



Islamic Republic of Afghanistan
Ministry of Labour, Social Affairs, Martyrs and Disabled
General Directorate of Policy and Planning

National Labour Migration Strategy
2016 – 2018

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CONTEXT

The Government of the Islamic Republic of Afghanistan (GoIRA) recognizes three key pressure points on the domestic labour market: i) a demographic pressure defined by an increasingly young population, ii) an insufficiency of the quantity and quality of jobs available at home, and iii) the pressures related to both return and reintegration challenges –for refugees, migrants and the internally displaced –and the urbanization rates, that lead many to perceive better employment opportunities abroad.

These three challenges call for a critical overview of the current situation and for the development of a *National Labour Migration Strategy* (NLMS) as an outlet to alleviate domestic employment pressures, and to reap development benefits of migration consistent with protection of workers.

2.1 Economy and labour market: overview

Population and employment

The Central Statistics Organization (CSO) estimated the population in 2012-2013 at 27 million. The per capita income (GDP) in the same year was estimated at US\$ 779 which is still one of the lowest in the world.¹ About 76 per cent of the settled population lives in rural areas; 49 per cent of the population in 2012-13 was female.² There are constraints placed upon women seeking employment, and as a result, additional pressure on the domestic labour market and for men to earn adequate incomes to support their families.

A ‘youth bulge’ – a demographic term that defines a population in which the proportion of young people is significantly larger than older age groups – is a concern for the development of Afghanistan and particularly relevant to the *National Labour Migration Strategy*. The demography of Afghanistan is characterized as one of the youngest in the world with 46 per cent of the population below the age of 15, 63 per cent under the age of 25, and only 3.7 per cent of population above the age of 65 years.³ This gives rise to very high dependency ratios and indicates a key pressure point for the domestic labour market.⁴ Consequently, a high dependency ratio requires labour incomes to be adequately high since one income has to provide sustenance to multiple family members.

A weak economy leads to vulnerable employment and many young people are forced to work in low paid positions with no job security.⁵ With poor job prospects in Afghanistan, young Afghans may naturally seek employment prospects abroad even at the risk of migrating through irregular channels.

¹ Central Statistical Organization -CSO (2013). *Statistical Indicators of Afghanistan 2012/2013*, Kabul, August 2013. <http://cso.gov.af/Content/files/Statistical%20Indicators%2012-13%20Country.pdf>

² CSO (2013). *Statistical Yearbook 2012-2013*, Kabul.

³ Ibid. Table 2-1.

⁴ Ibid.

⁵ ILO/Samuel Hall (2012). *Time to move to sustainable jobs: Study on the state of employment* : http://www.ilo.org/asia/whatwedo/publications/WCMS_182253/lang-en/index.htm

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Employment pressures:
Young demographic, low quantity and quality of jobs due to decline in growth, pressures of reintegration and return, constraints on women’s participation an additional pressure on men to earn additional income to support families

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The literacy rate amongst the working population of 15 years and older is very low with only 31 per cent of the national population being literate.⁶ That puts Afghan labour at a disadvantage compared to the rest of the South Asian countries that it competes for foreign jobs with and presents an obstacle to finding employment overseas. However, the National Risk and Vulnerability Assessment (NRVA) 2011/12 reports that Afghanistan has managed to improve this outcome: now 47 per cent of its youth population (61.9 per cent of young men and 32.1 per cent of young women) is literate⁷.

Overview of the Afghan economy

Afghanistan's economy is faced with numerous challenges and signs of an economic slowdown⁸. **Uncertainty persists as Afghanistan enters the 2014 Transition and the 2015-2024 Decade of Transformation.** According to World Bank estimates, the Afghan economy has averaged an annual growth rate of 10 per cent over the last 5 years⁹. Based on past estimates and expected conditions in the future, the IMF projects an average annual economic growth rate of 5 per cent up until 2018¹⁰. However, despite the fact that the economy has shown the potential to grow at high rates, it is vulnerable to risks such as natural disasters and the unpredictable security and political conditions prevailing in the country. Moreover, as the economic development has been mainly driven by the growth of private consumption and the service sector over the past decade¹¹, with the on-going transition, signs of an economic slowdown were recorded in 2013, along with the drying up of overseas development assistance.

More importantly, the economy of Afghanistan and the international development assistance have proven unable to generate sustainable or casual jobs at the rate of increase in the national labour force with about half a million Afghans entering the labour market every year. The GoIR recognizes the lack of national labour force survey data needed to inform policy makers of the growing labour force and the resulting employment challenges – a key gap highlighted by the World Bank and ILO. In this regard, a modest unemployment rate of 8.2 per cent, a labour force participation rate of 47.7 per cent and an employment-to-population ratio of 45.7 per cent¹² do not adequately reflect the seriousness of the employment and poverty challenge facing Afghanistan. The large majority of the employed Afghans – 81 per cent – qualify as being in vulnerable employment¹³. On top of this, 48 per cent rural and 53 per cent of urban employed populations work less than 35 hours a week, which points to a high rate of underemployment in the work force. 90 per cent of the jobs are unable to offer secure and sustainable income¹⁴.

A challenge of today and tomorrow's Afghan labour market consists of integrating: 1) individuals from its youth bulge who are maturing towards the working age; 2) over 5.6 million repatriated Afghan refugees from Iran and Pakistan who have been returning since 2002; and 3)

⁶ Central Statistics Organization (2014), National Risk and Vulnerability Assessment 2011-2012, Afghanistan Living Conditions Survey, Kabul, CSO.

⁷ Ibid.

⁸ The World Bank, 2013. *Afghanistan Economic Overview - October 2013*.

⁹ World Development Indicators Metadata, World Bank. Available on <http://databank.worldbank.org>

¹⁰ World Economic Outlook Database, International Monetary Fund, April 2013. Available on <http://www.imf.org>

¹¹ Although there is no reliable data on investments in Afghanistan, the declining business sentiment is inferred on account of reduction in the registration of new firms between 2011-2012 (CSO, 2012).

¹² Central Statistics Organization (2014), National Risk and Vulnerability Assessment 2011-2012, Afghanistan Living Conditions Survey, Kabul, CSO.

¹³ Ibid.

¹⁴ ILO/Samuel Hall (2012). *Time to move to sustainable jobs : Study on the state of employment. see above*

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an increasing number of internally displaced persons (IDPs), with the latest estimates of over 640,000 natural disaster- and conflict-induced IDPs in Afghanistan¹⁵. Thus, poverty, unemployment and underemployment are the most pressing issues facing the country. The preceding paragraphs have highlighted the urgency, among other necessary measures, to relieve domestic labour pressures through overseas employment. This *National Labour Migration Strategy Policy* (NLMSP) addresses the ways and means to promote overseas employment while at the same time promoting protection to migrant workers.

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Table 1: Employment indicators in Afghanistan (%)

	Employment to population ratio			Unemployment rate		
	Male	Female	Both Sexes	Male	Female	Both Sexes
National	73.5	13.6	43.8	7.8	13.1	8.6

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Source: ILO, *Key Indicators of the Labour Market* (KILM), relevant for 2012 based on ILO estimates.

2.2 Labour migration from Afghanistan: trends, issues and challenges

In addition to the demographic and economic transition challenges outlined above, the GoIRA understands the national context of repeated conflict and endemic poverty that has caused mobility to become a key coping strategy and safety valve for Afghan households. The population of Afghanistan has shown a strong reliance on mobility in search of security, both physical and economic. The regional dimension is a focus for the GoIRA in the development of a *National Labour Migration Policy*: Iran and Pakistan, which share borders with Afghanistan, have the highest number of migrants, due to low cost of migration, employment opportunities in the receiving societies, established transnational social networks and diaspora groups, as well as cultural, linguistic and religious similarities. Migration to these countries is often irregular in nature.

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Labour migration

Migration from Afghanistan between 2002 and 2012 has shifted from refugee to complex migration flows that often include economic push and pull factors. The bulk of the labour migration has been to Iran and Pakistan with an estimated 1.4 million Afghan workers in Iran and under one million Afghan workers in Pakistan. There is also an increasing movement to the Gulf Cooperation Council (GCC) countries although numbers are not known.

Afghans tend to work in vulnerable and hazardous environments abroad¹⁶. In addition, most of the jobs held by Afghans abroad are low-skilled, with low wages and long hours. A 2010 report by the EastWest Institute highlights the potential for friction between Pakistani and Afghan migrant workers in the GCC countries as Afghans are proving to be competitive with Pakistani

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¹⁵ UNHCR (2014), *Conflict-induced internal displacement – Monthly Update*, January 2014, UNHCR Afghanistan.

¹⁶ Overfeld and Zumot, 2010; Koepke, 2011

workers¹⁷. Iranian employers report their preference to hire Afghan workers over Iranians based on the readiness of Afghan workers to take on jobs that Iranian workers would not do, to work longer hours with lower salaries and often without any contractual agreements or legal protection¹⁸. This is corroborated by ILO (2006) findings which indicate that Afghans are concentrated in sub-sectors and working under conditions that are unattractive for the Iranian workforce¹⁹. Beyond the expected wage gains is the opportunity to acquire new marketable skills from migration.

Gender is a decisive factor with Afghan men being far more predisposed to international migration than Afghan women, especially when this migration is temporary and international. Female migrants are generally those who accompany male family members abroad as part of a permanent migration journey. Additionally, they are less likely to be economically active²⁰. Demand for and supply of labour is often gendered based on cultural norms, levels of literacy and skill sets.

Vulnerabilities of migrant workers and challenges

The lack of an effective overseas migration administration system is one factor that makes Afghan migrant workers vulnerable to abuse and exploitation at the hands of recruitment agencies and foreign employers. Vulnerabilities begin in the home country, and continue abroad and even after their return (for example when the returnee is still facing a large debt repayment to a smuggler.) Thus, efforts to promote foreign employment must go hand in hand with developing the ability to protect workers at home and abroad.

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Irregular migration to neighboring countries is another cause of vulnerability. These can range from simple border crossings to migration through smugglers and traffickers. The latter practices often lead to forced labour situations of individuals as found in the construction, carpet-weaving and agricultural sectors in the destination countries.²¹ Trafficking cannot be addressed without considering the broader context of migration. Table 2 shows that irregular migration extends to Europe and, thus, well beyond neighboring countries.

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Table 2: Irregular migration indicators

Category	2008	2009	2010	2011
Illegally present	49 780	49 755	41 410	45 475
Refused entry at the external borders	595	465	440	495

¹⁷Overfeld, G. and M. Zumot, (2010), “Economic Development and Security for Afghanistan – Increasing Jobs and Income with the Help of the Gulf States”, The EastWest Institute, New York. Available on http://www.ewi.info/system/files/reports/AfghanistanRemittances_0.pdf

¹⁸UNHCR/ILO (2008). Research study on Afghan deportees from Iran, Altai Consulting, Kabul.

¹⁹ILO, 2006. Wickramasekara, P. et al. , 2006. *Afghan households and workers in Iran : Profile and impact*. International Migration Programme, ILO Geneva, October 2009.

²⁰NRVA, 2007/08 (MORR and CSO 2009)

²¹ IOM, 2004 *Trafficking in Persons – An Analysis of Afghanistan*; IOM, 2008, *Trafficking in Persons in Afghanistan: Field Study report*, IOM Kabul.

Ordered to leave	40 155	34 940	37 580	36 645
Persons returned	1 990	6 745	4 010	5 505
Asylum seekers in industrialized countries*	18 453	26 803	26 619	36 247

Source: Compiled from Eurostat database; *UNHCR data: Reproduced from Wickramasekara and Baruah, 2013.

Deportation, or the physical removal of migrants against their will from the territory of one state to that of another, has increased over the past decades with the forceful removal of irregular Afghans from Iran, Pakistan but also from European countries and Australia. States have increased the use of deportation to fight undocumented migration. Available numbers vary: in 2007, the Government of Iran recorded 400,000 deportations of Afghans against 211,023 in 2011, with an average of 578 deportations per day from Iran.²² However, undocumented migration persists. Many of those deported re-migrate²³ as these deportees rarely have savings or assets for effective reintegration back at home.

2.3 Legal and institutional framework²⁴

The Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD) is mandated with regulating labour migration processes. **The Regulation for Sending Afghan Workers Abroad enacted in 2005 entrusts the Ministry with the responsibility for overseas labour administration.**

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The policy framework on labour migration must be based on a normative foundation drawing upon principles and good practices detailed in relevant international instruments, particularly the three international migrant worker Conventions: the *1990 International (UN) Convention on Protection of the Rights of All Migrant Workers and Members of Their Families* and the two *ILO Conventions, the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)*. Annex 1 provides a list of important international instruments for the protection of migrant workers. Afghanistan has not ratified any of the international migrant worker Conventions. While the government has ratified the United Nations Convention against Transnational Organized Crime in 2003, it has not ratified the more relevant Protocols on trafficking in persons and smuggling of human beings. The ILO Multilateral Framework on Labour Migration provides a synthesis of these principles and good practices for promotion of a rights-based approach.²⁵

Migration and public policy

The need for a labour migration policy for Afghanistan has been recognized in the past development planning for the country. The GoIRA's National Priority Program 1 (NPP 1) focuses on the "Promotion of employment opportunities for Afghan workers abroad" as a priority activity. The program description enumerates 6 key points that call for regulations to be put in place for promoting and protecting the labour that is available for employment abroad. The expected

²²UNHCR, 2012. *Update on Voluntary Return to Afghanistan and on Border Monitoring*, UNHCR Afghanistan.

²³ UNHCR/ILO (2008). Research study on Afghan deportees from Iran, Altai Consulting, Kabul.

²⁴ This section draws upon Wickramasekara and Baruah (2013). Labour migration for decent work in Afghanistan, ILO Regional Office for Asia and the Pacific, Bangkok, 2013.

²⁵ ILO (2006). *The ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*, Geneva, ILO www.ilo.org/public/english/protection/migrant/download/multilat_fwk_en.pdf

results of the priority activity are: professional and reliable mechanisms and institutions for supporting Afghans seeking and engaged in employment abroad as well as formulation and implementation of laws and procedures to protect these Afghans and increased efficiency and effectiveness of organizations involved in this sector.²⁶

The Istanbul Declaration of the Fourth Regional Economic Cooperation Conference on Afghanistan in November 2010 hosted by the Government of Turkey, identified the development of a Comprehensive National Policy on Labour Migration for Afghanistan as one of the deliverables of regional economic cooperation for consideration by regional and international partners.²⁷

Legal framework

The legal framework for the regulation of labour begins with the *Afghan Labour Law of 2007*. Article 150 of the labour law provides for the MoLSAMD to send Afghan workers overseas to ensure adequate revenue (for the state) and prevent unemployment. Article 151 advocates setting up a department within the MoLSAMD for the regulation of labour related issues, but does not specify the functions that the department may be charged with.

In line with the need for migration stated in the Labour Law of 2007, is the 2005 *Regulation for Sending Afghan Labourers Abroad*. The Regulation has five chapters: i) General Provisions; ii) Status, Rights and Obligations of the Afghan Worker; iii) Rights and Obligations of the Afghan Ministry of Labour and Social Affairs; iv) Obligations of the Employer Authorities; and, v) Final Provisions. The stated objectives of the law include migration for the reduction of poverty and unemployment as well as enhancing the standard of living of Afghan workers. It categorically calls for the support of the Ministry of Foreign Affairs to assist the MoLSAMD in sending migrants abroad via regular channels.

The *Afghan Labour Law* defines migrant workers (in line with its objectives) as “workers whose employment and appointment is not possible within the (home) country”. Thus, it may consider all unemployed individuals as potential migrant workers who can be dispatched to foreign labour markets. Possibly, the definition may be considered as narrow since it leaves out those who are educated and skilled who are looking for overseas employment to increase their incomes, enhance their skill sets and gain experiences.

The Regulation discusses the obligation on part of the migrant workers to have familiarity with the traditions, the culture and the religious beliefs of the receiving country; awareness of workplace procedures, respect for the laws and national interests of Afghanistan and the receiving country; non-engagement with the (local) politics of the receiving country. The rights of the workers are framed as obligations for the MoLSAMD. The *Afghan Labour Law* tasks the MoLSAMD with the responsibility for developing plans for the temporary migration of skilled workers, registration and licensing of recruitment agencies and overseas employers.

²⁶ Government of Afghanistan, 2010a. *Afghanistan National Development Strategy Prioritization and Implementation Plan: Mid 2010 – Mid 2013*, vol. II, presented at Kabul International Conference of Afghanistan, Kabul, 20 July, available online:

www.thekabulprocess.gov.af/images/conferences/kc/english/ands-pip-vol-2-e.pdf

²⁷ Ministry of Foreign Affairs Islamic Republic of Afghanistan and Ministry of Foreign Affairs Republic of Turkey (2010). *The Istanbul Declaration*, 4th Regional Economic Cooperation Conference on Afghanistan (RECCA IV), Istanbul, 2-3 November 2010.

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Additionally, the ministry is charged with signing relevant bilateral or multilateral agreements, supervising the enforcement of the contract relating to working and living conditions, ensuring all rights (such as effective remuneration, social protection or insurances) stated in the contract are respected. The Regulation addresses in 22 points the obligations on part of the employers and recruitment agencies that are most often located in the destination countries. It falls upon the *National Labour Migration Strategy Policy* now to create a mechanism for the implementation of all requirements of the regulation.

Institutional framework

Table 3: GoIRA's line ministries and responsibilities on labour migration

Line Ministry	Responsibilities
Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD)	The <i>Regulation for Sending Afghan workers abroad</i> entrusts MoLSAMD with the responsibility for overseas labour administration. The Foreign Employment Administration Unit established in MoLSAMD functions as the "Directorate of Sending Labour Overseas".
Ministry of Foreign Affairs (MoFA)	MoFA is the focal ministry for all bilateral and multilateral relations with destination countries. It should also serve as the key ministry along with MoLSAMD to develop bilateral labour agreements and Memoranda Of Understanding (MoU) with destination countries as envisaged in the Regulations for sending workers abroad.
3. Ministry of Refugees and Repatriation (MoRR)	MoRR promotes the socio-economic reintegration of returnees. It also deals with diaspora engagement. Tentative plans of the ministry are to encompass <i>Migration & Development</i> as a core strategic component, as part of a 5-year strategic review (2013-2018).
Ministry of Interior (MoI)	MoI is responsible for security-related issues: the prevention of irregular migration, human trafficking, and smuggling of migrants. MoI is responsible for delivering passports and identity documents to Afghan citizens, and for criminal checks.
Ministry of Finance (MoF) Ministry of Economy (MoE)	MoF and MoE, together with the Central Bank, can provide the regulatory environment to facilitate the transfer of remittances, currently handled mostly by informal channels.
Ministry of Public Health (MoPH)	MoPH oversees medical checks and health certifications for migrant workers as required by the destination countries.
Social Partners: Employers and Trade unions	International instruments and good practice call for effective involvement of employers (who train and hire workers) and trade unions (who protect both foreign and national workers) in labour migration governance. In Afghanistan, a number of trade unions are recognized by the ILO.
Private recruitment agencies	Private recruitment agencies play a major role in sending workers overseas. The <i>Regulation for Sending Workers Overseas</i> has provided for their registration with MoLSAMD. There are 16 registered and active agencies, and 3 inactive registered agencies; 5 have terminated their contracts.

Source: Wickramasekara and Baruah (2013)

MISION AND POLICY STRATEGY STATEMENT

Mission

The mission of the National Labour Migration Strategy of Afghanistan is to transform the existing largely informal and irregular migration movements into a well-governed formal labour migration system based on international norms and incorporating legislative and regulatory reforms, bilateral, regional and international cooperation and imparting of appropriate skills and competencies to potential migrant workers. This will be achieved within an environment of social dialogue and sound information systems so that the human and labour rights of migrant workers are protected at home and abroad, and systematic development benefits accrue to the workers themselves, their families, and the Afghan economy.

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Objectives

- To facilitate the temporary migration of low-skilled, semi-skilled, and high-skilled workers abroad through promoting overseas employment opportunities, and thereby decrease the pressure on the domestic labour market in the short- to medium-term;
- To involve all concerned stakeholders including government ministries and agencies, social partners, civil society, the private sector, and international partners in (the) good governance of labour migration, and protection of migrant workers;
- To streamline and regularize informal and irregular flows that have been taking place over an extended period of time;
- To transform the status of migrant workers from an irregular situation to one that is legal and fully documented;
- To promote the cost-effective inflow of migrant remittances to help families, communities, and the overall economy of the country;
- To build, maintain and update reliable and credible information and data systems on the labour migration from Afghanistan, and on international labour markets.

Strategic Statement

The National Labour Migration Strategy of the Islamic Republic of Afghanistan has been formulated within the frameworks of the overall strategies of GoIRA. The Strategy primarily stems from the National Labour Policy, which serves as the overarching Government framework for guiding all interventions aimed at effectively administering the labour market functions. The development of the *National Labour Migration Strategy* has emerged in the wake of:

- The political and economic transition and transformation context facing Afghanistan;
- The recognition of labour migration as a potential safety net for Afghan households;
- The on-going governance reforms in Afghanistan, and linkages between policies;
- The recognition of the absence of a comprehensive national labour migration framework;
- The need to mainstream migration issues into National Development Plans of the country;
- The need to ensure the protection of female and male migrant workers and their access to decent working and living conditions with dignity, freedom, security and equality;
- The need to provide greater opportunities for women to also engage in migration for employment without compromising on their rights;

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- The role of the GoIRA in negotiating bilateral agreements and multilateral arrangements with destination countries to help Afghans benefit from the employment opportunities on the international labour market; and
- The value of social dialogue and the role of social partners in governance of labour migration.

The GoIRA, under the leadership of the responsible ministry, MoLSAMD, is working with social partners –employers and labour unions –and other stakeholders to prepare the grounds for Afghan workers to take on decent employment opportunities abroad in conditions of dignity, freedom, security and equality. The *National Labour Migration Strategy (NLMS)* will ensure internal consistency, coherence and coordination among Government ministries and agencies, social partners and other stakeholders at home through a social dialogue process. In line with the economic, social and political situation of the country, the GoIRA is committed to the above vision and mission statement, and to laying out a roadmap to achieve these goals through this ~~Strategy~~policy –committing to short-, medium-, and long-term action plans.

The NLMS will be based on a strong normative foundation drawing upon principles and good practices contained in relevant international instruments, particularly the three international migrant worker Conventions: the 1990 International (UN) Convention on Protection of the Rights of All Migrant Workers and Members of Their Families and the two ILO Conventions, the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The ILO Multilateral Framework on Labour Migration provides a convenient synthesis of these principles and good practices for promotion of a rights-based approach.²⁸

The State shall not compromise the fundamental rights and freedoms of its citizens in any manner when promoting labour migration.

The State recognizes the fundamental equality before law of women and men, as stated in the constitution, and hence embraces policies and programmes that are gender-sensitive, and consistent with national and international instruments and practices on elimination of all discrimination against women.

The State recognizes that a key element in protecting all migrant workers is the possession of skills. GoIRA is committed to develop the skills of Afghanistan’s labour force so that they are more productive, possess more marketable skills and competencies, and, thus, are able to compete globally. Hence, the government shall set in place processes for providing skills to workers and promoting the migration of skilled labour and the circulation of skills while paying attention to the need for critical skills in the domestic labour market.

While labour migration can act as a safety valve in relieving domestic unemployment pressures, the government recognizes that it is not a long-term solution to the problem of a lack of

²⁸ ILO (2006). *The ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*, Geneva, International Labour Office
www.ilo.org/public/english/protection/migrant/download/multilat_fw_en.pdf

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development and poverty at home. Therefore, the NLMS will promote labour migration situated within a decent work agenda which addresses the generation of productive employment opportunities for all citizens first of all within the country.

The NLMS recognizes the value of social dialogue and participatory and consultative processes with all relevant stakeholders to ensure consensus on major provisions.

Since international migration involves both origin and destination countries, the NLMS will promote bilateral, regional and international cooperation through labour agreements, regular dialogue and consultative processes.

The NLMS will be based on local ownership in order to ensure the commitment of stakeholders, and sustainability. The NLMS reflects the vision and goals, priorities, and implementation capacity of the national stakeholders.

Labour migration strategy need to be backed by a solid evidence base. Thus, the NLMS gives priority attention to the generation of a comprehensive information based on labour market information, migration processes, movements, and conditions of work abroad and the development impacts of migration.

The GoIRA will actively seek the technical assistance of line ministries and development partners in the implementation and review of the NLMS, and will seek the financial support and advice of international community.

3.1 - POLICY AREA I: Protection of the rights of migrant workers and support services

A priority concern for all countries of origin is to ensure the well-being of migrant workers and to secure the payment of decent wages as well as the provision of basic protection, welfare and other support. There are no perfect systems of regulation of labour migration. However, countries of origin do have a range of policy strategies which can extend the scope and improve the efficiency of their regulatory mechanisms and support services.²⁹

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The Regulation for sending workers abroad has outlined a number of provisions to ensure the protection of migrant workers through actions of MoLSAMD and obligations of overseas employers. However, GoIRA understands that this Regulation lacks concrete mechanisms and sub-regulations to implement and monitor the outlined obligations.

In addition, the GoIRA envisages in the Afghanistan Compact and Afghanistan National Development Strategy that workers will migrate through bilateral agreements (BLAs) entered into by Afghanistan and the labour-receiving countries. Although the GoIRA did achieve a broad agreement on labour migration with Qatar, it does acknowledge that - despite expectations - it has not (yet) managed to sign BLAs with the neighboring countries which are major recipients of irregular Afghan migrant workers. The GoIRA aims to continue the dialogue with both States in order to reach an agreement concerning BLAs, despite the currently predominant lack of prospect.

The GoIRA prioritizes migrant worker protection but recognizes that the establishment of effective and concrete objectives for migrant worker protection is challenging due to the absence of i) registration of (migrant) workers; ii) effective regulation of migration intermediaries; iii) provision of consular functions through labour attaches; iv) dissemination of pre-employment and pre-departure information.

Studies have identified several factors which lead to the high vulnerability of Afghan temporary and circular migrant workers:

- a) The bulk of cross-border movements to Iran and Pakistan are informal and irregular in nature;
- b) Migration to the Gulf countries raises major rights and protection issues for low- and semi-skilled migrant workers even from other Asian countries with more mature and elaborate migration systems such as the Philippines and Sri Lanka. The GoIRA recognizes that Afghanistan will face major challenges in protecting nationals who leave through legal channels, and therefore aims to establish on-site and pre-employment support services, including a better regulation of recruitment.

The GoIRA therefore aims to take immediate steps to develop legislation to flesh out the existing regulation, and following this, mechanisms for the implementation of the decree over the short- to medium-term. During this process the GoIRA will draw upon the experience in

²⁹ OSCE-IOM-ILO Handbook on Establishing Labour Migration Policies in Countries of Origin and Destination, Vienna, 2006

South and South East Asia on regulation of recruitment, standard contracts, emigration registration, and support services. In line with these activities the GoIRA further aims to develop standard operating procedures and operations manuals and will introduce emigration registration.

In addition [GoIRA](#) will continue to make efforts to reach bilateral agreements with neighbouring countries on labour mobility in order to regularize and regulate the informal flows.

Moreover, GoIRA will introduce support services for migrant workers at the pre-employment, pre-departure, on-site and return stages of migration. This will include information dissemination on safe migration, labour market information, rights and obligations prevalent in the destination country at the pre-employment and pre-departure orientation seminars. On-site services (that is in the country of destination) for migrant workers will be strengthened through the training of consular staff, the development of operation manuals and inter-country collaboration between trade unions.

Furthermore, GoIRA will foster social dialogue - that is consultation of the State with representative workers and employers organizations - during the implementation of the NLMSP. Capacity building will be undertaken for representative and recognized Afghan trade union federations to put the protection of migrant workers on their agenda and to assist them in developing ties with destination country and South Asian trade union federations.

Finally, GoIRA will develop national legislation in line with international standards and aims to carry out an assessment on the ratification of the three international migrant worker conventions.

SECTION 1. PROTECTION OF MIGRANT WORKERS: S=short term or 1-2 year. M=medium or 2-5 years					
Strategic area	Strategic intervention	Activities	S	M	Lead-institution
Bilateral labour agreements/MOU	Establish bilateral labour agreements with potential labour receiving countries.	<ul style="list-style-type: none"> Strengthen partnerships with main destination countries and establish BLAs, MOUs on labour migration; those agreements should include mechanism to monitor and implement the actual MOU. 	X		MFA/MoLSAMD IOs
		<ul style="list-style-type: none"> Review the existing MOU with Qatar and establish monitoring and implementation mechanisms. 	X		MFA/MoLSAMD IOs
		<ul style="list-style-type: none"> Build capacity to design legal agreements, BLAs and MOUs. 	X		MFA/MoLSAMD IOs
		<ul style="list-style-type: none"> Build capacity to negotiate labour opportunities for Afghan workers. 	X		MFA/MoLSAMD IOs
		<ul style="list-style-type: none"> Strengthen capacity of MoLSAMD (including the international relations directorate) to implement and monitor MoUs and BLAs. 	X		MFA/MoLSAMD IOs
Legal framework	Evaluate the current regulatory frameworks in Afghanistan. Update existing regulatory frameworks and address gaps	<ul style="list-style-type: none"> Evaluation of existing regulatory framework(s) related to labour mobility. 	X		MoLSAMD
		<ul style="list-style-type: none"> Formation of a steering committee to provide technical support to review/assess/update existing legal frameworks. 	X		MoLSAMD
		<ul style="list-style-type: none"> Technical support from relevant international organizations (IOs) to update existing regulatory frameworks and address existing gaps. 	X		IOs
		<ul style="list-style-type: none"> Endorsement of updated regulatory framework(s) by GoIRA. 	X		MoLSAMD
Enforcement	Implement legislation on recruitment through reporting, risk	<ul style="list-style-type: none"> Develop operations manual(s) on reporting, risk assessment, inspection and complaints mechanisms 	X		MoLSAMD
		<ul style="list-style-type: none"> Develop standard employment contracts 	X		MoLSAMD

	assessment, inspection and complaints mechanism and introduce verification system for employment and working conditions.	<ul style="list-style-type: none"> ▪ Review organizational structures to ensure law-enforcement ▪ Develop a database that introduces registration of emigrating workers, registers recruitment agencies and overseas companies ▪ Introduce systems to verify employment and working conditions before departure 	X		MoLSAMD
			X		MoLSAMD
			X		MoLSAMD
On-site services	Establish support and referral mechanisms for migrant workers.	<ul style="list-style-type: none"> ▪ Ensure embassies are better equipped to support migrant workers in cases of exploitation or abuse; <ul style="list-style-type: none"> ▪ Establish labour attaches in different embassies. Assessment of potential (ones with a lot of migrants) ▪ Develop standard services for overseas Afghan workers to be used in different embassies/consulates. ▪ Train consular staff to support overseas Afghan workers. ▪ Build a network of support and referral mechanisms through trade unions and NGOs. 	X		MFA/MoLSAMD MFA/MoLSAMD MoFA/MoLSAMD
			X		MoFA/MoLSAMD
			X	X	MoFA/MoLSAMD
			X		MoFA/MoLSAMD
			X		MoFA/MoLSAMD

<p>Information dissemination, advice</p>	<p>Develop a safe migration information package for all major countries of destination</p>	<ul style="list-style-type: none"> ▪ Review current organizational structures and develop an operation plan that defines concrete mechanisms, roles and responsibilities for information dissemination. ▪ Pre-departure information package developed and disseminated. ▪ Labour migration desk established in employment centers 	<p>X X</p>	<p>X</p>	<p>MoLSAMD MoLSAMD MoLSAMD</p>
<p>International conventions</p>	<p>Ratify international conventions on Migrant Workers</p>	<ul style="list-style-type: none"> ▪ Assessment undertaken on ratification of UN and ILO conventions 	<p>X</p>	<p>X</p>	<p>MoFA/MoLSAMD <u>IOs</u></p>

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3.2 - POLICY AREA II: Increasing the development benefits of labour migration

The human desire to improve one's livelihood through decent employment is at the core of labour migration. The migration-development nexus, and its potential, is reflected in Afghanistan in the flows of remittances, partnerships with the diaspora and the return of qualified Afghans. At the same time the protection of the labour and human rights of migrants, and a reduction of migration costs, are now prominently featured on the migration and development agenda as they are integral to increasing the development benefits of labour migration.³⁰

Policy makers are looking at the potential of labour migration as a safety valve for labour market pressures, a means to diversify livelihoods and as a source of income (remittances) to alleviate poverty and promote development. One of the National Priority Programmes (NPPS), more specifically NPP 1, focuses on the "promotion of employment opportunities for Afghan workers abroad" in the region and Gulf countries as one priority activity.³¹

Further, GoIRA has identified various options to mainstream labour migration into the national development plans and the poverty alleviation programmes: optimizing each step of the migration cycle (pre-departure, transit, employment abroad, reintegration); enhancing the development impact and reducing the transfer costs of migrant workers' remittances; having more skilled and educated migrants; promoting brain circulation and, minimising brain drain; and, engaging the diaspora in skills / knowledge transfer and in promoting investment and trade links.

The GoIRA recognizes the importance of promoting migrant protection to further strengthen the development benefits of labour migration. Hence, maximizing workers' protection (home and abroad) and development at home are closely related.

- *Foreign employment promotion:* Prospects for foreign employment for Afghan workers have to be seen in the broader context of the demand for migrant workers within Asia and the Middle East. Afghanistan is entering a highly competitive market at a difficult time where a number of countries including Bangladesh, Nepal, Pakistan and Sri Lanka are also actively promoting overseas employment. The difference lies in the fact that Afghanistan is far behind these countries in regard to essential migration institutions, infrastructure and capacity and, thus, enters the market with a disadvantage. Prospects for temporary migration are still limited, and the capacity to promote overseas employment also needs considerable strengthening.³² While there is a consensus on the need for formal labour migration options, a more proactive policy on the part of the government is needed, and will be promoted. The implementation of labour and circular migration programmes will require ensuring that the GoIRA has the capacity to avail of existing schemes.
- *Mainstreaming labour migration in national programmes and policies:* The GoIRA recognizes that policies are needed to increase the development benefits of labour migration and current activities should be expanded to actively mainstream labour migration into development plans, which could be achieved in two ways:
 - *Linking labour migration with the DMTVET (Deputy Ministry of Technical and Vocational Education Training in Afghanistan):* During the past decade the GoIRA has

³⁰ UN GA High Level Dialogue on Migration and Development, 2013

³¹ Government of Afghanistan (2010a)

³² Wikramasekara and Baruah (2013)

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focused on domestic job opportunities, understanding that linkages can be created with the DMTVET. The DMTVET can be used to target formal and informal skills development for foreign employment to alleviate domestic labour market pressures. In this regard, the Ministry of Economy has a strong role to play in collaboration with the MoLSAMD.

- *Linking labour migration with the National Labour Policy (NLP) and National Employment Policy and Strategy (NEPS):* GoIRA opines that skill enhancement shall be matched with national policies and international standards. The Afghan NLP and NEPS shall ensure that employment conditions are decent and effectively managed. To ensure that all persons of working age have opportunities for decent and productive employment, the GoIRA aims to establish a strong link between the NLMP and the NLP, as well as with the NEPS that provides the policy framework and outlines associated programmes needed for the creation and growth of decent employment opportunities in the country. The NEPS will focus on supply-side factors such as the employability of labour market entrants and their access to skills and labour market information. The NLMP will balance this with demand-side factors, namely foreign labour markets. Mainstreaming NLMP, NLP and NEPS will allow the GoIRA to propose domestic and foreign programmes and initiatives to achieve the dual aims of poverty reduction and employment promotion.

To further enhance the development benefits of labour migration, the GoIRA has identified three more focus areas:

- *Remittances:* Recognizing that standardized data on remittances is not available for Afghanistan and given the predominant role of informal transfers, a key policy option is to regulate them through appropriate measures and incentives with the long run aim of increasing transfers through formal channels. The main channel of remittances is currently informal, through *hawala* dealers. The GoIRA shall leverage remittance flows for development through regulated, cheaper and safer methods of remittance transfers in the longer term. The development impact of remittances can be enhanced by encouraging greater savings and investment from remittances through the development and popularization of safe remittance-backed financial products tailored to migrants and their families. Studies by the ILO in Tajikistan and Armenia provide an illustration of such products.³³ Good practices from other Asian countries on financial literacy programmes will be promoted as well.
- For better, timely and safe remittance of the generated income, GoIRA shall establish a standard banking system inside Afghanistan.
- *Diaspora engagement:* The GoIRA recognizes the achievements made to date in terms of diaspora involvement through schemes such as IOM's Return of Qualified Afghan Nationals programmes.³⁴ The GoIRA aims to more actively support such activities and increase the role played by the diaspora in strengthening such initiatives. The GoIRA understands that this remains one of the key areas for future investment and support to the country's economic and social development. In

³³ Migrant Remittances to Tajikistan: The Potential for Savings, Economic investment and Existing Financial Products to Attract Remittances, ILO Moscow 2010; Migrant Remittances to Armenia: The Potential for Savings and Economic Investment and Financial Products to Attract Remittances, ILO Yerevan 2009

³⁴ RQAN schemes have been implemented by IOM in Afghanistan, in partnership with the Government of Afghanistan, since 2002.

addition, more will be done to comprehend the socio-economic situation of the Afghan diaspora in countries that host the largest Afghan communities in the region (*near diaspora* living in Pakistan, Iran and India) and those living in Europe and North America (*far diaspora*), as well as setting up mechanisms for engaging with mobile transnational communities.

- *Facilitating return and reintegration of migrant workers:* Afghanistan has had considerable experience over the past decade (2002 –2012) with managing the returns and the reintegration of Afghan returnees. The majority of these programmes were focused on refugee return from neighbouring countries. The GoIRA aims to continue such a focus whilst putting more emphasis on the successful reintegration of migrant workers, the recognition of their skills developed abroad and those skills could be utilized in their home communities. At a time of decreasing repatriation flows of refugees, the return of migrant workers remains a continuous stream. Migrant workers still return home in a movement of temporary, circular and seasonal migration. Hence, it has to be understood that return is often temporary. Guidelines developed by the ILO on recognizing migrant worker skills as well as the IOM's long-standing programmes on the reintegration of returning Afghans, can provide useful lessons in this regard.³⁵

³⁵ ILO (2010). Guidelines for Recognizing the Skills of Returning Migrant Workers, International Labour Organization, Bangkok, October 2010; Sri Lanka- see <http://archives.dailynews.lk/2011/08/05/bus02.asp>

SECTION 2. ENHANCING THE DEVELOPMENT BENEFITS OF MIGRATION:					
Strategic area	Strategic intervention	Activities	S	M	Lead agency
Mainstreaming migration in national plans	Establish MoUs between different ministries.	<ul style="list-style-type: none"> ▪ MoLSAMD to sign MoUs with relevant line ministries to enhance the development benefits of labour migration <ul style="list-style-type: none"> - MoE / DMTVET - MoF - MoRR (return and reintegration) - MoFA (diaspora engagement) 	X		MoLSAMD
		<ul style="list-style-type: none"> ▪ Link labour migration and foreign employment promotion with on-going strategy developments on employment. 	X		MoLSAMD
Foreign employment promotion	Promotion and marketing of available Afghan labour force in potential labour receiving countries.	<ul style="list-style-type: none"> ▪ Organize high level marketing missions to selected countries, particularly in the Gulf region as well as South East Asia, and explore the possibility of promoting bilateral labour agreements 	X		MFA/MoLSAMD
		<ul style="list-style-type: none"> ▪ Seek the support of highly skilled diaspora associations in foreign countries to explore temporary migration possibilities 	X		MoFA/MoLSAMD
		<ul style="list-style-type: none"> ▪ Foreign Employment Unit in the Ministry of Labour will strengthen its market research and dissemination capacity with technical cooperation from Asian countries. 	X		MoLSAMD
		<ul style="list-style-type: none"> ▪ Facilitate and undertake measures for the surplus workforce to avail of employment opportunities abroad, with due consideration given to avoiding adverse effects to vital sectors of the economy. 	x		MoFA/MoLSAMD
		<ul style="list-style-type: none"> ▪ Organize missions to selected destinations to highlight the importance of labour migration 	X		MoFA/MoLSAMD

		<ul style="list-style-type: none"> opportunities for Afghan development and to pursue BLAs. 			
	<p>Recognize that engaging in foreign employment promotion requires a competitive “product”, and that skilled workers have better protection and returns to migration, Hence, the State will take steps to develop a well-trained and certified workforce whose qualifications are aligned with job requirements in destination countries. In doing this the State will promote linkages with skills development programmes in the country to meet the demand on both the domestic and the foreign labour markets.</p>	<ul style="list-style-type: none"> Skills training/development - Standards ratified/approved by international Develop a skills development, alignment and quality assurance pilot project in the construction sector with the assistance of relevant international organizations and destination countries. This plan will select occupations in demand in GCC countries, and work with selected training and certifying institutions in Afghanistan. Provide opportunities for skills enhancement of migrant workers through public-private partnerships. - 	X	X	<p>MoLSAMD</p> <p>MoFA/MoLSAMD</p> <p>MoLSAMD</p>
	<p>Understand that expanding labour migration requires a well-functioning private and public placement system Hence due emphasis is placed on both regulation of recruitment (inter-alia in terms of cost and employment contracts) and facilitate a vibrant private sector engaged in ethical recruitment.</p>	<ul style="list-style-type: none"> Put in place a regulatory framework on recruitment agency practices and certification. Put in place complaint mechanism framework for foreign Afghan workers Build the capacity of the private sector in marketing and ethical recruitment and encourage the formation of an industry association. Establish inter-country trade union agreements 	X	X X X	<p>MoLSAMD/</p> <p>MoFA/</p> <p>Employers</p> <p>Organizations</p>

	Build capacity to avail of existing and potential labour and circular migration programmes.	<ul style="list-style-type: none"> Absorb lessons learned from the current initiative set up with Qatar and from a baseline assessment of the GoIRA's capacity across ministries 	X		MoLSAMD
Skills accreditation and certification		<ul style="list-style-type: none"> Establishment of accreditation body - 			
Facilitating and supporting remittance flows	Recognize that remittances are private funds. Consequently, actions should focus on financial literacy and awareness, developing an enabling environment for effective formal channels, and the development and popularization of secure financial products tailored to migrants and family members. The Ministry of Finance, the Central Bank and financial institutions will be key actors.	<ul style="list-style-type: none"> Map current remittances flows to Afghanistan through a remittances corridor study and adapt future interventions and policies accordingly. Adapt and translate financial literacy modules. Monitor remittance costs in main remittance corridors. Negotiate remittance and related financial products with experienced and credible private financial institutions Initiate pilot projects that support legal remittances sending and potential private investments in Afghanistan. 	X	X X X X	MoLSAMD/ MoFA/ MoF Res. inst /Central Bank Financial Institutions

Enhancing diaspora engagement	Engage with the Afghan diaspora.	<ul style="list-style-type: none"> ▪ Design a model to conduct a comprehensive Diaspora mapping exercise. ▪ Identify key diaspora communities in selected countries and the responsibilities of ministries/agencies, and embassies in diaspora engagement ▪ Collect information on and mapping of the diasporas –near (regional –Iran, Pakistan, India, Central Asia) and far diaspora (GCC, Europe, America, Australia) ▪ Develop policies to engage with the diaspora <ul style="list-style-type: none"> - Design fiscal and regulatory measures to promote diaspora investment in SMEs - Create incentives to promote diaspora trade and tourism - Consider a possible feasibility study and development of a blue print for the issuing of Diaspora Bonds; - Develop a common agenda and priority projects. ▪ Monitor and evaluate diaspora engagement policies and make appropriate policy changes 	X		MFA/MoRR/MoLSAMD
			X		MFA/MoRR
			X		Economic ministries
			X		Economic ministries
			X	X	MFA/EconMinistries/MoRR
					MFA/EconMinistries/MoRR

Developing a framework for the return and reintegration of migrant workers	Effective repatriation of workers.	<ul style="list-style-type: none"> ▪ Design reintegration frameworks for return migrants (with a special focus on skill accreditation). ▪ Draft and agree provisions for shared responsibility between origin country, destination country governments 	X	MoRR/MoFA/MoL SAMD
			X	MoRR/MoFA
	Enhance reintegration services for migrant workers.	<p>Establish and strengthen employment service centres (operated by the Ministry of Labour) and Training of Trainers (TOT) business development centres to facilitate reintegration of returnees. Employment services will include:</p> <ol style="list-style-type: none"> 1. Registration of returnees seeking information, advice or assistance; 2. Information about and referral to business training as well as advice on loan access; 3. Information and advice on job placement, training, education and social services; 4. Job-matching between returnee job seekers and employers. 	X	MoLSAMD/MoR R
		<p>The TOT centres to create a cadre of trainers for carrying out business start- up and business development training for qualifying returnee participants.</p>	X	MoLSAMD/MoR R

	Facilitate recognition of skills of returnees. Returnees that are interested will be supported in availing of national and formal foreign employment programs.	<ul style="list-style-type: none"> ▪ Develop procedures for skills certification ▪ Assess skills level ▪ Certify skills levels (skills recognition and certification) ▪ Assess eligibility for national & foreign employment ▪ Match skills / profiles with national and foreign employment opportunities to highlight the possibility of future assignments for workers 	X		MoLSAMD MoLSAMD MoLSAMD MoLSAMD MoLSAMD MoLSAMD
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3.3 - POLICY AREA III: Improved labour migration administration

The transition from an informal to a formal labour migration system requires a focus on the regulatory framework. More specifically, the legal and the administrative/institutional systems need to be reformed which requires amendments, both short- and long-term.. Section 1 has highlighted the baseline existing legal framework. This objective requires adopting appropriate measures for developing the NLMSP which closely follow the mission statement which calls for improvements in institutional capacity building and the cooperation mechanisms. Reforming the regulatory and institutional framework is a priority for the GoIRA as it is the backbone for the further design and implementation of specific strategies and programmes. As Afghanistan is a relative newcomer to instituting a proper/formal labour migration governing system, it needs to adopt a fast track to catch up with other South Asian countries such as Bangladesh, Nepal and Pakistan which have long traditions of overseas employment programmes.

It appears that there is no specific model mechanism for coordination among these different above mentioned ministries and agencies in the administration of labour migration. A number of Asian countries have set up Steering Committees or Advisory Councils drawn from different stakeholders for coordination purposes. This is something the Afghan government will consider a matter of priority.

In line with the vision statement, the GoIRA recognizes the need to improve its current migration infrastructure to promote and better regulate formal labour migration flows. The GoIRA is aware that current legislative frameworks, operations and practices need to be strengthened to match those of other Asian origin countries. The GoIRA aims to expand and enhance its formal migration operations by strengthening: i) legislative frameworks, ii) existing operations and institutions, and, iii) national, regional and international cooperation.

The Labour Law [2007] together with the Regulation for Sending Afghan Workers Abroad, 1384 [2005] form the core legislative framework for sending migrant workers overseas. Concretely, Article 150 of the Labour Law [2007] states that “*MoLSAMD can send Afghan workers overseas in accordance to the relevant legislation, in order to prevent unemployment and achieving better income.*” The Regulation for Sending Afghan Workers Abroad, 1384 [2005] sets out “*the requirements that have to be met by a worker in order to be employed abroad as well as the obligations of workers and the Ministry responsible for sending them abroad.*” The MoLSAMD in its role as the core responsible institution for labour migration takes up primary responsibility for sending migrant workers abroad and enhancing foreign employment promotion through its Overseas Labour Administration Unit (OLAU). These responsibilities include the registration and licensing of recruitment agencies and overseas employers, which currently requires supervision of 19 registered private recruitment agencies in Afghanistan.³⁶ The GoIRA recognizes that activities implemented by

³⁶ 3 out of these 19 recruitment agencies in Afghanistan are inactive.

these agencies are difficult to supervise since the regulation for sending workers abroad, 1384 [2005], does not include concrete provisions to monitor their activities.

The OLAU is tasked with establishing “agreements or contracts with real or legal persons and companies on seeking and providing work places and opportunities abroad.”³⁷ The GoIRA understands that these activities are currently not implemented to the full extent and the implementation of related tasks need better coordination between the OLAU and different ministries (such as MoFA, MoI and MoRR) which have a supporting role in different areas of labour migration. Whilst recognizing the lack of collaboration between different ministries, the GoIRA is aware that this is influenced by the low capacities to work on labour migration-related issues and the fact that labour migration is not embedded in existing policies and political debates. The GoIRA also observed that work implemented by the various ministries is often not shared or coordinated, which results in poor information dissemination and immense gaps in structured data collection. This has created three core gaps in terms of coordinating labour migration at the national level: i) institutional capacity to govern and coordinate labour migration, ii) inter-ministerial cooperation and information sharing and, iii) structured data collection and policy planning. Therefore the GoIRA aims to enhance inter-ministerial cooperation for better labour migration administration and dissemination of data and information. It will do so by establishing an inter-ministerial coordination committee on labour migration. The GoIRA will further enhance the establishment of separate MoUs between individual ministries to specify the respective responsibilities and tasks.

Along with reforms in the current legislative framework and the national operations, the GoIRA will reinforce international relations with the aim of improving its current migration infrastructure to better regulate formal labour migration flows. The GoIRA, through its responsible ministries, intends to explore and negotiate the establishment of MoUs - related to labour migration and employment of Afghan nationals – with various countries. The GoIRA is aware that the current MoU with Qatar did not result in a regulated outflow of Afghan labourers. It will therefore study existing MoUs on labour migration from other countries to collect best practices, and then re-negotiate its current MoU with Qatar and attempt to enter into new MoUs with other destination countries. It will engage in diplomatic negotiations with the Republic of Korea to access its Employment Permit Scheme, and the Government of Japan for inclusion under the Technical Intern Training Program. It will also explore a possible Afghanistan-EU mobility partnership in cooperation with the European Union. In addition, the GoIRA will continue its involvement in various regional processes, especially the Colombo Process and the Abu Dhabi Dialogue through which it also aims to maintain and further strengthen regional and international relations.

The GoIRA recognizes that Afghanistan is still in the pre-phase of establishing a migration infrastructure to regulate formal labour migration flows. The experience of Vietnam in expanding labour migration while building a regulatory framework and support services will

³⁷ Article 9 – Regulation for sending workers abroad.

be studied and exchange visits undertaken. Vietnam is a relative latecomer to foreign employment promotion and has integrated employment services for both the national and international labour markets. As such, the GoIRA aims to fortify its relations with destination countries. By studying the Vietnamese case, the GoIRA will also learn about possible collaboration with international organizations and CSOs with long-standing experience in labour migration governance, whilst aiming to obtain support from such organizations in strategizing and actually implementing the different facets of this policy.

Lastly, the GoIRA understands that the above initiatives should be further complemented by more active overseas employment promotion. The GoIRA aims to increase labour opportunities for Afghan workers overseas through in-depth exploration of overseas labour markets. The GoIRA aims to do so by tackling the following core information gaps: i) niche markets in main destination countries for Afghan workers, ii) patterns of labour demand for different skills in main destination countries, and iii) major employers and reputed employment agencies in overseas labour markets. In addition, the GoIRA is aware that current lack of data collection and information-management render monitoring and follow up of overseas employment situation of Afghan nationals difficult. In order to tackle these problems and better strategize marketing activities, the GoIRA aims to gather information on the following topics:

- a) Outflows of Afghan nationals for labour/economic purposes.
- b) Overview of (main) destination countries including core working areas/branches in which Afghan nationals are employed.
- c) Stock or share of Afghan workers in foreign labour markets.
- d) Characteristics of Afghan nationals working (legal or irregular) in foreign labour markets such as: age, gender, education level, sector/occupation, duration of stay, type of visa, circularity of their labour migration movements etc.

The GoIRA will study best practices from other origin countries and establish frameworks or additional institutions to enhance overseas employment promotion.

Key policy areas

- a) **Institutional Framework** – The objective is three-fold: to develop and establish a coherent institutional framework to implement and monitor labour migration policies and strategies; to enhance inter-ministerial coordination of labour migration and to establish inter-ministerial strategies to improve data and information collection and dissemination. The GoIRA will review options for upgrading the OLAU to a fully-fledged separate department or a one-stop service institution drawing on experience of other Asian origin countries such as the Philippines and Sri Lanka.
- b) **Regional and international cooperation** – The GoIRA will seek to continue and broaden its current presence within international dialogues on migration to include stronger advocacy for Afghan labour migration and protection of migrant

workers' rights. This will be through participation in regional forums and stronger partnerships to be built with the main destination countries of Afghan labour migration –starting first regionally, and then expanding further. Bilateral agreements and MoUs will be targeted through this approach.

- c) **Technical cooperation** – The GoIRA will require the support of donors, international organisations and non-governmental organisations through official agreements and MoUs which shall improve the current level of technical cooperation in the area of labour migration. Support of research, policy development and implementation, as well as capacity building and information management, will be the main areas of this technical cooperation. A specific time frame and duration will need to be set for the development of a feasible 5-year plan of technical cooperation and capacity building for the MoLSAMD and the GoIRA to achieve the targets set out in this NLMP.

SECTION 3. IMPROVED LABOUR MIGRATION ADMINISTRATION					
Thematic area	Policy	Action plan	S	M	Lead agency
Institutional framework and capacity building	Develop a coherent institutional framework, led by the main state institution, the Ministry of Labour, and enhance inter-ministerial cooperation to improve labour migration administration and foster its governance.	▪ Review and clearly define the roles of all ministries and agencies involved in the labour migration process.	X		GoIRA
		▪ Develop a unified operations manual based on these roles and responsibilities.	X		MoLSAMD
		▪ Create an inter-ministerial coordination committee to work on labour migration issues and enhance coordinated implementation and monitoring of labour migration policies and strategies.	X		GoIRA
		▪ Establish agreements between different ministries (working on labour migration) and outline concrete roles and responsibilities (through the operations manual)	X		MoLSAMD
		▪ Develop a capacity building plan that support MoLSAMD with implementing the NLMS (framework, training tools and monitoring mechanisms).	X		MoLSAMD

	<p>Build capacity amongst different ministries working in the field of labour migration to improve governance of labour migration.</p>	<ul style="list-style-type: none"> ▪ Create positions for advisors within different ministries to support the implementation of labour migration policies and strategies. ▪ Develop tools to monitor and evaluate labour migration policies and strategies and develop a capacity building plan for different ministries that enhances the capacity amongst various ministries to monitor and evaluate labour migration policies, strategies and activities implemented. ▪ Undertake technical cooperation with GCC and South Asian labour sending countries to put in place a system for regulation of recruitment, verification of employment contracts in vulnerable occupations and support services (information dissemination, on-site services and insurance and welfare). 	<p>X</p>	<p>X</p>	<p>GoIRA</p> <p>MoLSAMD/ (GoIRA)/IOs</p> <p>MoLSAMD</p>
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	Formulate mechanisms for inter-ministerial collaboration on data and information collection and sharing between relevant ministries.	<ul style="list-style-type: none"> Establish minimum data-set (indicators) and set up focal points in each ministry. Collect data and publish them in an annual document. 	X		MoLSAMD/CSO/ (GoIRA)
			X		MoLSAMD/CSO/ (GoIRA)
Regional and international cooperation	Continue and broaden current presence within international dialogues on labour migration and protection of migrant workers.	<ul style="list-style-type: none"> Continue and broaden (current) presence within regional and international dialogues on (labour) migration and protection of migrant workers to adhere to practices, policies and trends and to further enhance international relations with international organisations, destination countries and other origin countries. 	X		MFA/MoLSAMD
Technical cooperation	Explore new partnerships and extend existing partnership with international organizations, donors and CSOs with regard to technical cooperation in the area of labour migration.	<ul style="list-style-type: none"> Extend current technical cooperation in the area of labour migration and broaden technical cooperation portfolios in line with labour migration policies and strategies. Establish MOUs with international organizations and CSOs on labour migration in line with labour migration policies and strategies. 	X		MoLSAMD
			X		MoLSAMD

INCEPTION OF THE NLMS, FOLLOW-UP, MONITORING AND EVALUATION

The GoIRA recognizes that the National Labour Migration Strategy provide the overall principles and guidelines for the protection of migrant workers, governance of labour migration and maximization of development benefits from migration while minimizing its negative impacts. As such the GoIRA assumes full responsibility to carry forward this National Strategy on Labour Migration. It recognizes that its success will depend on the roles and responsibilities placed on key stakeholders and actors in the process and counts on their cooperation for contributing to the process of promoting the migration of Afghan men and women for overseas employment in conditions of freedom, dignity, security and equality dignity.

Following the adoption of the NLMS, an inception workshop will be held to launch the policy and the plan. The GoIRA will set in place mechanisms for monitoring the implementation of the NLMS. Reporting the progress of the implementation and a periodic evaluation of the NLMS will be a part of this. It is anticipated that progress will be reviewed on a quarterly and annual basis, and a mid-term evaluation will be carried out after two years.

Since the NLMS contains strategic areas and policy actions under the responsibility of other line ministries, the NLMS's monitoring and follow-up will also largely depend on the establishment and coordination of the Inter-Ministerial Coordination Committee on Labour Migration.

The MoLSAMD will be primarily responsible, in coordination with the Inter-Ministerial Committee on Labour Migration, for monitoring and following-up. Under their leadership, a process will be initiated to operationalize key components of the Action Plans through identifying responsible entities, estimating budgetary recruitments and resource mobilization strategies, and time frames for implementation. The support of the international community will be essential in the initial phase of the operationalization of the NLMS.

The operationalization process will focus on the priority components included in the Action Plans by undertaking relevant studies and baseline surveys; setting up advisory services, capacity building programmes, pilot schemes, and data gathering exercises with the support of all national stakeholders and the international community. The first to be operationalized will be the short term policies and action plans. This includes the concrete initiatives to expand formal labour migration operations through cooperation with destination countries and origin countries (such as Members States of the SAARC and Colombo Process) legislative improvements for effective administration and regulation and migrant protection and improved support services for migrant workers. Additionally, it includes building the capacity of constituents and institutions in Afghanistan for effective administration of overseas employment programmes, improved protection mechanisms and better labour matching between supply and demand.