

# Gender sensitivity of Ethiopia's legislation on emigration: Findings and recommendations

Ataklti Gebreyesus Gebreegziabher and Birtukan Haile

This brief outlines the gender sensitivity of Ethiopia's migration laws and suggests ways to enhance gender equality.

Gender disparities in Ethiopia in terms of education, economics and political participation have been widely observed. The government's efforts to bring about greater gender equality have been expressed in the National Policy

on Women, the National Population Policy, and other national and international laws the country has ratified. To facilitate safe and orderly migration, Ethiopia has adopted various migration laws and policies. However, an analysis of the current legislation shows there is scant mention of gender issues and the inclusion of gender dimensions in the legal frameworks governing migration remains limited (Kuschminder and Siegel 2014).



Accessing groundwater for household use in Ethiopia (photo: Petterik Wiggers/IWMI).



Women account for about 94% of all legal labor emigrants and a sizable proportion of irregular out-migrants. Many are exercising their agency as autonomous migrants, underscoring the significant feminization of migration (Carter and Rohwerder 2016). Women migrants also tend to be more vulnerable to exploitation. Given the increasing prevalence of women in international migration, international migration policy frameworks call for gender-sensitive legislation and migration policies that consider the individual needs and interests of men and women.

Through applied research, the AGRUMIG project developed migration governance options to enhance positive outcomes for migration in Europe, Asia and Africa. Under this project, research on the governance of international migration from Ethiopia was launched to inform improved migration governance. The research relied mainly on secondary data, analysis of important legal and policy frameworks governing migration, and interviews conducted with key informants working in migration governance.

## Ethiopia's legislation on emigration

Proclamation No. 1178/2020 and Proclamation No. 923/2016 and the amendment proclamation No. 1246/2021 are important laws in Ethiopia's migration governance landscape.

- *Proclamation No. 1178/2020* covers the prevention and suppression of trafficking in persons and the smuggling of migrants. It was promulgated in 2020 to help prevent irregular migration, specifically human trafficking and smuggling, rehabilitating victims and bringing perpetrators to justice. It repealed a former proclamation (Proclamation No. 909/2015) and imposed stricter punishments for human trafficking and smuggling, as well as a broader response to migration by giving migration management powers to the National Council and the National Partnership Coalition. It targets the reduction of victims of irregular migration and bringing perpetrators to justice.
- *Proclamation No. 923/2016*, the Overseas Employment Proclamation, was promulgated to help workers seeking legal channels of employment abroad through the provision of basic training and orientation. Reports of widespread abuse of Ethiopian migrants abroad triggered the bill, which promotes safe, orderly and dignified migration through lawful management of labor migration from the country. It increases the proportion of migrants using safe and legal migration channels. This proclamation was recently amended through Proclamation No. 1246/2021.



Smallholder agriculture in the Ethiopian Highlands (photo: Petterik Wiggers/IWMI).



# Understanding gender in international migration: Main issues

## Gender and emigration

A report from the Ministry of Labor and Social Affairs shows there were approximately 460,000 legal labor migrants between September 2008 and August 2013, of whom 94% were women, highlighting the feminization of out-migration along regular channels (Carter and Rohwerder 2016, 45). There was an increase in the proportion of women migrating through regular channels from 82% in 2008 to 96% in 2013. While men tend to use irregular channels, women more often use formal channels. Data on irregular migration are difficult to come by and the migration of men is likely to be underestimated. Despite limitations on the availability of gender-disaggregated data, different sources indicate that women migrants are still important players in irregular migration (IOM 2020).

Out-migration along some established migration corridors, such as the Eastern Route to the Arabian Peninsula, remains a highly gendered phenomenon, with women accounting for most legal out-migration and men for most irregular migration (IOM 2020). In contrast, the Southern Route to the Republic of South Africa is male-dominated, following labor market demands in the destination country. Male and female youth are the dominant age group and many have low levels of formal education. Emigration has strongly gendered characteristics with distinct variations in the use and non-use of legal channels, motivations and causes of migration, and gendered occupations in destination countries.

## Irregular migration

A significant proportion of international migration from Ethiopia is irregular, comprising workers migrating without legal documentation (de Regt and Tafesse 2016; Carter and Rohwerder 2016). Around 60–70% of all Ethiopian emigrants to the Middle East are estimated to be irregular (Carter and Rohwerder 2016; Admassie et al. 2017). Irregular migration exposes migrants, especially women and girls, to human trafficking and smuggling, rendering them vulnerable to sexual exploitation and other forms of gender-based violence (Kuschminder and Siegel 2014; UN Women 2014; Carruth and Smith 2022). Perpetrators of illegal migration (brokers and smugglers) are mainly men and young men and are more likely to be targeted and recruited by organized criminal groups for irregular migration (US Department of State 2020).

## Causes of migration

While economic factors are major causes for both men and women to out-migrate, gender-based discrimination, especially in rural parts of the country, is yet another reason for women and girls to leave in search of better lives and social and economic freedom abroad (UN Women 2014; Schewel 2018; Carruth and Smith 2022).



A brick production business owned by a female returnee migrant, Eastern Tigray, Ethiopia (photo: Ataklti Gebreegziabher).

## Type of job

Both men and women migrants engage in low-paying domestic and menial work in destination countries, especially in the Middle East. Following traditional gender roles, women are mainly involved in domestic jobs and men are hired in informal sectors, including construction, herding, farming and, to some extent, illicit smuggling of drugs and alcohol.

## Gender impacts of current migration legislation in Ethiopia: Main findings

International migration in Ethiopia has distinct gender patterns. These are reflected in the channels of migration, causes of migration, type of job in the destination countries, and remittances which show separate behaviors of men and women migrants. Below are the main gender impacts of the legal framework governing migration.

## Women victims and rehabilitation

Despite women victims of irregular migration enduring psychological, physical and social abuse, until recently, women were not accorded priority in rehabilitation and reintegration efforts. To rectify this, Proclamation No. 1178/2020 recognizes women migrants as being vulnerable



to human trafficking and migrant smuggling and considers them the main victims. According to the proclamation, women victims should receive protection and support by considering their unique needs and circumstances. Awareness has an important role in combating irregular migration and awareness-raising programs are promoted under Proclamation No. 923/2016 and Proclamation No. 1178/2020. Proclamation No. 1178/2020 calls for awareness-raising programs for women.

### Punishment of offenses

Proclamation No. 1178/2020 specifies the punishments associated with crimes of human trafficking, migrant smuggling and illegal sending of migrant workers. Compared to the repealed Proclamation No. 909/2015, it provides stricter punishments for such crimes, including capital punishment. Proclamation No. 909/2015 considered offenses against women and girls as aggravating circumstances, and punishment for trafficking in persons and smuggling migrants was higher when crimes were committed against women. Such provisions are, however, omitted in Proclamation No. 1178/2020, backtracking on previous improvements in the inclusion of gender dimensions in the legislation.

### Migration data

Ethiopia does not regularly collect migration data and data are not disaggregated by gender, age and other factors needed to inform policy. This is mainly due to the irregular nature of migration from the country (IOM 2019; US Department of State 2020). Both proclamations provide for collecting and disseminating data on migrants and victims by relevant offices and ministries and conducting studies to inform policy. However, they fall short of explicitly mentioning the need for gender-disaggregated migration data.

### Institutional arrangements for managing migration

The National Partnership Coalition and the Overseas Employment Board were established following Proclamation No. 1178/2020 and Proclamation No. 1246/2021 to support migration management in-country. Members include offices at different levels, each with its specific mandate and responsibilities. However, there are no provisions for an equitable representation of women in these structures.



Soil erosion in Ethiopia (photo: IWMI).

Women often remain underrepresented, with significant male domination at various levels. Women are less likely to voice their concerns in such important institutional frameworks.

## Requirements for overseas employment

Proclamation No. 923/2016 makes it mandatory for participants in overseas employment to have completed their education at least up to eighth grade and to possess a certificate of occupational competence. It is likely that the absence of gender parity in school enrollment will negatively affect the participation of women and girls in overseas employment and force them to seek illegal channels. The amendment proclamation (Proclamation No. 1246/2021), however, separates domestic work from other professional jobs and does not require any educational requirements for domestic work, making way for equitable participation of men and women in such jobs.

## Gender-neutrality of Ethiopia's overseas employment proclamation

Ethiopia's Overseas Employment Proclamation makes no reference to women and men as separate actors in migration and has no provisions for the different situations of men and women migrant workers. In this regard, the proclamation remains gender-blind. In addition, it ignores important differences between men and women migrants with regard to the choice of migration channel, type of job in the destination country, and the causes of out-migration, including gender-based violence that has continued to push women and girls to seek a better life abroad. By explicitly acknowledging the vulnerability of women to irregular migration and promoting the rehabilitation of women victims, Proclamation No. 1178/2020 is relatively gender-aware in that it partly responds to gender norms in the migration sector.

## Policy recommendations

### Collect gender-disaggregated migration data

As Ethiopia does not currently collect gender- or age-disaggregated migration data, there is an urgent need to put in place frameworks for collecting such data and evidence. Such data should inform any meaningful, evidence-based policy and legislation on migration. The National Statistics Agency, the lead organization in collecting nationwide socio-economic data, should collect migration data regularly and develop indicators to help track progress toward gender equality in the migration sector. Data collection should be done in collaboration with other important actors, including the National Partnership Coalition, the Ministry of Labor and Social Affairs, the Attorney General and the Ministry of Foreign Affairs.

## Adopt gender-sensitive legislation and policy

With distinct differences in the channels of migration, vulnerability and, to some extent, causes of migration between men and women, gender needs to be accorded more attention when it comes to international migration policy and legislation. Such policy and legislation need to ensure that unique gender challenges and needs are well considered, in addition to assessing the likely impacts of legislation on men and women and ensuring justice for both. Despite adopting migration policies and proclamations that include the National Population Policy, Diaspora Policy, Overseas Employment Proclamation, the Immigration Proclamation, the Refugee Proclamation and the Anti-Human Trafficking and Smuggling Proclamation, Ethiopia does not have a unified migration policy at present that is consistent with other development policies the country has adopted (IOM 2019). However, efforts to draft and adopt a national migration policy are underway (ENA 2022), and it is of paramount importance that gender sensitivity of migration gets the attention it deserves in the policy instruments.



Migration-prone area with limited arable land in Eastern Tigray, Ethiopia (photo: Ataklti Gebreegziabher).



## Institutionalize gender in legislation

In the absence of a nationwide direction on gender mainstreaming in legislation and policy, it is important to start incorporating gender issues in relevant sectors and institutions. A good entry point would be the country's institutional structures mandated to deal with migration, including drafting new policies and legislation on migration. These include the National Council, the National Partnership Coalition and the Overseas Employment Board, which could be strengthened to collect gender-disaggregated data and spearhead gender analysis and mainstreaming in member institutions and the country's parliament.

## Represent women in the National Council and National Partnership Coalition

National and regional task forces and coalitions on migration, which at present lead migration management in the country, remain male-dominated. Such arrangements have various sector offices as their members (represented by their heads), leaving no room for a fair representation of the sexes. Hence, there is a need to find ways to enhance women's participation in task forces and coalitions at various levels. Such reforms could give women a fair representation in the country's migration governance system and enable them to voice their concerns, needs and interests.

## Address gender-based violence

Apart from economic push factors, gender-based violence has continued to push girls and women to seek freedom and a better life abroad. Addressing this issue and enhancing education for girls and the wider community are paramount to reducing the vulnerability of women and girls. In collaboration with relevant institutions, the Ministry of Women's Affairs needs to take an active role in gender mainstreaming and promoting the interests of women.

## Address the interests of men and boys

It is important to understand that gender issues are not only about women but also about men and boys. Hence, the practical and strategic needs and interests of men and boys must also be considered in migration legislation and policy. In Ethiopia, many of those included in rehabilitation efforts so far are women victims and support for male victims has been relatively small (US Department of State 2020). Awareness-raising programs targeting young men are also vital to stop irregular migration, as this group constitutes a significant proportion of irregular out-migrants. Expanding opportunities for men and boys to be employed overseas legally could also expand alternatives and decrease their vulnerability to irregular migration.



A farmer attending to his crops in Ethiopia (photo: Petterik Wiggers/IWMI).

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An urban farm in Addis Ababa, Ethiopia (*photo: Apollo Habtamu/IWMI*).

#### **AGRUMIG Policy Brief Series**

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#### **Authors:**

Ataklti Gebreyesus Gebreegziabher, Lecturer of Public Policy, Institute of Population Studies, Mekelle University, Mekelle, Ethiopia ([ataklitigy@gmail.com](mailto:ataklitigy@gmail.com)).  
Birtukan Haile, Lecturer of Law and Development, School of Law, Mekelle University, Mekelle, Ethiopia.

#### **AGRUMIG Project**

The project titled **AGRUMIG 'Leaving something behind' - Migration governance and agricultural & rural change in 'home' communities: Comparative experience from Europe, Asia and Africa** proposes an integrated approach to migration governance to address the two-way relationship between labor mobility and changes in agriculture and the rural sector. Migration creates challenges for rural 'sending' communities in low- and middle-income countries, yet it can also be transformative. The project engages in a comparative analysis of seven countries (China, Ethiopia, Kyrgyzstan, Moldova, Morocco, Nepal and Thailand) to identify the economic, institutional, cultural and agroecological factors which shape these relationships. It will identify the range of governance interventions that can harness migration to stimulate sustainable, gender equitable growth in agriculture, and reduce the distress associated with migration.

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**For more information on the project, contact:** Angela Haynes, School of Oriental and African Studies (SOAS), University of London, UK ([ah121@soas.ac.uk](mailto:ah121@soas.ac.uk))

This project is part of the MARIS (Migration, Agriculture and Resilience: Initiative for Sustainability) network (<http://maris.iwmi.org>)

