

108th Session, Geneva, June 2019

Committee on the Application of Standards

Following the decisions made during the informal tripartite consultations on the working methods of the CAS in March 2019, governments appearing on the preliminary list of individual cases have now the opportunity, if they so wish, to supply on a purely voluntary basis, written information before the opening of the session of the Conference.

Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Ethiopia

Minimum Age Convention, 1973 (No. 138)

Ethiopia (ratification: 1999). The Government has provided the following written information:

Background

The Government of Ethiopia is requested to supply full particulars to the Conference at its 108th Session and to reply in full to the comments made by the Committee on the Application of Standards (CAS) with regard to the application of the Minimum Age Convention 1973 (No. 138).

Accordingly, the Government of Ethiopia took due note of the observations of the Committee on the Application of Standards, with regard to the application of the Minimum Age Convention 1973 (No. 138) and wishes to reply in full on the necessary measures taken and progress made in view of the comments of the Committee on the application of the Convention in point.

1. National Context

Ethiopia, with an estimated population of 100 million is the second populous country in Africa. It has a growing young population and children under 15 years of age account for more than a third of the total population.

The country is on a reform journey to ensure peace, democracy and good governance, and to realize broad-based, inclusive and sustained economic growth. To this effect, the Government has been fully committed and making significant progress to improve the well-being of Ethiopian people and expedite the country's march toward middle-income status by 2025. Over the last decade and half, the Ethiopian economy has registered a double-digit growth rate and in recent years dubbed as one of the fastest growing economies in the world. During this time, significant attention has been given to upgrading economic and social infrastructure and

promoting pro-poor spending on education, health, and other services to improve the wellbeing of the people.

On the labour front, the Government has been working in close collaboration with the UN agencies, social partners and non-governmental organizations (NGOs) to address issues that are related to child labour, forced labour and human trafficking. There has been significant policy developments and public awareness concerning child labour, forced labour and human trafficking in the country. The National Action Plan to Eliminate the Worst Forms of Child Labour and the Young Worker's Directive are among the legal instruments adopted since 2013.

In 2015, a comprehensive anti-trafficking law was passed by the parliament to tighten existing anti-trafficking legislation, punish trafficking offenses, and provide support to victims of trafficking including children. The Overseas Employment Proclamation also calls for penalties for illegal recruitment, increases oversight of overseas recruitment agencies, and extends more protection to potential victims.

With the above country background, achievements and progress made in advancing the application of the Minimum Age Convention 1973 (No. 138) in Ethiopia is provided in the following section taking into account the observations of the Committee on the Application of Standards.

2. Progress made in the application of the Minimum Age Convention 1973 (No. 138)

2.1 Article 2(1) of the Convention: Scope of application and application in practice

The first observation made by the Committee is that there is gap between the scope of application of the Convention and the domestic laws, particularly the labour law as it doesn't protect all children under 14 years of age, particularly children working outside the formal employment relationship such as children working on their own account or in the informal economy, who would have been benefited from the protection laid down by the Convention.

In this regard, the Government is called for to review the relevant provisions of the Labour law so as to address these gaps and to take necessary measures to strengthen the capacity and expand the reach of the labour inspectorate to the informal economy with a view to protect the rights of labour in general and that of the child labour in particular in this sector.

Having taking note of the observations of the Committee with regard to the gap between the scope of application of the Convention and the application in practice, the Government wishes to provide the following information on progress made so far in connection with the comments made by the Committee.

- a) With the purview of the labour law, there is an initiative by the Government to extend labour advisory services in the informal sector towards filling the gap between the scope of application of the Convention and the application in practice with the aim to protect the rights of all workers including young workers, and prevent children working outside formal employment relationship such as those working on their own account or in the informal economy.
- b) The government is also making all possible efforts to strengthen the labour inspectorate system in the country so as ensure that such services are effectively accessible to all enterprises and work places towards the full application of the

convention and the enforcement of domestic labour laws with more focus on child labour and forced labour.

- c) The Government's initiative to the national Child Labour Survey (2015) should also be considered as positive step, as the survey results provide reliable and timely information for taking informed policy measures with regard to child labour. Therefore the Government is of the view that the national survey on Child labour is an achievement in itself.

2.2 Article 2(3). Age of completion of compulsory schooling

Considering that compulsory education is one of the most effective means of combating child labour, the Committee urges the Government to take the necessary measures to provide for compulsory education up to the minimum age of admission to employment of 14 years. The Committee also requests the Government to intensify its efforts to increase school enrolment rates and decrease drop-out rates at the primary level with a view to preventing children under 14 years of age from being engaged in work.

The improvement and expansion of primary education has been high on the development agenda of governments and bilateral and multilateral organizations. An important step in this regard has clearly been the declaration made by the UN in making primary education a “universal human rights”, followed by the inclusion of a right to education in the International Covenant on Economic, Social and Cultural Rights and other legally binding treaties.

Recognizing the right to education as a human right, Ethiopia has is a party to many of the international conventions and treaties, and has, therefore, shown efforts in harmonizing national legislation with the provisions of the various international treaties to fulfill its obligations in the education sector. Ethiopia is committed to achieve primary Education for All (EFA) is working tirelessly in expanding access, minimizing wastage in education (efficiency), ensuring equity and improving quality of education. The Government has given top priority to achieving universal and quality primary education for all school age population and its determination is clearly stated in the Education and Training Policy and in the Education Sector Development Program strategies (ESDP).

In implementing the education and training policy and the ESDP and through the commitment to realize universalization of primary education, the following results have been achieved in Ethiopia.

- a) The number of primary schools has increased from 33, 373 in 2014/15 to 36,466 in 2017/18.
- b) Net enrolment rate (NER) was raised from 94.3% in 2014/15 to 100% in 2017/18; implying that the NER target for Primary level has been fully achieved;
- c) With regard to efficiency of primary education, gender parity index (GPI) was raised from about 0.7 in 1999/00 to 0.90 in 2017/18 while dropout rate was improved from 18% in 2008/09 to 9% in 2013/14.

The National Child Labour Survey report (2015) revealed that the school attendance rate of children in the age cohort 5-17 was 61.3%. However it would be worth nothing that the those children out of schools and dropouts in pastoralist areas do not necessarily belong to child labour due to the fact that those children are moving from one place to the other with their families

(because of their life style) and can have access to “*mobile schools*” that are made available for children of pastoral communities.

Furthermore, children out of schools and dropouts particularly in the rural areas (due to different factors) may stay at home with their families, rather than looking for job, as there is great social and cultural values attached to children by parents.

That said however, there are certain issues such as: accessibility, equity, efficiency, quality and financing of primary education that has to be further looked at and improved so as to ensure the goal of primary education for all is achieved and sustained in Ethiopia.

2.3 Article 3. Minimum age for admission to, and determination of hazardous work and application in practice

The Committee observes that a significant number of children under 18 years of age are engaged in hazardous work; and urges the Government to strengthen its efforts to ensure that, in practice, children under 18 years of age are not engaged in hazardous work in either urban and rural areas. The Committee also requests the Government to provide information in this regard. The Committee further requests the Government to indicate whether a new list of types of hazardous work was adopted and to supply a copy.

The Government takes note of the observations of the Committee with regards to minimum age for admission of hazardous work and application in practice, and wishes to provide the following information on progress made in addressing the issues in point.

- a) The recently revised National Labour law which is submitted for competent authority for possible adoption raises the minimum working age limit of young persons from 14 to 15 years and excludes them from labour market with the intention to protect their wellbeing. Accordingly, the age limits of young workers as per the revised labour law will be in the age cohort 15-17 while it is 14-17 in the prevailing labour law. The revision of the labour law in this regard can serve to withdraw children that are already engaged in hazardous work and to prohibit new entries in such works.
- b) As raised by the Committee, a directive that prescribes the list of activities prohibited to young workers was revised in consultation with social partners and issued by the Ministry of Labour and Social Affairs in 2013 and has been applied since then.

3. Request for ILO’s Technical Support

It is learnt that, full and sustained application of the Convention in all economic activities of the country requires vibrant and well-functioning labour inspectorate system. Furthermore, social dialogue and tripartite consultation can also be instrumental forums for the effective implementation of the Convention.

In view of this, the Government strongly requests ILO’s support for strengthening national labour inspectorate system (for instance digitalizing labour inspection services) and building the institutional capacities of the constituents for their full and effective engagement in the application of the Convention.

4. Conclusion

From the information provided above, the Government of Ethiopia is of the view that there are commendable progresses and achievements made (in line with the comments and observations made by the Committee) towards advancing the application of the Minimum Age Convention in the Country, although there are still some areas for improvement.

The Government of Ethiopia would like to seize this opportunity to express its commitment for the full application of the Convention in point and other ILO instruments to the possible extent. Technical supports of the ILO and other development partners' supports to Ethiopia in this regard are also of crucial importance for achieving social justice and decent work for all.

Finally, if the information provided in this report doesn't satisfy the Committee's expectations in light of its observations on the application of the Convention in point, the Government of Ethiopia is ready to supply any additional information as required.