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Federal Government of Somalia
Ministry of Labour & Social Affairs

SITUATIONAL ANALYSIS REPORT

for the Development of a Gender-Responsive and
Rights-Based National Labour Migration Policy and
Action Plan of Somalia



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► FOREWORD

Labour migration continues to shape the social and economic landscape of Somalia, offering opportunities for employment, poverty reduction, and national development. Yet, it also presents complex governance and protection challenges, particularly for a country emerging from a decade of conflict, economic instability, and limited institutional capacity. The development of gender-responsive and rights-based National Labour Migration Policy and Action Plan is, therefore, not only timely, but critical for Somalia's sustainable development, social cohesion, and engagement in regional and global labour mobility.

The Ministry of Labour and Social Affairs of the Federal Republic of Somalia with the support of the International Labour Organization (ILO), through the Better Regional Migration Management (BRMM) Programme, funded by the UK Foreign, Commonwealth and Development Office (FCDO), commissioned this situational analysis to better understand the situation and context of labour migration in Somalia. This Situational Analysis laid the groundwork for the development of the national labour migration policy. It provides a comprehensive assessment of Somalia's labour migration dynamics, examining legal and institutional frameworks, socio-economic drivers of migration, existing data systems, policy gaps and emerging opportunities, all through the lens of international labour standards and decent work principles.

This report is the result of a rigorous, participatory process. It draws on an extensive review of national, regional, and international policy instruments, stakeholder consultations, focus group discussions with returned migrant workers, and interviews with government ministries, workers' and employers' organizations, and members of the National Technical Working Group (TWG) on Somalia labour migration governance. The report identifies both internal and external migration trends, highlighting Somalia's position as a country of origin, transit, and destination, and situates these trends within the broader global and

regional frameworks, including the ILO Conventions, the Sustainable Development Goals (SDGs), the Global Compact for Migration, the AU Labour Migration Framework, and the IGAD Free Movement Protocol.

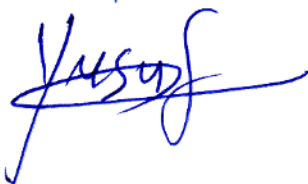
Key issues highlighted in this analysis include the absence of bilateral labour agreements, weak coordination among institutions, limited labour market data systems, the suspension of private employment agencies, and the vulnerability of Somali workers, especially women and youth, engaged in irregular migration. Notably, the report also emphasizes the critical role of Somalia's diaspora and outlines ways to better harness their contributions for national development.

This analysis sets out clear policy directions and practical recommendations to address the structural and systemic gaps in labour migration governance. These include strengthening the national coordination on migration, re-establishing fair recruitment practices, operationalizing Labour Market Information System (LMIS), and mainstreaming gender-sensitive and rights-based protections for migrant workers across all stages of the migration cycle.

As Somalia progresses towards formulating and validating its first National Labour Migration Policy and Action Plan, this report will serve as a key reference document to guide that process. The Ministry of Labour and Social Affairs (MOLSA), as the lead government institution, is committed to working with social partners and other stakeholders to build inclusive, rights-based, and well-governed labour migration systems that contribute to sustainable development and national resilience. These efforts are fully aligned with Somalia's national priorities.

We thank all partners and contributors who made this report possible and look forward to continued collaboration in shaping Somalia's future in labour migration governance.

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► Abbreviations and acronyms

AU	African Union
BLMAs	Bilateral Labour Migration Agreements
BRMM	Better Regional Migration Management
CBMM	Capacity Building in Migration Management
COMESA	Common Market for East and Southern Africa
CSOs	Civil Society Organizations
CTA	Chief Technical Advisor
DAC	Development Assistance Committee
DTM	Displacement Tracking Matrix (IOM)
DWCP	Decent Work Country Programme
EAC	East African Community
ECOWAS	Economic Community of West African States
ESCWA	Economic and Social Commission for Western Asia
EU	European Union
FCDO	Foreign, Commonwealth and Development Office
FDGs	Focus Group Discussions
FESTU	Federation of Somali Trade Unions
FMPT	Free Movement of Persons and Transhumance
FMS	Flow Monitoring Survey
FRS	Federal Republic of Somalia
GCM	Global Compact for Migration
GCR	Global Compact on Refugees
GDP	Gross Domestic Product
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IOM	International Organization for Migration
M&E	Monitoring and Evaluation
MoJ	Ministry of Justice
MOLSA	Ministry of Labour and Social Affairs

MWSS	Migration Worker Support System
NBS	National Bureau of Statistics
NCM	National Coordination Mechanism
NDP	National Development Plan
NGOs	Non-Governmental Organizations
NLFS	National Labour Force Survey
OECD	Organization for Economic Co-operation and Development
PEAs	Private Employment Agencies
PRNM	Protection and Return Monitoring Network
RDSS	Regional Durable Solutions Secretariat
SDGs	Sustainable Development Goals
SNDP	Somalia's National Development Plan
STEM	Science, Technology, Engineering and Mathematics
SWOT	Strengths, Weaknesses, Opportunities and Threats
ToR	Terms of Reference
TVETs	Technical, Vocational Education and Training Institutions
TWG	Technical Working Group
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USD	United States Dollars

► Glossary of terms

The primary source for these definitions, unless otherwise referenced in the footnotes, is the ILO Practical Guide for developing labour migration policies (2021).

Collective Bargaining	Pursuit of labour market policy goals through collective agreements among partners
Gender Responsive Policies	Policies recognize e both men and women migrate for economic reasons and better employment opportunities, acknowledging that female migrant workers often face more disadvantages and discrimination throughout the migration process.
Durable Solution	A solution whereby refugees, returnees or internally displaced persons (IDP) no longer require specific assistance and protection related to their displacement and can enjoy their constitutional and human rights.
Gender Screening	Analysis of the interactions between male and female workers regarding market participation, part-time work and occupational status. ^{1 2}
Human Trafficking	Also known as trafficking in persons, refers to recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or force or other forms of coercion, abduction, fraud, deception, or abuse of power, or the abuse of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. ³
Labour Market Information System	A network of institutions, persons, and information with mutually recognized roles, agreements, and functions regarding the production, storage, dissemination and use of labour market-related information, aiming to inform policy and programme formulation and implementation. ⁴
Gender-responsive Labour Migration Policy	A policy recognizing that both men and women migrate for economic reasons and better employment opportunities, acknowledging that their migration experiences may differ significantly. Such policies also recognise that female migrant workers may face more disadvantages and discrimination due to employment categories, education requirements, stereotyping, which is often magnified by the intersectional marginalization of age, class, and ethnicity. ⁵
Labour Migration	Movement of persons from one state to another, or within their own country of residence, for the purpose of employment. ⁶
Labour Force Participation Rate	Labour force as a percentage of the working-age population.

1. Fenela Fleischmann and Jutta Hohne (2013); gender and migration on the labour market: Additive or interacting disadvantages in Germany
2. Fenela Fleischmann and Jutta Hohne (2013); gender and migration on the labour market: Additive or interacting disadvantages in Germany
3. ILO Protocol (C029) Forced Labor Convention, 1930 (No.29)
4. ILOSTAT(2024) seen on 8th April 2024 at www.test-ilo-stat.pantheon.site.io/resources/labour-market-information-system/
5. ILO (2022) Practical Guide on Developing Labour Migration Policies
6. IOM (2024) Essentials of Migration Management (2.0) Handbook seen on 8th April 2024 at www.emm.iom.int/hand-books/labour-migration#introduction

Labour Force	The sum of all persons of working age who are employed and those who are unemployed.
Migrant Worker	A person who migrates or has migrated from one country to another, with a view of being employed.
Migration	The movement of people from one place in the world to another, often occurring over long distances from one country to another (external migration) or within a single country (internal migration), with internal migration being the dominant form of human migration globally. ⁷
Occupational Safety and Health	The placement and maintenance of workers in an occupational environment adapted to their physical and mental capacities.
Portability of Earned Benefits	Measures aimed at maintaining acquired rights and paying benefits abroad.
Portability of Social Security	The maintenance of rights and/or benefits in the course of acquisition, including social insurance, social assistance, universal benefits, and other forms of cash transfers, as well as measures ensuring effective access to healthcare and other benefits for social protection).
Private Employment Agencies (PEAs)⁸	Private Employment Agencies (also known as recruitment companies) refers to any natural or legal person, independent of a public authority, providing one or more labour market services as outlined in Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181).
Pre-departure Training	Processes aimed at building capacity and providing information on visa and work permit procedures, documents to be prepared, relevant legislation protecting workers, institutions to contact in case of need, and contacts with diaspora organizations in the receiving country. ⁹
Recruitment	A process encompassing advertising, information dissemination, selection, transport, placement into employment, and, for migrant workers, return to the country of origin where applicable. This process pertains to both job seekers and individuals in employment relationships. ¹⁰
Skills Matching	Approaches and actions aimed at enhancing the employability of the workforce and reducing skill shortages by matching job seekers with available job opportunities.
Social Dialogue	All forms of negotiation, consultation, and information exchange among representatives of workers, employers, and governments on matters of common interest in economic, labour and social policy. This aims to provide stakeholders a voice/stake in issues affecting their societies and workplaces.
Social Partners	Representatives of management and labour, specifically employer organizations and trade unions, and, in some context, public authorities and civil society, engage in roles related to employment relationships and participating in tripartite discussions with government.
Tripartite Constituents	The three key constituents are government, employers' organizations, and workers' organizations.

7. IOM World Migration Report (2020)

8. ILO (C181), Private Employment Agencies Convention, 1997, (No.181)

9. ILO (2024) Glossary of Skills and Labour Migration: [www.ilo.org/global/topics/labour-migration/WCMS_830770/lang](https://www.ilo.org/global/topics/labour-migration/WCMS_830770/lang-en/index.htm)

10. ILO (2019) General Principles and Operational guidelines for Fair Recruitment (2018)

1



BACKGROUND AND METHODOLOGY

► 1.1 Introduction

Migration in, between, and from countries in the Horn of Africa, including Somalia is a complex and multi-faceted phenomenon characterized by mixed migration flows with refugees, asylum seekers, and migrant workers. As of December 2020, there were 8.9 million conflict-related internally displaced persons (IDPs), 4.6 million refugees and asylum seekers, and 3 million people displaced by disasters.¹¹ The main drivers of labour migration include high unemployment rates (especially among youth), low wages, limited job opportunities, conflict, and environmental shocks.

In January 2023, the Ministry of Labour and Social Affairs (MoLSA) partnered with the ILO under the Better Regional Migration Management (BRMM) programme in Somalia to organise the first National Technical Working Group (TWG) on labour migration. The TWG comprises MoLSA, Ministry of Interior, Federal Affairs and Reconciliation, Ministry of Foreign Affairs, Ministry of Planning, Ministry of Justice, Somalia Chamber of Commerce and Industry, Somalia National Bureau of Statistics (SNBS), and Federation of Somalia Trade Unions (FESTU).

During this engagement, MoLSA requested technical support from ILO to develop a gender-responsive and rights-based national labour migration policy guided by a national dialogue on labour migration. ILO provided technical support, including the services of national and international consultants, to draft this policy. Once finalized, it will be validated by all key stakeholders, and an implementation and Monitoring and Evaluation framework and action plan will be produced to guide implementation.

This request aligns with Article 1 of the ILO Convention No.97 of 1949 (Revised) on migration for employment, ratified by Somalia in 2021, which requires the Government of Somalia to provide information on national policies, laws and regulations relating to emigration and immigration. The ILO Convention No.143 of 1975, also known as the Migrant Workers (Supplementary Provisions) Convention, indeed calls upon States to establish a national policy on labour migration under Article 10.

► 1.2 Rationale for the National Labour Migration Policy

Somalia's National Development Plan 2020–2024 recognizes that the lack of sustainable economic opportunities for youth is a major push factor for out-migration. The national employment policy acknowledges the wide social and economic implications of labour migration, clearly indicating that the lack of decent employment opportunities contributed to high rates of irregular migration. Political stability, economic opportunities, and decent living conditions are the primary pull factors for Somalis to migrate to the Gulf, Europe, and South Africa.

While the Government of Somalia is making progress in promoting regular migration, as evidenced by ratification of several conventions in 2021, the revision of the 1972 Labour Code, finalized in 2019, the enactment of the 2015 Foreign Employment Act, the development of overseas employment guidelines for Somali migrant workers, and the endorsement of the Protocol on Free Movement of Persons in the IGAD Region, which provides mechanisms for protection of migrant workers against unfair recruitment practices.

Furthermore, Somalia's National Development Plan 2020–2024 prioritizes establishing a body to identify the skills sets of Somalis and negotiate agreements with receiving countries to promote regular labour migration.

11. IGAD (2021) Report on migration statistics in the IGAD region

Despite these developments, Somalia still lacks a migration policy or a specific labour migration policy. An ILO assessment of labour migration and mobility governance for Somalia, conducted in 2020, recommended developing a labour migration incorporating rights-based labour migration objectives, promoting decent work, and establishing a related legal framework.

► 1.3 Rationale for the Situational Analysis Report

The rationale for documenting a situational analysis report is to provide context for the dynamics of labour migration and serve as a reference document for policy formulation. The report aims to:

- i. Identify and take stock of existing data sources on labour migration.
- ii. Analyse data to provide a comprehensive overview of the current labour migration situation in Somalia.
- iii. Assess data availability and credibility to determine the feasibility of bilateral agreements for the placement and matching of Somali workers, as well as the credibility of existing data to be able to ascertain the means and feasibility of bilateral agreements for the placement and matching of Somalian workers into labour markets.
- iv. Analyse the roles and responsibilities of existing institutional structures responsible for managing labour migration in Somalia, including inter-ministerial and inter-institutional collaboration.
- v. Provide recommendations for improving these structures and coordination mechanisms.
- vi. Analyse current national legislation regarding the departure of national workers for employment opportunities abroad to identify potential gaps.
- vii. Ascertain the extent to which legal provisions prescribed in international conventions are in place and functioning, and where ratification has not taken place, assesses the obstacles and requirements for ratification. In particular, focus on any obstacles in the national legislation preventing access to employment.
- viii. Examine good practices and lessons learned from labour migration in other countries with draft labour migration policies and assess their applicability Somalia's context.
- ix. Explore the extent to which labour migration policies, practices, structures, and legislation in Somalia align with AU and IGAD policy frameworks (e.g., AU and IGAD Migration Policy Framework and IGAD Free movement protocol) and make recommendations accordingly.

This report examines the political and economic aspects of labour migration and its impact on key development indicators in Somalia, ensuring that the policy is founded on a solid evidence base. This situational analysis report has been developed as a reference document for the development of the national labour migration policy.

► 1.4 The Process and Methodology

In January 2023, the TWG on labour migration, under the leadership of MoLSA, decided to develop a standalone National Labour Migration policy. This effort involves working with various stakeholders and receiving support from the ILO, which has facilitated the services of an International and a national consultant. This process, which is informed by the ILO Practical Guide for developing gender-responsive and rights-based labour migration policies (2021), is being undertaken through four (4) main phases:

- **Phase 1: Inception Phase:** This phase was concluded in January 2024 and outlined the overall approach and methods for developing the policy. The inception report was informed by an interim review of key literature and interviews with key stakeholders on how to establish an evidence-based Labour Migration policy.
- **Phase 2: Situational Analysis and Review of Implementation Capacity:** This situational analysis report aims to guide the drafting of the Labour Migration policy. It is an outcome of a comprehensive desk review, which included analyses of key policies, guidelines, laws, regulations, reports, journals, research works related to labour migration in Somalia's national, regional and global context (see Annex 1). Physical meetings with key stakeholders, Focus Group Discussions (FGD) with returnees, and online meetings were held with various stakeholders who informed this situational analysis report (see Annex 2). This report will serve as a reference point during policy development, as well as for the implementation action plan and M&E framework.
- **Phase 3: Participatory Process for Defining the Vision and for the Policy as well as Key Guiding Principles and Policy Priorities, Implementation Action Plan and M&E Framework:** After completing the Situational analysis phase, a week-long workshop will be held in Mogadishu in April 2024. This workshop will bring together key stakeholders to develop a gender-responsive and rights-based policy on labour migration. The workshop will facilitate a participatory process to define: the overall vision and mission, key policy priorities, an action plan and M&E framework.
- **Phase 4: Validation of the National Labour Migration Policy and Action Plan:** A one-day validation workshop will be held to validate the Labour Migration Policy and its action plan. The final versions will be submitted to MoLSA for official approval processes within the government.

► 1.5 Organisation of the Report

This report is presented in six chapters. After presenting the background and methodology, Chapter 2 examines findings from the Desk Review. Chapter 3 presents stakeholder consultations and analysis. Chapter 4 assesses the capacity of institutional structures and inter-agency collaboration for policy implementation. Chapter 5 focuses on mechanisms to ensure a gender-responsive and rights-based approaches to the labour migration policy. The report concludes with chapter 6, which provides indications for policy formulation and validation. Technical annexes are attached at the end of the report.

2

▶ DESK REVIEW

► 2.1 Somalia's Socio-Economic Situation

Key Social Economic Indicators

Somalia's population is estimated to be about 17 million people, with an economy dominated by services (notably merchandising), subsistence agriculture and fishing.¹² The majority of the population relies on the subsistence sector, with the agriculture contributing 80.3% to the country's total GDP. As of 2023, Somalia's GDP stood at \$10.4 billion, with an annual GDP per capita of \$667.3.¹³ The country's GDP growth rate is projected to reach 3.5% in 2024 and 3.8% in 2025, slightly surpassing the estimated population growth of 2.8%. Despite these growth projections, Somalia faces significant economic challenges, including low domestic revenue mobilization and high poverty rates, exacerbated by insecurity. To enhance Somalia's economic development, create employment opportunities, and reduce poverty levels, attracting foreign direct investment (FDI) and stimulating private sector activity are crucial. These efforts are essential for improving Somalia's economic development, creating employment opportunities, and reducing the current poverty levels. The table below presents key socio-economic indicators for Somalia.

► Table 1.
Somalia's Key Socio-economic Indicators

Indicator	Somalia Country-Level Metrics
Total Population	17.6 ¹⁴ Million
Young population (under 15) 2022	47.16% ¹⁵
Extreme Poverty rate (% living below PPP\$1.90/day)	60.1%
GDP (US\$ Billion) 2022	a
Average GDP Growth (%) (2010-2023)	5.2
GDP per capita (US\$) 2022	667.3
Public Debt (% of GDP) (2020/21)	54.2%
Labour force participation rate (% of population aged 15+) 2021	63.3%
Unemployment rate (% of labour force) 2021	19.0%
Youth unemployment rate (% 15-24) 2021	32.2%
Doing Business Ranking (2022)	190
HDI ranking (2022)	188
Literacy Rate (% of population aged 15+)	34.2%
Population with at least some secondary education (% aged 25+)	35.9%
Mean Years of Schooling	5.4

Source: Multiple Sources, including National Bureau of Statistics of Somalia, ILO Labour Assessment Survey 2019, and the World Bank (2022) Macro Poverty Outlook (MPO) for Somalia

12. EASO (2021): Somalia Key socio-economic indicators, European Asylum Support Office

13. World Bank (2022): Macro Poverty Outlook (MPO) Somalia

14. World Bank: <https://data.worldbank.org/country/somalia>

15. <https://www.statista.com/statistics/452250/age-structure-in-somalia/>

Poverty data shows that Somalia has a significant portion of its population living in poverty. In 2022, the international poverty rate was 73.7%, while the lower middle-income poverty rate was 91.6%.¹⁶ These numbers highlight the ongoing struggle with poverty in Somalia, emphasising the need for targeted interventions to alleviate poverty and improve the well-being of the population. The population in Somalia faces continuous hardships due to poverty, employment uncertainties, housing issues, and food and water scarcity. Violent conflicts, climatic shocks, and recurrent floods exacerbate the situation, leading to displacements and increased vulnerabilities.

According to the Labour Force Survey Report (2019), employment by sector data shows that 13.5% of the population is engaged in agriculture, with a higher proportion of women (72.9%). The services sector employs 59.9%, industry 18%, and other sectors 8.7%. The IOM cross-border movements report (2023) indicates that 31% of the Somali population has been forced to migrate as a result of natural disasters.

Somalia faces challenges in creating enough jobs and opportunities for all, with an unemployment rate exceeding 32% for those aged 15-24. Poverty remains widespread, with over 60% living below \$1.90 a day. Labour force participation rates show significant gender gaps between male and female participation in the labour market. Only 33% of men and 12% of women are actively engaged in the labour market.¹⁷ The Government of Somalia, through the Ministry of Labour and Social Affairs, is working with development partners to accelerate momentum in building institutions and developing resilience, which is fundamental for growth, poverty reduction, and transition from fragility. Somalia's young population has the potential to be a powerful driver of economic development. However, high youth unemployment, particularly among educated youth, persists. Those with valuable skills are more likely to migrate in new work opportunities.

Education and Skills Development

In Somalia, about 60.1% of the surveyed population in 2019 did not state their academic qualification. Only 13.4% reported having attained secondary education, and another 7.4% had university education. There is growing demand for vocational training in Somalia. According to this Labour Force Survey (2019), about 28,335 had at least one vocational training certificate. The details are shown in the table below:

► **Table 2.**
Gender Categorization of Education Levels (2019)

Category	Male	Female	Total	Percentage
Not stated			2,253,967	60.1%
Lower Primary	112,493	119,977	232,471	6.2%
Upper Primary	216,394	221,405	437,798	11.7%
Secondary	312,408	189,945	502,354	13.4%
Vocational	16,784	11,551	28,335	0.8%
University	199,035	77,405	276,440	7.4%
Other (especially short course certificates)	8,929	10,970	19,899	0.5%

Source: National Bureau of Statistics (2020) Labour Force Survey 2019 Report

16. World Bank (2022): Macro Poverty Outlook (MPO) Somalia

17. EASO (2021): Somalia Key socio-economic indicators, European Asylum Support Office

In terms of the skills profile, the majority of the current labour force exhibits the following patterns. Men are predominantly skilled in electrical and carpentry work, computing, and auto-mechanics. Women, on the other hand, are mostly skilled in beauty and cosmetics, salons services, tailoring, nursing, and computing. The details are shown in the table below.

►Table 3.
Sectors of Employment

Category	Male	Female	Total	Percentage
Tailoring	7,101	13,358	20,459	11.5%
Carpentry	19,947	403	20,350	11.5%
Beauty Salon	712	18,253	18,965	10.7%
Electrical work	15,300	1,447	16,747	9.4%
Auto mechanics	14,011	0	14,011	7.9%
Computing	10,960	3,029	13,989	7.9%
Nursing	7,075	6,375	13,450	7.6%
Agriculture	6,491	1,448	7,939	4.5%
Masonry	5,253	650	5,903	3.3%
Teacher Training	3,776	1,268	5,044	2.8%
Plumbing	4,122	558	4,680	2.6%
Pastry	3,952	0	3,952	2.2%
Secretarial work	1,406	1,106	2,512	1.4%
Book keeping	1,449	2,225	3,674	2.1%
Other	16,769	9,010	25,779	14.5%
Total	118,324	59,130	177,454	100%

Source: National Bureau of Statistics (2020) Labour Force Survey 2019 Report

As a strategic intervention, the data points that the areas highlighted in the shaded part of the table above are priority areas for skills development in the interim period.

Sectors in Which Migrant Workers Hold Employment Opportunities

According to the Flow Monitoring Survey (FMS) conducted by IOM in September 2020, which surveyed 708 respondents, migrant workers from Somalia seek employment in wholesale and trade sectors. Other sectors include education, construction, human health and other social services, as well as security related services, as shown below:

► Table 4.

Sectors where Migrant workers have employment opportunity lined up

Sector	Male (%)	Female (%)
Wholesale and Retail Trade	25%	16%
Education	19%	15%
Construction	12%	4%
Human Health and Social Work	4%	16%
Military and Security services	8%	1%
Agriculture and forestry	6%	6%
Domestic/household work	1%	13%
Other services sector-related activities	5%	10%
Other	20%	21%

Source: IOM (2023) Flow Monitoring Survey (FMS)

► 2.2 Somalia's Labour Migration Trends

Somalia is a country of mixed migration flows, serving as a transit, destination, and origin for both inward and outward migration across the Horn of Africa and beyond. This includes both voluntary and forced migration. This is illustrated, highlighting various aspects of migration trends for Somalia:

- i. According to the United Nations High Commissioner for Refugee (UNHCR) data, as of April 2023,¹⁸ there were 685,198 Somali refugees, with the majority remaining in neighbouring countries, primarily in Kenya (301,526) and Ethiopia (253,616).
- ii. Somalia hosts 35,461 registered refugees and asylum seekers, mainly from Ethiopia (23,701). Somalia also has a large diaspora community, estimated to be around 1-1.5 million people in the United Kingdom, the Netherlands, Norway, Sweden, the United States, Canada, and Australia (FMPT, 2020).
- iii. According to the Ministry of Labour and Social Affairs (MOLSA), approximately 15,000 work permits were issued in Somalia in 2021 and 2022, primarily to nationals of Kenya, Uganda, India, the United Kingdom, Pakistan, and Bangladesh.
- iv. Inward migration, as per the UNHCR Protection and Return Monitoring Network (PRMN)¹⁹ report, indicates that there are over 1.2 million new internally displaced persons in 2023.
- v. Irregular mobility out of Somalia is also prevalent with common migration routes including: crossing by sea to Yemen (less popular since 2015 due to the conflict in Yemen) and moving on to the Gulf countries, moving south through Kenya to South Africa; and travelling west through Sudan and Libya in the hope of crossing the Mediterranean Sea and reaching Europe. Updated data on irregular migration is not available.
- vi. **Refugees and Asylum seekers:** According to the UNHCR, Operations Data Portal²⁰ as of 5 February 2024, there are 17,957 refugees and 20,506 asylum seekers.

18. Document - Somalia Situation: Population Dashboard - 30 April 2023 ([unhcr.org](https://www.unhcr.org))

19. Somalia: Internal Displacement ([unhcr.org](https://www.unhcr.org))

20. UNHCR (2024) Operational Data Portal see as www.data.unhcr.org/en/situations/hom/location/192

- vii. **Diaspora:** Somalia has a large diaspora community, with an estimated 2 million Somalis in the United Kingdom, Netherlands, Norway, Sweden, the United States, Canada, South Africa, and Australia (FMPT, 2020).²¹
- viii. **Deportees:** IOM data on return migration shows that between 2015 and 2020, approximately 169,000 Somalis were deported, primarily from the Kingdom of Saudi Arabia and Yemen (IOM, 2021).

Challenge of Irregular Migration

Currently, there are no effective BLAs in place, and most of the labour migration in Somalia is irregular. The few existing regular pathways are for outbound migrant workers and those recruited by private recruitment companies; however, their operations were suspended in 2021.

In-bound migrants are recruited by recruitment companies in their countries (mostly as expatriates, especially in construction, manufacturing, and other specialized technical areas on short contracts). Most migrants undertake irregular journeys, often involving crossing the sea to Yemen (a route less popular since 2015 due to the conflict in Yemen) and onward movement to the Gulf countries; travelling south through Kenya to South Africa; and moving west through Sudan and Libya in an attempt to cross the Mediterranean Sea and reach Europe.

However, due to the predominantly irregular nature of migration, most data on these are not available.

National Employment Context

On 12th December 2019, the Federal Council of Ministers of Somalia approved the National Employment Policy, outlining the government's strategic direction on employment for the Somali people. According to the Labour Force Survey (2019), the total unemployment rate for those aged 15 years and above in Somalia was 21.4% in 2019. This rate is particularly higher for the youth and women. Youth aged between 15-19 who are unemployed accounted for 41.5% and those aged 20-24 accounted for 35.2%. Women in Somalia who are unemployed accounted for 27.4% (a rate higher than the national average), compared to their male counterparts, whose rate is at 18.4%.

The Importance of a National Labour Migration Policy

The ILO estimates that there were 169 million migrant workers²² as of 2019, representing 5% of the global active population. In Africa, the number of migrant workers increased from 9.5 million in 2010 to 14.5 million in 2019, a growth rate of 4.8%, higher than the population growth rate of 2.7%. The IGAD region alone recorded an increase of 110% in migrant workers during the same period (2010-2019) with an estimated 3.4 million migrant workers. This number could be higher, considering that some migrant workers migrate through irregular channels. The current labour code (revised) does not provide explicit clauses on migrant workers' rights, and Somalia currently has no concluded BLA in force.

Therefore, it is imperative that a national labour migration policy be put in place. In the absence of policy and regulatory frameworks focusing on migrant workers, they face vulnerabilities, including:

- i. Risk of exploitation.
- ii. Precarious employment with limited coverage for occupational safety and health.
- iii. Low wages

21. FMTP (Free Movement of Persons and Transhumance) Report 2020 Published by ILO and IGAD

22. ILO (2021): ILO Global Estimates on International Migrant workers – Results and Methodology Third Edition, International Labour Office, Geneva

- iv. Intersectional discrimination
- v. Informal and temporary low-paying work
- vi. Limited freedom of association and collective bargaining
- vii. Limited freedom for movement
- viii. Limited access to justice
- ix. Abusive recruitment practices
- x. Limited access to social protection

To address these and other issues, the design of the labour migration policy will adopt a gender-responsive and rights-based approach, in line with the operationalization of the Decent Work Country Programme (DWCP 2023-2025). This approach will be guided by an evidence-based analysis of the country's situation, covering the social, political and economic context and each of the four ILO strategic objectives (employment; social protection; social dialogue and tripartism; and fundamental principles and rights at work). The adoption of a rights-based policy framework is in line with international labour standards, global and regional commitments, and emerging good practices to promote safe, orderly and regular labour migration and protect of the rights of migrant workers, with a focus on women and persons with disabilities. This will assist Somalia in achieving the targets under SDGs 8 and 10:

SDG (8) Target 8.8

Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment.

SDG (9) Target 10.7

Facilitate orderly, safe, regular, and responsible migration and mobility of people including through the implementation of planned and well-managed migration policies.

It is against this background that MoLSA, with support from the ILO embarked on a process to establish a National Policy on Labour Migration, along with its implementation action plan and M&E framework. This process is part of the broader ILO's Better Regional Migration Management (BRMM) support to countries within the IGAD region.

► 2.3 Labour Market Profile for Migrant Workers

Inbound and Outbound Migration Flows

The 2021 IOM Displacement Tracking Matrix (DTM) Report for Somalia showed that there were 121,671 movements into Somalia, with 66% originating from Ethiopia, 13% from Kenya and 10% from Djibouti. The same report noted that in 2020, there were 159,812 movements exiting Somali. The primary destination countries were Ethiopia (46%), Saudi Arabia (23%), Yemen (15%), Kenya (11%), and Djibouti 6%, as detailed in the table below.

► **Table 5.**
Countries of Origin and Destination Countries for Migrants (2020)

In-bound Migration		Out-bound Migration	
Country of Origin	Number (2020)	Country of Destination	Number (2020)
Ethiopia	81,657	Ethiopia	72,767
Kenya	15,247	Saudi Arabia	36,831
Yemen	909	Kenya	17,309
Somalia (returnee migrant workers)	11,675	Yemen	24,151
Other	44	Uganda	106
		Oman	110
		Djibouti	8,795
		Other	363
Total	121,095	Total	160,432

Source: IOM (2021) Displacement Tracking Matrix (DTM) Report for Somalia

Note: These figures represent only formally recorded migrants.

According to the IOM displacement tracking matrix, the motivations for migration varied among tracked migrants in 2021, for both in-bound and out-bound migrants. The majority (43%, comprising 29% men and 14% women) migrated in pursuit of job opportunities. Women primarily migrated to join family and relatives in the countries of destination. The table below provides details on other reasons for migration, excluding employment.

► **Table 6.**
Reasons for Migration

Reason	Male (%)	Female (%)
Pursuit of new job opportunities	29%	14%
Ease of access to asylum procedures	25%	17%
Presence of Family/relatives in the desired destination country	10%	22%
Pursuit of better economic conditions	11%	15%
Security concerns	6%	4%
Returning to country of origin	4%	8%
Joining friends and family	3%	7%
Transhumance/pastoralist activities	4%	2%
Other	7%	11%

Source: IOM (2021) Displacement Tracking Matrix (DTM) Report for Somalia

Education Status Among Out-bound Migrant Workers

According to the IOM Displacement Tracking Matrix (DTM) Report for Somalia over 59% of female migrant workers and 18% of male migrant workers reported not having attained any certified level of education. This finding is based on a sample of 1,628 surveyed in 2023, comprising 926 men and 702 women. The details are presented in the table below:

► **Table 7.**
Education Levels Among Migrant Workers

Education Level Completed	Male (%)	Female (%)
No level of education	18%	59%
Primary education	13%	12%
Secondary education	38%	12%
Other short-term courses and training	17%	4%
Did not answer	14%	14%

Source: IOM (2023) Displacement Tracking Matrix (DTM) Report for Somalia

According to the IGAD 2020 publication²³ on skills development and recognition for labour mobility in the IGAD region, skills recognition for refugees and migrant workers faces a challenge due to the absence of a unified qualification system. Other challenges include:

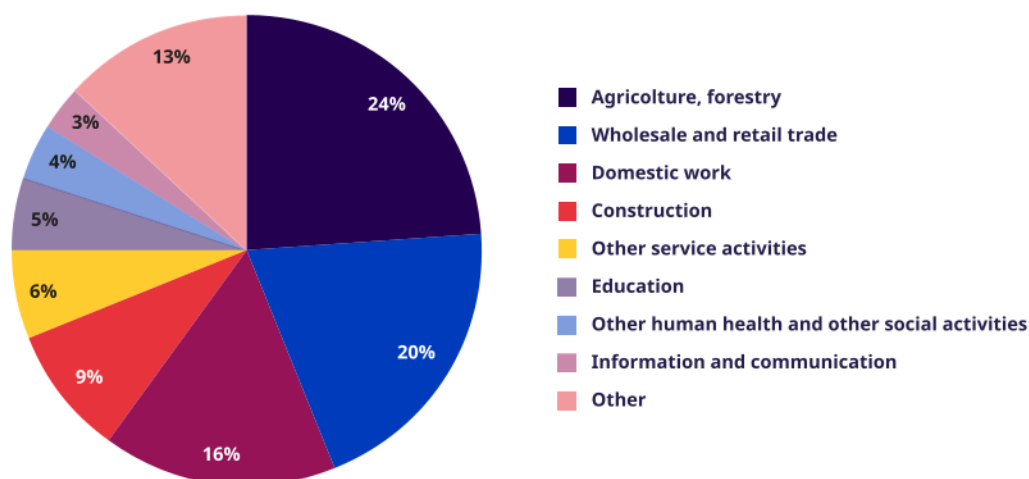
- i. Standards setting.
- ii. Program and institutional accreditation.
- iii. Recognition of prior learning.
- iv. Standardised assessment and certification systems across IGAD countries.

To address these challenges, the ILO, the European Union (EU), IGAD and ECOWAS developed guidelines in 2020 on facilitating the recognition of skills of migrant workers. However, a challenge remains in ensuring a mechanism across the IGAD region to assist migrants with validation and recognition of foreign qualifications, skills profiling, and standardized verification mechanisms.

Main Sectors Employing Somali Migrant Workers Abroad

According to the IOM Cross-Border Movements Report (2023), the main sectors employing migrant workers from Somalia are domestic work, construction, other service activities, education other human health and other social activities as well as information and communication. These are sectors are illustrated in the chart below.

23. IGAD (2020) The potential of skills development and recognition for regulated labour mobility in the IGAD Region



Source: IOM (2023) Cross-border Movements Report

Issuance of Work Permits

In 2024, the Work Permit Office of MoLSA issued 4,343 work permits to registered foreign workers between March 2023 and February 2024. Most foreign workers in Somalia are employed in the following occupations: Expatriates (consultants, staff in international NGOs and CSOs, among others); security personnel; construction workers; Plumbers; Technicians in specialized sectors (mainly on short contracts) as well as chefs in various hotels. However, data on the distribution of foreign workers holding work permits per sector is not available. This is shown in the table below:

► **Table 8.**
Work Permits Issued by MoLSA (March 2023-Feb 2024)

Month	Male	Female	Total
Mar-23	172	16	188
Apr-23	209	17	226
May-23	577	43	620
Jun-23	468	40	508
Jul-23	468	32	500
Aug-23	461	52	513
Sep-23	270	25	295
Oct-23	258	23	281
Nov-23	267	33	300
Dec-23	334	24	358
Jan-24	203	36	239
Feb-24	296	29	325
Total	3,983 (92%)	370 (8%)	4,353

Source: MoLSA (2024) Work Permits Office, Mogadishu

MoLSA issues work permits to foreigners who enter for employment purposes. Upon arrival, these individuals obtain a single-entry visa. Subsequently, their employer applies for a work permit on their behalf. There are three types of work permits issued by the Ministry. The employing company or organization applies for the work permit on behalf of the individual. The three types of work permits are:

- ▶ 3-month permit: USD 320
- ▶ 6-month permit: USD 490
- ▶ 1-year permit: USD 780

Only the employing company or organization can apply for the work permit on behalf of the individual. The table below shows the breakdown of issued permits by gender over the past year. To clarify, the process for obtaining permits is as follows:

To stay in the country, non-nationals must obtain a residency permit from the Immigration and Citizenship Agency of Somalia (ICA). The residency permit is valid for one year and is renewable. It applies to non-nationals who wish to stay in the country using their foreign passports. Note that holders of residency permits who wish to work must also apply for a work permit.

As shown in the table below, the majority of permit holders are from Uganda (35.9%) followed by Kenya (25.4%), India (11%) and South Africa (3.8%).

▶ **Table 9.**
Work Permit Holders and Their Countries of Origin

Country	No. of Employees with Work Permits	Percentage
Uganda	1,340	35.9%
Kenya	947	25.4%
India	409	11.0%
South Africa	142	3.8%
Ukraine	81	2.2%
Zimbabwe	74	2.0%
Great Britain	72	1.9%
Philippine	63	1.7%
Pakistan	58	1.6%
Russia	41	1.1%
USA	37	1.0%
Ethiopia	33	0.9%
Egypt	30	0.8%
Turkey	30	0.8%
Yemen	23	0.6%
Other	355	9.5%

Source: MoLSA (2024) Work Permits Office, Mogadishu

Due to limitation in migration control, characterised by various exit points, Somalia faces challenges in obtaining credible statistics on irregular migration, which is mostly outbound. To address this, the government has enhanced its efforts to revitalize the issuance of work permits for incoming migrant workers through online access via the Ministry website, aiming to digitalize the process. The MoLSA work permit office identified several challenges, including:

- i. The office lacks a database or system to store data collected from the foreign workers and their companies, posing a significant risk to data safety and chronological organization. The office lacks sufficient space to store physical files of foreign workers, which are at risk of destruction or loss.
- ii. Most labour migration is irregular due to the lack of BLAs in place. The processes for issuing inbound and returnee worker permits are slow and bureaucratic. The office lacks sufficient financial and technical capabilities to respond effectively to migrant worker needs, ensuring smooth and efficient delivery of services.

► 2.4 Drivers for Migration

- i. Somalia remains a country of origin, transit, and destination for migratory flows, characterized by: Somalis seek better livelihoods mainly in the Middle East and the EAC region.
- ii. Migration into Somalia is mainly from Ethiopia
- iii. Somalis returning from the Middle East face limited post-arrival and reintegration assistance.
- iv. Internally displaced persons and returnees face challenges of accessing livelihood opportunities.

Furthermore, the review of the Situation Analysis of International Migration in Somalia (ESCWA 2023) identified the following key drivers of migration:

- i. Lack of sustainable economic opportunities for youth is a significant driver of out-migration. As of 2020, approximately 60% of Somalia's population was below 25 years old, yet most faced limited opportunities for decent employment, leading them to seek employment abroad.
- ii. Emigration in Somalia is exacerbated by conflict, insecurity, floods, droughts, poverty, and famine, which cause internal displacement and restrict opportunities for employment within the country.
- iii. Irregular migration from Somalia occurs through three main routes: crossing by sea to Yemen, movement to Gulf countries; travelling south through Kenya with the intention of proceeding to South Africa. Other routes include westward movement towards Libya, with the goal of crossing to Europe through the Mediterranean Sea.

Refugees and Internal Displacement due to Conflict and Returnees

According to UNHCR Operations Data Portal²⁴ as of Feb 5, 2024, there were 2,788,453 estimated internally displaced persons (IDPs), 17,957 refugees and 20,506 asylum seekers. As of January 2024, there were 93,721 returnees in Somalia. The chart below illustrates a surge in internal displacement in 2023.

24. UNHCR (2024) Operational Data Portal see as www.data.unhcr.org/en/situations/hom/location/192

The IOM's 2023 survey revealed that most migrants cited natural disasters (31%) as the primary reason for outbound migration, followed by economic reasons (26%), particularly seeking employment opportunities (see table below).

► **Table 10.**
Reasons for Migration

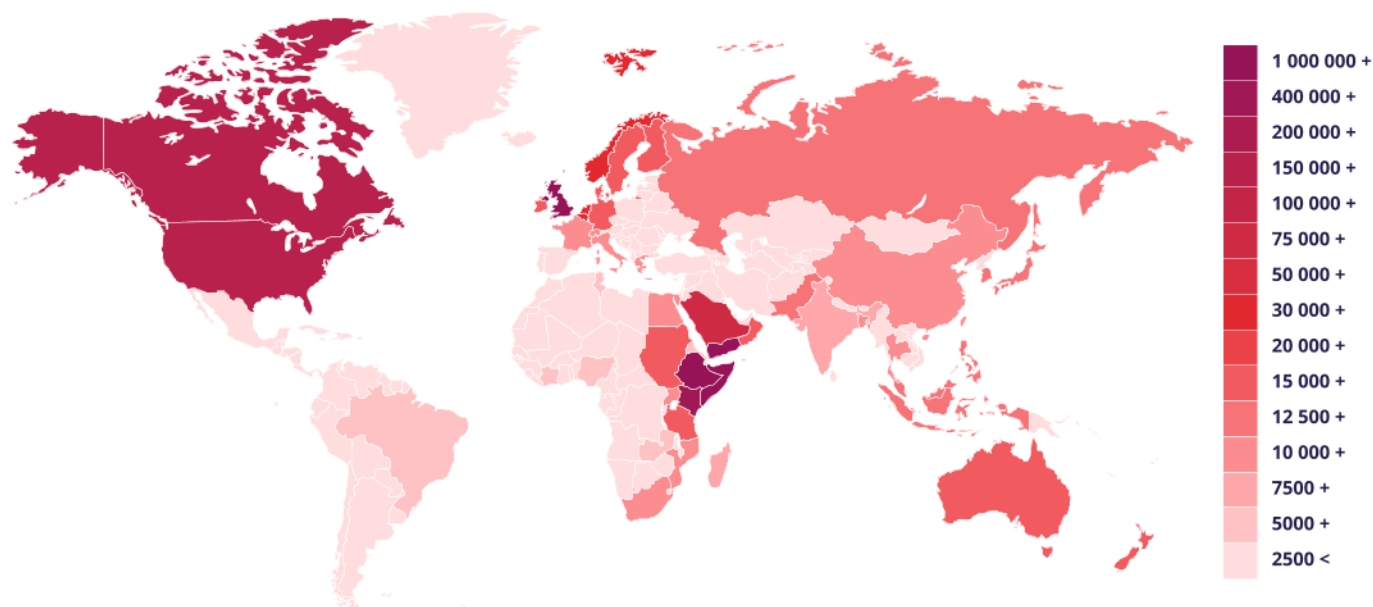
Reason for Migration	Percentage
Economic Reasons	26%
Seasonal Migration	9%
Family Reasons	3%
Returnees	2%
Others	4%
Conflict and insecurity	2%
Natural Disasters	31%
Food Insecurity	20%
Other forms of Migration	3%

Source: IOM (2023) Cross Border Movements

► 2.5 Somalia's Diaspora

Somalia has a significant diaspora community, estimated to be around 1-1.5 million people, primarily residing in the United Kingdom, the Netherlands, Norway, Sweden, the United States, Canada, and Australia (FMPT, 2020). A map illustrating the Somali diaspora is provided below.

► **Map Showing Somalis in the Diaspora**



Source : https://so.m.wikipedia.org/wiki/File:Somalia_Diaspora.jpg

Challenges Faced by Somali Nationals in the Diaspora

According to the National Diaspora Policy, Somalis in the diaspora encounter several challenges including:

- i. Limited coordination and collaboration between diaspora, government, and the private sector in Somalia, which has, in some instances, eroded trust.
- ii. Unfavourable working conditions in host countries, exacerbated by high living costs, taxes, language barriers, weather, and cultural challenges.
- iii. Limited exchange of information and data about developments in Somalia, forcing diaspora members to rely on limited sources and media reports. Limited inadequate provisions and programmes for the return and reintegration of diaspora
- iv. Outstanding amendments to the Constitution 2012 and key legislation to guide diaspora management, which have yet to be implemented.

Government Interventions to Optimize the Contribution of the Diaspora

In response to the above challenges faced by the diaspora, the Government is implementing the following interventions:

- i. A centrally coordinated mechanism will be put in place to engage the diaspora featuring a central platform and database to guide opportunities for diaspora engagement and investment.
- ii. Consular services will be strengthened at embassies, missions and consulates, prioritizing numbers of Somali nationals.
- iii. The government will share information about developments and investment opportunities in Somalia, covering various productive sectors of the economy. The diaspora will be supported through diaspora networks and organizations, enabling them to organize and implement projects for knowledge and skills transfer, particularly for youth. The government's efforts will be linked with MIDA, which has been providing training for diaspora experts since 2008.

► Linkage Between the Diaspora and Labour Migration Policy

Somalia's diaspora plays a vital role in shaping the country's labour migration policy, given its significant economic and social influence. The current diaspora is a result of past instability and limited economic opportunities within Somalia, driving many Somalis to seek work abroad, particularly in the Gulf region, Europe, and North America. Their remittances have become a crucial lifeline for the Somali economy, surpassing international aid and foreign direct investment, as noted by the Federal Government of Somalia in 2019.²⁵ A well-managed labour migration policy could encourage more targeted remittances, boosting Somalia's development by streamlining work visa processes and connecting diaspora expertise with international job markets.

Gap Identified: However, the lack of a national labour migration policy in Somalia creates labour market challenges. Skilled Somalis abroad face difficulties returning home due to unclear regulations and limited job opportunities. The absence of proper migration channels pushes Somalis towards unsafe or exploitative work situations. A well-defined policy could address these issues by creating pathways for skilled diaspora members to return and contribute to rebuilding efforts. It would establish protections for Somalis migrating for work, ensuring their safety and fair treatment.

The policy on labour migration should consider the following aspects to leverage the optimal contributions of Somalis in the diaspora:

- i. Strengthening mechanisms for cooperation between Federal Republic of Somalia and diaspora networks and associations.
- ii. Provision of information about investment opportunities back home in Somalia
- iii. Supporting embassies, missions, and consulates to offer consular services that optimize employment opportunities abroad and the ease the transfer of benefits back home. Strengthening systems for the re-integration of return migrants,
- iv. acknowledging the crucial role of the diaspora and creating a supportive framework

With these interventions, Somalia can leverage its human capital in the diaspora for long-term economic growth.

► 2.6 National, Regional and International Frameworks on Labour Migration

The legal, policy and institutional framework for labour migration in Somalia is relatively new. Key legislative arrangements and policies are being finalized and are under formal approval processes. Somalia is aligning its frameworks with regional and global frameworks that govern labour migration in line with international dispensations to which it subscribes. This chapter examines the national, regional, and global frameworks that govern labour migration, providing the context against which the labour migration spectrum is anchored.

25. IOM (2024) seen at: <https://eastandhornofafrica.iom.int/news/iom-supports-development-new-national-diaspora-policy-somalia>

2.6.1 National Frameworks

The following are the key national frameworks, policies, and laws that provide context for labour migration in Somalia.

i. The Provisional Constitution of Federal Republic of Somalia (2012)

Article 42 (2b) of the Constitution guarantees equality, freedoms and other rights, including the duty of citizens to engage in useful work for their good, their family's good and the common good, contributing to national development.

The Constitution promotes human rights and the rule of law, in line with international law standards. The Government is responsible for protecting the equal rights of all citizens.

Article 24 provides for the right to fair labour relations. Furthermore, Article 24 (5) stipulates that 'all workers particularly women, have a special right to protection from sexual abuse, segregation, and discrimination in the workplace. **Every labour law and practice shall comply with gender equality in the workplace.**'

Citizens are free to form political and non-political organizations of their choice and have a right to move freely within the country, depart from the country and re-enter with the right to obtain a passport for travel purposes. All citizens have a right to select and practice the profession of their choice.

ii. National Development Plan 2020–2024

Under the social development pillar (pillar 4) of the National Development Plan, one of the main challenges limiting opportunities to expand employment is the low level of education and limited vocational skills development. Consequently, there is outward migration, especially among young people. The plan notes that high levels of unemployment and limited livelihood opportunities continue to drive national income poverty. This is exacerbated by low levels of training and skills formation among youth, amplified by poverty and vulnerability resulting from conflict and environmental factors.

- ▶ Some of these young people have a relatively high level of education and skills but lack employment opportunities. In response, the plan includes interventions to address employment challenges: Employment generation and skills development
- ▶ Strengthening the productive sectors of the economy (mainly agriculture, livestock, and fisheries)
- ▶ Interventions aimed at addressing the recurrent conflict
- ▶ Efforts to address the adverse effects of climate change.

▶ The Reference of the National Development Plan to the National Labour Migration Policy

The National Development plan recognises that one option for the Somali population to cope with poverty is to address the issue of unskilled or manual labour and draw support from family and social networks. Remittances from abroad play an integral and crucial role in this process. Under strategic interventions, the plan emphasizes the need to improve oversight of financial services to facilitate remittances more effectively (National Development Plan, page 302)

iii. Revised Labour Code for Somalia

Although the Labour Code has not yet been approved by Parliament, the Final Draft (Version 3) outlines key aspects related to labour migration:

- ▶ **General Labour Provisions and Principles:** Outlines the fundamental principles guiding labour relations in Somalia.
- ▶ **Labour Administration, Supervision, and Inspection:** Establishes the framework for labour administration, supervision, and inspection.
- ▶ **Establishment and Regulation of Workplaces:** Provides guidelines for the establishment and regulation of workplaces.
- ▶ **Employment:** Elaborates on contracts of service, determination and protection of remuneration, social security, social protection, and foreign contracts of employment.
- ▶ **Special Protection:** Details provisions for night work, children, and women as well as protection for persons with disabilities.
- ▶ **Occupational Accidents, Injury, and Disease:** Outlines measures for preventing and compensating occupational accidents, injuries, and diseases.
- ▶ **Collective Labour Relations:** Includes provisions for the establishment and registration of trade unions and employers' organizations, recognition of trade unions and collective agreements.
- ▶ **Disputes Resolution:** Establishes mechanisms for disputes resolution, including federal alternative dispute resolution commissions, labour courts and committees of inquiry
- ▶ **Miscellaneous:** Includes provisions for rewards, penalties, and regulations.

▶ The National Labour Code and its linkage to the proposed policy on labour migration

In addition, the Code provides for foreign contracts of employment and security of contract, requiring a binding seal or bond in a prescribed form by an employer approved by a Minister.

Chapter 15, Article 91(3) states that: **No person is permitted to enter into a foreign contract of employment except with the authority of a minister or an authorized officer on his or her behalf.**

The policy on labour migration will provide national direction in harmony with the labour code, emphasizing the following key aspects:

- i. Article 60 (2): An employee who has suffered loss is entitled to a right to action directly against a contractor.
- ii. Article 59 (2): Where there is a written agreement between a sub-contractor and contractor, the contractor must forward two (2) copies of the contract to the competent labour office, indicating the workplace location.
- iii. Article 48 (a): Employers must pay agreed wages, observing conditions, times and places for payment as agreed upon in collective agreements.
- iv. Article 93: Elaborates on elements and incumbrancers for persons inducing or forcing others to proceed abroad without authorized contracts.

Gaps Noted: The Labour Code does not make explicit mention migration workers' rights and Bilateral Labour Migration Agreements, which the labour migration policy will emphasize.

iv. National Employment Policy (NEP) and Action Plan (2019)

The National Employment Policy provides for the establishment of an employment governance system, promoting micro, small and medium-sized enterprises. The government will promote job-rich growth through public-private dialogue and regulation, introducing tax and trade policies that contribute to employment promotion. Under cross-cutting themes, the policy guides the government to address various issues including child labour, climate change, youth, women and other vulnerable groups, as well as urban and regional disparities.

► Linkages of the Employment Policy and Action Plan to the proposed National Labour Migration Policy

The policy mentions labour migration under key cross-cutting themes (pages 19-24), highlighting the lack of decent employment opportunities its far-reaching implications for irregular migration. The policy also mentions its linkage to key laws, policies and initiatives, including the Draft National Policy on Refugee, Returnees and IDPs. However, there are no explicit policy actions and thrusts on labour migration, underscoring the need for a comprehensive Labour Migration Policy.

v. Draft National Migration Strategy (Being Finalized with Support of ESCWA)

- The government is finalizing the National Migration Strategy, which aims to provide national guidance on vision principles and goals for migration in Somalia. Its vision is to ensure regular, safe and orderly migration opportunities and improved development outcomes for all. Key interventions include: Promoting safe and voluntary return and re-integration for Somali migrants.
- Regularizing migration pathways
- Combating migration smuggling and trafficking in persons
- Engaging the diaspora in sustainable development and reducing remittance costs.

► Linkages of Draft National Migration Strategy to the Proposed Labour Migration Policy

- In March 2024, the government validated the Draft Migration Strategy, aimed at operationalizing the overall Draft National Migration Policy. The development of the national labour immigration policy will be part of the operationalization of these frameworks. Objectives proposed under the Draft Migration Strategy include: Supporting employment opportunities for returnees
- Involving host communities in re-integration programmes
- Partnerships with agencies to support return processes.
- Bilateral Labour Migration Agreements
- Awareness creation on regular migration pathways
- Preventing human trafficking
- Leveraging diaspora investments for development

vi. National Framework for Somalia's Diaspora

According to Somalia's National Diaspora Policy, an estimated 2 million Somalis in the diaspora.²⁶ The policy notes that government efforts to unify and mobilize the Somali Diaspora Networks have the potential to contribute to a stronger nation. As stated on page 9, "Government efforts to unify and mobilize the Somalia Diaspora Networks has potential to contribute towards a stronger and more resilient nation.

The Somalia National Development Plan (NDP 2020-24) recognises the importance of diaspora engagement. The Department of Diaspora Affairs, under the Ministry of Foreign Affairs, will implement interventions to execute the National Diaspora Policy. Migration and its contribution to economic development are at the heart of this policy. The diaspora is seen as critical to the country's development in terms of:

- i. Remittances: Estimated to be between US\$ 1.73 billion-2 billion²⁷
- ii. Human Capital Development: Contributions to skills strengthening and sharing of new innovations.
- iii. Cultural Exchanges and Diversity: Promoting cross-cultural understanding and exchange.
- iv. Institutional Capacity Building: Sharing good practices to strengthen institutional capacity.

vii. National Policy on Refugee-Returnees and Internally Displaced Persons IDPs (2019)

The National Policy on Refugee-Returnees and Internally Displaced Persons aims to resolve displacement and promote stability, peace, reconciliation and social cohesion. This policy enhances the resilience of the Somali people, particularly refugee-returnees and IDPs. Regarding labour migration, the policy emphasizes providing skills training relevant to the needs of the labour market and employment opportunities. The government, under this policy, coordinates stakeholders to prevent and avoid conditions leading to displacement. The policy enshrines the following principles:

- ▶ Protection against Forced Displacement.
- ▶ Protection during Displacement
- ▶ Voluntary Return and Freedom to Choose Solutions.
- ▶ Rights to Freedom of Movement and Choice of Residence
- ▶ Rights to an Adequate Standard of Living
- ▶ Rights of Persons Living with Disabilities
- ▶ Documentation of Refugee Returnees and IDPs
- ▶ Non-Discrimination of Refugee- Returnees and IDPs

26. As referenced from DEMAC 'Diaspora Organizations and their Humanitarian Response in Somalia (July 2021)

27. Danish Refugee Council (2024) Diaspora Program web seen at www.pro.drc.ngo

► Linkages between the National Policy on Refugees-Returnees and IDPs and the proposed National Labour Migration Policy

This policy highlights the crucial contribution of labour migration to achieving durable solutions to end displacement in Somalia. Specifically, it addresses rights related to freedom of movement and choice of residence in relation to migration status. Notably:

- Principle 5 (b) guarantees the right to leave the country and seek a new life elsewhere.
- Principle 5 (d) ensures protection against forcible return or resettlement in any place where an individual's life, safety, dignity, liberty, or health would be at risk, in line with international standards.

Analysis of the policy's core interventions underscores the need for the labour migration policy to articulate:

- Building the capacity of the Ministry of interior to promote refugees' local integration, facilitate sustainable return, and provide opportunities for decent work and livelihoods. Promoting social cohesion with host communities to combat human trafficking and forced labour, with a focus on protecting women and children.

viii. National Durable Solutions Strategy (2020-2024)

The National Labour Migration Policy will draw on the National Durable Solutions Strategy (2020-2024), which has created an enabling environment for innovative, and impactful initiatives. A durable Solutions Secretariat was established in 2019 to support this strategy.

The strategy aims to ensure Somalia guarantees a conducive fiscal and political environment, paving the way for the progressive realization of durable solutions. This will enable displaced persons, refugees, asylum seekers, returnees, and host communities, to access durable solutions.

► The Linkage between National Durable Solutions Strategy and the National Labour Migration Policy

By 2024, the National Durable Solution Strategy will conclude its implementation. One of its aspects is the Sub-Pillar Working Group on Migration, Displacement and Durable Solutions.

The national labour migration policy will incorporate the principles of the Kampala Declaration on Jobs, Livelihood, and Self-reliance, as well as the IGAD Protocol on Free Movement. These emphasize durable solutions through:

- Promoting labour mobility,
- Facilitating access to complementary pathways of refugees from IGAD countries.
- Providing socio-economic support to address protracted displacement.

ix. Foreign Employment Act (2015)

The Foreign Employment Act (2015) covers various aspects, including: employment conditions and exceptions, investment promotion permit application, residence and visa requirements, work permit issuance and validity, recruitment, placement, and resignation procedures, working paid extension and protection of foreign workers' rights.

► Implications for the National Policy on Labour Migration

Alignment with the Foreign Employment Act will be sought, focusing on key aspects such as:

- Article 3: Employment conditions and exemptions
- Article 5: Investment promotion and permit application
- Article 6: Residence and visa requirements
- Article 7: Foreign workers, deportees, and persons whose nationality was revoked; persons born in Somalia but not granted Somali nationality.

Other relevant aspects include damage or loss of work permit, work leave duration, and off-duty compensations.

Gap identified: The Foreign Employment Act (2015) lacks comprehensive information on the work and residence permit process and costs for incoming migrant workers.

x. National Diaspora Policy (2023)

The National Diaspora Policy, launched in 2023, notes that despite successful short-term diaspora programmes, their development impact remains minimal. This is largely due to inadequate capacity to design and implement effective interventions.

- To address this challenge, the policy will emphasize: Supporting centrally coordinated efforts to engage the diaspora in national development initiatives
- Strengthening diaspora outreach and engagement
- Creating a central platform and database for diaspora programmes and investment opportunities.
- Developing programmes for return and reintegration of diaspora members.
- Developing policies for embassy support of diaspora outreach.

xi. Decent Work Country Programme (DWCP)

- The Government, Ministry of Labour and Social Affairs, Federation of Somalia Trade Unions (FESTU), and Somali Chamber of Commerce and Industry (SCCI) signed an MoU to implement the Decent Work Country Programme. These tripartite partners agree that the following aspects will be prioritized: Promoting fair opportunities for decent jobs and skills development
- Ensuring social protection for all social care to families

- ▶ Fostering social dialogue for labour rights protection
- ▶ Strengthening labour administration and institutions.

► Implications of the Decent Work Programme 2023-2025 and its Contribution to the Policy on Labour Migration

The Decent Work Programme 2023-2025 has several implications for the national labour migration policy. Key aspects to be emphasized during the policy's design include:

- ▶ Streamlining Labour Migration Functions: Bringing together scattered functions focusing on labour migration across various government agencies. MoLSA has already established a National Technical Advisory committee on Labour Migration in March 2024 to oversee the finalization, approval, and implementation of the National Labour Migration Policy.
- ▶ Policy Finalization and Implementation: Supporting the finalization of the policy, its implementation strategy/action plan, and ensuring its implementation addresses specific needs of men and women.
- ▶ Strengthening Institutional Capacity: Supporting efforts to strengthen institution's capacity to implement fair and effective labour migration frameworks, institutions, and services to protect migrant workers (Output 2.5 of DWCP).
- ▶ Establishing a Labour Migration Database: Creating a functional labour migration database (Output 2.5, point 3 of DWCP). Addressing Skills Mismatches: Supporting government institutions, employers, and worker organizations to identify current skills mismatches and develop work-based learning mechanisms, including apprenticeship (Output 2.1 of DWCP).
- ▶ Enhancing Social Dialogue: Supporting employers' and workers' institutional capacity to participate and meaningfully in social dialogue activities (Output 4 of DWCP).

xii. Overseas Employment Guidelines (2022)

The Government of Somalia has established general procedures and services guidelines for employment of Somali outbound migrant workers. This initiative aims to reduce unemployment in Somalia by protecting the rights, safety, and dignity of Somali workers seeking employment abroad. Key aspects of these guidelines include:

- i. Recruitment, services, and prohibition of illegal employment.
- ii. Orientational and awareness programmes
- iii. Appointment of Labour Attachés and committees
- iv. Conditions of employment and worker protection.
- v. Eligibility requirements for foreign employment licenses
- vi. Procedures for hiring workers
- vii. Violations, illegalities, and licence suspension/revocation
- viii. Financial Guarantees, insurance, liability and employee leave monitoring.
- ix. Dispute resolution, labour disputes, and litigation.
- x. Obligations, partnerships, and transitional provisions among others.

► Implications for the Labour Migration Policy

- The Overseas Employment Guidelines should be widely disseminated in summary versions to inform stakeholders about the labour migration process and legal requirements. Reference points for the labour migration policy include: Working conditions abroad and ensuring that they are conducive.
- Observance and adherence to contracts that migrant workers enter into while abroad.
- Worker compensation in instances of injury or loss
- Instances where an organization recruits, hires or exports workers where there are no bilateral labour migration agreements with Somalia.

Gap Identified: The guideline only covers outbound migrant workers, omitting incoming migrant workers.

Bilateral Labour Migration Agreements with Kingdom of Saudi Arabia and Government of Qatar

Somalia is currently negotiating two Bilateral Labour Migration Agreements (BLMAs) with the Kingdom of Saudi Arabia, and Government of Qatar. These agreements are still finalized, with ongoing discussions between the countries.

► Analysis of BLAs and Implications for the Labour Migration Policies

- A review of similar BLAs for countries in the IGAD region, as well as stakeholder analysis, highlights the following key aspects to be emphasized: Countries should work towards establishing mutually acceptable recruitment, deployment, and repatriation systems for Somali workers abroad, in line with applicable laws and regulations.
- Ensure that recruitment offices, companies, or agencies practicing ethical recruitment are licenced by their respective governments. Regulate recruitment as a measure to rationalize recruitment and ease access to work opportunities abroad. This includes ensuring that recruitment offices, companies, or agencies of both countries and the employer do not charge or deduct from the salary of the worker any cost attendant to his/her recruitment and deployment, nor impose any kind of unauthorized salary deductions. workers' salaries.
- Grant contractual parties the right to recourse to competent authorities in case of contractual disputes, in accordance with applicable laws, rules and regulations.
- Take legal measures against recruitment offices, companies, or agencies violating applicable laws, rules, and regulations.
- Strengthen consular services and capacity for embassies, missions, and consulates to establish efficient grievance handling mechanisms.

2.6.2 Regional Frameworks

The formulation of the labour migration policy will also be informed by regional legal policy and institutional frameworks, including:

i. African Union Migration Policy Framework for Africa (MPFA) and Plan of Action (2018 – 2030)

The African Union developed the Migration Policy Framework for Africa (2018-2030) to guide implementation of various interventions and strengthen migration governance. This framework provides strategic direction for countries to implement interventions to addressing challenges in migration, security, stability, and development cooperation.

► Key aspects related to labour migration in Somalia include:

- Free movement of goods and persons to strengthen intra-region and inter-regional cooperation in matters concerning migration.
- Creating a conducive environment for migrant participation, including those in the diaspora.
- Adoption of policy guidelines in nine (9) thematic areas of migration namely: Labour migration, border management, irregular migration, forced displacement, human rights of migrants, internal migration, migration data management, migration and development, as well as interstate cooperation and partnerships.

ii. African Union Guidelines on Developing Bilateral Labour Agreements (BLAs)

- i. The African Union established guidelines on developing Bilateral Labour Agreements (BLAs) in 2021 to address labour migration challenges between African countries. These guidelines serve as tools for governing migratory flows and improving protection of labour and migrant workers' rights. Objectives of these guidelines include: Adopting model templates and guidelines to create BLAs based on international and African human and labour rights instruments, global frameworks and relevant tools and practices.
- ii. Addressing gaps in existing BLAs related to migrant protection and labour migration governance and proposing steps to enhance the promotion and protection of migrant workers' rights.
- iii. Adopting the African template and guidelines that complement existing frameworks, support the implementation of the AU Protocol on Free Movements, and align with regional integration objectives for enhanced labour mobility and cooperation.

► **The analysis of these guidelines highlights the following key aspects related to labour migration in Somalia:**

- The guidelines emphasize the importance of a rights-based, non-discriminatory, and gender-responsive approach in developing the labour migration policy.
- Shared responsibility between origin and destination countries is critical to ensure the protection of migrant workers and uphold their rights throughout the migration cycle.
- Aligning the guidelines with the national labour migration policy creates a coherent framework that promotes fair labour practices, protects migrant workers, and contributes to sustainable development.

iii. Draft Declaration on the Protection and Promotion of the Rights of Migrant Workers

The African Union drafted the declaration in 2021 to provide effective redress mechanisms for violations, promote the best interests of child migrants, and ensure gender equality in migration opportunities. Additionally, the draft highlights the need for facilitating labour movements in Africa, protecting workers, and promoting the recognition of skills and qualifications. Somalia is a member of this process and the key issues (among others) for its engagement have included notably:

- i. Ensuring the establishment of legal, safe, and regular pathways for migration to prevent trafficking, exploitation, and harm during border crossing.
- ii. Recognising the prevalence of migrant workers in the informal economy and providing them with access to social protection and welfare.
- iii. Upholding the human rights of migrant workers and challenging collective expulsion and deportation.
- iv. Ensuring measures to protect migrant workers do not result in gender bias and disproportionately impact the equality of migrant opportunities, particularly for women seeking employment abroad.

► **The analysis of these guidelines highlights the following key aspects that relate to labour migration in Somalia:**

- The labour migration policy should prioritise establishing clear legal pathways for labour migration, including mechanisms for recruitment, work permits, and residency, to ensure that migrant workers can move safely and legally across borders.
- The policy should incorporate provisions for migrant workers to access to health care services, safeguarding their health and well-being while working in the host country.
- The policy should recognise the economic contribution of migrant workers and aim to maximize the positive impacts of migration on both the host country's economy and Somalia's economy.
- The policy should prioritize the protection of human rights of migrant workers at all stage of migration including recruitment, employment, and return and ensuring compliance with international human rights standard and mechanisms.

iv. Khartoum Process (EU-Horn of Africa Migration Route Initiative) (November 2014)

- ▶ The European Union Horn of Africa Route Initiative, also known as the Khartoum process, is a platform established in 2014 to facilitate continuous dialogue and enhance cooperation on migration and mobility in the horn of Africa. Somalia is a member of this process, which focuses on several key issues, including:
- ▶ Addressing Human Trafficking and Smuggling: Strengthening efforts to combat human trafficking and smuggling networks along the EU-Horn of Africa route, and providing support to victims of trafficking through a victim-centred approach.
- ▶ Collaboration and Cooperation: Enhancing collaboration between countries of origin, transit, and destination to improve migration management.
- ▶ National Capacity Building: Providing assistance to build national capacity in migration management at all high levels of government, providing measures with special regard to trafficking and smuggling of migrants.
- ▶ Regional Framework for Return and Reintegration: Developing a regional framework for the return and reintegration of returnees, ensuring full respect for their human rights.

▶ Aspects to consider for Somalia's Labour Migration Policy

- i. Establishing national strategies to strengthen horizontal coordination among all migration services, ensuring protection and assistance to refugees, asylum seekers and vulnerable groups.
- ii. Improving the identification and prosecution of criminal networks, establishing criminal law frameworks, and implementing protocols against smuggling and human trafficking of migrants.
- iii. Establishing and managing reception centres to provide access to asylum processes, improving camp services and security, and screening mixed migratory flows.

Inter-Governmental Authority on Development (IGAD)

Somalia is a member of IGAD alongside other states: Djibouti, Eritrea, Ethiopia, Kenya, South Sudan, and Sudan. IGAD has established various frameworks that the national policy on labour migration will need to align with. These frameworks include:

- i. IGAD Regional Migration Policy Framework (2012).
- ii. Protocol on Free Movement of Persons in the IGAD region (2020)
- iii. Djibouti Declaration on Labour, Employment and Labour Migration in the IGAD region (2021)
- iv. Nairobi Declaration on Somalia refugees (2017)

The following table illustrates the linkages and implications of the commitments under these frameworks for the national labour migration policy.

IGAD Framework	Linkages and Implications for the Labour Migration Policy
IGAD Regional Migration Policy Framework	i. Provide assistance to IGAD member states to establish policy frameworks for migration management and address labour migration challenge in a holistic manner. ii. Ensure Somalia's active engagement in the IGAD Regional consultative processes on migration (IGAD-RCP) iii. Migration data production and sharing at the regional level to inform inter-state strategic planning and policy shaping. iv. Uphold humanitarian principles on migration, with a focus on gender issues and human rights as outlined in the IGAD Gender Policy.
Protocol on Free Movement of Persons in the IGAD region	The Policy will reference relevant articles in this protocol, including those related to right to work; right of entry, stay or exit, designated points of entry and exit; free movement of residents of border communities, remittances and movement of persons affected by disasters among others.
Djibouti Declaration on Labour, Employment and Labour Migration in IGAD region	i. Ratify and domesticate relevant ILO Conventions on the rights of migrant workers. ii. Engage migrant workers and social partners in designing and implementing national development plans to enhance the labour migration-development nexus. iii. Promote regional exchange between national employers' and workers' organizations through their respective regional organizations, such as the Confederation of IGAD Employers and the Horn of Africa Confederation of Trade Unions. iv. Develop mechanisms for portability of social security rights and benefits. v. Formulate and implement the IGAD gender mainstreaming policy framework on labour, employment, and labour migration
Nairobi Declaration on Somalia refugees (2017)	i. Maintain commitments to deliver durable solutions for Somali refugees and address the protracted crisis and displacement faced by refugees and IDPs. ii. Strengthen the comprehensive regional approach involving IGAD member states to address challenges faced by Somali refugees, combining efforts in protection, improving livelihoods, and other key areas to ensure sustainable results. iii. Focus on maintaining protection, promoting self-reliance, and providing assistance for Somali refugees in countries of asylum, ensuring their safety, well-being and dignity. iv. Create an enabling environment for safe, sustainable, and vulnerable return and reintegration of Somali refugees

v. East Africa Community Labour Migration Policy (2024)

Somalia joined the East African Community on 24 November 2023. To align with the EAC Labour Migration Policy, it is imperative that a National Labour Migration Policy be designed. Article 10 (3f) of the EAC Common Market Protocol, provides for the free movement of workers within the community and entitles them to the same rights and benefits of social security. Furthermore, Article 10 (4) mandates the Council to issue directives and regulations to facilitate the implementation of social security benefits.

► Linkages and Implications for the Labour Migration Policy

The following key aspects of the EAC labour migration policy will inform the national policy:

- i. Ensure adequate coordination of labour migration management across the EAC with necessary policies, legal frameworks, institutional capacity, and resources.
- ii. Strengthen the implementation of a monitoring framework to provide information on the welfare of migrant workers in destination countries.
- iii. Ensure harmonized guidelines, standards, policies, and legal frameworks with partner states to support the enforcement of BLMAs.
- iv. Establish systems to ensure return migrants receive necessary support, including psychosocial support, through robust re-integration mechanisms.
- v. Incorporate key EAC labour migration provision into Somalia's policy framework to ensure holistic protection and empowerment of migrant workers.

vi. Regional Ministerial Forum on Migration for East and Horn of Africa (2020)

Somalia is one of 11 states from the East and Horn of Africa that comprise the Regional Ministerial Forum on migration (RMFM). The forum aims to address implementation of labour migration policies, labour mobility, and protection of fundamental human, labour and social rights of migrant workers. Launched in 2020, the forum promotes common approaches and social dialogue in formulating and implementing harmonized, evidence-based, human rights- and gender-responsive labour migration policies.

► Key References to Inform the Labour Migration Policy

The labour migration policy will incorporate the following key aspects:

- Adopting and implementing bilateral and multilateral labour migration agreements (BLAs)
- Promoting common African policy responses to promote human, social, economic, and labour rights of African migrant workers in the countries of origin, transit, and countries of destination.
- Establishing labour market information systems
- Introducing harmonized standards and tools for data collection analysis and monitoring of labour migration
- Enhanced inter-state, intra-, and inter-regional cooperation to implement African Union, IOM and ILO Labour Migration Joint Programme
- Strengthening social security and welfare institutions in member states

vii. Regional Migrant Response Plan for the Horn of Africa and Yemen (2022)

This plan aims to facilitate a harmonized response to humanitarian and migrant needs, as well as host communities within the Horn of Africa and Yemen. Developed in recognition of the region's role as origin, transit, and destination for mostly irregular migrants, the plan addresses the dangers of the Eastern Route and reliance on smugglers to access Gulf states. This route has become one of the most used while at the same time one of the most dangerous migration routes.²⁸

► Implications for the Labour Migration Policy for Somalia

As Somalia develops its national labour migration policy, it will draw on the following aspects of the Regional Migrant Response Plan:

- i. Provision of life-saving assistance to vulnerable migrants and host communities.
- ii. Quality, timely, and inclusive protection assistance and services to migrants and host communities.
- iii. Strengthening access to return, sustainable reintegration, and community stabilization.
- iv. Building evidence, partnerships, and coordination to enhance the humanitarian response and migration management throughout the migration route.

viii. Migration Dialogue for COMESA (2013)

- In 2013, The Common Market for Eastern and Southern Africa Member states (COMESA) established the Migration Dialogue, also known as Regional Consultative Process (RCP) on migration. The main objective is to provide a platform for informal, non-binding dialogue on migration management issues and opportunities. This process aims to help Somali and other member states achieve: Improved capacity for better migration management.
- Networking between countries on migration issues, including labour migration.
- Harmonized data collection and systems, as well as migration policy and legislation.

28. IOM (2022) Regional Migrant Resource Plan for the Horn of Africa and Yemen

► References to this Framework for the National Labour Migration Policy Development

Somali and other member states are implementing various activities across various ministries to support migration and trade development. These activities include supporting consular services by enhancing consular services under the Ministry of Foreign Affairs to better support Somalis in the diaspora; capacity building in migration management among others. However, more effort is required in the following areas:

- Enhance data management, particularly for migration profiling
- Strengthen enforcement of key legislation related to labour migration.
- Enhance capacity building for PrEAs
- Conduct gender screening
- Enforce protocols related to the free movement of persons, while ensuring stricter border control measures.

2.6.3 Global Frameworks and Norms

i. The UN Sustainable Development Goals (SDGs) 2030

The United Nations Sustainable Development Goals (SDGs), also known as Agenda 2030, recognize labour migration as an important aspect of sustainable development. The theme 'leaving no one behind' emphasizes the need for inclusivity, including migrants, to achieve sustainability. Somalia, under Agenda 2030, is called upon to address current migration data challenges and reporting requirements. Accurate data is vital for improving labour migration management.²⁹

29. Seen at www.migrationdataportal.org/sdgs?node=0

► References for Somalia's National Labour Migration Policy

Goal 8: Decent Work and Economic Growth aims to promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all. The targets under this goal include:

- Target 8.3 Promote policies to support job creation and growing enterprises.
- Target 8.5 Achieve full employment and decent work with equal pay
- Target 8.6 Promote youth employment, education, and training.
- Target 8.7 End modern slavery, trafficking and child labour
- Target 8.8 Protect labour rights and promote safe and secure working environments.

Goal 10. Reduce inequalities aims to reduce inequalities within and among countries.
The relevant targets include:

- Target 10.1 (Indicator 10.11): Ensure growth rates of household expenditure or income per capita among the bottom 40% of the total population
- The relevance of this target to migration lies in achieving sustainable income growth for the bottom 40% of the population to address poverty, a potential driver of migration.
- Additionally, integrating the rights and needs of all migrant populations, including asylum seekers, refugees and IDPs, into local and national poverty reduction policies and programming is crucial.
- Recognising and promoting linkages between migration, development, and poverty reduction by addressing gaps in linking migration to different sectors of the economy is also essential.

To ensure the successful implementation of the UN SDGs, the Government of Somalia launched an initiative in January 2016 to domesticate these goals and align them with national plans. This effort is currently supported by the Ministry of Planning and International Cooperation, in collaboration with UNDP Somalia.³⁰

Gaps and challenges in implementing commitments under SDGs.

- i. However, the implementation of SDG commitments faces several challenges, including:
Insufficient coordination among key stakeholders in data collection hinders effective implementation.
- ii. Inadequate data and data collection infrastructure in critical locations and sectors impede progress.
- iii. Shortages in data management and analysis capacities at both Federal and State levels constrain effective decision making.

ii. Global Compact for Safe, Orderly and Regular Migration

In September 2016, the UN General Assembly adopted the New York Declaration for Refugees and Migrants, emphasizing the need for a comprehensive approach to human mobility and enhanced global cooperation. Annex II of the Declaration outlined the process towards a Global Compact for safe, orderly, and regular migration. Somalia participated in the first dialogue on implementing the Global Compact on Migration in the East and Horn of Africa in Nairobi, Kenya, in June 2023.

30. Source UNDP Somalia (Human Development Report 2023)

This dialogue facilitated peer-learning and the exchange of good practices to implement the Compact's objectives.³¹

► Implications for the National Labour Migration Policy

Somalia has adopted the Global Compact, highlighting the following aspects under the global agenda while developing the policy:

- i. Reflection of global support and international cooperation for governance of international and regional migration
- ii. Best practices and options to address the pressing migration issues Participation with global partners, led by ILO, IOM, IGAD, EAC, COMESA, and other countries, to offer policy options and flexibility.

iii. Global Guidance on Bilateral Labour Migration Agreements³²

The United Nations Network on Migration published a guide in February 2022 to support safe, orderly, and regular labour migration. by drawing on human rights instruments and international labour standards. The Global Guidance on Bilateral Labour Migration Agreements were prepared by the Thematic Working Group co-chaired by ILO and IOM. These guidelines complement the African Union Guidelines on Bilateral Labour Agreements and the AU Guidelines on Protection and Promotion of Migrant workers.

iv. International Labour Organization (ILO) Conventions on Labour Migration

Somalia has ratified 26 ILO Conventions, with 22 currently in force. In 2021, the Minister of Labour and Social Affairs signed and ratified seven ILO Conventions, these were then submitted to the Council of Ministers for approval. Of all conventions, none have been denounced, and four (4) instruments have been abrogated. The table below shows the Conventions currently in force and their relation to the Somali context:

31. Source: eastandhornofafrica.iom.int/news/first-dialogue-implementation-global-compact-migration-east-and-horn-africa

32. UN Network on Migration (2022) Guidance on Bilateral Labour Migration Agreements (ILO/IOM) New York, USA

►Table 11.

ILO Conventions in Force as Per March 2024

Convention	Description	Date of Ratification	Relation to Somali Context
Wages	Convention No. 95 (1949) referring to adoption of proposals concerning the protection of wages remuneration or earnings	18 November 1960	While recognizing the complex situation in the country, the Government is requested to provide information on wage arrears and timely payment of wages, as well as measures adopted to address this issue.
Forced Labour Convention Freedom of Association and Protection of the Right to organize	Convention No. 29 (1930) referring to a transition period during which recourse to forced or compulsory labour might be subject to specific conditions that contravene rights of a person	18 November 1960	The Government is urged to take the necessary measures to prevent and combat trafficking in persons for labour and sexual exploitation. There are irregularities in the labour market and limited inspection and enforcement measures, which sustain cases of forced labour.
	Convention No. 105 (1957) referring among other articles provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery among others.	8 December 1961	Cases persist of rights violations for migrant workers (including domestic workers) who report working under circumstances, hours, and conditions beyond their contract terms.
	Convention No. 87 (1948) referring among other articles that Workers and employers, without distinction whatsoever shall have a right to establish and join federations and confederations and right to organize	20 March 2014	The committee requests the Government to inform on the adoption process of the draft civil service law and transmit copies of laws once adopted. While there has been improvement over the last five years in relations between trade unions and labour associations, more responsiveness to issues related to workers' needs (by the Government) is required.
	Convention No. 98 (1949) referring to among others issues the right to apply principles of the right to organize and to bargain collectively	20 March 2014	The Government is requested to provide information on measures taken to promote collective bargaining and on the number of collective agreements concluded, specifying the sectors concerned and the number of workers covered.
	Convention No. 144 (1976) refers to establishment of tripartite machinery to promote the implementation of the international labour standards within a tripartite consultation process	8 March 2021	This promotes tripartism and social dialogue to support stakeholders in achieving harmonious relations between government, workers and employers.
	Convention No. 84 (1947) which concerns the right of association in the settlement of labour disputes in non-metropolitan territories	29 May 1984	The right to association has been enhanced but systems for grievance handling remain weak.
Discrimination	Convention No. 111 (1958) referring to the affirmation that all human beings, irrespective of their race, creed or sex, have the right to pursue both their material wellbeing and their spiritual development in conditions of freedom and dignity, economic security and equal opportunity.	8 December 1961	Aware of the peace, security and humanitarian challenges faced by the country and its people, the Government is called upon to provide information on progress made in adopting the Draft Labour Code, Draft Sexual Offences Law, the Draft Constitution, and the Draft Panel Code, indicating relevant provisions and providing copies once adopted. Women, and minorities including persons with disabilities) continue to face disproportionate discrimination in accessing resources, information, and work opportunities, amidst cases of rights violations and discrimination.

Convention	Description	Date of Ratification	Relation to Somali Context
Employment and Occupational Safety and Health	Convention No. 155 (1981) referring to among others the occupational safety and health at the world of work	8 March 2021	Formally established entities have implemented measures to ensure worker safety, but this is limited in the informal sector, which employs majority of workers.
	Convention No. 187 (2006) refers to among others various health and safety issues that shape the environment at the world of work and lead to the prioritization of: safe and healthy working environment as well as physical and psychological well-being of workers	8 March 2021	
Worker Compensation	Convention No. 17 (1925) undertakes to ensure that workmen who suffer personal injury due to industrial accident or their dependants shall be compensated on terms at least equal to those provided by the Convention	18 November 1960	Mechanisms for worker compensation are in place, but enforcement remains weak, and varies across entities.
Equality of Treatment	Convention No 19 (1925) in regard to the equality of treatment for national and foreign workers in particular worker compensation as a result of accidents or other injury	18 November 1960	Documentation on the treatment of foreign workers and returnees in Somalia is limited. Outbound workers report cases of delayed compensation for accidents or injuries.
Child labour	Convention No. 182 (1999) referring to among others the elimination of the worst forms of child labour	20 March 2014	Gaps persist in law enforcement, hindering adequate protect children from the worst forms of child labour, particularly in areas outside government control. Child labour cases continue to rise in Somalia and among migrant workers.
Labour Migration	Convention No. 22 (1926) called the Seamen's Articles of Agreement Convention governs owners, masters and seamen of sea-going vessels	18 November 1960	The government is requested to provide updates on the ratification of the Maritime Labour Convent (2006).
	Convention No. 23 (1926) called repatriation of Seamen Convention applies to all sea-going vessels	18 November 1960	The government is requested to provide updates on the ratification of the Maritime Labour Convent (2006).
	Convention No. 97 (1949) refers information on national policies, laws and regulations relating to emigration and immigration; information on specific provisions concerning migration for employment and conditions of work and livelihood of migrants for employment	8 March 2021	This Labour Migration Policy for Somalia has been developed, serving as a reference point for governing labour migration.
Labour Migration	Convention No. 143 (1975) on Migrant workers which states that countries have an obligation to protect the interests of workers when employed in countries other than their own.	8 March 2021	BLAs are being prepared to protect the rights of migrant workers.
	Convention No. 181 (1997) with provisions for fee-charging Private Employment Agencies in their contribution to a well-functioning labour market and protection of workers against abuses among others	8 March 2021	The work of PrEAs is currently suspended while the Government examines recent cases of rights violations.
	Convention No. 94 (1949) that refers to proposal concerning labour clauses in public contracts	18 November 1960	The largely informal nature of the sector means that most Somalis work without contracts, making them vulnerable to rights violations.

Convention	Description	Date of Ratification	Relation to Somali Context
Gender based violence and harassment	Convention No. 45 (1935) that refers to employment of women in underground work in mines of all kinds	18 November 1960	The government is encouraged to implement the decision adopted by the governing body at its 334th Session, which approved the recommendations of the Standards Review Mechanism Tripartite Working Group. This includes considering the ratification of more up-to-date instruments that promote gender empowerment in the workplace.
	Convention No. 190 (2019) Recognizes gender at the world of work and the impact gender inequality and gender-based violence has on women productivity and promotion within the working environment	8 March 2021	Cases of gender-based violence and discrimination at work occur, but are largely underreported and under-investigated.
Labour Inspection	Convention 85 (1947) that refers to conduct of labour inspection in non-metropolitan territories	18 November 1960	Labour inspections are conducted on a limited scale, mainly due to human resource

Source: www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:111200:P11200_COUNTRY_ID:103244

Several critical Conventions remain unratified but are essential for labour migration governance in Somalia. These include:

- Employment Policy Convention (No. 122, 1964)
- Domestic Workers Convention (No. 189, 2011)
- Recruitment of Indigenous Workers Convention (No. 50, 1936)
- Contracts of Employment (Indigenous workers) Convention (No. 64, 1939)

v. Best Practices in Labour Migration Policies in Developing Country Context

Developing countries have implemented various measures to optimize labour migration's contribution to national development. The following best practices, as recorded by the ILO Good Practices Database,³³ provide useful reference for the Somalia context.

►Table 12.

Best Practices in Labour Migration Policies

Country	Illustration of Good Practices
Philippines ³⁴	Established a BLA content system and a Migrant Worker Support System (MWSS), anchored by a migrant workers' resources database with the Government regulatory authorities.
South Africa ³⁵	Conducts periodic labour migration assessments and uses a reporting template to track labour migration.

33. ILO (2024) Seen at www.ilo.org/dyn/migpractice/migmmain.listPractices?p_lang=en&p_country

34. Source: <https://mfasia.org/support-systems-for-filipino-migrant-workers/>

35. labour.gov.za/DocumentCenter/Research%20Documents/SEIAS%20Reports/Final%20Report%20National%20Labour%20Migration%20Policy.pdf

Country	Illustration of Good Practices
Ghana ³⁶	As part of the implementation of its Labour Migration Policy Framework, Ghana has made significant strides. The country: • Conducts regular review processes to assess the implementation of its migration policy and consistently reports on return and re-integration. • Operates a migration resource centre, providing support to migrants. • Has ratified and enforced key international and regional conventions and treaties including eight out of ten ECOWAS conventions.
Nepal ³⁷	Nepal has established an integrated information management portal, known as the Foreign Employment Information Management Systems (FEIMS) which digitalizes recruitment process. ³⁸ The country has a mechanism in place to ensure constant engagement among all stakeholders, from the grassroots level upwards, in the enforcement of labour migration rules and regulations. This mechanism facilitates the periodic production of an annual status report on labour migration.
Zimbabwe	In 2020, the ILO and IOM supported Zimbabwe in developing its first National Labour Migration Policy. Zimbabwe has implemented four additional good practices: • An ILO labour migration module • Inclusion of this module in the Labour Force and Child Labour survey • Signed agreements for protecting migrant domestic workers (MDWs) between workers' organizations • Information packs for migrant workers issued at departure.

► 2.7 SWOT Analysis of Somalia's Labour Migration Landscape

- i. Somalia's labour migration landscape is described below using a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis. This tool maps current potentialities against outstanding challenges and constraints, providing a reference point for strategic planning, decision-making processes and overall management of the labour migration ecosystem in Somalia. The SWOT analysis comprises four key components:
- ii. **Strengths:** These are occurrences, positions and characteristics that give Somalia an advantage and provide a foundation for the future of labour migration.
- iii. **Opportunities:** These refer to potentialities, environment, and possibilities that offer better future prospects for the labour market, which can be leveraged.
- iv. **Weaknesses:** These are failures, constraints and disadvantages that hinder the development of labour migration in Somalia.
- v. **Threats:** These are internal and external elements that could undermine Somalia's development prospects, mostly factors over which the country has limited control. While strengths and weaknesses are internal aspects that Somalia can substantially control, opportunities can be both internal and external, and can be harnessed. Threats, however, are primarily external factors, some of which are beyond Somalia's control, but against which the country can take legal and policy measures. The following table presents the SWOT analysis.

36. Source: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:103231

37. Source: https://moless.gov.np/storage/files/post_files/Nepal%20Labour%20Migration%20Report_2022.pdf

38. Source: https://moless.gov.np/storage/files/post_files/Nepal%20Labour%20Migration%20Report_2022.pdf (Pg 26 onwards).

► **Table 13.**
SWOT Analysis for Labour Migration Landscape in Somalia

Strengths	Weaknesses
Somalia has demonstrated strong political will at the highest level of Government, recognizing the importance of labour migration and its governance. • A framework for labour migration exists, comprising: A finalized labour code, of Somalia and submitted to the parliament approval. • Signed and ratified ILO Conventions, providing a basis for strengthening the legal and policy framework for labour migration. • Drafted Bilateral Labour Agreements (BLAs) with the Kingdom of Saudi Arabia and Government of Qatar; negotiations are ongoing with Saudi Arabia, while the agreement with Qatar, signed by both countries, is undergoing revision by the Government. National Diaspora Policy (2013) and National Declaration on Durable Solutions for Somali Refugees and Reintegration in Somalia Institutional frameworks have been established to address various aspects of labour migration, including: • National Commission for Refugees and IDPs • Department of Diaspora Affairs • Office of the Special Envoy for Children and Migrants' rights at the Office of the President • Taskforces and Technical Working Groups on labour migration management, PrEAs, and coordination mechanisms. Other strengths include: A highly efficient international money transfer system that charges only 1% of transfer value, facilitating expedited remittances to Somalia from abroad. A highly resilient Somali population with a strong zeal to adapt and work in various conditions and sectors in destination countries.	Coordination among institutions working with social partners remains a challenge. What is being done? The Government is restructuring Technical Working Groups and their membership to foster harmonious working relations among task forces and groups. Limited data on labour migration, including disaggregated data, is another challenge. What is being done? In response, the Government conducted the 2019 Labour Force Survey and is developing a Labour Market Information System to provide labour statistics. The labour governance framework is weak and fragmented, characterized by limited coordination among stakeholders. What is being done? To strengthen this framework, the Government is developing harmonized national policies and Acts of Parliament, with contributions from multiple stakeholders. Support for labour migrants is limited, with inadequate programmes and resources for inward and outward migration. This includes limited pre-departure training for migrant workers, insufficient support from PrEAs, and cases of rights violations and irregularities. What is being done? To address this, the Government is establishing policies and regulations, including those for PrEAs, to support migrant workers. Pre-departure training is being offered by various agencies, albeit on a limited scale. Efforts are also underway with the Ministry of Gender to introduce pre-departure gender screening.
Opportunities	Threats
Establish a national coordination mechanism to oversee the implementation of government interventions supporting labour migration, and more so at the highest level of Government – the Presidency. Leverage support from a wide range of stakeholders including regional organizations (COMESA, EAC, IGAD) and development partners (ILO, IOM, UNHCR, EU, World Bank) Enhance diaspora engagement through established networks and associations, supplementing efforts for labour migration management.	Political instability and conflict in Somalia and neighbouring countries pose a significant threat, exacerbating humanitarian crises, internal displacement, and sustained labour emigration.

3



STAKEHOLDER CONSULTATIONS AND ANALYSIS

► 3.1 Introduction

The National Policy of Labour Migration for Somalia is being developed through a whole-of-government and whole-of-society approach, guided by a comprehensive consultative process. This process is informed by the ILO Practical Guide in Developing Labour Migration Policies, which emphasizes the importance of a situational analysis report as an output of the consultative process. The consultations being held aim to ensure that all stakeholders contribute to the process, fostering a sense of ownership and inclusivity. This inclusive approach enables stakeholders to take ownership of the context, content and aspirations, ultimately ensuring that policy outcomes reflect their realities and address their needs.

To ensure a comprehensive consultative process, stakeholders were categorized into the following main groups:

- i. Government Ministries, Agencies, and Departments
- ii. Regional Level Stakeholders and Development Partners
- iii. Social Partners (Employers, and Worker Organizations)
- iv. NGOs and Civil Society Organizations
- v. Returnee Migrant Workers
- vi. Private Recruitment Agencies

Gender Disaggregation of Consulted Stakeholders

The situational analysis drew on insights from 22 out of 24 targeted key informants from various institutions (listed in annex 2). Male respondents across all categories constituted 85% of the total, while female respondents made up 15%, resulting in a 6:1 ratio. Out of the 24 targeted respondents, 22 participated in the interviews, representing a response rate of 91%.

► 3.2 Stakeholder Consultation Process

The consultative mission involved the following steps:

- i. Stakeholders were identified based on their roles in labour migration in Somalia and the region.
- ii. A formal request letter and email introduced the subject matter and sought convenient times for interviews.
- iii. Interviews were conducted after obtaining consent and permission to record (for online interviews).
- iv. Questionnaires were sent out beforehand to prepare participants for the interviews.
- v. Focus group meetings were conducted to gather additional insights. The content provided was analyzed (by processing notes and cross-referencing with desk review content), and this situational analysis report was prepared.

▶ 3.3 Key Informants for the Situational Analysis

The following were key informants to the situational analysis phase:

Regional Level Stakeholders and Development Partners

- ▶ International Labour Organization (ILO)
- ▶ International Organization for Migration Somalia (IOM)
- ▶ Intergovernmental Authority on Development (IGAD)
- ▶ Economic and Social Commission for Western Asia (ESCWA)

Government Ministries Agencies and Departments

- ▶ Ministry of Foreign Affairs
- ▶ Ministry of Justice
- ▶ Ministry of Labour and Social Affairs
- ▶ Ministry of Women and Human Rights
- ▶ Immigration and Naturalization and Citizenship Department
- ▶ Office of the Special Envoy for Migration and Returnees, Office of the President
- ▶ Somali National Bureau of Statistics

Social Partners (Employers, and Worker Organizations)

- ▶ Federation of Somalia's Trade Unions (FESTU)
- ▶ Somalia Chamber of Commerce and Industry (SCCI)

Private Recruitment Agencies

- ▶ Al-Hana Travel & Recruitment Agency
- ▶ Boorow Travel & Recruitment Agency

▶ 3.4 Focus Group Discussion with Returnee Migrant workers

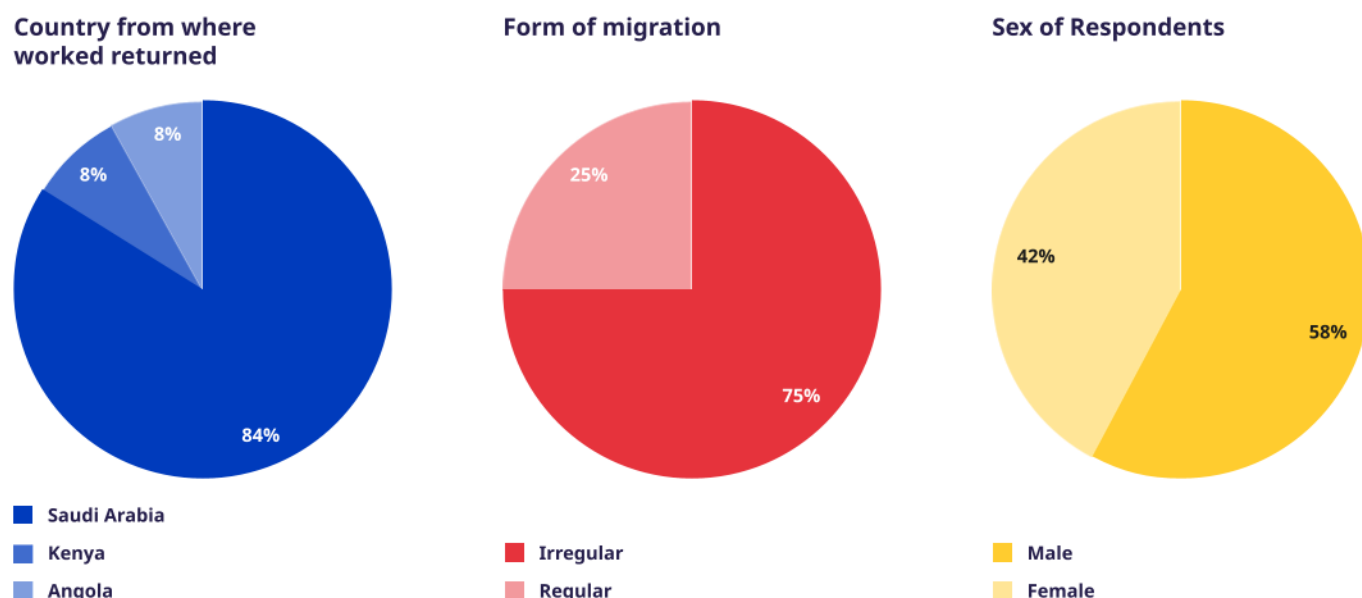
The charts below illustrate the profiles and characteristics of returnee migrant workers who participated in the focus group discussion, informing the situational analysis.

As can be seen below, the majority of the returnee migrant workers (84%) previously worked in Saudi Arabia, while others worked in Kenya and Angola. Women accounted for 42% of returnees, while men made up 58%. A significant proportion of returning migrant workers (75%) used irregular channels to reach their destination countries, whereas 25% used regular channels, such as PrEAs.

The list of participants in the focus group discussion, held on 15th and 16th of February 2023, is provided in the annexes.

►Figure 1.

Characteristics of Returnee Migrant Workers that participated in the Focus Group Discussion



►Implications for the National Labour Migration Policy

The guidance serves as a reference for Somalia on: human rights, including labour rights; recruitment, access to Information, migration status, occupational safety and health, social protection, employment contract and wage protection. Others include governance structure, qualification and skills, savings and remittances, and return and labour market re-integration.

Returnee migrant workers, who were interviewed, primarily worked in the following sectors: hotels and restaurants (as cooks and waiters), driving services, procurement (especially of imported goods), and construction (roads, buildings, and others). Unfortunately, data on the breakdown per sector is not available. This is an area where the National Bureau of Statistics could focus in future surveys.

- i. Returnee migrant workers reported facing several challenges, including: Lengthy and bureaucratic processes for accessing work permits, leading to exploitation of undocumented workers, who often receive low-paying wages or informal jobs. Inability to access start-up capital from financial institutions.
- ii. Limited resources for worker compensation in case of injury or accidents at work.
- iii. Language barriers, as most returnee migrant workers do not speak local languages.
- iv. Absence of grievance and complaint-handling mechanisms in various workplaces. Returnee migrant workers proposed the following suggestions for the national labour migration policy:
- v. Conclusion of Bilateral Labour Migration Agreements (BLMAs) to benefit the Somali population and inbound migrant workers, promoting a sustainable and regular migration landscape.
- vi. Strengthening work permit issuance processes by increasing efficiency. Supporting MoLSA's efforts to build capacity and deploy labour attachés to strengthen reintegration for returnees.

- vii. To develop skills development policies and support TVET institutions in training individuals in relevant skills, enabling them to acquire well-paying jobs.
- viii. Support social partners in sustaining collective bargaining and worker rights protection, particularly for women, and ensure that labour migrants' rights are not abused.
- ix. Strengthen labour inspection for workplaces to ensure occupational safety of migrant workers.

► 3.5 Limitations

The consultation phase achieved 91% response rate, with minimal limitations. However, Somalia faces data challenges, similar to other countries in the region. Some data on outbound migrant workers, such as their sectors of employment and recruitment trends, could not be obtained. Additionally, document translation into English was time-consuming. Consultants were unable to access in-bound foreign migrant workers for interviews, as they obtain work permits through their respective companies.

► 3.6 Vision, Core Areas, and Strategies Proposed for the Labour Migration Policy

Vision

Stakeholders proposed a vision for the policy to be **gender-responsive and rights-based, establishing a well-governed, inclusive system that protects rights and advances prosperity of all migrant workers.**

Core Areas

The following were the key areas of focus that such a policy could emphasize (this was mainly in response to the question of what were the top five areas of utmost importance):

- i. Conclusion of BLMAs
- ii. Protection of Worker Rights
- iii. Technical Capacity and Financial Resources for Enforcement Agencies
- iv. Skills Development
- v. Labour Market Information System to Support Decision Making.

Suggested Key Policy Intervention Areas

A synthesis of stakeholder views on a national labour migration policy generated the following key issues:

- i. Establish a labour market information system for Somalia, to generate data routinely to support stakeholders in policy formulation and strategic direction. Finalize the national migration strategy to provide a framework for the labour migration policy.
- ii. Establish a coordinated institutional framework on labour migration governance in Somalia, with resources and capacity building provided for key policy implementing institutions to play their roles effectively and efficiently.

- iii. Strengthen institutions involved in domesticating and reporting ratified conventions.
- iv. Conclude of BLMAs to regulate labour migration, as their absence may lead to irregular migration. Support the passage and signature into law of the Labour Code currently before Parliament.
- v. Foster collaboration with social partners and ensure responsiveness and follow-up on issues raised under the tripartite arrangement.
- vi. Integrate the diaspora population into the national development policies, including labour migration policies.
- vii. Enhance the capacity of the PrEAs and re-instate their operations following the development of regulations.
- viii. Ensure labour attachés receive training and are deployed in Somalia and abroad, as they play a crucial role in the protection and promotion of the rights and interests of Somali migrant workers.
- ix. Conduct sensitization and awareness campaigns to inform the public about ratified ILO conventions.
- x. Strengthen systems and structures to ensure enforcement of ratified conventions, protecting the rights of migrant workers, particularly women, who are most vulnerable to exploitation.

4



CAPACITY OF INSTITUTIONAL STRUCTURES AND INTER- AGENCY COLLABORATION

This chapter assesses the capacity of the institutional structures to implement labour migration policies and current collaboration mechanisms within the government and with other stakeholders.

► 4.1 The National Coordination Mechanism (NCM)

To ensure a whole-of-government and whole-of-society approach to labour migration governance, the National Coordination Mechanism (NCM) on Migration formerly under the Office of the Prime Minister, has been established under the Office of the President. The NCM serves as a framework to guide, share information, and regulate efforts to implement labour migration policies. The NCM is comprised of three task forces:

- High-Level Task Force on Migration Management: Develops national labour migration policies legislation aligned with international standards and laws, led by the Ministry of Internal Security.
- Technical Taskforce on Human Trafficking and Smuggling: Supports implementation of migration-related policies, legislation, and programmes related to border control and prosecution of trafficking and smuggling, among others. Co-chaired by the Ministry of Internal Security and Ministry of Justice.
- Technical Taskforce on Return and Re-admission: Coordinates the return and re-admission of Somali migrant workers, ensuring their safe and dignified return.

The National Coordination Mechanism was scheduled to launch in April 2024, unveiling its structure, functions, and terms. The NCM comprises:

Core Institutions

- Office of the President
- Office of the Prime Minister
- Ministry of Labour and Social Affairs
- Ministry of Interior, Federal Affairs and Reconciliation
- Ministry of Planning, Investment and Economic Development
- Ministry of Foreign Affairs and International Cooperation
- Ministry of Internal Security
- Ministry of Ports and Marine Transport
- Office of the Attorney General

Other Institutions:

- Inter-Agency Border Management Institutions
- Somali Ports Authority
- Mogadishu Port Authority
- Somali Police Force
- National Intelligence and Security Agency (NISA)
- Somali Civil Aviation Authority
- Somali Association of Travel and Tour Agencies

Other Participating Stakeholders

- ▶ Social Partners, including FESTU (which has included representation of migrant workers in its leadership structure, so that they too can participate in the work done by Unions and other collective bargaining efforts).
- ▶ Civil Society Organizations
- ▶ Research and Academia
- ▶ International and local development Partners.
- i. A significant development in 2024 is the hosting of the National Coordination Mechanism by the Office of the Special Envoy for Children's and Migrants' Rights of the President. With support from UNHCR and IOM, this Office is establishing a Mixed Migration Task Force to complement the federal-level task force on migration management. In March 2024, the Government, through MoLSA, established a national technical advisory committee on labour migration with support from IOM. This committee comprises stakeholders from: Ministry of Labour and Social Affairs.
- ii. Ministry of Foreign Affairs – Diaspora Department
- iii. Ministry of Women and Human Rights
- iv. Ministry of Internal Security
- v. Somalia National Bureau of Statistics
- vi. Federation of Somali Trade Unions (FESTU)

There is a proposal to include the Ministries of Health, Education, and Justice in this Committee. The committee will spearhead the implementation of NCM resolutions, overseeing the development of the LMP, its Monitoring and Evaluation (M&E) framework, and Action Plan. To avoid duplication and strengthen coordination, there is a need to harmonize the activities of the national advisory committee of IOM and the TWG of ILO on labour migration, as MoLSA leads both.

Gaps identified in the Institutional capacity and the need establish the Labour Migration Policy

Somalia lacks the necessary institutional capacities to optimize labour migration potential. Key gaps include:

- i. Without BLAs, labour migration from Somalia is irregular and weakly regulated, leading to exploitation of Somali labour migrants in the Gulf countries and the Middle East.
- ii. There is an urgent need for the government to build capacities and mechanisms to monitor the implementation of BLMAs, which are yet to be concluded.
- iii. The Labour Code, supported by the ILO, is expected to apply to migrant workers in Somalia and contains clauses offering protection to migrant workers, although its implementation is pending.
- iv. The 2015 Foreign Employment Act regulates labour migration to Somalia but lacks mechanisms to protect migrant workers. in Somalia, and only details the procedures related to obtaining work permits for migrant workers.
- v. These issues highlight the urgent need for a national labour migration policy.

Consultations with various stakeholders identified the following aspects as characteristic of the current level of institutional capacity to implement the LMP:

- i. Weak and limited coordination of employment services provision, despite its integral role in labour market functionality.

- ii. Limited capacity to finalize and enforce BLMAs, perpetuating irregular labour migration.
- iii. Lack of a functional Labour Market Information System (LMIS), a vital source of information on labour demand.
- iv. Public employment services are practically non-existent.
- v. Difficulties in issuing work permits to in-bound migrant workers.
- vi. Limited public services providing basic services like job matching and information sharing.
- vii. Lack of legislation and regulation of private recruitment agencies, allowing potential malpractice to go unchecked – partly causing the current suspension of their activities.
- viii. Limited technical capacity of embassies and missions to offer adequate consular services.
- ix. Limited labour attachés to support employment services for both inbound and outbound migrant workers.

In response to these challenges, the Government has been working over the last three years to establish the necessary enabling framework, including the LMP. This effort has been supported by initiatives under the Decent Work Programme, which prioritizes strengthening the coordination mechanisms to address labour migration challenges in Somalia.

Capacity Building under the Decent Work Programme (DWCP) for Somalia

The DWCP for Somali will provide technical support for: Conducting diagnostic studies on labour migration, strengthening and modernizing gender-responsive labour administration and inspection systems, improving legal, policy and institutional frameworks on labour administration and inspection. Developing capacities for labour inspectors and other labour administration staff. Planned interventions under this programme include:

- i. To enhance coordination and improve management structure, the ILO, in collaboration with partners, is establishing a two-tier management structure. This structure comprises key stakeholders who will guide project implementation, monitoring, and evaluation.
 - Tier 1: Labour Migration Advisory Group (LMAG) - regional level,
 - Tier 2: National Technical Working group (TWG) - national and technical level. The TWG will also follow up on project activities, prioritizing programme outcomes and outputs for effective implementation, promote coordination among key stakeholders and avoid duplication of efforts.
- ii. Bring relevant stakeholders together to identify challenges in governing labour migration and develop solutions.
- iii. Strengthen cooperation, sharing experience, information, expertise, and best practices among stakeholders.
- iv. Ensure consistency, efficiency, and clear division of labour, reducing duplication and fragmentation of efforts.
- v. Create synergies and coherence among programmes and actors working on labour migration.
- vi. Advise on resource mobilization for project sustainability and ensure ownership. The table below outlines the presumed roles and responsibilities of key stakeholders in implementing a labour migration policy, as identified by stakeholders.

Stakeholder/ Institution	Proposed Roles and Responsibilities Related to the Labour Migration Policy
Office of the President	- Chair of the National Coordination Mechanism on Migration - Support the Special Envoy for Migration, Returnees and Children's Rights
Office of the Prime Minister	- Coordinate ministries, agencies and departments to effectively implement the policy and report on interventions aimed at achieving the policy's objectives. - Represent the country at regional and international fora on labour migration
Parliament	- Ensure appropriate resources for policy implementation - Enact, review, and monitor policy implementation
National Coordination Mechanism	Coordinate Taskforces under a whole-of-government, whole-of-society approach towards sharing of information and enhancing nationally coordinated response to priorities related to migration, included labour migration
National Technical Working Group on Labour Migration Somalia	- Led by the ILO Better Regional Migration Management Programme (BRMM) in collaboration with MoLSA, involves participation from various government agencies and social partners. - Strengthen coordination among key stakeholders - Ensure improved implementation while avoiding duplication of efforts in labour migration of Somalia.
Ministry of Labour and Social Affairs	- Provide overall leadership and guidance and offer technical support to galvanize stakeholders for policy implementation. - Coordinate national liaison office for policy implementation. - Engage in dialogue with development partners for resource mobilization - Lead on budgeting, strategic planning, regulation, and implementation across sectors - Support the conclusion of the BLMAs - Lead on domestication, implementation, and reporting on International Labour Standards - Provide work permits and guide Somali workers travelling abroad for employment with general procedures and services.
Ministry of Foreign Affairs and International Cooperation	- Hosts and oversees the implementation of the national diaspora policy. Department of Diaspora which has strong linkages to labour migration as demonstrated in this document. Supports efforts and processes through regulations aimed at mainstreaming labour migration both in and out of the country. - Support efforts to set up and enforce Bilateral Labour Migration Agreements to ensure optimal labour beneficiation - Facilitates the work of missions, embassies, and consulates to support the diaspora
Ministry of Education	- Collaborate on recognition of qualifications of inward and outward migrants - Support skills development in TVETs and higher education institutions (MoLSA up to Diploma level, Ministry of Education for higher levels)
Ministry of Internal Security	- Oversee naturalization, immigration, and customs in Somalia - Support border control for safe and regular migration
Ministry of Women and Human Rights	- Ensures development, care, and protection of family and children through cross-cutting policies, legal instruments, and programmes - Strengthen complaints handling mechanisms for migrant workers to reduce vulnerability especially for women, including those in the diaspora. - Encourages women in the diaspora to invest in the country
Ministry Planning, Investment and Economic Development	- Supports the design and implementation of pro-employment policies, planning, and budgeting. - Ensures efficient allocation and accountability for resources. - Monitors budget and ensures value for money for investments on labour migration
Somalia National Bureau of Statistics	- Plans and conducts surveys covering key labour migration data. - Collects and disseminates statistics needed to feed into the labour market information system (LMIS) - Supports decentralization and disaggregation of statistical services and provides technical support on production of labour statistics. - Documents and disseminates research studies, thematic evaluations on emerging trends in employment planning, and policy perspectives to inform policy implementation.

39. Note that these were roles and responsibilities are a synthesis of views and proposals of stakeholders during the consultation phase

Stakeholder/ Institution	Proposed Roles and Responsibilities Related to the Labour Migration Policy
Development Partners	• Assist in mobilizing financial resources to ensure implementation of policy provisions. • Provide technical assistance throughout policy implementation, including strategic reviews, evaluations, and studies. • Share international best practices on labour migration
Federal Member States	• Mainstream employment planning and coordinate labour and employment matters at the State level. • Oversee policy implementation at the local level. • Ensure recruitment and deployment of labour officers. • Carry out enforcement of labour laws • Support implementation of related employment services
Social Partners (FESTU and SCCI)	• Support compliance with the standards and regulations set. • Advocate for advancement of worker rights, protection, and collective bargaining • Carry out research, inventory, documentation, and share findings to support policy implementation
Private Sector	• Complement government efforts by providing expertise, revenue, and innovation in the world of work • Create employment opportunities, including advancing technology and innovation • Support industrial training, apprenticeship, and internship programmes • Support public-private partnerships for employment creation
Other Non-State Actors (NGOs And Civil Society Organizations (CSOs), Academia, Media)	• Partner with government to ensure implementation of employment development programmes • Advocate for observance of labour standards and regulations to protect the rights of migrant workers. • Support and participate in training and research in various aspects of employment and jobs creation. • Identify and share best practices with the social partners. • Advocate for compliance monitoring and follow-up to ensure adherence to set minimum labour standards and laws. • Popularize the tenets of this policy through various media outlets

► 4.2 Level of Coordination and Collaboration among Actors

The Government of Somalia, primarily through MoLSA and with support from ILO and IOM, has been gradually building its capacity to coordinate various stakeholders. Over the last five years, improvements have been seen in the engagement between the Government and social partners through tripartite dialogues. Migrant workers have begun to engage trade unions in Somalia under the Federation of Somali Trade Unions (FESTU).

With ILO Support, FESTU has developed and validated an organizing strategy for migrant workers, enabling them to participate in collective bargaining. To sustain these efforts, FESTU should continue to sensitize and raise awareness among migrant workers on labour issues.

The Office of the Special Envoy on Children's and Migrants' Rights, under the Office of the President, coordinates the management of the labour migration system. The Office works with MoLSA and development partners to support re-integration and provide durable solutions to challenges faced by migrant workers. To strengthen coordination and elimination duplication, the Government is adopting a mixed migration taskforce. This effort aims to optimize the contribution of all stakeholders in various capacities.⁴¹

40. Note that these were roles and responsibilities are a synthesis of views and proposals of stakeholders during the consultation phase

41. ESCWA (2024) Situational Analysis Report on Migration in Somalia

► 4.3 Assessment of the Efforts to Build Institutional capacities

The structures within the government to implement a labour migration policy are currently limited in both human and technological capacity. Institutional strengthening is required to ensure staff structures are filled in various ministries, departments, and agencies, as well as at lower governance levels, including the deployment of labour attachés in the country and as part of Consular service force outside Somalia.

Support provided by International Labour Organization (ILO)

The ILO organized a capacity-building workshop in March 2023 for Somali Parliamentarians, the Ministry of Labour & Social Affairs, and social partners on international labour standards (ILS) on migration. The workshop aimed to promote the domestication, implementation, and reporting of ILS. In collaboration with FESTU, the ILO inaugurated a Migrant Resource Centre in Mogadishu in October 2023, established by the Better Regional Migration Management (BRMM) Programme. These initiatives are part of a broader effort to provide wider access to information that will assist potential migrants, returnees, and their families, while fostering a responsible approach to migration. The ILO is currently supporting the Government of Somalia in ratifying and domesticating key ILO conventions, as well as implementing various policies, including the national policy on labour migration and its action plan.

IGAD, COMESA and other Regional Efforts

In addition to the aforementioned developments, IGAD and COMESA are regional collaborative arrangements supporting labour migration systems in Somalia. Somalia has taken initial steps to govern and address migration issues, including labour migration, from a regional perspective, under these frameworks. This effort is part of the IGAD regional Migration Policy Framework and the IGAD Free Movement of Persons and Transhumance in the IGAD region framework.

Various training and capacity-building efforts have conducted in the IGAD region to enhance competencies in regulating labour mobility, promoting decent work, and ensuring good migration governance. Key areas of focus for capacity building include:

- i. Generation of knowledge and evidence.
- ii. Rights-based approaches to labour migration governance
- iii. Tripartism and social dialogue
- iv. Skills formation, with a particular focus on youth and other employment initiatives.

Since Somalia joined COMESA in July 2018, it has participated in processes to facilitate labour mobility.

Capacity for Re-integration

In November 2013, UNHCR worked with the Governments of Somalia and Kenya implement the Tripartite Agreement governing voluntary repatriation of Somali refugees living in Kenya. This led to repatriation of 66,674 Somali refugees returning to Somalia. Following the intensification of conflict in Yemen in 2015, many Somalis voluntarily returned to Somalia, including an additional 91,828 returnees from Djibouti, Kenya, Libya, Sudan, and Eritrea.⁴² However, the challenge remains the limited capacity for re-integration within Somalia. Although the Government, in collaboration with IGAD established the Regional Durable Solutions Secretariat (RDSS), inadequate infrastructure and reintegration mechanisms hinder the safeguarding of livelihoods for returnees.

42. Source: Intergal Human Development (2024)

► 4.4 Existing Budgetary Resources and Capacity for Resource Mobilization

The Ministry of Planning, Investment and Economic Development guides the implementation of the National Development Plan 2020-2024. This plan demonstrates the Government's efforts to incorporate migration management into programme implementation. Pillar 3 of the plan focuses on improved economic growth and employment, including programmes such as Youth employment, skills training, TVETs, and STEM programmes. Pillar 4 addresses improved social and human development, including aspects on social protection, IDPs and implementation of the durable solutions policy. The table below shows the allocations to various sectors of the economy under the plan where these investments have been prioritized:

Stakeholder	Q1	Q2	Q3	Q4	Budgeted	Actual
Administration and General services	40.18	66.38	92.31	107.38	351.67	306.26 (87.1%)
Defense and Security	38.57	40.97	42.58	47.85	171.29	169.97 (99.2%)
Economic Services	10.00	10.64	11.66	24.69	83.15	56.99 (68.5%)
Social services	5.57	53.20	9.84	129.61	323.81	198.22 (61.2%)
Total	94.32	171.20	156.38	309.53	\$929.92m	\$731.43m

Source: Ministry of Planning, Investment and Economic Development (2023) End of Year Budget Fiscal Performance Report

The rise in food prices and other commodities has led to an overall increase in the cost of goods and services, as well as other drivers of expenditure growth in the economy. While the social sector spending was planned for US\$ 323.81, only US\$ 198.22 was appropriated, representing 61.2%. MoLSA received 83% of the social sector services budget, followed by health and education. This allocation demonstrates the Government of Somalia's commitment to implementing critical aspects of labour migration.

Gaps and Challenges on Institutional Capacity and Collaboration and their Implications for Labour Migration Policy

The Labour Assessment Reports (2020 and 2021) identified several gaps and challenges in the institutional landscape for policy implementation. These include:

- An established National Coordination Mechanism exists, but it is unclear whether it has received the necessary technical and financial resources to function fully. Therefore, enhanced coordination and collaboration are necessary to develop an operationalisation plan for this mechanism.
- A fully functional labour market information system with data is needed to guide the work of NCM and MoLSA in shaping policy and strategic direction.
- The termination of private employment agencies' operations by MoLSA, combined with the absence of effective regulations, has contributed to the increase in irregular labour migration among Somalis.

- iv. Missions, Embassies and Consulates have limited consular services support, affecting the implementation of the national diaspora policy and labour migration. Capacity building is necessary to support labour attachés in effectively performing their duties and reporting progress.
- v. Grievance handling mechanisms remain weak, and many cases especially of rights violations remain underreported. Key ministries, including the Ministry of Justice, require support to establish and sustain these mechanisms.
- vi. Gaps exist in information and awareness creation about various aspects of the labour migration chain. Producing short Information, Education and Communication materials, translating them into various languages, and utilizing interactive website interfaces and regular online engagements with MoLSA and other institutions could help address these gaps.
- vii. Shortcomings exist in terms of training, financial backing, and technical capabilities required for the adoption and implementation of the international conventions ratified by Somalia.
- viii. Technical and vocational education and training (TVET) is not standardized due to the lack of a Vocational Qualifications Authority to set standards and regulate vocational institutions. Additionally, government systems for recognising migrants' skills are lacking, and efforts to harmonize Somalia's education and training systems with those of other IGAD Member States.
- ix. Family members of migrant workers must obtain their own work permits to access employment, and their children can access the national education system. No efforts are geared towards integrating migrants, nor are there any public awareness-raising campaigns on the contribution of migrants to Somalia

5



ENSURING A GENDER RESPONSIVE AND RIGHTS-BASED LABOUR MIGRATION POLICY

Gender sensitivity ensures that both men and women have equal rights, responsibilities, and opportunities to advance their economic, social, cultural, and political development. Men and women should receive equal treatment, enjoying opportunities and facing the same procedures, rules, and laws. This chapter examines the modular approach that will ensure systems and structures within policy formulation, implementation and monitoring uphold the principles of gender-sensitivity and recognition of fundamental human rights for all migrant workers.

► 5.1 National Gender and Development Indicators

Historically, labour migration in Somalia has been dominated by male migrant workers. Women migrant workers are disproportionately affected by gender-based and human rights violations compared to their male counterparts.

In 2021, Somalia became the second country in Africa to ratify ILO Convention No. 190, the Violence and Harassment Convention, which seeks to end violence and harassment in the world of work. This recognizes the importance of gender sensitivity in addressing all forms of labour, whether within or outside the country, and addresses gender-based vulnerabilities such as exploitation, discrimination, violence and limited access to essential services. Under the Better Regional Migration Management Programme supporting the Government of Somalia, one component focuses on gender-responsive migration governance. Gender-responsive labour migration laws and policies require countries to have a legal duty to not discriminate on the grounds of sex or gender and to proactively promote and achieve gender equality.

► 5.2 Gender Responsive Policy Formulation Process

Gender-responsiveness

The policy will adopt a gender-transformative approach to labour migration by emphasizing the following elements of a gender responsiveness: This approach is necessary because the discrimination women migrant workers encounter is often structural and systemic. As women increasingly migrate for work, they face more constraints and challenges than men migrant workers, due to pervasive gender stereotypes in countries of origin and destination that accord a lower status to women and undervalue their work.⁴³

Gender Sensitivity

However, it is essential to highlight that interventions must be responsive to these gender sensitive aspects by strengthening systems and structures that address the disproportionate impact on women.

The following priorities will guide the policy formulation process to ensure a gender-responsive policy:

- i. Regularly review protective measures for women migrant workers
- ii. Uphold reproductive rights of women migrant workers
- iii. Provide legal protection against violence and human trafficking of migrant men
- iv. Invest in social protection and social security

43. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_524144.pdf

- v. Address gender wage gaps
- vi. Develop skills (including life skills and financial literacy) and recognise qualifications.
- vii. Conduct gender screening at pre-departure and post-arrival
- viii. Enhance the capacity of the gender ministry to enforce key laws and regulations.

As outlined in the ILO Practical Guide for developing labour migration policies, the policy design will also consider gender sensitivity in data statistics and information on:

- i. Emerging trends in labour migration disaggregated by age, sex and destination.
- ii. Causes and drivers of labour migration, and reasons for demand of employment of migrant workers, as reported by both women and men.
- iii. Available services to men and women migrant workers (pre-departure, on arrival and return), as provided by government, social partners and civil society.
- iv. Gender-disaggregated data on recruitment and working conditions, including:
 - ▶ Recruitment fees
 - ▶ Working hours
 - ▶ Wages
 - ▶ Resting periods
 - ▶ Rights to freedom of association
 - ▶ Social protection and related services; and
 - ▶ Collective bargaining
- v. Share of men and women migrant workers in the total labour force
- vi. Social security coverage per gender.
- vii. Demographic and socio-economic indicators, including contributions by women and men in: labour markets, remittances, share of Gross Domestic Product (GDP), job creation, poverty reduction and human development;
- viii. Contribution to/impact of labour migration on countries of origin and destination.

Ideally, generation of gender-disaggregated data would be best served through the utilisation of a functional labour market information system. To ensure a gender-sensitive labour migration policy, a 5-step process will be followed:

Step 1: Gender Analysis

This step involves a critical examination of how differences in gender roles, activities, needs, opportunities, and rights or entitlements affect a given context, situation, or policy sphere.

Step 2: Use of Sex-Disaggregated and Gender Indicators Data

This data will be used and displayed in ways that identify gender gaps in relation to access, opportunities, outcomes, and experiences between women and men.

Step 3: Gender Stakeholders Responsible for Actions

This will be defined in a participatory manner, involving multi-stakeholder consultations that capture the needs and concerns of women and men.

Step 4: Budget Allocations to Support Gender Actions

This step ensures that budgets clearly define and identify budget lines dedicated to supporting gender activity implementation.

Step 5: Coherence in approach from outcomes to indicators

This step demonstrates how short-to-mid-term actions support the overall goal. Progress will be tracked and monitored, enabling timely adjustments and corrective actions to be taken to ensure the achievement of desired outcomes.

► 5.3 Social Protection for Vulnerability Reduction and Inclusivity

The policy formulation process will ensure the inclusion of policy standpoints that provide social protection for migrant workers in the following ways:

- i. Conclusion of social security agreements (bilateral/multilateral) to coordinate social security and social security provisions in bilateral labour agreements.
- ii. Ensuring adequate access to healthcare (including sexual and reproductive health), medical attention, good hygienic conditions, and occupational health and safety throughout migration.
- iii. Adoption of unilateral measures by incorporating certain principles in national legislation and/or setting up specific schemes or mechanisms to provide or enhance access to social protection for migrants.
- iv. Ensuring equality of treatment and opportunities in relation to employment benefits and social security (including portability of benefits by migrant workers and their families).
- v. Establishment of national social protection floors to ensure access to essential healthcare and basic social protection, including for migrants and families.
- vi. Considering the establishment of a welfare fund to assist migrant workers and their families, including in case of illness, injury, repatriation, abuse, or death.

To concretely enhance protection, it is necessary to support:

- i. Design of migration and labour migration policies
- ii. Social dialogue and inter-ministerial coordination and collaboration on labour migration
- iii. Implementation of the IGAD Free Movement of Persons Protocol after recent signature by Somalia
- iv. Conclusion of BLAs with major countries of destination, with ILO technical assistance can be requested.
- v. Policy and legislative changes to strengthen protection of migrant workers, especially to support fair recruitment
- vi. Strengthen capacities of labour attachés in Somali and abroad.

► 5.4 Incorporation of Right-based Approaches in the Policy Formulation

The national policy for labour migration for Somalia will be developed in alignment with instruments of the international human rights framework, led by the Universal Declaration of Human Rights (1948), as well as other international human rights treaties and agreements, including:

- i. The International Covenant on Civil and Political Rights.
- ii. The International Covenant on Economic, Social and Cultural Rights.
- iii. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- iv. The Convention on the Rights of the Child.
- v. The International Convention on the Elimination of All Forms of Racial Discrimination.
- vi. The Convention on the Elimination of All Forms of Discrimination against Women
- vii. The Convention on the Rights of Persons with Disabilities.
- viii. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and
- ix. The International Convention for the Protection of All Persons from Enforced Disappearance.

To design of the labour migration policy will adopt a rights-based approach, aligning with international labour standards, global and regional commitments, and emerging good practices to promote safe, orderly, and regular labour migration and protect the rights of migrant workers, with a focus on women and persons with disabilities.

► 5.5 Ensuring Active Engagement of Social Partners

Social dialogue, which can be bipartite (between workers and employers) or tripartite (between workers, employers, and government), is essential for promoting decent work and social justice. It encompasses all types of negotiation, consultation, and exchange of information among representatives of workers, employers, and governments on economic, labour, and social policy issues. Social dialogue empowers people by giving them a voice and stake in their societies and workplaces. These efforts are part of Somalia's commitment to achieving Sustainable Development Goals 8, which aims to promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all.

► **Gaps and challenges in ensuring a gender-responsive and rights-based approach will be addressed by the policy**

- i. Ensuring a mechanism is set-up, supported by joint actions of the National Coordination Mechanisms, to ensure routine generation of gender disaggregated labour statistics, including labour migration data
- ii. Documentation of rights violations and responses from the depository of law enforcement agencies, as well as from grievance-handling mechanisms with missions, embassies, and consular labour attachés
- iii. Enforcing systematic and fair gender screening mechanisms right from pre-departure stage up to re-integration, so that gender-related concerns are addresses at each stage of the process.

6



POLICY FORMULATION AND VALIDATION

► 6.1 Policy Formulation Stages

A three-day national validation workshop will be organized to:

- a) Present highlights of the situational analysis report on the labour migration landscape for Somalia, including opportunities, challenges, and policy options as hinted at in the desk review.
- b) Present the problem and solution context, as identified in the situational analysis report.
- c) Agree on a shared vision, mission, goals, objectives, strategic interventions, and implementation arrangements, including roles and responsibilities of key actors.
- d) Discuss resources mobilization options
- e) Discuss options for an effective M&E framework to track policy implementation.
- a) The following stakeholders are expected to attend the three-day policy formulation workshop:
 - Officials from the Ministry of Labour and Social Affairs
 - b) Officials from the Ministry of Foreign Affairs
 - c) Officials from the Ministry of Planning, Investment and Economic Development.
 - d) Officials from the Ministry of Internal Security
 - e) Officials from the Ministry of Health
 - f) Officials from the Ministry of Education
 - g) Officials from the Ministry of Women and Human Rights.
 - h) An official from NBS Statistics
 - i) Officials from the Ministry of Justice
 - j) Officials from ILO and IOM and other selected development partners
 - k) Representatives of the relevant Committees of Parliament.
 - l) Officials from the Somali Chamber of Commerce and Industry.
 - m) Officials from Federation of Somali Trade Union.
 - n) Officials from the Immigration and Naturalization Directorate
 - o) Representatives of the Office of the President - Special Envoy for Migration, Returnees and Children's Rights
 - p) Representatives of private recruitment organizations
 - q) Representatives of financial institutions
 - r) Representatives of diaspora associations, networks, or umbrella organizations
 - s) Other identified civil society organizations
 - t) Non-Governmental Organizations, women's rights advocates, youth, and organizations for persons with disabilities.
 - u) Representatives of academia and research institutions.

The policy will be based on a comprehensive situational analysis report and the outcomes of the policy formulation workshop. The policy development process will ensure;

- Agreement on the policy context that shapes the labour migration policy.
- Consensus on the problem context and hence the justification for the policy

- ▶ Ownership among stakeholders on policy prepositions
- ▶ Congruence among participants on a shared vision, mission, goals, and strategic interventions
- ▶ Agreement on policy pillars, implementation arrangements, and roles and responsibilities during policy is being implemented.

The policy text will follow the following structure as proposed below:

A Foreword – Signed off by the Minister.

Chapter 1: Introduction

- ▶ Legislative and policy frameworks
- ▶ Global (UN Treaties and protocols, ILO Conventions)
- ▶ Regional (IGAD, AU and other frameworks including ascension to the EAC)

National (alignment to national development plan and coherence to other policies on education, employment, skills formation, and internal and international relations)

Chapter 2: National Context

- ▶ Historical backdrop, social cultural and political trends
- ▶ Economic and Demographic context
- ▶ Status of employment/labour market

Chapter 3: The Somalia Labour Migration Context

- ▶ Labour migration trends and outcomes
- ▶ Problem Context
- ▶ Policy Rationale/Justification

Chapter 4: Policy Direction

- ▶ Policy Vision
- ▶ Mission, and Goals
- ▶ Policy Objectives
- ▶ Strategic Interventions
- ▶ Expected Outcomes and Outputs

Chapter 5: Policy Implementation

- ▶ Institutional Framework for policy implementation
- ▶ Social partners and other stakeholder coordination mechanisms

Chapter 6: Financing Mechanisms

- ▶ Funding and resources mobilization

Chapter 7: Policy Monitoring and Evaluation

Chapter 8: Communication Strategies

Technical process to review the Policy document and provide comments for its finalisation.

After the workshop a Draft Policy document will be detailed and circulated to stakeholders. All stakeholders will have an opportunity at the workshop to review the policy and provide feedback. A maximum of two (2) weeks will be allowed for stakeholders to provide any final comments on the policy document. A draft final document will be produced for technical review by the technical working group.

The following activities will be undertaken to complete the policy text:

- a) Ensuring the policy adheres to requirements under the ILO Practical Guide for Formulation of Labour Migration Policies, particularly in terms of gender sensitivity and rights-based approach.
- b) Verifying that comments received from stakeholders are adequately addressed.
- c) Aligning the text with the agreed policy outline to ensure completeness
- d) Conducting text editing, formatting, and peer reviewing as part of the overall quality assurance.

Formulation of the LMP Action Plan/ Implementation Framework

The development of the action plan will accompany the policy, operationalizing its objectives and strategies. The action plan will outline the necessary steps, timelines, and required resources, both human and financial resources. To address financial resource requirements, the proposal is to earmark cost estimates for each intervention, aligned with guidance from the Ministry in charge of Finance. This will take into account allocations to MoLSA for related activities, as well as the costing for Somalia's National Development Plan.

The action plan will be structured along the following outline:

Chapter 1: Introduction

Background and Context

- ▶ A historical background of labour migration (in and out of Somalia)
- ▶ Somalia's Development Context (PESTEL i.e., Political, Economic, Social, Technological Environmental and Legal context)
- ▶ Key demographics, industries, and employment trends
- ▶ National Labour Migration Landscape – Opportunities and Challenges
- ▶ National Policy, Legal and Institutional Frameworks on Labour migration
- ▶ Regional Context (African UNION, IGAD and other regional frameworks on employment, labour migration, skills, training, education, and international relations)
- ▶ International Context (Treaties, Protocols and Conventions)
- ▶ About National Labour Migration Policy for FRS

- ▶ Rationale for the Policy Action Plan and Implementation Framework
- ▶ Expected Outputs and Outcomes
- ▶ Anticipated Impact

Chapter 2: Strategic Direction

- ▶ Policy Vision
- ▶ Mission
- ▶ Goals
- ▶ Objectives
- ▶ Key Policy Pillars
- ▶ Actions and Interventions per Pillar

Chapter 3: Outcomes, Outputs and Activities

- ▶ Short term actions/interventions (to be implemented in first 3 years)
- ▶ Medium term actions/interventions (to be implemented in 5 years)
- ▶ Longer term actions/interventions (to be implemented 5-10 years)

Chapter 4: Implementation Arrangements Stakeholder Roles and Responsibilities

- ▶ Policy implementation's Institutional arrangements
- ▶ Stakeholder Roles and Responsibilities
- ▶ Stakeholder Coordination mechanisms
- ▶ Social Partner and non-state actors' Engagement Plan
- ▶ Decentralized Structures
- ▶ Illustrative over-arching implementation Organogram

Chapter 5: Financing Mechanisms

- ▶ Required resources to finance the Policy implementation plan.

Chapter 6: Monitoring, Evaluation, Accountability and Learning (MEAL)

- ▶ Baseline values
- ▶ Monitoring arrangements
- ▶ Mid-term review
- ▶ Final evaluation of the policy
- ▶ Accountability and Learning mechanisms.

Chapter 7: Reporting Mechanism and Timeframes**Chapter 8: Change Management**

- ▶ Propositions for continuous reform
- ▶ Exit and sustainability strategy.

Annexes**Detailed Results Framework Matrix****Detailed Costed Matrix**

▶ 6.2 Validation of the Policy and Action Plan

As the concluding deliverable, the final Action Plan/ Implementation Framework will be submitted, along with the approved policy text, to all key stakeholders. The Ministry of Labour and Social Affairs, in collaboration with the ILO, will then invite stakeholders to a final one- day validation workshop. A tentative workshop programme for this event, scheduled for the first week of June 2024, is outlined below.

▶ ANNEX I: REFERENCES

Global Level Frameworks

The UN Sustainable Development Goals (SDGs) 2030

Protocol on Free Movement of Persons in the IGAD Region

ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs

Global Compact for Safe, Order and Regular Migration (GCM) (2018)

ILO Practical Guide on Development of Labour Migration Policies (2021) insert link

The Multilateral Framework on Labour Migration (https://www.ilo.org/global/topics/labour-migration/publications/WCMS_178672/lang--en/index.htm)

Review of (for benchmarking) other Labour Migration Policies and best practices in developing and developed country contexts

African Union (AU) and Other Regional Level Frameworks

Migration Policy Framework for Africa and Plan of Action (2018 – 2030)

Khartoum Process (EU-Horn of Africa Migration Route Initiative) (November 2014)

Inter-Governmental Authority on Development (IGAD) Nairobi Declaration on Somali Refugees (March 2017)

National level frameworks

Somalia's National Development Plan 2020–2024

Revised Labour Code for Somalia

Somalia's Revised National Employment Policy and Action Plan (done with support of ILO)

Draft National Migration Policy (being finalized with support of ESCWA)

National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs) (2019)

National Durable Solutions Strategy (2020-2024)

Foreign Employment Act (2015)

Somali National Diaspora Policy (2021)

Somalia Refugee Act (2019)

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ESCWA, UNHCR and IOM (2022). Situation Report on International Migration 2021: Building forward better for migrants and refugees in the Arab region.

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- <https://mfasia.org/support-systems-for-filipino-migrant-workers/>
- https://moless.gov.np/storage/files/post_files/Nepal%20Labour%20Migration%20Report_2022.pdf
- https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:103231
- https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_524144.pdf
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- IGAD (2021) Report on Migration Statistics in the IGAD Region
- ILO (2019) General Principles and Operational guidelines for Fair Recruitment (2018)
- ILO (2021): ILO Global Estimates on International Migrant workers – Results and Methodology Third Edition, International Labour Office, Geneva
- ILO (2022) Practical Guide on Developing Labour Migration Policies
- ILO (2024) Glossary of Skills and Labour Migration: www.ilo.org/global/topics/labour-migration/WCMS_830770/lang
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- World Bank: <https://data.worldbank.org/country/somalia>
- www.ilo.org/dyn/migpractice/migmain.listPractices?p_lang=en&p_country
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- www.migrationdataportal.org/sdgs?node=0

▶ ANNEX II: KEY STAKEHOLDERS CONSULTED

No	Name	Gender	Title	Institution
1	Mahdi Mohamud Ali	M	Labour migration focal point	MOLSA
2	Salaad Hussein Abdulle	M	Director of Planning and research	MOLSA
3	Suad Abdullahi Moalim	F	Director of Legal and Labour Relations	MOLSA
4	Abdirizak Ahmed Sheik Mustafa	M	Labour Migration Advisor	MOLSA
5	Mohamed Dirshe	M	Senior Advisor	Ministry of Women and Human Rights
6	Ali Ahmed Abtidoon	M	Head of Diaspora Engagement	Ministry of Foreign Affairs
7	Abdishakur Abib Hayir	M	Senior Advisor	Office of the Special Envoy for Migration and Returnees-Office of the President
8	Sadaam Garaad	M	Senior Advisor	Office of the Special Envoy for Migration and Returnees
9	Abdinasir Hashi	M	Senior Legal Advisor	Immigration and Naturalization and Citizenship Department
10	Abdirahman Omar Dahir	M	Deputy Director General	Somali National Bureau of Statistics
11	Omar Faruk Osman	M	Secretary General	Federation of Somali Trade Unions (FESTU)
12	Abdinasir Jimale	M	Deputy Managing Director	Chamber of Commerce and Industry
13	Abdirahman Mohamed Nur	M	Head of Trainings	Ministry of Justice
14	Yussuf Hassan Isaak	M	Director General	MOLSA
15	Segatti Aurelia	F	Labour Migration and Mobility Specialist	ILO
16	Milad Pournik	M	International Consultant on National Migration Strategy	ESCWA
17	Charles Ogolla	M	Head of Statistics	IGAD Secretariat, Djibouti
18	Dhlamini Sikhulile	F	Head of program for Labour Mobility and Social Inclusion	IOM Somalia
19	Amal Tawane Sabriye	M	Al-Hana Travel & Recruitment Agency	Manager
20	Ahmed Mohamed Adan	M	Boorow Travel & Recruitment Agency	Manager
21	Kabu Mban	M	Specialist in Workers' Education-ACTRAV	ILO

► **Participants in Focus Group Meeting Conducted in Mogadishu on 15-16 of February-2024 for Returnee Migrant Workers**

No	Name	Gender	Type of Job	Type of Migration	Country from Where they worked
1	Abdi Fatah Abdilahi Abdi	M	Car wash	Irregular Migration	Saudi Arabia
2	Abdirahman Qasim Farah	M	Waiter	Irregular Migration	Kenya
3	Abdirashid Ali Yousuf	F	Director of Legal and Labour Relations	MOLSA	MOLSA
	M	Driver	Irregular Migration	Angola	MOLSA
4	Abdirizak Mohamoud shire	M	Camel herder	Irregular Migration	Saudi Arabia
5	Ahmed Abdullahi Mohamed	M	Casual worker	Irregular Migration	Saudi Arabia
6	Asad Jama Haji	M	Car wash	Irregular Migration	Saudi Arabia
7	Awo Yousuf Ali	F	Domestic worker	Regular Migration through PrEAs	Saudi Arabia
8	Ayan Abdisalam Yousuf	F	Domestic worker	Irregular Migration through intermediaries	Saudi Arabia
9	Faadum Abdullahi Warsame	F	Domestic worker	Irregular Migration through intermediaries	Saudi Arabia
10	Halima Mohamed Abdullahi Aden	F	Domestic worker	Regular Migration through PrEAs	Saudi Arabia
11	Samia Mohamed	F	Domestic worker	Regular Migration through PrEAs	Saudi Arabia

▶ ANNEX III: QUESTIONNAIRES

Questionnaire 1: General Questions

- i. What do you determine to be the general migration landscape for labour in Somalia today?
- ii. To what extent is labour migration a critical aspect of Somalia's national development?
- iii. What are the opportunities and challenges that the country faces in terms of labour migration and how can these be harnessed and addressed respectively?
- iv. What is your assessment of the current legal, policy and institutional development framework for labour migration in Somalia and which aspects require strengthening?
- v. What mechanisms are currently in place to ensure promotion of jobs while protecting migrant workers into and out of Somalia?

Questions and Policy Gaps and Challenges

- vi. In your opinion what needs to be done to strengthen labour migration at the national and sub-national levels?
- vii. How feasible have been bilateral labour agreements in the placement and matching of Somali workers into the labour markets abroad? What have been the opportunities and challenges?
- viii. What are the issues that the policy should emphasis in relation to:
 - ▶ access to information and services
 - ▶ access to justice
 - ▶ fair recruitment and
 - ▶ labour inspection etc.

Questions on Policy Implementation

- ix. What safeguards are in place (or should be in place) to ensure a gender-responsive labour migration policy implementation?
- x. What should be done to strengthen the role of social partners in their work to advance the rights of migrant workers?
- xi. What critical investments/interventions need to be undertaken to support domestication of international labour standards and commitments?
- xii. What is your assessment of the current level of collaboration between institutions and agencies and actors in the labour migration space? How can this level of collaboration be enhanced? Probe for inter-ministerial and inter-institutional coordination
- xiii. How best can the labour migration policy be monitored and evaluated to inspire learning and continuous reform?
- xiv. Are there good practices and lessons learned vis-à-vis labour migration in other countries that have draft labour migration policies that could be applicable to the Somalia context?
- xv. How best should the policy be communicated so that it is embraced by local, regional and international stakeholders in order to support its implementation?

Questionnaire 2: Focus Group Discussion Guide for selected categories of stakeholders

Selected Stakeholder	Focus Group Discussion Themes
ILO and other UN Agencies and Development Partners	1. An overview of the employment sector 2. The critical role of labour migration 3. Critical aspects of the labour migration landscape that require policy intervention for both in-bound and out-bound migrant workers 4. Somalia with the regional and global context 5. The envisaged role of social partners in this process and how best it can be enhanced 6. Options to make the labour migration policy gender responsive 7. Options to ensure the labour migration policy is rights-based 8. How best to design a responsive and result-based action plan and implementation framework for the policy 9. Issues outstanding but of interest to UN agencies and other development partners
MDAs (Government Ministries, Department and Agencies)	1. Current employment context for Somalia (trends, management and coordination) 2. Efforts to ensure gender mainstreaming and rights-based approach in ensuring better migration 3. Illustration of the effectiveness of the current mechanisms to ensure enforcement of Bilateral Labour Agreements Somalia has with other countries 4. Efforts to streamline mechanisms to ensure safe and regular migration 5. Note on issues of social protection, inclusivity and rights protection for migrant workers 6. Attempts to eliminate abuse on women migrant worker; 7. Skills formation enhanced portability of benefits back home for workers in the diaspora 8. Work of labour officers at decentralized levels – how can this be further supported and coordinated?
Social partners	1. Illustration of the work done by social partners and how it has evolved over the years 2. The level of appreciation of work done by social partners to advance rights and gender inclusivity as part of the overall Decent Work agenda for migrant workers 3. Adequacy of representation and social dialogue and its agenda for migrant workers 4. Level of participation in enforcement of Bilateral Labour Agreements to which Somalia is signatory 5. What is the envisaged role of social partners in this labour migration policy? 6. How can the tripartite partners strengthen their coordination and work more cohesively with Government under this policy? 7. How best can social partners advance advocacy among their membership or unions for collective bargaining and workers' rights protection?
Recruitment Agencies	1. What is the current level of enforcement of reforms to ensure adherence to standards for recruitment of migrant workers (Recruitment process (worker identification, document review, training and briefing, departure and arrival) 2. What are the current opportunities and challenges being faced in (1)? 3. Explain your view on the extent to which fair recruitment processes are working and not working 4. How are you collaboration other countries and with Government to ensure enforcement of BLAs 5. What should the policy on labour migration emphasize from your point of view of the Somalia context?
Returnee Migrant Workers	1. For how long have you been a migrant worker? 2. How responsive was your reintegration process? 3. What could you outline to be the opportunities and challenges that you have witnessed? 4. Illustrate with examples what is the situation for most migrant workers like yourself at these levels: recruitment, documentation, departure preparedness, travel and in-service experience and return) 5. Where would you like to see Government and other partners support to ensure a labour migration policy is responsive to your needs?
Other Civil Society and Non-Governmental Organizations	1. What is your envisaged role in the labour migration landscape? 2. What issues do you feel are critical and should be emphasized in the policy of labour migration? 3. What is the context and status of efforts to advance the rights of migrant workers in Somalia 4. The envisaged role of social partners in this process and how best it can be enhanced 5. How can the policy on labour migration be gender-responsive and rights-based both for workers abroad and those that seed work in Somalia

▶ ANNEX IV: DEMOGRAPHICS AND OTHER LABOUR STATISTICS

Indicator	2018	2019	2020	2021	2022
Population size (million)	15,411,094	15,981,300	16,537,016⁴⁴	17,065,581⁴⁵	17,597,511
Male	7,730,000	8,010,000	8,290,000	8,560,000	8,820,000
Female	7,690,000	7,970,000	8,250,000	8,510,000	8,780,000
Per capital GDP (USD)	\$1,023 ⁴⁶	\$1,130	\$1,075	\$1,114	\$1,158
Employment per sector (%)					
Services	54.89%	56.01%	55.89%	56.01% ⁴⁷	59.9% ⁴⁸
Agriculture	28.1%	26.89%	26.77%	26.28%	13.5%
Industry and Manufacturing	17.01%	17.11%	17.34%	17.71%	18.0%
Other					8.7%
Un employment Rate (%)					
Male	16.3%	16.3%	17.1%	17.3% ⁴⁹	16.7%
Female	24.3%	24.4%	25.1%	25.6%	25%
Trends in under-age employment	28%	28%	27%	27%	27%
Trends in NEET (Youth Not in Employment, Education nor Training)	33.78%	33.91%	35.76%	35.35%	35.63%
Average wages (national) (USD)	\$876	\$406	\$1,300	\$743	\$854
Immigration ('000)					
Male	333,670 ⁵⁰	37,512 ⁵¹	96,380	478,789	175,627
Female	262,560	25,189	75,840	376,752	138,198

44. <https://www.worldometers.info/world-population/somalia-population/>

45. <https://www.macrotrends.net/countries/SOM/somalia/population>

46. Focus Economics (2024) Somalia's GDP per Capita - <https://www.focus-economics.com/country-indicator/somalia/gdp-per-capita-usd/>

47. <https://www.statista.com/statistics/863133/employment-by-economic-sector-in-somalia/>

48. National Bureau of Statistics Somalia – Labour Force Survey Report - 2019

49. <https://data.worldbank.org/indicator/SL.UEM.TOTL.MA.ZS?locations=SO>

50. International Organization for Migration – Mobility Overview 2018

51. migrants-refugees.va: <https://migrants-refugees.va/country-profile/somalia/>

Indicator	2018	2019	2020	2021	2022
Migration Destination Countries (Top 5) ('000)					
1	Yemen (5,040) ⁵²	Ethiopia (6,263)	Ethiopia (1,982)	Ethiopia (72,767)	Ethiopia (12,126)
2	Ethiopia (2,864)	Yemen (8,391)	Kenya (1,117)	Saudi Arabia (36,831)	Saudi Arabia (5,937)
3	Kenya (2403)	Kenya (1,310)	Yemen (987)	Yemen (24,151)	Kenya (1,573)
4	Djibouti (543)	Djibouti (871)	Djibouti (303)	Kenya (17,309)	Yemen (1,089)
5	Uganda (75)	Uganda (38)	Sudan (7)	Djibouti (8,795)	Djibouti (730)
Returnees ('000)					
Male	46,797	34,800	46,880	42,291	47,247
Female	44,603	23,200	31,200	40,309	38,657
Deportees ('000)					
Male	134,000	146,803	159,676	164,650	174,695
Female	66,000	79,048	85,979	100,915	110,755
Foreigner Applicants for Work Permits					
Male	5,740 ⁵³	6,000	5790	5,640	5,790
Female	1,260	1,500	1710	1,860	1,910
No. of Private Recruitment agents or companies					
No. of active embassies, missions and consulates with whom Somalia is engaged	24	24	21	32	40
Remittances from abroad (US Dollars)	1.4 billion	1.7 billion	1.65 billion	1.3 billion⁵⁴	1.735 billion
Enrolment into Education institutions (by gender)					
Primary	33%	31% ⁵⁵	30%	8.45%	31% ⁵⁶
Secondary	5%	11% ⁵⁷	14%	5.46%	10%
Tertiary	2.43%	2.53%	2.8%	2.43%	2.43%
Vocational Training (TVETS)	4%	4%	5%	5%	6%
Trends in Foreign Direct Investment (USD)	445 m	464 million	464 million	456 million	456 million ⁵⁸

52. IOM Displacement Tracking Mechanism – (2018, 19, 20, 21, 22) – Cross Border Movements Somalia

53. <https://www.ilo.org/africa/countries-covered/somalia/lang-en/index.htm>

54. https://riftvalley.net/publication/publication_category/research-papers/

55. Federal Government of Somalia - Ministry of Education, Culture and Higher Education: <https://moe.gov.so/wp-content/uploads/2022/06/Annual-Statistics-Yearbook-2021-Final.pdf>

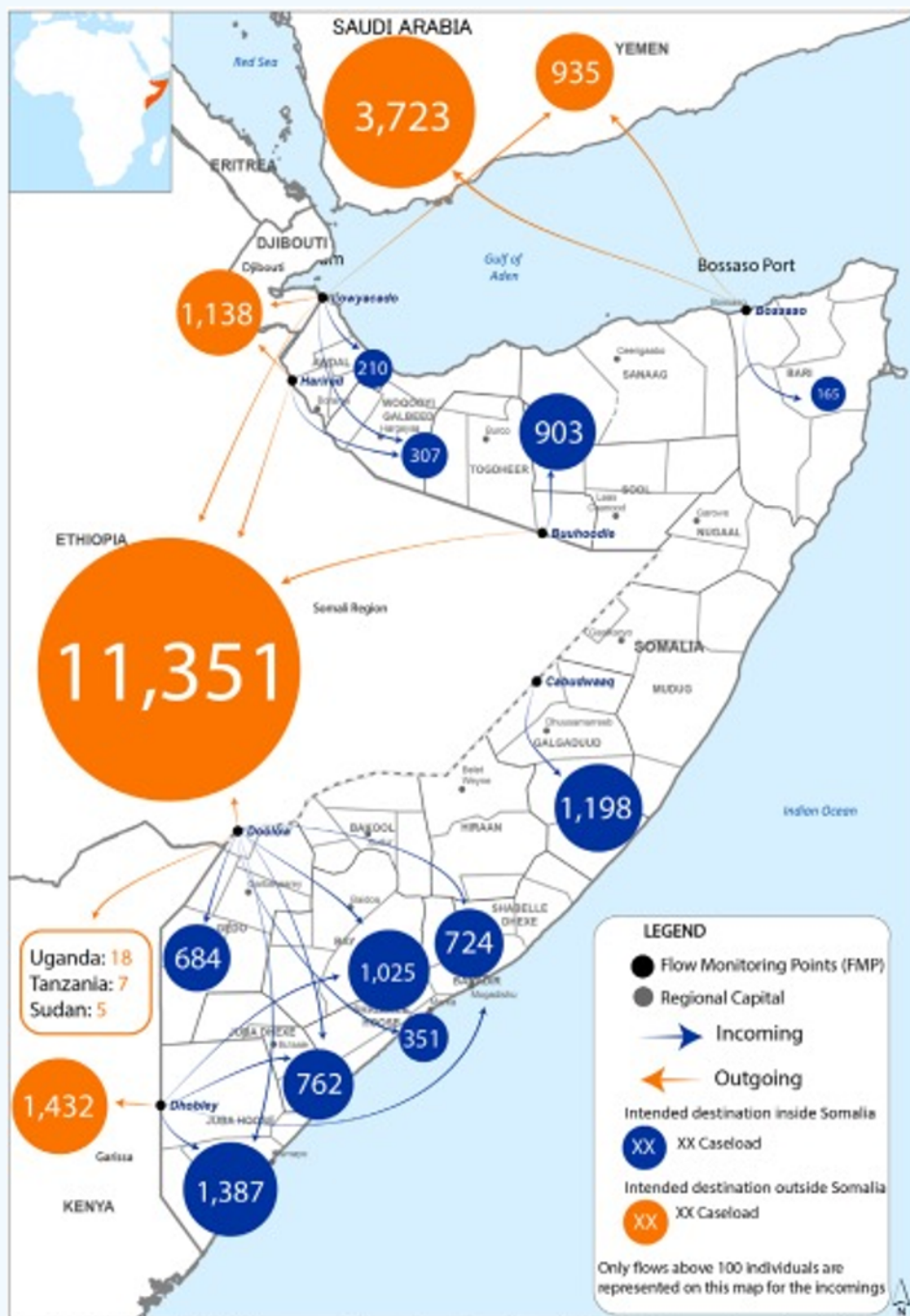
56. World Bank Open Data, School enrollment, primary (% gross) - Somalia

57. The Somali Ministry of Education, Culture and Higher Education's Annual Education Statistics Yearbook (2018/2019)

58. <https://www.lloydsbanktrade.com/en/market-potential/somalia/investing>

▶ ANNEX V: MAP

► Map showing Outbound (ORANGE) and Inbound Migration (BLUE) Migration



Map showing Outbound (ORANGE) and Inbound Migration (BLUE) Migration

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