, and accreditation of educational and training institutions.

Article 12 provides for harmonization of national labour policies, laws and programmes by Partner States to facilitate the free movement of labour within the Community. It further commits Partner States to review and harmonize their national security policies, laws and systems to provide for social security for self-employed persons who are citizens of other Partner States.

The East African Community (EAC) Vision 2050 seeks, by 2050, to have fully “enabled the free movement of persons and goods.”

Article 12 of the African Charter on Human and People’s Rights provides for freedom of movement, mobility rights, or the right to travel, as a human rights principle encompassing the right of individuals to travel from place to place within the territory of a country and return to it.

The African Economic Community Treaty (Abuja Treaty, 1991), in Article 43, member states agreed to adopt, individually, at bilateral or regional levels, the necessary measures, to achieve progressively the free movement of persons and to ensure enjoyment of the right of residence and the right of establishment by their nationals within the community.

Aspiration 2 of the Africa Union Agenda 2063 highlights a common vision for an integrated, people centred and politically united continent and commitment to free movement of people, goods and services amongst the member states as an enduring dedication to pan Africanism and African integration. It also aspires to an “Africa whose development is people-driven, relying on the potential of African people, especially its women and youth.

The policy is in line with Article 13 of The Universal Declaration of Human Rights, adopted by the United Nations (UN) General Assembly on 10th December 1948, states that everyone has the right to freedom of movement and residence within the border of each state and everyone has the right to leave any country, including his own, and to return to their country. The protection of the interests of workers when employed in countries other than their own is also embedded in the preamble to the Constitution of the International Labour Organization (ILO) of 1919.

The first international instruments providing for more comprehensive solutions to the problems facing migrant workers include the Migration for Employment Convention, 1949 (Revised) (No. 97) and the Migrant Workers (Supplementary Provisions) Convention,



1975 (No. 143), together with their Recommendations. Because migration often has consequences on both the migrant workers and members of their families, ILO instruments on migrant workers provide for guarantees and facilities to assist migrant workers and their families in all stages of the migration processes.

The policy is also anchored on sustainable development goal No. 8.8 that relates to labour migration to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. The goal also provides for protection labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.



CHAPTER TWO

2.0 SITUATIONAL ANALYSIS

2.1 Overview

The population of the Community was 305.550 million (2022) total population, 51 per cent is female and 49 per cent is male. The total working population in public sector is 10.27 percent and the private sector at 81.18 percent. the inactivity rate is 34.14 percent and employment in informal sector is 64.48 percent. Unemployment rate is 10.18 percent (EAC Facts and Figures Report 2022).

According to the EAC International Migration Statistics Report - May 2022, the working-age population in 2020 was 103.5 million, with 51.3 percent being female and 48.7 percent being male. As of 2020, the labour force participation rate in the EAC was 78.3 percent, with males constituting a higher proportion of 81.5 percent and females recording a lower proportion of 75.1percent. The report also states that the number of migrants in the EAC increased by 131percent from 2008 to 2017, from 2.1 million to 4.85 million. Of the 4.85 million migrants, 2.43 million were female and 2.42 million were male. The number of working-age migrants in 2017 was 3.61 million, of which 1.20 million (45.8percent) were females compared to their counterparts at 54.2 percent of the total migrant workers.

According to EAC International Migration Report 2022, the movement of persons generally represents border crossings made by Citizens of EAC Partner State from one Partner State to another. However, it is anticipated that the most movements occur within regional blocs and beyond.

2.2 Labour Migration Issues in the East African Community

This section highlights the major Labour Migration issues in the EAC and discusses the current dynamics in policy and practice at national and regional levels, and proposes appropriate measures for strengthening labour migration in the region.

2.2.1 Labour Migration Governance

Economic growth and development are key determinants of regional integration. In the post-independence period, there is a multitude of “push” and “pull” factors that drive migration on the continent and within the EAC. Whereas the key push factor in the EAC region is limited socio-economic opportunities, the pull factors are better quality of life, higher income, improved security, education and health care in destination countries. Environmental degradation and climate change have also contributed to forced migration.

Rapid and continued globalisation and digital transformation calls for a coordinated, accessible, and coherent approach to labour migration governance, in adherence to domestic, regional, and international standards. The State of Migration in East and Horn of Africa Report 2022 indicates that the free movement of persons facilitates technological



and knowledge transfer, thereby accelerating industrialisation and innovation in Africa. Labour migration management is inadequately coordinated across the region. Therefore, Partner States should ensure that they have the necessary policies, legal frameworks and resources to support labour migration governance in the region.

2.2.2 Harmonisation of Labour Migration Policies

The EAC CMP, provides for the harmonization of labour policies, laws and frameworks under Article 12. Under this provision, several intra-regional initiatives to ensure effective labour migration governance as well as work related processes and procedures have been put in place. The Partner States have endeavoured to operationalise the provisions in Articles 13 and 14 on the right of establishment and residence respectively.

In addition, some Partner States have ratified and domesticated the international and regional instruments on migration such as: Equality of treatment (Accident Compensation) Convention, 1925 (No.19); Equality of treatment (Social Security) Convention, 1962 (No.118) and Private Employment Agencies Convention, 1997 (No.181).

Addressed in the existing Partner States' national labour migration policies are aspects of bilateral, multi-lateral and inter-regional labour migration agreements. These aspects have been brought about by the emerging trends in the labour migration within the region. Some EAC Partner States have signed Bilateral Labour Agreements (BLMAs) with destination countries such as: the Gulf countries of the Kingdom of Saudi Arabia, Qatar, the United Arab Emirates and Jordan.

However, there are no identifiable multilateral-labour migration agreements between the EAC and other Regional Economic Communities that are destinations of their migrants. While some Partner States have signed BLMAs, there are common challenges such as implementing and monitoring of the welfare of migrant workers in destination countries.

Despite the progress made by Partner States in signing BLMAs, the EAC does not have harmonised guidelines, standards, policies and legal frameworks on BLMAs and mainly relies on international instruments for which some Partner States have not ratified. This includes the ILO Migration for Employment Convention 97 of 1949. In this regard, mechanisms for ensuring development of the guidelines on BLMAs need to be put in place at the regional level.

Returning migrant workers have diverse needs, such as employment, psycho-social support and economic empowerment to participate in development of their countries upon their return. Although there is no regional legal framework for return, and reintegration, EAC Partner States are parties to declarations, commitments and international treaties which obligate them to reintegrate their returning nationals. Some of these include: the AU Migration Policy Framework for Africa; Sustainable Development Goals and the



Global Compact on Migration (GCM). As such, the region would benefit from return, readmission reintegration policies and legal frameworks that confer obligations to nationals of Partner States and provide strategies for implementation.

2.2.3 Protection and Empowerment of Migrant Workers

The EAC CMP provides for approaches to the protection and empowerment of workers under Articles: 5, 7, 9, 10, 12, 13, 14 among others. The protection of migrant workers as provided in the EAC CMP, is to be carried out based on Partner States policies, laws and programmes. In most cases, these provisions are not enshrined in some Partner States' national laws (EAC Common Market Scorecard 2018). This infringes on the rights of migrant workers. To enhance the protection and empowerment of migrant workers in the Community, national and regional labour migration policies should include regional strategies towards harmonization of labour policies, laws and frameworks.

2.2.4 Access to Social Protection and Social Security Benefits

The ILO Convention no.102 (1952) sets out minimum standards on social security protection to guide the development of the benefit schemes and national social security systems, based on good practices from all regions of the world.

The EAC takes cognisance of ensuring social protection and provides for social security benefits to workers. In this regard, Article 39(1) of the EAC CMP, provides for Partner States to coordinate and harmonize their social policies to promote and protect decent work and improve living conditions of their citizens and argues implementation of programmes that expand and improve their social protection in Article 39 (h). Envisaged in these provisions, is the requirement for Partner States to expand the scope of social protection to include all workers.

The scope of cooperation in the CMP provides for removal of restrictions on movement of labour including social security benefits in Article 5 (2)(c) and 10(3)(f) provides for extension of the national treatment to citizens of other Partner States for enjoyment of the rights and benefits of Social Security. To enhance implementation of a forementioned provisions, Article 10(4) mandates the Council of Ministers to issue Directives and make regulations on Social Security Benefits.

Article 12(2), reiterates the importance of social security benefits for workers and states that "Partner States undertake to review and harmonize their national social security policies, laws and systems to provide for social security for self employed persons who are citizens of the other." The draft EAC Council Directive was negotiated, developed and presented to the 22nd Council of Ministers held in April 2011. Consequently, the East African Community Coordination of Social Security Rights and Benefits Regulations (2023) was developed and will address coordination and portability of social security benefits for workers once adopted.



To actualize the labour migration in the region, Partner States need to develop mechanism for access to social protection of migrant workers including porting of their social security benefits.

2.2.5 Mutual Recognition of Academic and Professional Qualifications

The mutual recognition of academic and professional qualifications is a means to promote trade in professional services within the region and the transfer of skills. According to Article 11 of the EAC CMP Partner States undertook to mutually recognize the academic and professional qualifications granted, experience obtained, requirements met, licence or certificates granted in other Partner States. So far, some Mutual Recognition Agreements (MRAs) for professional services have been developed, including for accounting, engineering, architecture, and veterinary services. A draft legal framework (Annex VII) to guide implementation of the concluded MRAs is in place and awaits review by Partner States. To achieve the benefits associated with MRAs, there is need for both policy and legal frameworks to guide the implementation of MRAs to allow free movement of professionals within the region.

2.2.6 Recognition of Skills Obtained through Informal Training

Chapter 17 of the Treaty for the Establishment of the East African Community (EAC) lays the foundation for the free movement of persons, labour, and services, alongside rights to establishment and residence. This encompasses both skilled and unskilled workers, highlighting the necessity to acknowledge skills gained through practical experience.

The EAC has taken significant strides in developing the Regional Technical and Vocational Education and Training (TVET) Harmonization Strategy. This strategy introduces various frameworks, including the Engagement Platform with the Private Sector/Industry, Coordination of TVET and Mobility of Students and Staff, Harmonization of Occupational Standards and TVET Curriculum Structures, and a Regional TVET Qualifications Framework. Additionally, the Inter University Council for East Africa has formulated the East African Qualifications Framework for Higher Education, emphasizing the recognition of skills acquired through informal training.

At the African Union level, the 2014 Addis Ababa Convention (Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees, and other Academic Qualifications in Higher Education in African States) urges member states to develop systems for evaluating qualifications based on knowledge, skills, and competences. Furthermore, the African Union Commission-Joint Labour Migration Programme (AUC-JLMP) emphasizes the critical need for skill portability and mutual recognition of qualifications.

It is commendable that individual Partner States within the EAC have also put in place robust efforts to recognize, certify, and qualify skills acquired through experiential learning. However, a notable gap remains at the EAC level — there is currently no specific



mechanism for the recognition of such skills. This gap underlines the urgent need to integrate skill recognition components into the ongoing development of frameworks across labour, education, vocational training, and skills development sectors. Addressing this need will be a significant step towards harnessing the full potential of the workforce within the EAC. In the meantime, Partner States shall continue to use their national frameworks to address such gaps.

2.2.7 Promotion of Fair and Ethical Recruitment Practices

Labour mobility has generally been a positive development in the region. For example, labour migrants have a positive impact on a country's income distribution, and its domestic investment priorities. In the EAC context, Regulation 12 (2) of the EAC CMP (Free Movement of Workers) Regulations, Partner States commit to “require private agencies involved in the collection and dissemination of information on job vacancies and facilitation of citizens access to employment opportunities, to register with the competent authorities.”

Further, the EAC Partner States have their own mechanisms for promoting fair and ethical recruitment practices. However, there is lack of a regional harmonised policy and legal framework and regulations to guide private recruitment and employment agencies. This subjects migrant workers from the region to vulnerabilities including abuse and exploitation as well as human trafficking. This, therefore, necessitates a regional approach to promote ethical recruitment, decent work and access to remedy by migrant workers and strengthen the regulation and monitoring of private employment agencies.

2.2.8 Remittances by Migrant Workers

The issue of remittances by migrant workers is not explicitly addressed in the EAC Legal and Regulatory Provisions. Hence, there is need to develop appropriate mechanisms for migrant workers engagement in the development of the Community.

In the EAC Partner States, there are movements of labour migrants from one Partner State to another and to other parts of the world to seek employment opportunities. It should be noted that some of the resources sent back home by the migrant worker can be invested and yield a multiplier effect and create employment. Migrant worker engagement also plays a significant role in the economic development in the region. The current information on remittances from the World Bank indicates that Partner States in the EAC received up to eight billion nine hundred twenty-five million six hundred forty-seven thousand five hundred seventy-four United States Dollars (8,925,647,574USD) in 2022 (World Bank Open Data 2022)¹ compared to six billion eighteen million three

¹ <https://data.worldbank.org/indicator/SI.POV.DDAY?end=2019&locations=1W&start=1981&view=chart>



hundred seventy thousand US dollars received in 2020 (World Bank 2020)² as per the table below: -

Country	Personal remittances, received (current USD)					Amount
	2017	2018	2019	2020	2021	
Burundi	33,730,000	48,330,000	48,300,000	45,630,000	Not Available	48,328,632
Democratic Republic of Congo	1,080,000,000	1,082,000,000	2,080,000,000	1,110,000,000	Not Available	1,663,601,393
Kenya	1,960,000,000	2,720,000,000	2,840,000,000	3,110,000,000	3,770,000,000	4,059,710,201
Rwanda	215,290,000	26,051,000	260,710,000	280,070,000	Not Available	474,156,654
South Sudan	633,830,000	1,270,000,000	80,440,000	86,510,000	135,000,000	1,186,560,000
Tanzania	402,630,000	412,910,000	433,500,000	326,160,000	570,000,000	697,900,000
Uganda	1,170,000,000	1,340,000,000	1,420,000,000	1,060,000,000	Not Available	1,269,547,348
Grand Total	5,495,480,000	6,899,291,000	7,162,950,000	6,018,370,000	4,475,000,000	9,399,804,228

Source: World Bank Open Data

Despite the volume of remittances received by Partner States, the cost of remitting is still high due to inadequate policy and legal frameworks in the region. It is, therefore, critical for EAC to develop migrant worker policy and legal framework to guide Partner States to harmonize their national policies and mechanisms for transfer of remittances.

2.2.9 Exchange of Young Workers

The EAC CMP, under Article 10, provides for free movement of workers and states in Article 10 (8) that Partner States will within the framework of a joint programme encourage the exchange of young workers. This provision, is envisaged to help enhance among others continual strengthening of skills exchange as well as create new opportunities, expose them to work related diversities, cultures and ethos in the region. Proper regulation of exchange of young workers is likely to enhance regional integration and help create new spheres in the labour. Its critical that a framework to encourage exchange of young workers in the EAC Partner States be developed and operationalized.

2.2.10 Labour Market Information Systems

Regulation 14 of Annex II on the EAC Common Market (Free Movement of Workers) Regulations states that the Secretariat will, in collaboration with the Partner States, undertake manpower surveys to determine available skills and gaps in the labour market within the Community as may be required from time to time and based on the findings of the manpower surveys, develop a database to facilitate monitoring of the labour market.

² <https://ourworldindata.org/grapher/personal-remittances-oda?country=~COD>



The survey requires substantial resources to be undertaken. In addition, there is variance in the period of conducting the Manpower Surveys which affects the comparability of the data between the modules themselves and the Partner States.

The EAC-CMP requires Partner States and EAC Secretariat on the basis of the findings of the Manpower Surveys to develop a database to facilitate monitoring of the labour market. In addition, Partner States are required to put in place Labour Market Information System (LMIS) to facilitate access to employment opportunities. To this end, Partner States are at different levels of developing LMIS. The integration of Partner States' LMIS, will facilitate sharing and exchange of information regarding job opportunities, employment statistics and other labour matters. It will also support Partner States in human resource planning.

Despite the progress on the development of LMIS at the Partner States' level, the EAC Secretariat is yet to develop a comprehensive and integrated system to facilitate Information sharing and address the need for routine exchanges on subjects such as labour flows, stocks, and needs in labour supply vis-à-vis labour demand in the region.



CHAPTER THREE

3.0 RATIONALE FOR THE EAC LABOUR MIGRATION POLICY

The free movement of persons and labour was initially a founding principle of the East African High Commission in 1967 and was reaffirmed in article 104 of the EAC Treaty in 1999, which makes express provision for the free movement of persons, labour, services, and the right of establishment and residence. In 1999, the EAC also launched its community passport which permits nationals of EAC Partner States to travel within the EAC and to a multi stay of six months validity in any of the Partner States.

Despite the entry into force of EAC the Common Market Protocol in 2010, Partner States have not fully aligned their national laws with the protocol requirements that guarantee the rights of citizens to move freely and to establish residence in another Partner States. Articles 7, 13, and 14 of the Protocol stipulate that citizen of the Partner States are guaranteed the right to reside in any Partner State along with their spouse, dependents, and children, for purposes of living, visiting, touring, transit, education, training and working.

The purpose of the EAC LMP is to actualise the above-mentioned provisions of the Common Market Protocol and to provide general guidance to Partner States in their pursuit to have a common approach on labour migration. To achieve this, the policy lays out a framework and sets benchmarks against which Partner States can develop, strengthen, revise and harmonize their labour migration policies.

Furthermore, the LMP is meant to guide the implementation of the Common Market Protocol by Partner States as well as address some of its shortcomings and challenges that have continued to affect the full implementation of its labour migration provisions. These challenges include, among others, delayed harmonization of labour migration laws and policies, irregular migration, implementation of good labour migration governance, protection and empowerment of migrant workers, provision of social protection for migrant workers, and lack of migration data management systems.

The development of a regional labour migration policy is therefore necessary to ensure that rights of citizens to move freely, reside and establish themselves in another Partner State are guaranteed and to promote economic development in both countries of origin and destination.



CHAPTER FOUR

4.0 STRATEGIC DIRECTION OF THE POLICY

4.1 Vision

A well-managed, sustainable and inclusive labour migration governance system in the EAC.

4.2 Mission

To promote safe, orderly and humane labour migration in the region.

4.3 Overarching Objective

To guide promotion of labour migration governance, effective regulation, protection of migrant workers' rights, and maximizing the benefits of labour migration.

4.3.1 Strategic Objectives

- a) to strengthen labour migration governance;
- b) to promote protection and empowerment of migrant workers; and
- c) to maximize the benefits of labour migration for development in the EAC.

4.4 Guiding Principles

The Policy will be guided by the fundamental and operational principles of the Treaty Establishing the East African Community and relevant regional and international instruments.

In addition, the following will guide the Policy:

- a) tripartism and social dialogue;
- b) decent and productive work;
- c) consultation, transparency and dialogue among the Partner States and other labour migration stakeholders; and
- d) adherence to standards and rights of Labour Migrants

The Policy embraces international principles, viz:

- a) GCM principles that among others call for whole-of-government and whole-of-society approach to promote good labour migration governance.
- b) Principles governing the Joint Labour Migration Programme for Africa.



CHAPTER FIVE

5.0 LABOUR MIGRATION POLICY PRIORITY AREAS

The priority areas set out in session emanate from what is appertaining in the EAC to labour migration. The areas of focus are based on the provisions of the Treaty establishing the EAC and relevant protocols. Reference is also made to other regional and international practises. To effectively address the priority areas, policy objectives relevant key strategies have been formulated.

5.1 Labour Migration Governance

5.1.1 Policy Objectives

- a) Develop and strengthen labour migration policy, legal and institutional frameworks in the EAC Partner States; and
- b) Develop and implement a regional mechanism on combating irregular labour migration.

5.1.2 Key Strategies

Partner States will:

- a) establish well defined structures, functions, adequate capacities and multi-sectoral coordination mechanisms on labour migration;
- b) develop and implement appropriate policies, legislation, regulations and standards on labour migration;
- c) develop sufficient and sustainable resource allocation and effective fiscal management mechanisms;
- d) promote data collection and sharing on irregular labour migration;
- e) develop a regional mechanism on combating irregular labour migration;
- f) promote collaboration between countries of origin and destination on combating irregular labour migration;
- g) strengthen infrastructural systems at ports of entry that can deter and assist in combating trafficking and smuggling of migrant workers;
- h) strengthen inter and intra-regional justice systems in combating irregular labour migration;
- i) develop a communication strategy to raise awareness on the risks and effects of irregular labour migration; and
- j) strengthen multi-sectoral coordination committees on management of irregular labour migration.



The EAC Secretariat will:

- a) coordinate the assessment of labour migration policies, laws and programmes in Partner States;
- b) establish a Regional Coordination Mechanism for Labour Migration with linkages to National Coordination Mechanisms (NCMs);
- c) establish a regional quality evidence based and data management mechanisms for decision making on labour migration governance;
- d) coordinate the development of a capacity building strategy to facilitate the implementation of the labour migration policies, laws and programmes;
- e) coordinate harmonisation of laws, policies and frameworks on combatting irregular labour migration;
- f) develop a collaborative framework for engagement at the regional, continental and global levels to address irregular labour migration; and
- g) strengthen the investigative capacities and sharing intelligence information for cross-border immigration and law enforcement agencies to be more responsive to irregular labour migration.

5.2 Harmonisation of Labour Migration Policies

5.2.1 Policy Objectives

- a) align Partner States' labour migration policies, with regional, legal and institutional frameworks;
- b) promote intra and inter-regional cooperation on Labour Migration;
- c) adopt basic human rights-based and gender responsive approach to developing and implementing bilateral labour migration agreements;
- d) strengthen monitoring and implementation of the BLMAs; and
- e) mainstream measures for identifying, accepting and reintegration of returning labour migrants.

5.2.1 Key Strategies

Partner States will:

- a) harmonize labour migration laws, policies and practices in the context of the EAC regional integration agenda.
- b) mainstream labour migration interventions in development plans at national and regional levels;
- c) enhance co-operation on labour migration governance;
- d) ensure migrant workers' rights are protected in negotiating BLMAs and other bilateral arrangements;
- e) develop capacity building programmes for Competent Authorities, social partners and other stakeholders; and



- f) develop standards and procedures for mainstreaming measures on return and reintegration of migrant workers in labour migration policy instruments.

The EAC Secretariat will:

- a) develop an advocacy strategy for ratification and domestication of regional, continental and international instruments on Labour Migration;
- b) establish a Monitoring Mechanism to track the ratification, domestication and implementation of Labour Migration policies, laws and programmes;
- c) coordinate cooperation on labour migration governance;
- d) build capacity in negotiating and implementing BLMAs and other bilateral arrangements; and
- e) develop regional guidelines and standards for the development, implementation and management of Bilateral and Multi-lateral Labour Migration Agreements.

5.3 Protection and Empowerment of Migrant Workers

5.3.1 Policy Objectives

- a) adopt the rights-based approach to prevention and protection against unfair and unethical labour practices; and
- b) strengthen the enforcement of the legal provisions and standards pertaining to the right based approach.

5.3.2 Key Strategies

Partner States will:

- a) strengthen national legislation on combating discrimination, violence and harassment of migrant workers;
- b) establish reception centres for distressed migrant workers in origin, transit and destination countries;
- c) establish and strengthen labour attaché offices in their diplomatic missions;
- d) mainstream gender responsive mechanisms to ensure the protection of migrant workers;
- e) develop and negotiate bilateral labour migration agreements with destination countries; and
- f) harmonise standards on pre-departure training for migrant workers.

EAC Secretariat will:

- a) negotiate multilateral labour agreements for migrant workers;
- b) coordinate development of a regional model labour agreement;
- c) coordinate mechanisms on extension of existing consular services provision to migrant workers; and
- g) coordinate the implementation of labour agreements.

5.4 Access to Social Protection and Social Security Benefits

5.4.1 Policy Objectives

- (a) strengthen the social protection systems;
- (b) harmonize relevant national policies and laws on social protection;
- (c) strengthen the legal frameworks on social security benefits for migrant workers;
- (d) Strengthen coordination and collaboration among the existing social security benefits schemes; and
- (e) Broaden the scope and coverage of social security systems.

5.4.1 Key Strategies

The Partner States will:

- a) extend social protection to all migrant workers as per the EAC coordination mechanism of social security benefits;
- b) negotiate and implement bilateral and multilateral agreements on portability of social security;
- c) align social security policies and laws with emerging trends in labour migration movements; and
- d) ensure provision of inclusive social security rights.

The EAC Secretariat will:

- a) develop a mechanism for the coordination of social protection of migrant workers and portability of social security benefits; and
- b) coordinate harmonisation of policies and legal frameworks on social protection and portability of social security benefits.

5.5 Mutual Recognition of Academic and Professional Qualifications

5.5.1 Policy Objective

Create an enabling environment for implementation of mutual recognition of academic and professional qualifications.

5.5.2 Key Strategies

Partner States will:

- a) put in place a mechanism to enhance comparability of qualifications, certificates and licences;
- b) ensure establishment of a database for professionals in the signed MRAs;
- c) build capacities of Competent Authorities for MRAs;
- d) develop national qualification framework based on the East African Qualification Frameworks for Higher Education;



- e) ensure inclusion of professionals in signed MRAs in national Labour Market Information Systems;
- f) support the professional associations and regulatory authorities to implement the signed MRAs; and
- g) liberalise more professions in accordance with Article 11 of EAC CMP.

EAC Secretariat will:

- a) develop frameworks for operationalization of Mutual Recognition Agreements;
- b) develop a Regional Labour Market Information System ensuring inclusion of professional services, movement in the signed MRAs; and
- c) develop a Regional Model Agreement on negotiation of MRAs.

5.6 Recognition of Skills Obtained through Informal Training

5.6.1 Policy Objectives

- a) Promote mutual recognition of skills acquired through experience; and
- b) Enhance linkages between informal and formal skills.

5.6.2 Key Strategies

Partner States will:

- a) establish and strengthen Institutional Frameworks for recognition of prior knowledge and skills, certification and accreditation;
- b) develop national occupation skills frameworks;
- c) develop and implement occupational standards and qualification frameworks for on job learning and experience;
- d) develop database on skills obtained through experience; and
- e) develop standards for up scaling prior knowledge and skills for the job market.

EAC Secretariat will:

- a) coordinate the development of a Regional Occupational Skills Framework;
- b) develop standards for up scaling prior knowledge and skills for the job market; and
- c) develop a regional database on skills obtained through experience.

5.7 Fair and Ethical Recruitment Practices

5.7.1 Policy Objectives

- a) Promote ethical recruitment, decent work and access to remedy by migrant workers;
- b) Strengthen the regulation and monitoring of private employment agencies;
- c) Promote establishment of institutional regulatory frameworks; and
- d) Create an enabling environment for recruitment of migrant workers.

5.7.2 Key Strategies

Partner States will:

- (a) develop policies and regulatory frameworks for employment agencies; and
- (b) develop a mechanism to capture disaggregated data and information on migrant workers.

EAC Secretariat to:

- (a) develop a Regional Model Agreement on Labour Migration;
- (b) develop a guiding framework on negotiation, implementation and monitoring of labour migration agreements; and
- (c) develop an integrated Data Capture System on Labour Migration.

5.8 Remittances by Migrant Workers

5.8.1. Policy Objectives

- a) Reduce the transaction costs of remittances.
- b) Harness the development potential of remittances

5.8.2. Key Strategies

Partner States will:

- (a) promote effective mobilisation and utilisation of remittances for investment and development;
- (b) create an enabling environment to facilitate transfer of remittances, skills, knowledge and technology;
- (c) promote access to financial services for labour migrants and their families; and
- (d) integrate data on remittances and labour migration in the national Labour Market Information Systems.

The EAC Secretariat will incorporate data on remittances into the integrated Regional Labour Market information system.

5.9 Exchange of Young Workers

5.9.1 Policy Objective

Promote policies and programmes that foster exchange of young workers in the EAC.

5.9.1 Key Strategies

- (a) Partner States will enhance Public-Private Partnership in the development and implementation of the exchange of Young Workers programmes; and
- (b) the EAC Secretariat will develop and implement a framework to facilitate the exchange of young workers.



5.10 Labour Market Information Systems

5.10.1 Policy Objective

Develop an Integrated Labour Market Information Systems (LMISs)

5.10.2 Key Strategies

Partner States will:

- a) Strengthen mechanisms to inform the development of LMISs including but not limited to Manpower and Labour Force Surveys;
- b) develop Labour Market Information Systems;
- c) standardise data collection tools, indicators and definitions on Labour Migration;
- d) share information on Labour Migration among themselves; and
- e) establish awareness and capacity building programmes for government institutions, private sectors and the civil society.

EAC Secretariat will:

- a) mobilise resources for the establishment of a regional labour market information system;
- b) develop standardised data on labour migration requirements; and
- c) collaborate with other RECs on information sharing and harmonisation of labour migration statistics.



CHAPTER SIX

6.0 IMPLEMENTATION ARRANGEMENTS, MONITORING AND EVALUATION

6.1 Policy Implementation

To meet the policy objectives for protection of migrant workers, working within the Partner States, and for purposes of optimizing the benefits of labour migration in the community, it is essential that adequate institutional arrangements are established. This includes recognizing the management of labour migration as a priority in the overall implementation of labour migration commitments in the Community. Given the sensitivity and cross-cutting nature of this policy, its implementation will have a whole-of-government and whole-of-society approach.

Upon adoption of this Policy by the Council of Ministers, Partner States will be required to implement it. The various undermentioned stakeholders will be responsible for the implementation of this policy, such as Governments of the Partner States, the Social Partners and Civil Society, the private sector, development partners and other interest groups and stakeholders. The EAC Secretariat in collaboration with the Partner States will develop an implementation plan for the policy. This will include the convening of an annual tripartite meeting to review progress against the policy and priorities set for the subsequent year.

6.2 Financing Mechanisms

The EAC Secretariat shall develop a financing mechanism for the implementation of the EAC LMP as well as an implementation plan.

6.3 Monitoring and Evaluation

A monitoring and evaluation framework to measure the progress and impact of the implementation of the labour migration policy at Partner States and regional level shall be developed. The framework shall outline the indicators for measuring progress and impact at Partner States and regional levels. It will also establish the tools and methodology for capturing of data on labour migration to be adopted by Partner States as well as reporting mechanism of progress.

Specifically, the monitoring and evaluation framework shall include:

- a) a time bound implementation plan;
- b) a mechanism of reporting implementation of the policy at national and EAC regional levels, on quarterly, biannual or annual basis; and
- c) annual tripartite forum to review the status of implementation.



6.4 Roles and Duties of Stakeholders

6.4.1 Duties of the EAC Secretariat

To support the implementation of this policy, the EAC Secretariat shall:

- a) coordinate and guide the overall implementation of the Policy and its implementation Plan;
- b) report on the implementation progress of the Policy to the relevant policy organs of the Community;
- c) establish a regional database on human resources skills and competences;
- d) spearhead strategies for mobilization of technical and financial resources;
- e) identify and spearhead regional research in identified critical areas; and
- f) promote harmonization of national policies to the provisions of the Policy.

6.4.2 Duties of Partner States

The Partner States will be major stakeholders in the implementation of this policy and as such, they will:

- a) recognize the rights, freedoms and duties enshrined in this Policy;
- b) undertake steps, in accordance with their constitutional processes, (where necessary) to adopt such legislative or other measures to give effect to the provisions of this Policy;
- c) put in place the necessary infrastructure to support development of human, financial, technical resource, and skills necessary to implement this Policy;
- d) support the operationalization of young workers exchange programme as provided for in article 10 (8) of the Common Market Protocol;
- e) strengthen linkages between labour migration, national capacities to implement the Policy and all commitments under labour migration;
- f) develop their respective laws, policies and implementation plans based on national priorities using the regional policy as a reference or benchmark;
- g) enhance inter-ministerial coordination structures; and
- h) develop systems for managing and sharing migration data.

6.4.3 Role of Employers' and Workers' Organizations

The regional umbrella employers' and workers' organizations will: -

- a) cooperate with Partner States' in monitoring the achievement and dissemination of the objectives of their policy;
- b) undertake lobbying, advocacy and awareness creation on the implementation of the Policy;
- c) promote social dialogue for effective implementation of the Policy; and
- d) advocacy for conducive working environment and labour standards for migrant workers.



6.4.4 Academia, Civil Society, Private Sector and other Interest Groups

Acknowledging the increased role of academia, civil society, private sector and other interest groups in the management and provision of employment and social services in the Partner States, they may:

- a) participate in monitoring the implementation of the Policy in their area of jurisdiction;
- b) participate in the implementation of the Policy through employment creation;
- c) undertake lobbying and advocacy activities with a view to influence the labour migration agenda;
- d) provide avenues for mentoring and capacity building of the youth interested in engaging in labour migration activities;
- e) mainstream labour migration interventions in their development plans, strategic plans and annual budgets; and
- f) Undertake research on labour migration.

6.4.5 Role of Development Partners

Development Partners have a role in providing technical and financial support for effective realization of the objectives of the Policy.

6.5 Policy Review

This Policy will be reviewed after a period of five (5) years or any other period as need arises.



EAST AFRICAN COMMUNITY SECRETARIAT
P.O.Box 1096, Arusha, Tanzania
Tel: 255-272162100/8 Fax: 255-272162120
eac@eachq.org
www.eac.int

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