

**ADDIS ABABA UNIVERSITY**  
**COLLEGE OF LAW AND GOVERNANCE STUDIES**  
**CENTER FOR HUMAN RIGHTS**

**PRACTICAL CHALLENGES OF ACCESS TO  
EMPLOYMENT OPPORTUNITY OF ERITREAN  
REFUGEES LIVING IN ADDIS ABABA**

**BY: YOSEF GIRMA G/MICHEAL**

**February, 2019**

**Addis Ababa**

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**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE  
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### **Declaration**

I, **Yosef Girma**, declare that '**Practical Challenges of Access to Employment Opportunity of Eritrean refugees living in Addis Ababa**' is my own work and has never been submitted to any other institutions. I also declare that any secondary sources or materials used in this thesis have been duly acknowledged.

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Date.....

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## List of Acronyms

UDHR	Universal Declaration of Human Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICCPR	International Convention on Civil and Political Rights
UN	United Nation
AU	African Union
EU	European Union
FDRE	Federal Democratic Republic of Ethiopian
EHRC	Ethiopian Human Rights Commission
ARRA	Administration for Refugee and Returnee Affairs
HEIs	Higher Education Institution
UNHCR	United Nations High Commissioner for Refugees
IOM	International Organization for Migrant
NRC	Norwegian Refugee Council
MGDs	Millennium Development Goals
NGO	Non Governmental Origination
DAFI	Albert Einstein German Academic Refugee Initiative Fund
EOC-DICAC	Ethiopian Orthodox Church Development and Inter-church Aid Commission
JRS	Jesuit Refugee Service
OICE	Opportunities Industrialization Centers Ethiopia
CRRF	Comprehensive Refugee Response Framework
OCP	Out-of-Camp Policy
NSP	National Service Proclamation of Eritrea
FGD	Focus Group Discussions

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## Abstract

*This thesis assessed practical challenges of access to employment opportunity of Eritrean refugees living in Addis Ababa. The research was conducted in Addis Ababa, Jemo, Gofa Mebrat Hail and Megenga area was selected based on current settlement of the Eritrean refugees in the areas. Qualitative research methodology was employed under this thesis and both primary and secondary sources of data are utilized. The primary sources include in-depth interviews with refugees of the study areas and ARRA, EHRC, UNHCR and NRC were conducted. In addition, to have a balanced view of those selected respondents; a focus group discussion has also been carried out with some selected Eritrean refugees and refugees committee leaders of the study areas were held. The respondents for both interviews and FGDs were selected through purposive and snowball sampling method.*

*Therefore the study revealed that Eritrean refugee's access to employment opportunity challenged and In addition, contemporary livelihood situations of Eritrean refugees in Addis Ababa are also examined. The overall findings of the study show that there were legal, lack of language skill, lack of work experience skill , challenges on discrimination in employment , challenges of access to loan, lack of business licenses and lacks of institutional frame work are a gap for Eritrean refugees in accessing employment in Ethiopian and due to this fact highly affected in social and economical impacts in the area. Consequently, providing employment opportunity is necessary to ensure social cohesion between local communities and refugees. Finally, the paper concluded that the Ethiopian government needs to improve and strengthen to implement the minimum protection of refugee's employment opportunity. Thus one of the essential aims of this study is to devise some alternative mechanism to the government and responsible body how to implement refugee's employment opportunity those stated major gaps under the research.*

Key words: Eritrean refugees, employment opportunity, livelihood, practical challenges  
ARRA, EHRC, UNHCR, NRC

## Chapter one

### ***1.1 Back ground of the Study***

The international human rights instruments provide protection for the rights of refugees, which are one of the most vulnerable groups. Among others, the 1951 refugee Convention describes refugee as someone who is “unable or unwilling to return to his/her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”<sup>1</sup> The other main reason for refugees to move from their origin to elsewhere is extreme poverty and lack hope to survive in their home land so that they take all the risks to move elsewhere; either some engaged in work legally or others with-out work permit; and engaged actively in the shadow economy.<sup>2</sup>

Regarding refugee influx amongst all the regions the horn of Africa, as one of the most conflict-ridden region in the world, is known for mass exodus of refugee. Especially from the late 1970s to 1980s, the region has witnessed the largest influx/out flux of refugees because of inter-state and intra-state wars, typical examples include the civil conflict in Sudan and Somalia all across the 1970s throughout the 1980s; in addition to the period of the political overthrow of the Ethiopian Imperial Government in 1974; the independence struggle of Eritrea; as well as the war between Ethiopia and Somalia between 1977 and 1978 have all been mentioned as major catalysts of large involuntary movements of people in the region.<sup>3</sup> Therefore, currently the region is the biggest source of refugees worldwide next to Middle East. According to 2016 UNHCR report, among top ten refugee producing countries in the world, three of them are from the Horn (Somali, South Sudan and Eritrea).<sup>4</sup>

Although Ethiopia is poor but relatively stable country in the region, it assumes significant responsibility hosting one of Africa’s largest refugee populations; by

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<sup>1</sup> Resolution 2198 (XXI) adopted by the United Nations General Assembly With an Introductory Note by the office of the United Nations High Commissioner for Refugees (UNHCR) December 2010 pp.3

<sup>2</sup> UNESCO 2005 report International Migrant program pp.16

<sup>3</sup> Sonja Fransen and Katie Kuschminder Migration in Ethiopia History , Current Trends and Future Prospects Paper in December 2009 Masstricht Graduate School of Governance (MGSOG) PP.9

<sup>4</sup> UNHCR report 2016

maintaining an open-door policy for refugees on its territory.<sup>5</sup> Due to this fact refugees are housed-in different urban areas of the country like Addis Ababa, Adama, Jijiga, Gambella, Shire, Mekelle, Assosa and Samara are the major cities that deserves worth-mentioning.<sup>6</sup> According to available information it is anticipated that Ethiopia hosts more than 919,831 both registered refugees and Asylum seekers by the end of 2018. Mainly consisted of South Sudan (422,240 or 46.6%) Somalis (257,283 or 28.4%) Eritrea (173,879 or 19.2%) Sudanese (44,620 or 4.9%) Yemenis (1,891 or 0.2%) and other nationalities (5,918 or 0.7%) Amongst this refugee number female accounted for 50.1% and male for 49.9%. Whereby, in regard to age disaggregation infants (0-4 years old) account for 14% children (5-11 years old) for 26% adolescents (12-17 years old) for 19% Adults (18-59 years old) for 39% and elderly (60+ years old) for 2%.<sup>7</sup> Hence, this data described Ethiopia as being the second largest refugee-hosting nation in Africa next to Uganda.

The Ethiopian government, as the leading authority in protecting refugees, a national refugee Proclamation was enacted in first time in 2004 and the new refugee law in 2019, based-on the international and regional refugee conventions to which Ethiopia is a party (1951 Convention relating to the Status of Refugees and the 1969 OAU Convention). Therefore, refugee protection in the country is provided within the framework of these international and national refugee laws as well as the core international human rights treaties that have been ratified by the country.

Refugees are often exposed to suffering from several forms of exploitation, and serious abuses of human rights and dignity. Among others, access to employment opportunity is one of the major challenges for refugees, basically emanating from several reasons. Accordingly, reluctance of countries to recognize refugees access to employment in lights of the various international, regional and national human rights instruments-such as 1951 Refugee convention ICESR, ICCPR ,UDHR and the African Refugee convention is attributed as being one of the challenges relating to access to employment for refugees.<sup>8</sup>

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<sup>5</sup> Roadmap For the implementation of the Ethiopian Government Pledges Draft , as of 27 April 2017 pp.1

<sup>6</sup> UNHCR report 2016

<sup>7</sup> Ethiopia Refugees and Asylum seekers UN High Ccommissioner For Refugees Report as of 31 August 2018

<sup>8</sup> UNHCR report 2016

Hence, by giving due consideration for the rights of refugees access to work, this thesis tries to scrutinize employment opportunity of Eritrean refugee who lived in Addis Ababa. The reason why only this group of refugee is emphasized under this study mainly lies first hand historical, cultural, religious and geographical integrations of these states and similarly the Out of the Camp Policy (OCP) that introduced by Ethiopian government has applicable to Eritrean refugee also another instigate factor . Moreover the existing of new epoch relationship of the two countries and on the other hand, one of the pledges made by the Ethiopian government, which urged at the Leaders' Summit on Refugees held-in New York in September 2016, whereby 193 states committed to strengthen their response to refugee situations in a comprehensive manner.<sup>9</sup> Therefore following through the adoption of the CRRF, the Ethiopian government made nine pledges to provide more opportunities for refugees in hosting countries, with a view of making Ethiopia a better and more inclusive host-country for refugees. Thus through these nine pledges provides employment opportunity to refugees as one aspect. So all this triggers factors to pay focus in examining the states and gaps under this study.

Therefore the present major and specific situation calls to assess how the Ethiopian Government deals with the issue of refugees access to employment opportunity. Depend on its practical challenges emphasizing on Eritrean communities who lived in Addis Ababa by analyzing the perception of the national law, policy of the country and the perception of Eritrean communities on issue of refugee access to employment opportunity. In addition the study also investigates its compatibility with international minimum expectations.

At last, fortunately the research basically examine the basic challenges in access to employment opportunity of Eritrean refugee based on the existed problem but near to finalizing the study the Ethiopian government adopted the newly refugee proclamation in 2019. So this makes difficult to cover the newly adopted law due to time constraint even though the research problem was designed to examine before adoption of the new law. Regarding with this access to employment rights of refugees are one of the concern to revise under the newly law relating to refugees and as result the provision builds positive

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<sup>9</sup>Opportunity For refugees and host communities in Ethiopia (2018-2020) support to the roll-out of the comprehensive refugee response frame work (CRRF) for Ethiopia thematic programme document version for council for development policy 13 October 2017 page 3

development in terms of improving access to employment even though the law nowadays still becoming debatable.

## **1.2 Statement of the Problem**

Historically Ethiopia and Eritrea had a strong relationship before the border conflict occurred in the two countries in 2000. No country in Africa has a homogenous population, where all speak the same language, practice the same religion and share a common history and culture.<sup>10</sup> The open door policy of Ethiopia and its geographical proximity to refugee from originating countries has made the country a preferable destination for refugees, in particularly from Somalia and Eritrea, which accounted for 56% of refugees housed in Ethiopia are coming from these two countries.<sup>11</sup> Regarding Eritrean refugee in line with the available evidence demonstrate that most Eritrean flee to escape from the grave human right violation, compulsory and open-ended military service (NSP), political suppression and religious persecution in the country.<sup>12</sup> So given the long and shared history between the two countries, the direction of Eritrean refugee flight is mainly to Ethiopia. In addition to aforesaid factors, zero cooperation between the government of Ethiopia and Eritrea in the former time makes the country more preferable than the neighboring states like Sudan.<sup>13</sup> According to UNHCR report, among the total number of the refugee living in Ethiopia more than 173,879 are Eritreans.<sup>14</sup> Among this Eritrean refugee figure residing in Ethiopia, about 18,122 refugees are living in Addis Ababa.<sup>15</sup>

The structures of refugee settlement in Ethiopia are mainly confined to the camps in isolated areas for perceived or real economic burden and security concern of the state. However, because of OCP scheme urban settlement is only permitted for those refugees with few exceptions that are why Eritrean refugees have settled in Addis Ababa. Consequently Eritrean refugees who lived in Addis Ababa in practice do face several

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<sup>10</sup> Hans Vander Splinter Back ground to the border dispute between Ethiopian and Eritrea June 5, 1998

<sup>11</sup> UNHCR Ethiopia Fact sheet , March 2017

<sup>12</sup> Kibreab, Gaim(2014).Open-Ended Eritrean National Service: The Driver of Migration Paper for the European Asylum Support Office Practical Cooperation Meeting on Eritrea. 15-16 October 2014 Valleta, Malta

<sup>13</sup> Kibreab 2014 getting beyond politics and bad blood: The protection of Eritrean refugees in Ethiopia, Unpublished MA Thesis, American University in Cairo, Cairo.

<sup>14</sup> UN High commissioner For Refugees Published Report on 04 , April 2018

<sup>15</sup> UNHCR Report 31 August 2018

challenges to access employment. Even though mostly it verify from both International and Regional legal instruments; such as the 1951 Refugee convention, ICESR, UDHR and the African Refugee convention; grants high attention for the refugee's employment opportunities.

The main legal instrument on the subject is the 1951 refugee Convention and access to employment constitutes the core of this study; specific emphasis is exerted on Articles 17, 18 and 19 of the 1951 Convention relating to the Status of Refugees, which incorporated in a wider framework of rights to work and rights at work under international law.<sup>16</sup> Moreover the 1969 OAU Refugee Convention, both of which oblige the state to ensure the protection of refugees and the conferment of fundamental rights. Therefore Article IV boldly articulates about principle of non-discriminatory<sup>17</sup> and to this effect the principle should be provided to all refugees' employment rights. However, more disturbing is the fact that although the Federal Government of Ethiopia is a state party to the 1951 UN Convention Relating to the Status of Refugees (1951 Convention)<sup>18</sup> its 1967 Protocol<sup>19</sup> and the 1969 OAU Convention Governing the Specific aspects of Refugee Problems in Africa<sup>20</sup> it has made reservations to the 1951 Convention. In particular, the right to employment is denied to refugees. Therefore for most Eritrean refugee challenges to access employment opportunity in Addis Abba are restriction of the former Ethiopia's legal framework and other social and economic factors related to the protection of refugee's employment opportunity. For instant, the domestic legal challenges relating to refugee protection in Ethiopia includes the Constitution of the Federal Republic of Ethiopia and the previous Refugee Proclamation number 409/2004. The Constitution of Ethiopia makes provision and recognition of the inherent human rights of foreign nationals, while the Refugee Proclamation deals with specific aspects concerning refugees in the country does not permit refugees to find-out employment in the country. On the other hand the Federal Civil Servants Proclamation 1064/2017 have

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<sup>16</sup> 1951 Refugee convention Article 17,18 and 19

<sup>17</sup> OAU Convention Governing the specific Aspects of Refugee Problems in Africa in force June 20,1974 (Article 6)

<sup>18</sup> 1951 United Nations Convention Relating to the Status of Refugees, 28 July 1951, 189 UNTS 137

<sup>19</sup> 1967 Protocol Relating to the Status of Refugees, 31 January 1967, 606 UNTS 267

<sup>20</sup> 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Doc. CAB/LEG/24.3); 1001 UNTS 45

been contains in article 15, a person who is not an Ethiopian national may not be eligible to be a Civil Servant.<sup>21</sup> This also additional legal restriction provided under domestic law. Moreover, the labor proclamation no of 377/2003 has also brought about various preconditions for every foreigner to access employment as it is provided under article 174. In line with this specific article, any refugee may only be employed in any type of work in Ethiopia where he possesses a work permit given to him/her by the Ministry informal sector.<sup>22</sup> Additionally Among the practical experience the following impediments are found to be the most significant constraints for Eritrean refugees to find job for instant due to lack of; recognition of informal/formal education, qualifications, inter-cultural experience, access to information, local languages competence, stigmatization and discrimination; when trying to get employment access who want to start their own businesses to the informal sector.

On the other hand, lacks of institutional frame-work between government and non government organ also remain as an extra-barrier for Eritrean refugee to access employment opportunity. Hence, the study assesses the legal and practical gaps in the enjoyment of employment rights of Eritrean refugees who lived in Addis Ababa.

### ***1.3 Objectives of the Study***

#### **1.3.1 General objective**

The general objective of this research is to explore practical challenges of access to employment opportunity of Eritrean refugees who lived in Addis Ababa emphasis on critical problems aroused there from.

#### **1.3.2 Specific Objectives**

As its specific objectives, this study attempts to:

- Explore actual experience of Eritrean refugee community on access to employment opportunity
- To analyze policy and institutional frameworks of refugee's at national level against the regional and international norms set for access to employment,

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<sup>21</sup> Civil Servants Proclamation No.1064/2017 article 15

<sup>22</sup> Ethiopia labor proclamation No 377/2003 article 174

- Assess the legal and operational challenges faced by the refugees in light of getting ease access for opportunities of work.
- Explore actual livelihoods situations of Eritrean refugee in Addis Ababa.

#### ***1.4 Research Questions***

In the course of the study, the research will attempt to answer the following research questions.

1. What are the legal, practical and operational challenges encountered in the course of attempting to realize access to employment opportunity for Eritrean refugee in Addis Ababa?
2. How does the livelihoods and self reliance of Eritrean refugees in Addis Ababa?
3. To what extant institutional framework attempts to realize access to employment of Eritrean refugee in Addis Ababa?
4. To what extent Eritrean refugees are affected in social and economic context?
5. What is the nature of contemporary political and legal initiatives undertaken in order to address the problem of refugees, especially Eritrean refugees living-in Addis Ababa?

#### ***1.5 Significance of the Study***

The primary purpose of this study is to identify and highlight legal and operational practical challenges towards access to employment opportunity available for Eritrean refugees who lived-in Addis Ababa. As a result, it aims to contribute in identifying existing gaps in addressing access of employment opportunity of refugees within Ethiopian context, which this in turn contributed significantly toward formulating the necessary policies and effective methods. It may also serve the purpose of spurring further research on this particular area. In addition to academic significance, the study will also have policy relevance for both state and non-state actors to enhance employment opportunity of the refugees with a viable solution.

#### ***1.6 Methodology of the Study***

This study devises qualitative research approach and assesses the proposed problem by drawing on the actual experience of refugees in access to employment, which is based on narrative qualitative approach. Consequently, qualitative methodology enables to address

personal experience, phenomenon and detailed understanding of processes in the social world and groups ascribe to a social or human problem.<sup>23</sup> The major guideline for selecting methodology of the study as a framework is based-on the research problem or the nature of the study. Thus, the very nature of this study requires qualitative methodology that hugely demands the assessment of the current state of refugees', attitudes and experience of communities thereof. In addition, it only focuses-on the phenomenon to analyze and interpret the data to address the problem. This approach provides a deep understanding of the reality on critical challenges and prospects of refugees' condition as experienced by access to employment opportunity and how its effects on realization of rights in general through asking broad and detailed questions for participants.

### **1.6.1 Method of Data Collection**

This research will follow an empirical data gathering approach, by utilizing both primary as well as secondary data sources. Thus, the primary data source will mainly be collected through administering interviews, focus group discussions (FGDs) as well as questionnaire to key informants. In this respect, conducting interview to targeted key informants would assist the researcher to gather sufficient information concerning the issue under-concern. The choice of the interview partners would largely be dictated by their degree of relevance to the specific theme under investigation. Accordingly the informants interviewed includes; 18 Eritrean refugees who lived in Addis Ababa from Jemo, Meberat Hail and Megnaga areas which mainly based-on gender, age , label of education back ground or if available their work experience, in addition nine informants from the refugees committee leaders- three of them from Jemo ,three from Gofa Mebrat Hail and Megnaga . Similarly, interviews with the concerned government organs in particular with the ARRA and EHRC, three from each organization, and the researcher will also undertake interview with some selected inter-governmental agencies, such as UNHCR and NRC, three from each organization.

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<sup>23</sup> John W.Creswell, Research Design: Qualitative, Quantitative and Mixed methods approach (3rd edition), saga publication, 2009, pp.37

Moreover FGD is utilized in order to balance overstated statements, by employing one of a significant technique of qualitative data collection method. Thus, a series of group discussions envisaged to be held with different individuals facilitated by a researcher, with a view of extracting additional data in respect to a particular topic under investigation. Therefore, it is planned to carried-out one FGD consisting 15 Eritrean Refugees who lived out of the camp in Addis Ababa from Jemo, Gofa Meberat Hail and Megnaga areas. The composition of FGD participants is quite diverse and due attention of their age, gender, marital status, label of education back ground and if available their working experience would be taken into consideration.

Whereas, secondary sources of data; i.e. literature review by way of referring books, articles in scholarly journals. Furthermore, international, regional and national human rights legal instruments particularly dealing with refugees' employment rights reviewed as a source of reference. Policy and other unpublished documents as well as official reports will be employed. On the other hand Internet sources will also highly be employed to gather recent and up to date information which dealt with the specific subject matter.

### 1.6.2 Sampling Technique

The research will follow both purposive and snowball sample techniques to gather information. In qualitative research number of people interviewed is less relevant than the criteria used to select them. For ensuring representativeness and for the selection of participants of the sample size purposive sampling is one of the techniques that often employed in qualitative investigation method.<sup>24</sup> Therefore purposive sampling method would be employed in order to identify concerned Eritrean refugee in Addis Ababa, governmental, non-governmental stakeholder's identified on the basis of their functional relevance. The second technique, that is to say that snowball sampling procedure is appropriate when the members of special population are difficult to locate, such as homeless individuals, migrant workers or undocumented immigrants. Accordingly, in

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<sup>24</sup> Wilmot A. Designing sampling strategies for qualitative social research: with particular reference to the Office for National Statistics' Qualitative Respondent Register. [Online] ; Available from URL: <http://www.ons.gov.uk/about/who-we-are/our-selves/dat-collection-methodology/reports-and-publications/designing-sampling-strategies-.pdf>

snowball the researcher collects data on the few members of the target population he or she can locate, and then asks those individuals to provide the information needed to locate other member of that population whom they happen to know.<sup>25</sup> Therefore, this method was employed because Eritrean refugees are located in different areas of Addis Ababa, so that it is becoming cumbersome and difficult to locate them easily. Based-on this fact, the researcher has intended to use snowball technique to address this particular group.

### ***1.7 Scope and limitation of the study***

The scope of this research is delimited in terms of time and target groups meant for the rights of employment opportunities available of Eritrean community lived in Addis Ababa. It has also a temporal limitation of the practice only employment opportunity to address-out other related rights on the scope of the study due to time and resource constraints. Last but not least, another challenge anticipated to be faced is related with the issue of language. Although majority of the refugee respondents of Eritrea are able to communicate in Amharic, some of their accents were very difficult to understand. However, with exertion of time and resource, the researcher collected all the available and reliable data for the study.

### ***1.8 Organization of the study***

In general the paper is divided into five chapters. The first chapter of the study introduces back ground of the study, statement of the problem, objective of the study, research methodology, and the scope and limitation, significance of the study, and organization of the study. The second chapter presents, conceptual frame on the notion of refugees, literature review on refugee's access to employment opportunity , general concept of out camp policy in Ethiopian and those legal frame-work regarding refugees especially on access to job opportunities available at national, regional and international liable .

The third chapter a little bet has tried to examine the contemporary livelihood situation of Eritrean refugees in Addis Ababa; how they live, what problems they encounter in managing decent lives. The fourth chapter emphasized on expectation of refugee community and responses of the legal reform what impact the existing law and the reform

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<sup>25</sup> The logic of Sampling in Chapter Seven pp.185

will have on the rights of refugees. Adding to this, data presentation and analysis will be presented by focusing-on access of employment opportunity of Eritrean refugee community, which is living in Addis Ababa, practical challenges and impact of violation. The last chapter draws the finding of the research and General conclusion of the paper and recommendation thereon.

## Chapter Two

### Conceptual and Legal Frame works

#### 2.1 *Conceptual framework*

##### 2.1.1 The Notion of refugee

The issue of refugee is not a contemporary agenda or problem in global arena. Offering sanctuary for frightened and weary strangers, victims of persecution and violence is part of humanitarian tradition throughout history. Consequently, historically limiting the scope of refugee had got little concern till the end of First World War because of relatively small number of the refugees in limited geographical areas, albeit of sovereignty concern.<sup>26</sup> Nevertheless, in the Post-WWI period, the mass exodus of refugees that fled the war coincided with aftermath political nationalism, security concerns and economic depression in the western world, the states started to follow narrow and guarded approach to the conception of refugee. Since then, attempts have been made to internationalize and legalize the concept of refugee.<sup>27</sup>

In the wake of the Second World War, the concept of refugee was defined legally under the 1951 Refugee Convention. According to Article 1 of the convention, refugee is a person:

*...owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his Former habitual residence as a result of such events is unable or, owing to such fears unwilling to return to it.*

In continent like Africa, known for mass displacement of refugees, individual screening of refugee is practically impossible. In addition both the Convention and Protocol

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<sup>26</sup> Betts, A. and Loescher, G. (eds.) (2011:2). Refugees in International Relations New York: Oxford University Press.

<sup>27</sup> Holborn, Louise(1938).The Legal Status of Political Refugees, 1920-1938. The American Journal of International Law,Vol. 32, No. 4. Pp.681 and Zolberg Etal (1989) Conflict and the Refugee Crisis in the Developing World. New York: Oxford University Press pp 18

excluded civil strife, general violence, famine and other factors that disturb public order as justifications for refugee influx in absence or incapability of centrally governing body. The 1969 Organization of African Unity came up regional complement with salient challenge to the Convention and comprehensive conception of refugee<sup>28</sup>. In addition to UN Convention phraseology of refugee, under Art 1(2) OAU Convention incorporated:  
*...the term "Refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part [or] the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.*

Thus, any person who falls under UN Convention is also incorporated under OAU Convention since the later incorporates the former. Due to this fact both UN and OAU Conventions identified refugees as persons with well-founded fear that crossed international border when their country of origin either cannot or will not protect that leaves them in need of international protection<sup>29</sup>. However, the scopes of refugee conception under international or regional refugee specific instruments have direct repercussion on their protection. The narrowly conception of refugee will result in exclusion of significant number of people in threatening circumstance and results in denial of international protection for them.<sup>30</sup> Given the mass influx of refugee as the major character of Africa, using OAU's broadened definition of refugee is reasonable and appropriate. In African countries in general and the Horn of African states in particular where extreme poverty, absence of socio-economic opportunity, civil strife, political repression and persecution as justifications for flight are highly intermingled, considering persecution as the only rationale for refugee flight become very guarded perspective.<sup>31</sup> As result, Refugee as a person that needs international protection aforesaid, the protection is

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<sup>28</sup> Shacknove, Andrew (1985) who is a Refugee Ethics Vol. 95 No 2. pp. 275

<sup>29</sup> Hathaway James (2005) the Rights of Refugees under International Law New York: Cambridge University Press .pp 193

<sup>30</sup> Shacknove, Andrew (1985) who is a Refugee Ethics Vol. 95 No 2. pp. 276

<sup>31</sup> Martín, Ivan and Bonfanti, Sara (2015) Migration and Asylum Challenges in East Africa: Mixed Migration Flows Require Dual Policy Approaches. Migration Policy Center, EUI and Mengisteab, Kidane and Bereketeb, Redie (2012) Regional Integration, Identity, and Citizenship in the Greater Horn of Africa New York: James Currey.

carried out through international refugee regimes while the primary responsibility of sovereign host state is uncontested.

In Ethiopia like other international in addition regional refugee instrument provides the earlier refugee proclamation no. 409 / 2004 and its aim was make asylum and protection to refugees and promoting their voluntary repatriation in safety and dignity whenever conditions permit, and it is desirous to enact national legislation for the effective implementation of the aforesaid international legal instruments, establish a legislative and management framework for the reception of refugees, ensure their protection, and promote durable solutions whenever condition permit. Accordingly article 2(7) it articulate that "*Refugee*" means any person or group of persons who full fills the criteria under the Provisions of Article 4 or Article 19 of the refugees Proclamation.<sup>32</sup>

Finally, For the purpose of this study the researcher conceptualizes a refugee means people who make choices about when to leave and where to go or in my words refugee's means several Eritrean people forced to move due to internal factors, such as political opinion, fear of government activities or because of several Human right violations in the country. As a result, this situation it imposed to come across various alternative and means of satisfying them in the country of present residence.

### **2.1.2 Refugees' access to employment opportunity**

The following part highlights the ways in which national laws and policies on refugees' access to employment opportunity vary across countries, often falling short of international standards. Therefore identifies five types of refugee's employment opportunity based around a de jure and de facto access to work. De jure opportunities are those recognized by official laws, while de facto opportunity exist and are accepted in practice but do not have legal status.<sup>33</sup>

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<sup>32</sup> Ethiopian refugees proclamation No.409/2004 preamble ,( Art.2 and 4)

<sup>33</sup> Alison Brown ,Peter Mackie, Kate Dickenson and Tegegne Gebre-Egziabher working Paper Urban Refugee Economies Addis Ababa Ethiopia March 2018 pp.13

#### 2.1.2.1 **Access to employment in action: -**

in this regards where the right to work is enforced international Standards are incorporated into a fully functioning domestic policy without reservation, and refugees' right to work is explicitly cemented in national legislation.<sup>34</sup> Therefore refugee has an opportunity to obtain employment in host country.

#### 2.1.2.2 **Access to employment in progress: -**

on this part where there is a national policy permitting refugee right to work but it is not entirely enacted and legal constraints remain.<sup>35</sup> As a result refugees do not have the right to work due to legal restriction but gradually refugees are entitled to work because of policy permission.

#### 2.1.2.3 **Restricted Access to employment: -**

Where there are severe legislative restrictions on formal refugee work that may exclude certain groups there may or may not be a national policy on the right to work for refugees.<sup>36</sup>

#### 2.1.2.4 **No right but allowed in practice: -**

in this regards there is no existing national policy that respects refugees' right to employment or the national policy prohibits refugees from working, but there are no punitive legal restrictions from government or local authorities on most informal work. Examples include Ethiopia.<sup>37</sup>

#### 2.1.2.5 **No right and restricted in practice: -**

where there is no existing national policy that respects refugees' right to employment or the national policy prohibits refugees from working and this is heavily policed.<sup>38</sup>

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<sup>34</sup> Ibid

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Ibid

Therefore as it provided in the above, acknowledge the nuances between legal frameworks and local practices in regard to refugee employment and categorized a fully functioning legal right to work, no legal right or right to work in practice.

### 2.1.3 Out of Camp Policy in Ethiopia

Currently, regarding refugee policy developing states in general and African states in particular follow restrictive and dichotomized refugee settlement policy. Accordingly, African governments have recognized the existence of a refugee problem; they have favored organized settlement over allowing refugees to settle where they choose. Most of the states have been implementing restrictive encampment policy while those states with no camp like Egypt and South Africa follows dichotomized refugee status determination procedure for urban and rural refugees. With few exceptions, almost all African states spatially segregate refugees in the camp as a means to protect their embedded security and economic concern though both difficulties preceded the refugee presence and have little or no strong correlation with the refugees' settlement. Hence, they unvaryingly oppose the presence of refugees in urban areas.<sup>39</sup> With the absence of legal status, the consequence of settling in urban area stretches from denial of recognition and support to detention and forced deportation to the camp.<sup>40</sup>

In Ethiopia, the current refugee Response management is based on a mix of three general policies namely:-Encampment policy, Out of camp policy, and the policy of Local Integration. Due to this fact Ethiopia has received recognition from international actors: its open borders policy for refugees from neighboring countries and its establishment of the out-of-camp scheme allowing an increasing number of refugees to live outside the camps. The OCP's implementation began in the summer 2010.<sup>41</sup> Therefore, presently one of the beneficiaries of the OCP is Eritrean refugees. However, on the other side refugees from other nationalities, Somali or Sudanese in particular, are not eligible. Whilst authorities report that the OCP could soon be extended to other nationalities, no clear timeline has been defined for this extension yet and expansion of the "Out-of-Camp"

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<sup>39</sup> Fábos, Anita and Kibreab, Gaim (Eds.) (2007) Refugees in Urban Settings of the Global South Special Issue of Refuge: Canada's Periodical on Refugees. Vol. 24. No.1. pp.4-5

<sup>40</sup> Campbell, Elizabeth (2006). Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibility of Integration Journal of Refugee Studies.Vol.19. No.3. Pp.396.

<sup>41</sup> Samule Hall Research alternative to camp based assistance for Eritrea refugee in Ethiopia 2014 pp.16

policy to benefit 10% of the current total refugee population.<sup>42</sup> The main reasons put forward by Ethiopian officials for this exclusivity are:

- a. The strong cultural links and homogeneity across the border between Eritrea and Ethiopia, making relationships with the host community easier;
- b. The existing networks that Eritrean refugees could use to sustain themselves in the cities they move to;
- c. The potential security risks that could come with opening the scheme to other caseloads, especially Somali, given current geopolitical and security contexts;

Furthermore, other criteria regulating the access to the OCP are whether the refugee can benefit from the guarantee of a sponsor and the sponsor they can cover the living expenses of the refugee in the city he chooses to live in. Similarly the sponsor has to be a relative of the refugee and the sponsor has to be an Ethiopian citizen. Likewise, sponsor has to sign an agreement with ARRA in Addis at last ARRA checks whether they will be able to provide for the refugee. As well the refugee age must be more than 45 years however if the refugee less than 45 age it must have duty to spent at least 3 to 6 months in one of the refugee camps to became eligible.<sup>43</sup> In addition, to be eligible to the Out-of-Camp scheme, the Eritrean refugee should have no criminal record and asylum seekers are ineligible to apply to the scheme.<sup>44</sup> Once the Out-of-Camp opportunity is provided to Eritrean refugee is that the scheme does not come with freedom of movement. Refugees have to live in the city, which they registered as their place of residence with ARRA and any movement out of the city requires a specific authorization from ARRA.<sup>45</sup>

As part of the expansion of the OCP, support to targeted beneficiaries will be aligned to other commitments made through the pledges, which will include the expansion of livelihood opportunities together with off-camp skills and vocational training opportunities.<sup>46</sup>

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<sup>42</sup> Supra not 43 pp 6

<sup>43</sup> Ibid

<sup>44</sup> Alebachew Kemisso Haybano Addis Ababa University Integration and Identity among Refugee Children in Ethiopia: Dilemmas of Eritrean and Somali Students in Selected Primary Schools of Addis Ababa research April, 2016

<sup>45</sup> Samule Hall Research alternative to comp based assistance for Eritrea refugee in Ethiopia 2014 pp. 16

<sup>46</sup> Ethiopia Country Refugee Response Plan of the integrated response plan for refugees from Eritrea, Sudan ,South Sudan and Somalia January-December 2018 UNHCR Document Regional Refugee Coordination Office (RRC) Nairobi, Kenya pp.15

On the other hand , a major shift towards inclusion and protection of refugees in Ethiopia was made during the Leaders’ Summit on Refugees in September 2016 in New York, when the Government of Ethiopia, the day after the adoption of the New York Declaration, made Nine Pledges committing to expand protection and solutions for refugees. The Pledges are in line with the global CRRF objectives and represent the key focus areas and priorities for the application of CRRF in the context of Ethiopia. As stated in the CRRF Road Map for the implementation of the Federal Democratic Republic of Ethiopia Government Pledges and the practical application of the CRRF, Ethiopia’s policies are based on three key principles: ‘to maintain its longstanding history of hospitality in hosting refugee, to meet its international obligations as a signatory to both the UN and OAU refugee conventions.’<sup>47</sup>

Finally, the justification under the scheme is based on the idea that those who settle outside the camps have their own direct access to sources of livelihood that will allow them to be independent. Moreover the scheme would better benefit especially for Eritrean refugees if the donor pressure was capable to extend rights to gainful employment to the beneficiaries in Ethiopia rather than transferring the victims from institutional support which is sustainable and predictable to the support of social world of networks of family members and friends and politically building sustainable peace with all of its neighbors through strengthening people to people relations. On the other hand the scheme was applauded by many as policy shift in Ethiopia from strict encampment of refugees to allowing refugees to live where they wish in Ethiopia.<sup>48</sup>

## **2.2 Legal Frameworks**

The fundamental rights of the rights to work in present days are protecting under both international and regional human rights instruments, as well as several national legislations. Regarding with refugee’s employment opportunity openly guaranteed under the international refugee legal instruments. Alike other state, Ethiopia is a party to many international human rights instruments including global refugee convention. However in reality the government is not allowed refugees access to employment by devise legal

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<sup>47</sup> Supra not 48 pp. 4

<sup>48</sup> UNHCR comprehensive refugee response frame work the Ethiopia model 2018 pp5

restriction before adopting the newly refugee law. Therefore, this section tries to infer on such international, regional and national legal instrument on one way or another focus on refugee's access to employment opportunity and such legal constraints.

## **2.2.1 International and regional legal instrument relating to refugees employment rights**

### **2.2.1.1 International instrument**

As far as evidence concerned a few International legal instruments explicitly recognize refugee's employment opportunity. The most important international references are the 1951 refuges convention; ICESR, ICCPR, ICERD, UDHR and regionally the African refugee convention are one of particular international instrument directly or indirectly familiar with these refugee employment opportunity.

#### **2.2.1.1.1 The 1951 refugee convention**

The 1951 Convention consolidates previous international instruments relating to refugees and provides the most comprehensive codification of the rights of refugees at the international level.<sup>49</sup> In this regards the Convention contains three provisions relating to the right to work, and more specifically, with regard to the right to wage-earning employment, self-employment and liberal professions. With regard to wage-earning employment, article 17 (sub article 3) of the Convention requires that beyond the minimum standards stipulated in that provision, Contracting States are to give sympathetic consideration to granting all refugees equal treatment with nationals. Consequently, Article 17 is one of the most important, and perhaps the most contested, articles of the Refugee Convention. According to the concept of the Article "The Contracting State shall accord to refugees lawfully staying in their territory the most favorable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage- earning employment".<sup>50</sup>

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<sup>49</sup> Resolution 2198 (XXI) adopted by the United Nations General Assembly With an Introductory Note by the office of the United Nations High Commissioner for Refugees (UNHCR) December 2010 pp.3

<sup>50</sup> The 1951 refuges convection (Art.17)

On the other hand, Article 18 mentioned that self-employment; states must at minimum grant refugees lawfully present in the country the same treatment as is accorded to “aliens generally in the same circumstances”. This is a less generous minimum standard than in the case of wage-earning employment. However, beyond the legal obligation to ensure the minimum standard of treatment stipulated in article 18, this provision also recommends that States Parties accord refugees “treatment as favorable as possible”. This implies a positive effort on the part of the State to facilitate self-employment and lift restrictions for refugees in particular.<sup>51</sup> Hence in any event, not less favorable than that accorded to aliens generally in the same circumstances, as regards the right to engage on their own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.<sup>52</sup>

Similarly, Article 19 also imposed an obligation on States to consider granting refugee’s treatment as favorable as possible. States thus have an obligation to make a positive effort to minimize the restrictions imposed on refugees wishing to practice their profession or open their own business, even when such restrictions are normally placed on other aliens. In this sense, refugees may be accorded greater rights and facility in exercising their liberal professions than other aliens. Although the term “liberal profession” has not been specifically defined, it is usually understood as referring to lawyers, physicians, architects, dentists, pharmacists, engineers, veterinarians, artists, and probably other professions such as accountants, interpreters, scientists etc. While “profession” denotes the possession of certain qualifications, such as a diploma or license for example, the term “liberal” suggests that this professional works on his own rather than as a salaried employee or State agent.<sup>53</sup>

To put in a nutshell, the provisions of Article 17 are considered to be universally accepted standards with regard to the refugees’ right to wage-earning employment. The objective of Article 17 is to empower refugees with a stable source of income. The promotion and facilitation of refugees’ access to employment and socio-economic rights is important for

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<sup>51</sup> UNHCR legal and Protection Policy Research Series Rights of Refugees in the context of integration legal standards and Recommendations Rosa DaCosta Division of International Protection Services June 2006 pp.54

<sup>52</sup> The 1951 refugees convention (Art.18)

<sup>53</sup> Supra note 53 pp.55

the attainment of acceptable levels of self-sufficiency as a sustainable solution and as a means of regaining the dignity of refugees. However, number of states especially in Africa has made reservations to Article 17 on the right to employment. In this regards The Ethiopian Government has made reservations to Article 17 of the 1951 Convention, which accords refugees the right to gainful employment hence Eritrean refugees in particular do not have access to wage-earning employment under the current Ethiopian law.

One things it should also be noted and understood that refugees are not expected to be treated like nationals when being considered for employment In many countries, foreign nationals including refugees are required to obtain a work permit before they can be considered for employment and in some cases, refugees are banned from accessing wage-earning employment. On the other hand the purpose of Article 18 is that a refugee should, as soon as it is practically possible, regain his self-worth, start earning living, and attain a sufficient level of dignity in the country of asylum. Attaining acceptable levels of self-sufficiency can result in an enhanced capacity to manage the hardships associated with being a refugee, which is also necessary for his survival whilst living in the country of asylum. Although some refugees may have skills that could be used to generate income, the national legislation restricts the ability of refugees to practice and put their skills to good use and re-establish their trade. However, the refugee is obliged to fulfill conditions required for purposes of carrying out a business, such as obtaining a license in the applicable laws of the host nation. However the rational justification of exemption from restrictions applies to restrictions imposed on refugee for purposes of protecting the national labour market.

At last, basis on fact which articulates under article 17, 18 and 19 through it, the signatory states undertake the necessary measures to ensure refugees access to employment opportunity because the convention explicit imposed obligations. Alike other state Ethiopia are a part of international refugee convention so our government has duty to perform employment opportunity concept that stated under international refugee convention on in alliance with national constitution article 9(4) principle. However challenge to realize refugee work right first hand Ethiopian also reservation on

convention particularly article 17 refugee work rights until now in addition due to economic challenges of the state and lack of willingness of concerned refugee organ make the realization process very difficult as result Eritrean refugees in Addis Ababa suffer several economic and particularly social phenomenon.

#### **2.2.1.1.2 The International Convention on Economic, Social and Cultural Rights (ICESCR)**

International convention on Economic, Social and Cultural Rights as well includes the right of everyone without distinction, to work (i.e. the opportunity to gain a living) and to free choice of employment. This right is basically protected by a non-discrimination provision in instruments, which encompasses, amongst other grounds, race, national or social origin, birth or other status according to article 2(2). Moreover article 6(1) articulate that the States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.<sup>54</sup>

Thus, in principle, based on general provisions guarantee all persons the right to work and grant refugees a higher standard of treatment than the 1951 Convention. In practice though, governments frequently restrict free access to the labour market in the case of non-nationals, and appear to have implicitly been given considerable latitude to differentiate in favour of their citizens in this regard.<sup>55</sup> In the context of developing countries, such restrictions are generally based on a special dispensation (i.e. article 2(3) of the ICESCR) allowing them to impose restrictions on the economic rights of non-nationals in order to protect their national economy. However, other countries have also applied such restrictions, arguably basing them on article 4 of the ICESCR, which requires that restrictions with regard to the rights in the Covenant be entrenched in law, and are solely for the purpose of promoting the general welfare in a democratic society.<sup>56</sup>

Despite the wide protection that Article 6 appears to offer, the provision is limited by Article 2(1) of ICESCR, which maintains that States are required simply to “take steps”

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<sup>54</sup> ICESCR article 6(1)

<sup>55</sup> Supra note 53 pp.51

<sup>56</sup> Ibid

to progressively realize the rights of the Covenant to the extent possible within the limits of their resources. Thus, Article 6 “imposes only a duty of progressive, non-discriminatory implementation, not of immediate result.”As progressive realization is not a feature of the Refugee Convention as it is of ICESCR, the Convention may be said to offer more robust protection with respect to a refugee’s right to work.

Finally, there was the fundamental difference between the 1951 refugee convention and ICESCR concerning refugee work rights so the convention explicitly maintains the rights and obligations relating to refugee employment opportunity. However ICESCR will try to protect employment rights of refugee considering the principle of non-discrimination. In similarity both instruments in practice provide pre condition for the state to realize refugee employment rights such as necessitate adequate resources and the state willingness.

#### **2.2.1.1.3 The International Convention on Civil and Political Rights (ICCPR)**

The ICCPR also codifies and expands upon many other civil and political rights enshrined in the Universal Declaration. Therefore, it refers to considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms.<sup>57</sup> Consequently, article 2 express that Each State Party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>58</sup> Therefore, similar to other international human right instrument covenant refers a duty to respect and promote human rights by state without any distinction. As result positively we can perform access to employment of refugee regarding with universal standard of human rights principle of non discrimination.

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<sup>57</sup>International Covenant on Civil and Political Rights, (1966)

<sup>58</sup> ICCPR article 2

#### **2.2.1.1.4 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**

The ICERD illustrates the narrow nature of exceptions to the general principle of equality.<sup>59</sup> Thus as it is provided under Article 5 and in compliance with the fundamental obligations laid down in article 2 of this Covenant, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights (e) economic, social and cultural rights, in particular with the rights to work, to free choice employment, to just and favorable conditions of work, to protection against unemployment.<sup>60</sup> Therefore non discrimination is required to ensure equality between all individuals that is substantive not merely formal equality. So to offer special protection for the refugee access to employment opportunity impliedly as a moral duty of the state we can examine the non discrimination principle of convention.

#### **2.2.1.1.5 Universal Declaration on Human Rights (UDHR)**

The right to work is given to several international human rights instruments including the Universal Declaration on Human Rights 1948, because the instrument provide basic human rights element, everyone should have the right to engage in productive employment and should not be prevented from doing and it was grants under article 23(1) declaration.<sup>61</sup> However, the challenges are access to work opportunity of a refugee is not institute below the declaration explicitly and that is way most refugees are a victim and who needs specially protection by sate. On the other hand if this people obtain chance to egged work it enhanced economic and local integration of the refugee and the community. Due to this fact, in my argument Article 2 of the Declaration as well covers principle of non-discrimination therefore alike the previous international human rights instrument has mentions under this section we can employ this vital human rights principle for the purpose of realization portion of employment opportunity of refugees.

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<sup>59</sup> UNHCR The Rights of Non Citizens 2006 pp.8

<sup>60</sup>The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted and opened for signature on 21 December 1965 and entered into force on 4 January 1969. Article 2 and 5

<sup>61</sup> UDHR Article 23(1)

## 2.2.1.2 Regional instrument

### 2.2.1.2.1 The African Refuges Convention

The problem of human displacement in Africa is large and possibly growing in scale. A great deal of qualitative evidence suggests that the situation of Africa's displaced people is becoming increasingly problematic and that those who succeed in escaping from their country are unable to find a safe refuge in other states. In addition, to the protection of a refugee's right to work under international refugee and human rights law, the right may also be recognized by regional legal instruments. However, in most cases, the right to work of refugee explicitly it is not recognizing in the convention.

Consequently, similar to other international human rights instrument the Convention describes principle of non-discrimination. article 4 it articulated that Member States undertake to apply the provisions of this Convention to all refugees without discrimination as to race, religion, and nationality, membership of a particular social group or political opinions.<sup>62</sup> The point is governments have a legitimate desire to ensure that their nationals are able to secure meaningful livelihoods. However, the protective measure of withholding refugees' right to work has sometimes proved excessive. The advantage is if refugees and hosts inevitably engage in commerce, which spurs economic growth and helps create jobs, alleviating fears that working refugees will increase competition in the labor market and diminish hostile relationship of refugee with local community. Therefore, when we say non discrimination in my words basis of this regional instrument the state enhance refugee employment rights depend on adequate economy progress and willingness of the government.

In general unlike the 1951 Refugee Convention, the 1969 OAU Refugee Convention does not contain provisions on civil, political and socio-economic and cultural rights for refugees. The 1969 OAU Convention although considered to have a wide application in terms of categories of individuals that may be granted refugee status and apart from protecting the right to seek asylum, does not confer any other rights on refugees and therefore, may not have sufficient authority on the protection of fundamental rights for

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<sup>62</sup> OAU convention governing the specific aspects of Refugee problem in Africa 1969 article 4

refugees living in Africa. In Ethiopian context, the 1951 Refugee Convention is to be read and applied alongside the 1969 OAU Refugee Convention, but both of which oblige the state to ensure the protection of refugees and the conferment of fundamental rights.

### 2.2.1.3 National legal instrument

Ethiopia is a party to many international human rights instruments. The Federal Democratic Republic of Ethiopian (FDRE) Constitution (Art 9(4)), explicitly describe that any international conventions ratified by Ethiopia as an integral part of the national law.<sup>63</sup> Due to this fact the government has a responsibility to implemented international legal instruments through national laws and the formulation of strategies, policies, programs and development priorities in conformity with all human rights and fundamental freedoms. According to Yohaness “sufficient enforcement devices are required for a lasting implementation of laws for the best laws result from the best policies.”<sup>64</sup> Consequently, regarding refugee’s access to employment opportunity Ethiopian government provides restriction in the country. Accordingly, for the purpose of that legal restriction verification we examine such national laws in the following part:

#### 2.2.1.3.1 The Ethiopian Refugee Proclamation No. 409/2004

Ethiopian is selecting country by the refugees because of several facts for instant a political stability of the country, the welcome cultures of the nation, following an open door policy by the government are a few criteria for Ethiopia why it’s become advanced state from the region. Through this fact alike other state Ethiopia is signatory to the UN Refugee Convention ratified in 1951, and is also a signatory to the refugee convention promulgate by the OAU in 1969 (now AU). Therefore to govern the issue of refugee the state enacted its own Refugee Proclamation in 2004 so the Refugee Proclamation forms part of the main national legal instrument that specifically deals with issues related to refugees living in Ethiopia. The fundamental aim of a refugee law to enact national legislation for the effective implementation of the aforesaid international legal instruments, establish a legislative and management framework for the reception of

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<sup>63</sup> FDRE Constitution , 1994 (Art 9 (4))

<sup>64</sup> Yohannes Adamu: Labour administration under Labour Proclamation No. 377/ 2003 and the ILO Standards Concerning Labour Administration, 2004

refugees, ensure their protection, and promote durable solutions whenever condition permit.<sup>65</sup> The Proclamation embodies international refugee laws and principles of particular significance are the provisions under Article 21 of the proclamation which outline the rights and obligations of refugees in Ethiopia.

Therefore article 21 guarantees that the right to seek asylum, puts the legal framework for the government to avail land to set up a refugee camp (despite the environmental pressure it creates), guarantees the physical safety and protection of refugees, stipulates refugee rights and responsibilities, respects the principle of non-refoulement (Non-refoulement is a key principle of refugee protection. Hence the provision stated that no person shall be refused entry in to or expelled to any other country or be subject to any similar measure if he may be subject to persecution on account of his race, religion, nationality, membership of a particular social group or political opinion.<sup>66</sup> Since alike the previous others international a human right instruments the principle of non-discrimination also describe under the provisions.<sup>67</sup>

Finally, under the fourth part of the proclamation is dedicated to provision on rights and obligations of asylum seekers and refugees including articles on special protection to vulnerable groups and voluntary repatriation. However regarding refugee employment opportunity by law refugees are not allowed to work, because in primarily part the Ethiopian Constitution only grants its citizens the right to work, including other rights<sup>68</sup>. These restrictions imposed by refugee proclamation and the restriction adversely affect Eritrean refugees' access to the labour market and opportunities for income generation. Accordingly form the entire fact practical challenges start from the refugee law. the chances for a refugee to be employed and granted a work permit are literally not available under the current refugee law on article 21(e) and 21(3) therefore this two particularly provision imposed restriction on the rights refugees could enjoy in Ethiopia so they described that the proclamation has a duty to obey such restrictions imposed by the relevant laws with regarding work right on persons who are not citizens of Ethiopia. To

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<sup>65</sup> Ethiopian refugees proclamation 409/2004 preamble

<sup>66</sup> Ethiopian refugees proclamation 409/2004 (Art.21)

<sup>67</sup> Ethiopian refugees proclamation 409/2004 (Art. 3)

<sup>68</sup> Federal Constitutions of Ethiopia 1995 (Art. 41)

conclude legal provisions are enacted and implemented reveal the extent to which refugees can exercise the right to work and the ease with which they are able to access labor markets. Since the proclamation has their own justification to refrain from employment rights of the refugee such as in one hand literally it needs implementation mechanism for instant how refugee right perform equivalent with citizen right, adequate economy and willingness of the state.

#### **2.2.1.3.2 The Newly Adopted Refugee Proclamation of Ethiopia in 2019**

One of the reasons to adapt a new law to have a comprehensive legal framework, in accordance with international standards, that contains rights and entitlements embodied in the aforesaid International Conventions, provides better protection to refugees and promotes durable solutions<sup>69</sup>. As it provides under the statement of the problem of the research paper it described that there are several challenges face refugee to access employment is not only limited to legal challenges. Consequently, regarding legal challenges before finalizing the research the newly refugee law is adopted by the government in 2019 hence the fundamental rights which is incorporated under new provisions is about the employment opportunity of refugee under article 25<sup>70</sup> which in accordance with international standards of 1951 refugee Conventions that contains rights and entitlements embodied. So positively the new law plays an active role regarding with facilitating access to employment opportunity for refugees but still the observation is that there was exist challenges in implementing the newly adopted law.

#### **2.2.1.3.3 The federal civil servant proclamation No 1064/2017**

Another practical Legal constraint for Eritrean refugees to access employment civil servant proclamation likewise other state the Ethiopian government promulgate the civil servant laws with the aim of to address problems of civil servant and to give better protection for this section of groups. However, with regarding refugee work permits our law directly provided restriction under article 15 of the provision. Therefore article 15 stated that, a person who is not an Ethiopian national may not be eligible to be a Civil

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<sup>69</sup> Newly Ethiopian refugee proclamation 2019 preamble

<sup>70</sup> Newly Ethiopian refugee proclamation 2019 (Art. 25)

Servant.<sup>71</sup> These constraints may prevent refugees from searching employment because the provision examine that any refugee does not allowed working under any government institution in Ethiopia, whether they live in camp or cities. To conclude Civil servant law usually reflect strict government expectations for refugees to find employment because primary aim is to give better protection for civil servant as soon as possible.

#### **2.2.1.3.4 Investment proclamation 769/2012**

The Constitution offered only citizens the right to run enterprises and reserved other limited property rights to citizens. Some refugees have appropriate capacity to invest and refugees have the potential to play an important role in the development of their host communities' investment. For instant refugees become self sufficient taxpayers who bring new skills and demand for goods and services to host countries but in Ethiopia concerning investment opportunities for refugee are indirectly the restriction stipulated under Investment Proclamation number 769/2012 article 7. So the provision sated that Areas of investment exclusively reserved for domestic investors shall be specified by regulation to be issued by the Council of Ministers and due to this fact the regulation described such reserved area only for domestic investors under regulation number 270/2012 on article 3 .<sup>72</sup> On the other hand even though those refugee who wants to be investors before adopting the newly refugee laws of the country a mandate to be fulfillment of work license.

#### **2.2.1.3.5 Labour proclamation No 377/2003**

Ethiopia has labour legislation that protects the rights of workers. One of essential aim of the law to ensure that the worker and employer relations are governed by the basic principles of rights and obligations with a view to enabling workers and employers to maintain industrial peace and work in the spirit of harmony and cooperation towards the all-round development of our country.<sup>73</sup> However, regarding with access to employment opportunity of refugee's proclamation explicitly it is not allowed so common barriers to refugee work rights is the provision has brought various preconditions for every

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<sup>71</sup> Civil Servants Proclamation No.1064/ 2017 (Art.15)

<sup>72</sup> Ethiopian Investment proclamation No. 760/2017(Art.7) and Investment regulation No. 270/2012(Art.3)

<sup>73</sup> Ethiopian labour proclamation No 377/2003preamble

foreigner to find work permit as it is provided under article 174. In line with this specific article, any foreigner may only be employed in any type of work in Ethiopia where he possesses a work permit given to him/her by the Ministry.<sup>74</sup>

As already discussing in the above refugee convention provided under article 17 (wage employment), article 18 (self employment) and article 19 (liberal employment) as state obligations. Wage employment is to be employed in gainful activities and hired and it imposes an obligation on the government. Similarly Self employment is to be engaged privately in any activity. On the other hand, liberal employment is to be engaged in professional activities. Due to this fact the issue of wage employment which stated in the convention Goth parallel with the labour proclamation article 174. However challenges the permission of the ministry regarding a foreigner under wage employment of article 174 of the labor proclamation similarly has apply on refugee therefore this condition brings challenges for Eritrea refugee to find out employment.

Since they only option is either to be hired informally or to work formally in partnership with Ethiopian citizens by having an illegal agreement. Therefore, the vast majority of Eritrean refugees in Addis Ababa their engagement income-generating business activities are limited.

In conclusion, regarding with the legal challenges before adopting the newly refugee law in 2019, practically the legal frame work in one way or in other highly restricted access to employment opportunity of refugees. Therefore, ultimately the outcome of the legal restriction was the first thing that refugees facing a big challenge for instant shortage of access to social utilities, access to public education, health services and basic consumption goods such as food oil, sugar and bread flour .moreover, irritate their own life or living worthless life, hooked on alcohol or chat. Moreover, engage in criminal activities, occurrence of terrible communication with local community.

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<sup>74</sup> Ethiopian labor proclamation No 377 2003 (Art.174 )

## Chapter -Three

### The contemporary livelihood of Eritrean refugees in Addis Ababa

#### 3.1 Terminology and definitions of Livelihoods

Historically, refugee livelihoods are currently discussed mainly as a self-evident concept or a new phenomenon altogether but research in the League of Nations, UN and International Labour Organization archives, as well as the University of Oxford's Tristram F Betts grey literature collection, reveals that the main livelihoods assistance practices used today have been employed since the 1920s. These practices include agricultural production in settlements, vocational training and micro-finance<sup>75</sup>.

To date, no clear definition on refugee livelihoods has emerged, illustrating the complexity of the concept a widely accepted definition of "livelihoods" is given by (Chambers and Conway,)<sup>76</sup> When asked "what is a livelihood", few would struggle to answer. "Making a living", "supporting a family", or "my job" all describe a livelihood. The term is well recognized as humans inherently develop and implement strategies to ensure their survival. The hidden complexity behind the term comes to light when governments, civil society, and external organizations attempt to assist people whose means of making a living is threatened, damaged, or destroyed. From extensive learning and practice, various definitions have emerged that attempt to represent the complex nature of a livelihood. Therefore following this let see the definition suggested by Chambers and Conway:

*A livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stress and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.*<sup>77</sup>

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<sup>75</sup> Evan Elise Easton-Calabria Innovation and refugee livelihoods: a historical perspective September 2014. Pp.20

<sup>76</sup> United Nations High Commissioner for Refugees Evaluation and Policy Analysis Unit (25 February 2006), 'Refugee livelihoods: A review of the evidence,' EPAU Evaluation Reports. pp.1

<sup>77</sup> UNDP International Recovery platform Guidance Note on Recovery livelihood 2015.pp.1

In addition, Chambers later refined the definition to include a distinction between tangible and intangible assets. Tangible assets include income and material goods, while intangible assets include access to such goods and social support networks. While this definition is not particular to a refugee context, it is nonetheless useful in understanding the concept of refugee livelihoods.<sup>78</sup>

On the other hand UNHCR definition, a livelihood comprises the capabilities, assets and activities required for a means of living. A sustainable livelihood allows one to cope with and to recover from stress and shocks, to maintain or enhance its capabilities and assets to provide sustainable livelihood opportunities for the next generation. It also contributes net benefits to other livelihoods at the local and global levels and in the long and short term.<sup>79</sup> Moreover, UNHCR presents a triangle analogy based on the above definition of chambers to help describe a framework for understanding refugee livelihoods. The three sides of the triangle are refugees' assets, capabilities and activities or strategies. Assets include what the refugee owns as well as things to which he has access. Capabilities include knowledge, skills, health and other factors that enable a refugee to sustain him/herself and finally, activities or strategies include how the refugee uses his/her assets and capabilities to be self-sustaining.<sup>80</sup>

Whereas, According to Al-Sharmani in her assessment defined livelihood as, “legal, economic, educational, and social capital that refugees strive to secure for their future”. Al-Sharmani placed more emphasis on examining livelihoods in the context of integration into the host community as opposed to examining refugee livelihoods independent of the communities' surroundings.<sup>81</sup>

Furthermore when we came to Grabska, examined in her analysis the concept of livelihoods looking from productive and reproductive strategies thus in productive strategies are activities that generate income, including paid work, savings from the home country, remittances and financial assistance. Reproductive strategies are those that

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<sup>78</sup> Chambers, Robert (1995), 'Poverty and livelihoods: Whose reality counts?' IDS Discussion Paper, No. 347, Brighton, UK: Institute of Development Studies.

<sup>79</sup>United Nations High Commissioner for Refugees Evaluation and Policy Analysis Unit (25 February 2006), 'Refugee livelihoods: A review of the evidence,' EPAU Evaluation Reports. <http://www.unhcr.org/publ/RESEARCH/4423fe5d2.pdf>

<sup>80</sup> Ibid

<sup>81</sup> Al-Sharmani, Mulki (2003), 'Livelihood and Identity Constructions of Somali Refugees in Cairo.' Working Paper 2. American University in Cairo. <http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports>

involve social and cultural networks that foster not only financial gain but also help sustain the sense of self that can be lost in a new country.<sup>82</sup>

Finally, as provides in the above there is no common definition to the term livelihood. For the purpose of this study in general, livelihood focus on in general income source of Eritrean refugee in Addis Ababa including situations of formal and informal sector and other means of income. Similarly how the right to work allows for more interaction between refugees and host communities and it becomes necessary for their survival, self reliance and productive.

### **3.2 *The contemporary livelihood of Eritrean refugees in Addis Ababa***

Before we proceed in to the contemporary livelihood situation of Eritrean refugee in Addis Ababa it's better to look how the livelihood becoming necessary for their survival, local integration and self reliance. Therefore, primarily livelihoods are activities that allow people to secure the basic necessities of life, such as food, water, shelter and clothing and engaging acquiring the knowledge, skills, social network, raw materials, and other resources to meet individual or collective needs on a sustainable basis with dignity<sup>83</sup>. Moreover ideally, people work within one or multiple streams providing goods and services to a market economy based on cash exchange or barter.<sup>84</sup> Work provides the basis for their food security and self-reliance, adding stability, prosperity and peace to the community at large.<sup>85</sup> In addition, refugees working in the formal sector or with minimal legal restrictions may also increase the stability and safety of communities. When refugees have a safe alternative for generating income, they are better able to avoid negative coping strategies such as criminal acts, survival sex and unsafe labour. The right to work allows for more interaction between refugees and host communities, and may contribute to building trust and peaceful coexistence.<sup>86</sup>

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<sup>82</sup> Grabska, Katarzyna, Grabska (July 2005), 'Living on the Margins: The Analysis of the Livelihood Strategies of Sudanese Refugees with Closed Files in Egypt.' The American University in Cairo, Center for Migration and Refugee Studies.

[http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Living\\_on\\_Margins\\_Final\\_July\\_2005](http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Living_on_Margins_Final_July_2005)

<sup>83</sup> UNHCR Global Strategy for livelihood 2014-2018 pp.7

<sup>84</sup> Ibid

<sup>85</sup> Ibid

<sup>86</sup> Supra not 83 pp.19-20

Similarly, access to healthcare, education and employment of refugees' are fundamental human rights as enshrined in the 1951 Refugee Convention, and denial of the right to work has most impact on refugee self-reliance. These denials of rights mean that refugees often work in the informal economy of host cities where social protection is limited. However, participation is often reliant on local municipal authorities allowing refugees to engage in economic activity. When permitted to engage in safe and lawful work, refugees can fulfill their basic needs for survival and recover aspects of their lives that have been disrupted by displacement. The realization of the right to work is also 'the means through which the individual may achieve a range of other civil, political, economic, social and cultural rights, fulfilling the human desire to feel useful, valued and productive'<sup>87</sup>

To come up are the contemporary livelihood situation of Eritrean refugee in Addis Ababa. The Ethiopian Government, introduced The 'Out-of-Camp Policy' (OCP) in 2010, and has provided Eritrean refugees with opportunities to live in Addis Ababa and other non-camp locations of their choice. The Government acknowledges the relative success of the OCP for Eritrean refugees and its value in enhancing the self-reliance of refugees. Some Eritrean refugees in Ethiopia affirm this policy has encouraged many of them to remain in Ethiopia instead of risking their lives taking perilous onward movements since they enjoy freedom of movement and can pursue education as well as earn an income by working in informal sectors. Furthermore, this was also considered to be a learning phase to extend the benefit of the OCP to refugees from other countries of origin.<sup>88</sup> Consequently, as it provided in the above, the policy allows Eritrean refugee freely to move from one place to the other in Addis Ababa. Therefore, regarding with contemporary livelihoods situation few activities are evident for Eritrean refugees in Addis Ababa: for instant relying on remittance, running small businesses with financial assistance from UNHCR and other, and similarly working in different informal sectors as laborers by hired.

Beginning to this one of the main income source for most Eritrean Refugee in Addis Ababa in present time is remittance because alike other horn Africa country, Eritrea is

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<sup>87</sup> Alison Brown, Peter Mackie, Kate Dickenson and Tegegne Gebre-Egziabher Urban refugee economies: Addis Ababa, Ethiopia Working Paper on March 2018 pp 11

<sup>88</sup>Road map for the implementation of the Ethiopian Government pledges Draft ,as of 27 April 2017

one of the country that have highest diasporas in the world. The Diasporas of Eritrea are dispersed almost throughout the world. To this end, the most obvious livelihood strategy for Eritrean refugees in Addis Ababa receiving oversea remittance as part of social capital. For most of the Eritrean refugees in Addis Ababa, remittance from families and relatives is the major source of livelihood according to the refugee respondents of the focus group discussions.<sup>89</sup>

Consequently, the refugees use the remittance for different purposes: to fulfill their basic need including house rent, to cover social service expenses like education fee (mainly in private schools for them and their children), preferable health service, and very few use the money as starting capital to engage in income generating activities.<sup>90</sup> The major business areas that they engage in are shops, barber shops, beauty salons, and wood and metal work center, coffee houses, café, grousers, restaurants, and pool houses. Another means of income that Eritrean refugees engage in a formal economy is through a business partnership with Ethiopians.

Therefore, the vast majority of Eritrean refugees in Addis Ababa heavily rely on remittance and their engagements in income-generating business activities are limited.<sup>91</sup> In this regard, some of the Eritrean refugees are self-reliant through oversea remittance rather than depend on monthly hand though due to remittance some of the refugees are pursuing the living standard equivalent to or even better than the locals. However in practice enormous number of Eritreans refugee living conditions in Addis Ababa becomes hand to mouth with regard to access to social utilities, they have lack of access to public education, health services and basic consumption goods such as food oil, sugar and bread flour. The respondent discussed that:

*“ .....Life becoming difficult for us in Addis Ababa because Ethiopian government does not permit refugees to engage in any income generating activities So the only option for me is either to be hired informally or to work*

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<sup>89</sup> Focus Group Discussion with Eritrean refugees, in Jemo ,Gofa and Megngea area 20, October 8, December and 12, December 2018

<sup>90</sup> Focus Group Discussion with Eritrean refugees, in Jemo, Gofa and Megengea area 20, October 8, December, and 12, December 2018

<sup>91</sup> Focus Group Discussion with Eritrean refugees,in Jemo,Gofa and Megngea area 20, October 8, December and 12, December 2018

*formally in partnership with Ethiopian citizens by having a legal agreement. And I preferred the latter. In practice most Eritrean refugee interaction with the host communities is not well because to fulfill their own basic necessity the refugee act on in different illegal activities such as commit criminal acts, commercial sex work and unsafe labour so this may build lack of trust and un peaceful coexistence with the community. Finally the majority refugee livelihood currently depend on remittance and a few of them working on informal sector’’<sup>92</sup>*

According to the refugees committee leaders respond on the same issue, in the beginning, there was hope for resettlement they started to engage in informal economy such as selling perfumes, clothes and electronics materials. However, with the dwindling prospect for resettlement, they started to engage actively in different aspects of the local economy in both formal and informal manner though the state policy prohibits refugee engagement in wage earning works. Hence this condition may reduce their economic security and productivity and it also becoming a reason for the vulnerability.<sup>93</sup>

Regarding government Authorities in practice this responsibility falls to the Administration for Refugee and Returnee Affairs (ARRA), a semi-autonomous body with responsibility for the implementation of all policies relating to refugees and returnees. In this regards of contemporary Eritrean refugee livelihood situation as the interview conducted with Head, legal Services and RSD Unit of Administration for Refugee and Returnee Affairs respond that:

*“.....We have to take into consideration that even though employing refugees in the formal sector (by the government) is legally prohibited, they are working in other informal and private sectors. The prohibitive law by itself is not strictly applied on refugees working without having trade license and they are also not subject for accusation before judicial body. This is done intentionally to create smooth relationship between peoples and to avoid enemy relationship. For example few refugees are employed and working as a hotel waiter/waitress even*

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<sup>92</sup> Interview with Eritrean refugee Mr. Mebrhatom Solomon living at Jemo area, 21 October 2018.

<sup>93</sup> Focus Group Discussion with Eritrean refugees committee leaders, in Jemo ,Gofa and Megnagea area 22, October 11, December and 13,December 2018

*without having an ID card. These all shows how far the laws are flexible on such issues. Therefore to come up with the answer in Addis Ababa same Eritrean refugee livelihoods it may depend on working on in formal sector but most of them are remittance”.*<sup>94</sup>

On the other hand , many refugees find it decent livelihood and learn for a better life elsewhere thus for nongovernmental originations, helping refugees are one of international responsibility, due to this fact Norwegian Refugee Council (NRC) was one of concerned institution and legal it was an independent, humanitarian, non-profit, non-governmental organization, established in 1946. Since, in case of Ethiopia the council has no mandate to work on human rights due the limitations of the national laws (CSOs). Thus, concerning the issue of current livelihood situation of Eritrean refugees in Addis Ababa according to the respondent of the council notified that:

*“.....In fact; Eritrean refugee livelihood on these days in Addis Ababa, it was cumbersome for survival because Ethiopian legal framework has put a limitation on all refugees from engaging in any kinds of work. This shows it lacks to have job opportunity. However when we came to the subject matter In Generally most Eritrean refugee livelihood in Addis Ababa depend on remittance and a few of them engaging in any gainful activities under in formal sector”.*<sup>95</sup>

Alike others the similar argument raise by UNHCR official towards on the current livelihood situation of Eritrean refugee in Addis Ababa, thus according to interview conducted;

*“.....To be employed in gainful activities and hired and it imposes an obligation on the government since the main livelihood source was remittance*

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<sup>94</sup>Interview with Mr. Haileselassie G/mariam Tekleyohanness (Head, legal Services and RSD Unit of Administration for Refugee and Returnee Affairs) ARRA 3, October 2018.

<sup>95</sup>Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018.

*from families and relatives because Self employment is to be engaged privately in any activity are very difficult”.*<sup>96</sup>

At the end the most common livelihood activities amongst (except remittance) especially for Eritrean refugee men in Addis Ababa areas is to perform day jobs. However to get informed on job opportunities, they have to rely on a good information network and need access to the labour market. Hence, it becomes difficult for men to earn a stable and regular living, and who uneasily adapt to the specifics of urban jobs. Women find it easier to earn a living, as they have the possibility to sell items on the market or to find work in the domestic sector, restaurants and hotels. Women in particular are susceptible to the dangers of working in the streets without protection against theft, rape, sexual abuse, exploitation or unhealthy physical environments.

### **3.3 Conclusion**

The government is responsible to provide protection for refugees since the state parties to the 1951 conventions are expected to realize the protection of this rights. Hence denial of the right to work has most impact on refugee self-reliance. On the other ground Refugee livelihoods in host cities are also heavily influenced by government policy, local institutions, civil society attitudes and socio-economic conditions. So far we have discussed that, engaging employment on refugee in different activities are a necessary and fundamental component to fulfill their basic need including house rent, to cover social service expenses like education fee (mainly in private schools for them and their children), preferable health service, and very few use the money as starting capital to engage in income generating activities and it also important to protect and promote human rights.

In this regards, refugee livelihoods in Addis Ababa remittances were highlighted as a vital income source for Eritrean refugees in Addis Ababa. However, not all Eritrean refugees received remittances. The refugees who are dependent on remittance receive from 150\$-200\$ per month. Very few were engaged in informal sectors working as daily laborers and generated their own income. The most common expenditure was house rent

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<sup>96</sup> Interview with Ms. Firda Yohannis (Associate Project Officer) UNHCR 23 September 2018

and food. The refugees that are engaged in informal sectors are working as daily laborers and receive from 80-100 birr per day. For instance Eritreans tended to be employed in leisure and hospitality businesses or in services as hairdressers or doing laundry work, translation services, rental brokers, plumbers and mechanics), and hospitality businesses (like bars, restaurants, pool houses and hotels), and construction (self-employed skilled laborers or casual workers)<sup>97</sup>.

Regarding social services, most of them have stated that subsidized health and educational services are readily available at governmental institutions. However the respondents have stated that attaining such services had a beuarocratic process. Very few respondents have obtained rent and food subsidy provided by non-government entities. The main reason for limited number of beneficiaries is the inconsistency and insufficiency of the services. As explored on the study, the integration experience for most refugees was positive. Due to the similarities of both cultures in terms of, religious practices, social gatherings, culinary and even traditional music was indicated as factors that made it easy for the refugees to integrate. On the other hand, significant number of the refugees explained that they had limited or no integration due to low language proficiency, the habitual segregated way of life the refugees follow and lack of one's own initiation.

To ensure tangible gains from self-reliance and a reduction in interventions that foster dependency, improving linkages with local authority plans and policies and the private sector will be furthered to provide a basis for facilitating gainful employment opportunities for Eritrean refugees over time in Addis Ababa. For instance the consolidation of vocational training programmes based on labour market needs, and the expansion of financial access through village savings and loans associations in host and refugee communities to avail business finance and training to facilitate business start-ups and expansion. Because they do have so money advantage such us Eritrean Refugees create links and contribute to the local economy as consumers, sources of labour,

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<sup>97</sup> Interview with Eritrean refugee Mr. Kebrom Gebru living at Megenagea area 12, December 2018 and Interview with Eritrean refugee Mr. Berhan keberom at Gofa area 10 December 2018 and Focus Group Discussion with Eritrean refugees committee leaders , in Jemo, Gofa and Megngea area 22, October 11, December 2018

providers of international links, skills and products, sources of remittances and employers. The core conclusion of this chapter is Eritrea refugees in Addis Ababa have limited source of income. Yet refugee economies are diverse and highly integrated into the city's economy, providing jobs and contributing to economic growth. Because more Eritrean refugees are able to work, the more their communities can achieve, and the less they will depend on national and international assistance and Eritrean refugees are no idle people willing to rebuild their livelihoods if given a chance.

## Chapter Four

### **Practical Challenges of Access to Employment Opportunity of Eritrean Refugees living in Addis Ababa**

#### ***4.1 Eritrea refugee living in Addis Ababa***

Ethiopian has been known for its encampment policy consistent with many African states. The explanations for the policy direction are the real and apparent consideration of refugee as a security threat, economic burden and politically publicizing the issue of refugee vis-à-vis the refugee-sending state. Currently, Ethiopia has twenty-five refugee camps which are managed by the government.<sup>98</sup> Conceptually the basic reason the out camp policy scheme introduced by the government in 2010 allows self-sufficient for Eritrean refugees to settle in any part of the country including urban areas. Therefore due to this policy Eritrean refugee settles in urban areas of Ethiopia in general and Addis Ababa in particular.

Consequently in reality it was very difficult to indicate the exact figure of refugees who are currently present in Ethiopia as the number fluctuates from time to time. However, More than 919,000 refugees are present according to UNHCR report, of which more than 173,879 are Eritreans.<sup>99</sup> And among this Eritrean refugee figure residing in Ethiopia, about 18,122 (or 10% of the total) refugees are living in Jemo, Gofa Meberat Hail and Megenaga area in Addis Ababa.<sup>100</sup>

#### ***4.2 practical challenges of access to employment opportunity of Eritrean refugee living in Addis Ababa***

This section presents the findings of the study on assessment of practical challenges in access to employment opportunity of Eritrean refugee in Addis Ababa. Consequently, many barriers exist which prevent Eritrean refugees from taking full advantage of the

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<sup>98</sup>UNHCR Newsletter of December 31, 2016. Accessed from: <https://data2.unhcr.org/en/documents/download/53439>

<sup>99</sup> UNHCR Report 04 , Apr 2018

<sup>100</sup> Ethiopia Refugees and Asylum seekers UN High commissioner For Refugees Report as of 31 August 2018

right to work. These include major problems linked to insufficient language skills particularly the working language (Amharic), lack of skill of the labor market, lack of training and work experience, and problems related to the recognition of qualifications and experience. To sum up other challenges refugees face are: legal restriction, discrimination in employment and challenge on getting business license, lack of Access to loan and lack of institutional framework. Therefore the following key points played a significant role to show the practical challenges in depth.

#### 4.2.1 Legal challenges

Globally, the right to work is protected under the international refugee and human rights instruments, most notably in the UN's 1951 Refugee Convention, the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights (Article 15), Although Ethiopia signed the 1951 Refugee Convention; it maintains reservations on Article 17 regarding access to wage-earning employment). Therefore in practice Ethiopia's legal framework under previous Refugee Proclamation of 2004, granted refugees some rights but with restrictions related to rights of movement and residence and access to work. To sum up, another legal restriction stipulated under civil servant proclamation No 1064 /2017 before adoption of newly refugee proclamation 2019. Similarly, the relevant labor law in this regard states that, "Any foreigner may only be employed in any type of work in Ethiopia where he possesses a work permit given to him by the Ministry (of Labor and Social Affairs)"<sup>101</sup>. Thus, every foreigner needs a work permit from the ministry. The understanding is that such a permit is given only to those with special expertise that is not sufficiently available among Ethiopians. To finalized before embracing of the newly refugee law Ethiopia legal frame work highly restricted access to work of refugees.

One of the informants of the interview stated that;

*"I am not allowed to work properly to do shoe polishing. The Ethiopian people will call the police and inform as you are not legal here. So our main practical*

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<sup>101</sup> Ethiopian labor proclamation No 377/2003 (Art.174 )

*challenges to access employment in Addis Ababa is the legal restriction imposed by the Government.”<sup>102</sup>*

Consequently, during the focus group discussion; informants accent that while the unemployment rate of Eritrean refugees in Addis Ababa was widespread, refugees also struggled to find employment because of legal constraints so if the law changes, we can do everything.<sup>103</sup>. Therefore lack of national legislation protecting refugee right to work the most significant barrier to securing livelihoods, leaving them open to discrimination, abuse and exploitation in employment. Hence the gaps in the law practically it prohibits engaging in the formal sectors. They also encounter to have business license to engage in commercial activities

A question of legal challenges was posed to Norwegian refugee’s council for Counseling and Legal Assistance Project Coordinator about challenges. Her response was that:

*“...the restrictions of the law which prohibit engaging in any gainful activities currently are becoming one of major challenges for most Eritrean refugee to find out employment in Addis Ababa”.*<sup>104</sup> Similar argument explained by UNHCR according to the interview conducted with institution.<sup>105</sup>

On the other hand alike others the federal refugee administration ARRA explains as follows:

*“.....The Ethiopian Government has made reservations to Article 17 of the 1951 Convention, which accords refugees the right to gainful employment. Eritrean refugees in particular do not have access to wage-earning employment because the chances for a refugee to be employed and granted a work permit are literally not available under the current law”.*<sup>106</sup>

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<sup>102</sup> Interview with Eritrean refugee Mr. Mengisteab GebreEgzihaber living at Jemo area 20, October 2018

<sup>103</sup> Focus Group Discussion with Eritrean refugees committee leaders, in Jemo ,Gofa and Megnagea area 22, October 11, December and 13,December 2018

<sup>104</sup> Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018.

<sup>105</sup> Interview with Mr Ephrem Tadesse(Associate Legal Officer)UNHCR 16 September 2018

<sup>106</sup>Interview with Mr Haileselassie G/mariam Tekleyohanness (Head, legal Services and RSD Unit of Administration for Refugee and Returnee Affairs)ARRA 12 October 2018

To come up with our point of argument the International and regional refugee legal instruments such as the 1951 Geneva Convention Relating to Status of Refugees and the 1969 OAU Convention governing the Specific Aspects of Refugee Problem in Africa consider hosting refugee as humanitarian and a political issue. But when a country hosts refugee, tacitly or openly, does not recognize refugee work opportunity due to legal restriction to protect its people. In this regards, currently Ethiopia labor market is having difficulty in accommodating the ever-growing population of the country, which is greatly concentrated in Addis Ababa. The unemployment rate is widely disputed. However, conceding Eritrean refugee the absence of domestic law protecting refugees' right to work or to engage in wage-earning employment is highlighted by refugee as the most important practical barrier to realizing refugee work opportunity in the city.

#### **4.2.2 Challenges on Discrimination in employment**

As it is provided under Article 5 of the ICERD and in compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights Economic, social and cultural rights, in particular with the rights to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment<sup>107</sup> similarly UDHR stipulated equality between human being under Article 2. In this regards, Refugee Proclamation in 2004 and The Proclamation embodies all international refugee laws and principles of particular significance are the provisions under Article 21 of the proclamation which outline the rights and obligations of refugees in Ethiopia.

However, Eritrean Refugees in Addis Ababa face exploitation in the labour market as they do not have work permits. They often receive much lower wages than Ethiopians for similar work, wages are withheld, or are paid with 'incentive money' rather than regular wages, or employment is ended arbitrarily. Therefore these practical problems affect a

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<sup>107</sup> The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted and opened for signature on 21 December 1965 and entered into force on 4 January 1969. (Art. 2 and 5)

refugee psychology and moral and as result it imposed their own impacts through others refugee's inspiration to find employment in Addis Ababa.

Coming back to the experiences of Eritrean refugee in Addis Ababa, Two of my informants mentioned how they found it difficult to find employment in city because of discrimination;-

*“I started a job as a hotel waiter but my wage was lower than the Ethiopian workers there is lower payment for refugees doing the same job as local people. There is no permit. So no rights and I are suffering here. We are exploited. I moved place and started working with another hotel as an employee. But my employer knows I was Eritrean so he fired me from the job. Therefore because of this discrimination most of them they don't want to search work in Addis Ababa.”<sup>108</sup>*

Similarly, another respondent reflected that, *“In practice we have no legal right to negotiate our salary. Our job security and amount of salary is at the will of the employer. For instant, I was employed in a car garage owned by an Ethiopian. After I had worked for 15 days I got sick and was absent for three days. The owner of the business automatically fired me without giving me salary. As I am not allowed to work, I didn't take my case to court. This circumstance becoming challenges to find out employment in other time in cities.”<sup>109</sup>*

On the other hand, according to the respond of NRC and UNHCR they agrees with the refugees response on low payment and discrimination and abuses they face and results unwillingness to participate and work in the informal sector in practice. Moreover, explained the challenges as follows:

*“.....currently Eritrean refugee face challenges to Access employment in Addis Ababa because most of the times they are employed with lower payment and they face denial of*

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<sup>108</sup> Interview with Eritrean refugee Mr. Kebrom Gebru living at Megenagea area 12, December 2018

<sup>109</sup> Interview with Eritrean refugee Mr . Aberham Kidanya living at Gofa area 11 December 2018

*payment by their employer for the work they have done and there is discrimination due to the fact they are unable to claim at the court of law”.*<sup>110</sup>

Consequently, when we say Non discrimination it is required to ensure equality between all individuals that is substantive not merely formal equality. So to offer special protection for the refugee employment opportunity we can employ this basis of universal non discrimination against on racial grounds in a positive approach.

Alike the above refugee respondents similar argument rise in explaining the exploitation and challenges of Eritrean refugee access to employment. According to the interview made with ARRA; describe that Though refugees in Addis Ababa have no right to work, informal work is generally tolerated however their basic problems in relation with getting a job is mainly because of discrimination. They notified that:

*“.....Employers discriminate them, in matters of wages and other benefits. In addition, employers are not willing to give them priorities when they realized that they are foreigners. Moreover, some employers do not trust the refugees by relating them with the country’s security because of these challenges they do want to search employment.”*<sup>111</sup>

To put in a nutshell, challenges of Eritrean refugees who live in Addis Ababa to access to employment opportunity in one hand it come up with work place discrimination by employers -because of several reason. On the other hand employers may also be reluctant to employ refugees because of social stigma and stereotypes. There is widespread practical evidence that refugees are not able to access decent work compared with nationals. They are hired for less attractive types of work, and are subject to higher levels of exploitation, poor remuneration, and poor working conditions and they work for longer hours and lack contracts without which welfare benefits cannot be accessed.

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<sup>110</sup> Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018.

<sup>111</sup> Interview with Mr Haileselassie G/mariam Tekleyohanness (Head, legal Services and RSD Unit of Administration for Refugee and Returnee Affairs 12 October 2018

### 4.2.3 Lack of language skills

In practice for most Eritrean refugees who live in Addis Ababa are unable to speak Ethiopian languages. Particularly Amharic is a core problem for many refugees to access employment opportunity. Conversely, different languages and cultural barriers can accentuate negative perceptions that locals may have of refugees and limit their interactions. Language barriers are not only a hindrance to get a job; they may also prevent refugees from accessing the justice system if they are abused by employers. .

Most focus group informants stated that because of language barriers they have no right to work and suffer in the present time. The interviewee described that:

*“.....Generally speaking, lacks of speaking Amharic language is factor to improve unemployment rate of Eritrean refugees in Addis Ababa”* <sup>112</sup> Furthermore, the federal refugee administration (ARRA) official notified that currently other refugees including many Eritreans lacks speaking local languages and due to this it's becoming the main practical challenges to find out employment opportunity in Addis Ababa particularly the working language (Amharic).<sup>113</sup>

Similarly, According to the responds of NRC and UNHCR official notified that: language barriers for most Eritrean refugee who lives in Addis Ababa was one of the obstacle to access job opportunity and they also suffer from poor communication conditions to find employment and are often exploited by Ethiopian employers.<sup>114</sup>

Therefore, one of the major challenges for most Eritrean refugee in Addis Ababa towards successful integration into the labor market remains language. This relates both speaking the national language and knowledge of the terminology used in the sector, the job and the role of the refugees expected to fill. Furthermore, cultural norms in relation to gaining access to the labour market and maintaining work relationships more broadly are critical

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<sup>112</sup> Focus Group Discussion with Eritrean refugees, in Jemo, Gofa and Megneda area 20, October 8, December and 12, December 2018

<sup>113</sup> Interview with Mr Haileselassie G/mariam Tekleyohannes (Head, legal Services and RSD Unit of Administration for Refugee and Returnee Affairs 12 October 2018

<sup>114</sup> Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018. And Mr. Ephrem Tadesse (Associate Legal Officer) UNHCR 16 September, 2018

and need to be addressed. Hence, a comprehensive approach is required to ensure that appropriate language and cultural orientation is provided from the outset. Integration courses need to focus more on clearly communicating the workplace practices and ethics of the host country to new arrivals. This includes gender aspects, where the host-country norms need to be fully understood and respected, while respecting the diversity in the workplace. In addition, Integration into local communities through a common language, similar culture, or marriage, when permitted, eases Eritrean refugees' access to work in Addis Ababa. However, those who are not engaged in any income-earning activity, most stated lack of language ability as primary barriers to their employment.

#### 4.2.4 Challenges on Access to loan and local price to rent shop

Self-employed refugees face problem to access loan and rent in the present due to highly expensive to rent shop in Addis Ababa, on the other hand impossibility of accessing financial loan in cities particularly refugees who want to start their own businesses to the informal sector.

On the focus group discussion Informants mentioned that:-

*".....In practice, the rent of shop house is very expensive. Minimum amount of money is 6,000 Birr for a house but the range is from 5,000–6,000 birr. Due to this they cannot afford the house rent. The financial support we receive from UNHCR is very small and often does not cover the house rent. Most of have us ideas to work, or have started a very small business but we do not have the means to start or strengthen our business. We have competition but local businesses have a stronger financial position compared with us".<sup>115</sup>*

Consequently, because of these practical constraints as it mentioned in the above many informal sector; small businesses are came to be closed. As result most Eritrean refugees lack employment in cities and them becoming unsatisfied with their life.

Similarly, Norwegian refugee council respondent argue with these practical challenges of the refugees and notified that: - *it was very difficult to access loan for most Eritrean refugee to start up their own small business in Addis Ababa and supporting loan by*

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<sup>115</sup>Focus Group Discussion with Eritrean refugees ,in Jemo,Gofa and Megnnea area 20, October 8, December and 12, December 2018

*international and intergovernmental organizations are very limited so these become one constraints for Eritrean refugee .<sup>116</sup>*

In principle, International and intergovernmental organizations also have crucial roles to play in addressing the challenges inherent in refugees' rights at work and in encouraging government commitment to these rights. Supporting loan, and promoting the specific protection needs for refugees. However in practice the response of the international community to the impact of unemployment rate of Eritrean refugee large populations on Addis Ababa has been insufficient. For instance, within the conceptual framework which UNHCR sought to organize a response there was a facet of broader thinking on the relationship of refugee aid and development assistance. Although in practice there was a gap on facilitating development assistance especially preparing loan to Eritrean refugee community including NRC.

#### **4.2.5 Lack of Skills**

Refugees with limited education and few transferable skills are even more likely to struggle to find employment. These conditions tend to increase their dependency on assistance and perhaps lead to a downward spiral into poverty. It is plausible that the skills that some refugees bring with them may be complementary to those of nationals and in demand on the labor market, thus easing entry into employment.

In the majority of Eritrean, refugees who live in Addis Ababa either have skills that do not match the needs of the labor market, or they duplicate existing labor supply. This makes their participation in the labor market difficult entry into the informal sector for instants, barber shops, beauty salons, pool houses, wood and metal work center. Thus due to this impact most Eritrean refugee's lives harsh life in Addis Ababa and face challenges to access employment in addition refugees have more limited employment opportunities in cities.

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<sup>116</sup> Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018.

In this regard, Respondents of the focus group discussion explained that

*“.....Skills and networks were highlighted as being crucial to refugee employment opportunities, so in practice, not all Eritrean refugees are skilled. Because of this most Eritrean Refugees cannot find jobs under informal sector in Addis Ababa”<sup>117</sup>*

Furthermore according to the response of the federal refugee administration notified that many Eritreans refugee in Addis Ababa have limited employment opportunity because of lack of sufficient skill in the working area. As result many Eritreans refugees who are not working. Alike other the interview conducted with NRC official explained that one of the major practical problems Eritrean refugees face with access to employment is especially unable to engage in the informal sector due to lack of skill and attitude. Therefore the situations affect their psychology and moral of Eritrean refugee who live in Addis Ababa.<sup>118</sup>

Finally, to make it clear many Eritrean refugees have no appropriate skills and qualifications, to find employment in Addis Ababa. Thus, this condition becoming crucial challenges in present time and this make difficult to improve refugees' access to labor markets and ensure refugees employment opportunity because of lack of qualifications.

#### **4.2.6 Lack of access to business licenses**

Currently refugees are legally unable to hold business licenses in Ethiopia. Therefore some Eritrean refugee entrepreneurs engaged under informal sector as interviewed in this study; who were running a business operate under the license of an Ethiopian partner, with an agreement to share profits. For refugee enterprises, this limits the potential for reinvestment in the enterprise and business growth. Therefore, lack of access to business

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<sup>117</sup> Focus Group Discussion with Eritrean refugees, in Jemo, Gofa and Megngea area 20, October 8, December and 12, December 2018

<sup>118</sup> Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018. And Mr. Kaliab zelalm (CRRF Economist Associate )UNHCR 7, September 2018

licenses complexity as becoming practical challenges for those Eritrean refugees in Addis Ababa to find employment.

Considering this issue during the focus group discussion informants explained that:

*“.....Legally they will not get a business license for refugee in Ethiopia. Since Business activities are often run through the license of Ethiopians. However this condition is one of the practical challenges for us to find out employment in Addis Ababa. These restrictions affected some refugees more than others.”*<sup>119</sup>

Moreover, in explaining the reasons how lack of business license practical constraints for Eritrean refugee in Addis Ababa, one of the key informants stated:

*“I tried to open pool house but I had difficulties with the authorities. They found me and said, ‘Who allowed you to work? Have you got a license to work? Go to the UNHCR’. As long as you are a refugee you cannot make it. I try to move around and find areas where no one knows me however lack of business license constraints are challenges for us to find employment in Addis Ababa”.*<sup>120</sup>

Employment is indispensable and forms an important aspect of the basic rights. Concerning the issue of business license, According to the responds of Administration of refugee retraining Affairs explained while as one of constraint for Eritrean refugee to realized employment opportunity. According to interview conducted with the institution official stated that:

*“.....In addition to work permits for individuals, enterprises need business licenses. Many are happy to pay taxes in exchange for legitimacy. Consequently, there are also some refugees who are involved in private business activities using trade licenses of Ethiopian nationals. However practical complexity was because*

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<sup>119</sup> Focus Group Discussion with Eritrean refugees committee leaders , in Jemo, Gofa and Megngea area 22, October 11, December and 13, December 2018

<sup>120</sup> Interview with Eritrean refugee Mr. Berhan keberom at Gofa area 10 December 2018

*of lack of business license and most Eritrean refugee face Difficult to engage in gainful employment”.*<sup>121</sup>

As stated above, Norwegian refugee council official agree with constraint because in order to access the labour market, business licenses are essential therefore in practice Many Eritrean refugees in Addis Ababa lack business licenses which present a challenge to their smooth integration into the labour market. Hence they notified that:

*“.....Most of Eritrean refugee who live in Addis Ababa due to lack of business license They fear to engage and work because Ethiopians told them that it is a crime to engage and work Therefore they are unable to engage in the informal sector due to business license requirement.*<sup>122</sup>

Similarly, according to UNHCR experts explanation; - Eritrean refugees cannot obtain business licenses and it is “almost impossible for refugees to establish their own enterprises”. Most refugees have been restricted to engage in the informal jobs and they lack full business license.<sup>123</sup> At last for refugees, the right to work and access to labour markets are key for becoming self-reliant, building their lives and securing dignity, and allowing them to contribute to their host communities. However in practice most Eritrean refugees they want to start up their own a small business in Addis Ababa but it requires license and unable to change their life and also feel that they are underestimated. In practice this was becoming as practical challenges for many Eritrean refugees. Therefore Together with work permits, enabling refugee businesses to apply for licenses should form a key element of widening access to employment.

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<sup>121</sup> Interview with Mr Haileselassie G/mariam Tekleyohanness (Head, legal Services and RSD Unit of Administration for Refugee and Returnee Affairs 12 October 2018

<sup>122</sup> Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018.

<sup>123</sup> Interview with Mr Ephrem Tadesse(Associate Legal Officer)UNHCR 16 September , 2018

#### 4.2.7 Lacks of institutional frame-work

A ground challenge to access employment opportunity for Eritrean refugee in Addis Ababa is lack of institutional support or labour market integration in the form of insufficient integration programmes between government and nongovernmental origin. In the other words lack of cooperation between institutions within government remain as an extra-barrier for Eritrean refugee to access employment opportunity. For instance, one of a clear mandate for the Administration of Refugee and Returnee Affairs of Ethiopia (ARRA) is to make suitable condition for refugees; however the institution doesn't play any active role regarding with facilitating access of employment opportunity for Eritrean refugees who lived in Addis Ababa. Similarly, the Ethiopian Human Rights Commission (EHRC) also established in 2000 by the proclamation no.210/2000 mandated to protect and respect individual human rights including fundamental human rights of refugees found in the country. However, in reality the commission has gap in terms of working employment area of refugee's. On the other hand to avoid this practical constraints international organ play an important role in giving help to people while integration generally receives little support, and few resources. However, in practice what we perceive on under NRC and UNHCR in one way or another organs lacks institutional coordination with in the government and international institutions concerning to realized employment opportunity of Eritrean refugee who lives in Addis Ababa. As far as evidence concerns supporting in cash's of Eritrean refugee UNHCR is better than others organs to run out their own small business in Addis Ababa.

Consequently, According to committee leaders; perception towards lack of institutional framework impact of Eritrean refugees in Addis Ababa they explain that there was institutional frame work gap because all institution most of the time provided training to refugees but in practice they cannot facilitated employment opportunity for us<sup>124</sup>

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<sup>124</sup> Focus Group Discussion with Eritrean refugees committee leaders , in Jemo, Gofa and Megngea area 22, October 11, December and 13, December 2018

The Ethiopian government's refugee agency, the Administration for Refugee and Returnee Affairs (ARRA) does not have any policy of employment in place for refugees. The domestic laws of Ethiopia include its constitution, proclamations or other laws which have a direct or indirect bearing on the protection of refugees in the country. However, when we came to institutional activates concerning with Access to employment opportunity of Eritrean refugee living in Addis Ababa according to the interview conducted with ARRA explained that:

*“.....With regard to the rights of workers, those laws enacted by the government are equally applicable to the refugees and the institution also has a duty to obey such laws. But the institution can't do nothing than obeying such laws, therefore concerning employment opportunity there is no task which is performed by our institution. Although, sometime facilitating job training to be given by other bodies, writing supporting letter when they require facilitating job opportunities but it lacks institutional firm work so they can take as practical challenges”.*<sup>125</sup>

Similarly, The EHRC mainly established through proclamation number 210/2000 to protect and promote citizens rights and protection of the rights of foreign citizens also the mandate of the Commission. However, regarding access to employment opportunity of refugees the law restricts the rights to engaged in employment and it requires license to this effect. The commission has not undertaken any activity to protect and promote refugee work opportunity because of the restriction on the legal framework. Even though there is a broader framework under the international and regional system for the protection of refugee rights, the commission so far has done nothing for the protection of employment rights of refugees of Eritrean who lived in Addis Ababa. According interview conducted with commission official notified that:

*“.....Though human rights are universal and applicable to all, but in terms of providing monitoring and protection to Eritrean refugees the commission has not done activities to protect and promote to this effect due to the gap in the law.*

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<sup>125</sup> Interview with Ms. Sara sisay (Senior protection officer of ARRA )15, September 2018

*However, the commission has a plan to consider and work on the rights of refugees when the restrictive law is amended. Moreover the commission wants to provide awareness and necessary support for refugees of Eritrean who lived out of the camp in Addis Ababa. On the other hand the commission also did not investigate to this effect in its own initiation. In this regard there is a gap in the institutional framework that gives attention to refugees<sup>126</sup>.*

In line with this, the same lack of institutional frame work constraints we perceive on under NRC because in practice there is no specific activity done by the council with regard to the employment rights of Eritrean refugees rather the council played advocacy role and providing training. In generally, the council has a gap in this regard.

Similarly UNHCR has done with the government on the Eritrean refugees who lived out of the camp relating the policies/OCP/ and its implementations and to this effect there is some initiations for refugees to access employment opportunity.<sup>127</sup> The reason why prior attention given to Eritrean refugees is due to their historical attachment and culture they have with Ethiopia. Mostly they are engaged in the informal sector and the UNHCR has undertaken the following activities:-Financial supports for refugees in order to enable and engaged in income generated activities, Provided legal aid service and advocacy role for the government amend the restricted laws on refugees, in addition one of the major activities which the UNHCR made is the amendment of the legal restriction with ARRA in 2016,and policies and strategies made by the UNHCR is implemented by NGO and skill training to this NGOs also made in order to provide training for refugees out of Ethiopia.

At last, strongly there is lack of authoritative institutions with the power to take effective measures where accesses to employment are violated. In the absence of governmental and non-governmental institutions with the power to monitor the effective realization of opportunity it is difficult to think the enjoyment of these rights. For these and other reasons, refugee labour rights are being violated in practice and are far from realization in

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<sup>126</sup> Interview with Mr. Eshet Gebre Deputy Chief Commissioner of EHRC 14, October 2018 and Interview with Mr. Adham Duri Human Rights Protection and Monitoring Directorate Director of EHRC 6, September 2018 and Interview with Ms. Zewedenshi Zegya Human Rights senior Investigation Expert of EHRC 7, September 2018

<sup>127</sup> Interview with Mr Kaliab zelalm (CRRF Economist Associate) 7, September 2018

Addis Ababa. Therefore lack of institutional framework, and rendering access to employment to become more difficult for Eritrean refugee in Addis Ababa. So to amplify prejudice to ward employment opportunity it was important to formulate cooperation between institutions within government.

#### **4.3 Social and economic impact of Eritrean refugees due to lack of access to employment opportunity**

In general Access to safe and lawful employment is a fundamental human right. It applies to all persons, including refugees with good reason. When permitted to engage in safe and lawful work, an individual may fulfill his or her basic survival needs and contribute to the needs of the family, community and the country in which they reside. The realization of the right is the means through which the individual may achieve a range of other civil, political, economic, social and cultural rights, fulfilling the human desire to feel useful, valued and productive.<sup>128</sup> However, in practice because of the absence of employment opportunities, most Eritrean refugee faces several social and Economic challenges in Addis Ababa.

##### **4.3.1 Social impact**

Despite restrictions, Lack of access to the labour market can result in an increase of social impact for most Eritrean refugee who lives in Addis Ababa, such as prostitution, addicted to alcohol, bad local integration and others

One interviewee expressed his resentment as follows:

*“Because of lack of employment opportunity we face several social challenges for instance Refugees are targeted by criminals, who know they are less likely to seek recourse and engage illegal and criminal activities such as prostitution and smuggling.”*

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In this regards the Norwegian refugee council official explained due to lack of employment opportunity Eritrean refugee face several social impact in Addis Ababa.

According to the interview conducted with official notified that:

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<sup>128</sup> Anna Wirth , Cara Defilippis and Jessica Therkelsen , Sabahat Adil , Caitlin Phair and Brittany Benavides Global Refugee Work Rights Report 2014 pp.2

<sup>129</sup> Interview with Eritrean refugee Ms Helean Asmaru living at Jemo20,October 2018 and Interview with Anonymous 1 , 2 and Anonymous 3 Eritrean refugees, 11 December 13, October , 2018.

*“....currently many Eritrean refugees due to lack of access to job opportunities faced social challenges like entered into drugs, alcohol and exposed to engaged in criminal acts especially women’s are exposed to prostitutions. As well as face discriminations and unable to rent house and due to this they are facing psychological problems and cumbersome for survival. Moreover, they are exposed for social crisis; depression, theft, lack of harmonization with Ethiopians”.*<sup>130</sup>

On the other hand UNHCR expert argue that social impact in the above driven on; because of lack of employment opportunity such as Hostile relationship with the community they live exposed to drug addiction and commission of crimes as well part of human trafficking and Human trafficking results rape, bodily injury and death. In Addition women refugees are exposed to commercial sex. Others exposed to beggary, forced labor and others exposed to live in the street as well as depressed.

Similarly concerning the issue the federal refugee Administration Institution responds that:-

*....They cannot fully enjoy their freedom and are not socially satisfied due to unemployment. For instance the refugees engage in robbery, fraud and live in the street and other social problems due to joblessness. It is very difficult to prosecute each and every incident, the local community is enduring a degree of tolerance, and educational efforts are underway just to maintain peaceful relation with the refugees*<sup>131</sup>

Therefore this interaction gradually eases barriers to integration and enables the refugees to live alongside with the host community that further develops to forming social networks such as marriage and participating in different social institutions. In Addition, Eritrean refugees also face several challenges that are driven by their specifically vulnerable position in society because of unemployment for instants psychological and physical traumas that can greatly affect their mental and physical health and thus their capacity and desire to go out and search for work.

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<sup>130</sup> Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018.

<sup>131</sup> Interview with Ms. Sara sisay (Senior protection officer of ARRA )15, September 2018

### 4.3.2 Economic impact

Alike the previous challenges Eritrean refugees residing in Addis Ababa face several economic challenges to fulfill basic necessity such as food, water, and shelter are not available and High priced city living, limited access to social and economic services due to lack of employment opportunities, and insufficient support contributes to the poor living conditions of the Eritrean refugee in Addis Ababa experience During FGD the refugees explained the challenges that:

*....The problem is that we stay in Addis Ababa and we do not have a job due to this we face several economic impact. They cannot afford the house rent, school fees, medical costs, food and clothes so life becoming miserable for us.*<sup>132</sup>

Moreover the same argument imposed by the NRC and UNHCR experts towards economic challenges face by Eritrean refugee due to lack of employment opportunity.

According to the interview conducted they notified that:

*“....Due to the restrictions to access job opportunity, economically they are unable cover their basic needs; food, shelter, renting house and clothes are one of the problem. The Eritrean refugees who lived out of the camp encountered challenges relating with economic impact”.*<sup>133</sup>

On the other hand ARRA also argue with those economic challenges face by Eritrean refugee in the present times like other organ mentioned in the above. According interview conducted with ARRA explained that: *In practice Due to lack of access to job opportunities Eritrean refugee faced several economic challenges in Addis Ababa for instance unable to fulfill basic necessity such us to rent house, food, clothes, transportation and medical cost and other.*<sup>134</sup>

To finalized Even though there is a broader legal framework under the international and regional system for the protection of refugee employment opportunity, however in

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<sup>132</sup> Focus Group Discussion with Eritrean refugees committee leaders , in Jemo, Gofa and Megngea area 22, October 11, December and 13, December 2018

<sup>133</sup> Interview with Mr Ephrem Tadesse(Associate Legal Officer)UNHCR 16 September , 2018 and Interview with Ms. Fethia Ismail Ibrahim (Counseling and Legal Assistance (ICLA) Project Coordinator) NRC 22, October 2018.

<sup>134</sup> Interview with Ms. Sara sisay (Senior protection officer of ARRA )15, September 2018

practice due to legal restriction imposed by the government, this people face several economic and social challenges in Addis Ababa as mentioned in the above. For instance most of these people have different sorts of traumas and their self-esteem is very low or in other wards frustrating. Furthermore, refugees have added to security problems in general and crime rates, theft, murder etc., in particular. Concomitantly, other social problems such as prostitution and alcoholism are also claimed to rise in the refugee areas. In addition, enforced idleness and poverty within a refugee camp may cause an escalation of such tendencies, particularly if there are groups of young men who are not meaningfully occupied.

## Chapter Five

### 5. Conclusion and Recommendations

#### 5.1 *Conclusion*

Ethiopia 'open-door policy' to refugees and asylum seekers has over the years, enabled thousands of displaced persons to seek asylum and refuge in the country. Consequently, Ethiopia's refugee policy and hospitality in hosting refugees through successive regimes determined. Notwithstanding this legally, the country's imposed restrictions on the refugees' rights such as the right of employment, education and movement (except for Eritrean refugees), and others. Therefore Eritrean refugees are the one of a refugee group with permission to settle in place of their choice and getting special treatment from Ethiopia government.

Therefore the refugee's settlements in Addis Ababa are categorized in two ways this are as permitted and non- permitted. For instant under permitted categories are refugees who need special medical service, those who get higher education opportunity, Out-of-Camp Policy beneficiary (for Eritrean refugees) and whose security is at risk. Numerical aspect of Eritrean refugee according to the government estimate, more than 18,000 refugees are found in different parts of Addis Ababa mainly settled in Jemo, Gofa Mebrat Hail and Megenaga area.

This study focused on assessing the contemporary livelihood situations Eritrean refugee in Addis Ababa and major practical challenges to access employment opportunity. Consequently, concerning Eritrean refugees' livelihoods the study shows that the majority of Eritrean refugees living in Addis Ababa are highly depend on remittance and limited engagement in business activities in formal sector. Similarly practical challenges to access employment opportunity in first hand provide through reservation under UN refugee convention of 1951 and protocol of 1967 and AU Convention of 1969 that are further maintained under the former Ethiopian Refugee proclamation of 409/2004, especially work permit and engaging in income generating economic activities is prohibited for refugees of any group in the country. Moreover in addition to legal challenges lack of skill, language, business license, loan, lack of institutional framework and discrimination in employment challenges of Eritrean refugee in Addis Ababa are

identified by study. In this regards the core conclusion of this study is that Eritrean refugees in Addis Ababa face considerable economic and social difficulties. For instant it is difficult to fulfill their basic needs and, women refugees are exposed to commercial sex. Others exposed to beggary, and others exposed to live in the street as well as depressed. In addition to economical problem they also face social problems like Hostile relationship with the community they live, exposed to drug addiction and commission of crimes as well part of human trafficking. Human trafficking results rape, bodily injury and death. Moreover according to the finding of the study Eritrean refugees considered their stay in Ethiopia in general and in Addis Ababa in particular as temporary and as a place for transit because of lack of employment opportunity as one factor.

Ethiopia signed and ratified the international and regional human rights instruments but economic capacity of the state is required to fulfill the rights of refugees and it is difficult for Ethiopia to realize this rights since Ethiopia is developing country and difficult to attain this level. Nevertheless, the government has to do some arrangement for Eritrean refugees in Addis Ababa. The right to employment as stated under international human rights has a positive obligation. Though it is difficult to realize at a time it requires allocating resources to this effect. Here we have to compromise the interest of citizens and refugees on the other hand. The issue of refugee has the nature of international characteristic or global responsibility sharing. So that it requires negotiating with the international community to solve the problem. An open door policy is required to be inclusive. On the other hand there is a project the Ethiopian government working with international community's because the new work declaration pledge objective host dictates cooperation rather than positive obligation. There should be an approach to see them as a resource for ones country. The government should create diversified cultural situation. Similarly in order to address existing entrenched practical changllenging temporary special measures may be necessary, with the aim to achieve *de facto* equality between citizen and refugee. Hence the authorities must be taking certain types of positive measures for instant formulate free and fair opportunity, setting a quota for refugee and other.

The employment rights are essential for realizing other human rights and to preserve human dignity and it is necessary for individuals and their families of Eritrean refugee in Addis Ababa to maintain livelihoods, receive income, and contribute to development and recognition in the community. Consequently, Granting these persons the right to work and enabling their access to the labour market is also beneficial to the refugees and societies, in which they live and, where appropriate, the societies, to which they return. In addition, they can give hope, satisfaction and re-establish their sense of self-worth. Moreover, Employment is also important in terms of greater financial self-sufficiency and decreasing economic deprivation. All of these aspects have an overall positive effect on their health and wellbeing, especially their mental health, and can be an important aspect for their recovery from traumatic experiences of Eritrean refugee in Addis Ababa. Furthermore, with the right to work, refugees could make potentially significant contributions to their host countries, and they may develop capital that will ease their return to their countries of origin when possible.

In the second place employment can benefit for host societies of in Addis Ababa a number of ways. For instant Eritrean Refugees usually brought Knowledge, skills and training with them, and can help fill gaps in the labor market. Similarly if Eritrean refugees work this also means that they are paying taxes and buying goods and services, further increasing host countries' revenues. Moreover, Employment is an important aspect of integration, facilitating social contacts between Eritrean refugees and members of the host society of Addis Ababa.

In addition, it's important for all of us to remember that when we talk about refugees, we're really talking about people: wives, mothers, husbands, fathers, and children who all deserve lives of dignity, hope, promise, and happiness. In our culture, we always have the tradition of looking ourselves in terms of the misfortune and our neighbor. So, we advocate any campaign that builds the self-reliance of the refugees themselves; opportunities and foster conditions that enable refugees to voluntarily return to their home countries with dignity when circumstances permit. And we need to stand firm in upholding universal values of inclusivity, tolerance, and respect for each other as human beings.

To sum up the issue of refugee is broader than the scope of rights and national security. Rather it requires diplomatic negotiation since refugees are nationals of other state. Their rights should be protected even though they are not Ethiopians. The other major issue it is a loss for the country since we have providing education and other medical services and unable to use their resource. Moreover, other stakeholders should be part of it because the issue of refugee should not be left to a single institution rather it should be inclusive to overcome the problem. Finally the researchers conclude that if refugees do not have access to work, there is a high risk particularly for the government and especially the society hence it becoming necessary to protect national security, public order, and refugee health or morals in addition is becoming crucial to avoid economic and social disorder of refugee. On the other hand regarding newly refugee law the government shall within available means should implement and prepare several awareness creations for society, refugees, government and non government organs particularly to avoid the current basic challenges.

## **5.2 Recommendation**

The following recommendations are drawn based on the findings of the study in order to realize employment opportunity of Eritrean refugee;

1. Government should take positive steps in its policy to ensure that employers enable equal access to the work force for Eritrean refugees who live in Addis Ababa.
2. Government should devise a systematic follow- up mechanism and to make the concerned organs to implement the newly refugee law of 2019 and its negative impact.
3. Creating awareness and training programs to different stakeholders to be made by ARRA and EHRC regarding international and regional human rights standards and norms taking into consideration the rights of refugees.
4. ARRA, UNHCR and NRC should provide Technical Assistance for Eritrean Refugee such us vocational, skills and language trainings to refugee, as well as information and assistance necessary to access financial products and services.
5. UNHCR and NRC should identify areas which are given prior attention and those specific strategies depended on their own mandate to provide Loan to ensure employment opportunity.
6. Higher academic institutions should undertake further research to evaluate the issues and opportunities implicating Eritrean refugee participation in the labor economy.
7. Government and ARRA, EHRC, UNHCR and NRC should Design institutions framework to solve challenges on access to employment opportunity of Eritrean refugee living in Addis Ababa.

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## Appendix 1: Profile of Informants

### Governmental, Non Governmental Institutions

## Appendix 2 Ethiopian Human Rights Commission Officials and Expert

NO.	Name	Sex	Age	Office	Occupation	Date
1	Mr. Eshet Gebera	M	51	Ethiopian Human Rights Commission	Deputy Chief Commissioner	14 October , 2018
2	Mr. Adham Duri	M	46	Ethiopian Human Rights Commission	Human Rights Protection and Monitoring Directorate Director	6 September ,2018
3	Ms. Zewedensh Zegeye	F	39	Ethiopian Human Rights Commission	Human Rights senior Investigation Expert	7, September 2018

## Appendix 3 Administration for Refugee and Returnee Affairs of Ethiopia Officials and Expertise

NO.	Name	Sex	Age	Office	Occupation	Date
1	Mr. Haile Selassie Gebremariam	M	47	ARRA	Senior Head, legal Services and RSD Unit of Administration for Refugee and Returnee Affairs	12 October , 2018
2	Ms. Sara Sisay	F	33	ARRA	Senior protection officer	15 September ,2018
3	Mr Befkadu Takele	M	33	ARRA	IT officer in	15

					protection department	September ,2018
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## Non Governmental Institutions

### Appendix 4 United Nations High Commissioner for Refugees

NO.	Name	Sex	Age	Office	Occupation	Date
1	Mr. Ephrem Tadesse	M	35	UNHCR	Associate Legal Officer	16 September , 2018
2	Ms.Firda Yohannis	F	36	UNHCR	Associate Project Officer	23 September ,2018
3	Mr. Kaliab Zelalm	M	32	UNHCR	CRRF Economist Associate	7, September 2018

### Appendix 5 Norwegian Refugees Council

NO.	Name	Sex	Age	Office	Occupation	Date
1	Ms. Fethia Ismail Ibrahim	F	36	NRC	Counseling and Legal Assistance (ICLA) Project Coordinator	22 October , 2018
2	Mr. Tadesse Abebe	M	38	NRC	Urban Livelihood Project Coordinator	22 October , 2018

## Appendix 6 List of Focus Group Discussion participants, interviewees and committee leaders (in Jemo Area)

### List of Focus Group Discussion participant

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Mr. Mebrhatom Solomon	M	34	Jemo	No	20,October 2018
2	Ms. Askalu Gberu Gebre Selassie	F	46	Jemo	NO	20,October 2018
3	Mr. Mengisteab GebreEgzihaber	M	29	Jemo	NO	20,October 2018
4	Ms. Helean Asmaru	F	28	Jemo	Beauty salons	20,October 2018
5	Mr . Fekadu Geberab	M	31	Jemo	No	20,October 2018

## List of Interviewees

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Ms. Faruize Berhanu	F	21	Jemo	No	21,October 2018
2	Mr. keberom tesfa ledat	M	32	Jemo	Tailor	21,October 2018
3	Mr. Zeresenai Tesfaye	M	25	Jemo	NO	21,October 2018
4	Mr. Teklay Hagos	M	65	Jemo	NO	21,October 2018
5	Mr . Girma Tsegaye	M	43	Jemo	No	21,October 2018
6	Ms. Anonymous 1	F	27	Jemo	No	11 December 2018

## List of committee leaders

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Ms. Helean Asmaru	F	28	Jemo	Beauty salons	22,October 2018
2	Ms. Askalu Gberu Gebre Selassie	F	46	Jemo	NO	22,October 2018
3	Mr . Fekadu Geberab	M	31	Jemo	No	22,October 2018

## **Appendix 7 List of Focus Group Discussion participants, interviewees and committee leaders ( Gofa Mebrat Hail Area)**

### **List of Focus Group Discussion participant**

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Mr. Henok Berhanu	M	34	Gofa	No	8, December 2018
2	Ms.Trihas Kidan	F	30	Gofa	NO	8, December 2018
3	Mr. Weldu Atkilti	M	29	Gofa	NO	8, December 2018
4	Ms. Adean Abadi	F	28	Gofa	Daily laborer	8, December 2018
5	Mr . Atkilti Temsgen	M	31	Gofa	No	8, December 2018

### **List of Interviewees**

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Mr. Danile Keberom	M	21	Gofa	Waitress	10, December 2018
2	Mr. Haji Usman	M	62	Gofa	No	10, December 2018
3	Mr. Gbebermariam Gebu	M	25	Gofa	No	10, December 2018
4	Ms. Askalu Atkiliti	F	33	Gofa	No	10, December 2018
5	Mr . Berhan . Keberom	M	34	Gofa	No	10, December

						2018
6	Ms. Anonymous 2	F	29	Gofa	No	11, December 2018

### **List of committee leaders**

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Mr . Aberham Kidanya	M	30	Gofa	No	11,December 2018
2	Mr. Berehan Hagos	M	35	Gofa	No	11,December 2018
3	Mr Resom Geberu	M	64	Gofa	Pool houses	11,December 2018

### **Appendix 8 List of Focus Group Discussion participants, interviewees and committee leaders ( Megenagea Area)**

#### **List of Focus Group Discussion participant**

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Mr Tegaya keros	M	34	Megenagea	No	12,December 2018
2	Mr. Esaki Geberu	M	30	Megenagea	NO	12,December 2018
3	Mr. Makili Sebat	M	29	Megenagea	NO	12,December 2018

4	Mr. Yohannis Zersnay	M	28	Megenagea	NO	12,December 2018
5	Ms. Helan Sebhat	F	31	Megenagea	Translation services	12,December 2018

### List of Interviewees

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Ms. Ferwito Akililu	F	21	Megenagea	No	12,December 2018
2	Mr. Afworki Hagos	M	32	Megenagea	No	12,December 2018
3	Mr. Kebrom Gebru	M	25	Megenagea	Plumbers	12,December 2018
4	Mr. Tesfa ledat kidan	M	35	Megenagea	No	12,December 2018
5	Mr. Weldu Afwork	M	43	Megenagea	No	12,December 2018
6	Ms. Anonymous 3	F	30	Megenagea	No	13, October 2018

### List of committee leaders

NO.	Name	Sex	Age	Place of settlement	Occupation	Date
1	Ms. Reta Ketro	F	29	Megenagea	No	13,December 2018

2	Mr. Umar Mohammed	M	33	Megenagea	No	13,December 2018
3	Mr Sebhant Leab	M	28	Megenagea	Garage	13,December 2018

## Appendix 9: Interview Guidelines

### Part one

#### **A. Interview Questions for Administration for Refugee and Returnee Affairs of Ethiopian officials and experts**

I am Yosef Girma, graduating student at Addis Ababa University Center for Human Rights. Currently I am working on a Master thesis entitled: **“Practical Challenges of Access to Employment Opportunity of Eritrean Refugees living in Addis Ababa** “I believe it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure that information provided and views expressed will solely be used for academic purposes and treated with utmost confidentiality. Thank you in advance for your attention and support.

#### **1. Respondent Profile**

1.1 Name of Respondent (optional):

1.2 Sex: Male \_\_\_ Female \_\_\_

1.3 Age: \_\_\_\_\_

1.4 Educational Background:

1.5 Represented institution:

1.6 Official capacity:

1.7 Duration of engagement with the institution represented:

#### **Interview question to ARRA Head legal services department official and Expert**

- 1) How many Refuges at Present live in Ethiopia
- 2) How many Eritrean refugees currently live out of the camp in Addis Ababa?

- 3) What Kind of rights do refugees have in relation to access to employment opportunity in the country?
- 4) What was the role of ARRA in terms of realizing refugees' employment rights?
- 5) Is there any specific activities done with regard to Employment opportunity rights of Eritrean refugees living out of the camp in Addis Ababa? If yes when and how many times?
- 6) Who is a responsible body in advocating rights of Eritrean refugees to access employment opportunity which is living out of the camp in Addis Ababa in general?
- 7) What rules and principles have been used as a guide? Why?
- 8) Is there any strategic policy in general about refugees employment right and particular focus on Eritrean refugees that live out of the camp in Addis Ababa?
- 9) What are the main legal, practical and operational challenges of Eritrean refugees to assess employment rights in Ethiopia? If yes, to what extent Eritrean refugees are affected by this problem? (Economic and social contexts)Why?
- 10) Has the institution made any recommendation to reduce the problem of Eritrean refugees access on employment opportunity right? If any, what were the main recommendations made to the government?
- 11) How did the government respond to the recommendations?
- 12) What do you suggest for improvement?

**B. Interview Questions for Ethiopian Human Rights Commission Head office officials and experts**

I am Yosef Girma, graduating student at Addis Ababa University Center for Human Rights. Currently I am working on a Master thesis entitled: **“Practical Challenges of Access to Employment Opportunity of Eritrean Refugees living in Addis Ababa”** I believe it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure that information provided and views expressed will solely be used for academic purposes and treated with utmost confidentiality. Thank you in advance for your attention and support.

**1. Respondent Profile**

1.1 Name of Respondent (optional):

1.2 Sex: Male \_\_\_ Female \_\_\_

1.3 Age: \_\_\_\_\_

1.4 Educational Background:

1.5 Represented institution:

1.6 Official capacity:

1.7 Duration of engagement with the institution represented:

**Interview question to Head office higher official and expert of the commission**

- 1) Does the commission have the mandate to assure Access to employment opportunity rights for Refugees? If yes when and how many times has the commission executed this mandate?
- 2) Is there any major activities performed by the commission in realize of employment opportunity right of Eritrean refugees living out of the camp in Addis Ababa?
- 3) Is there any experience by the commission in handling cases of Eritrean refugees employment right?
- 4) If yes does the commission own a mechanism for follow up of its recommendations? If yes what are these mechanisms? And how are they implemented?
- 5) What are the main legal, practical and operational challenges in access to employment opportunity right of Eritrean refugees which live out of the camp in Addis Ababa?
- 6) What do you suggest for improvement?

**C. Interview Questions for Refugees committee leaders**

I am Yosef Girma, graduating student at Addis Ababa University Center for Human Rights. Currently I am working on a Master thesis entitled: **“Practical Challenges of Access to Employment Opportunity of Eritrean Refugees living in Addis Ababa”** I believe it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure that information provided and views expressed will solely be used for academic purposes and treated with utmost confidentiality. Thank you in advance for your attention and support.

**1. Respondent Profile**

1.1 Name of Respondent (optional):

1.2 Sex: Male \_\_\_ Female \_\_\_

1.3 Age: \_\_\_\_\_

1.4 Educational Background:

1.5 Represented institution:

1.6 Official capacity:

1.7 Duration of engagement with the institution represented:

**Interview question to refugee’s committee leaders**

1. What is the mandate of the committee in general and specifically with access to the right to employment of Eritrean refugee?
2. Are there any major activities performed by the committee for the realization of employment opportunity right of Eritrean refugees living out of the camp in Addis Ababa?
3. Does the committee own a mechanism for follow up of its recommendations? If yes what are these mechanisms? And how are they implemented?
4. What are the main legal, practical and operational challenges in access to employment opportunity right of Eritrean refugees which live out of the camp in Addis Ababa?
5. How does the livelihood and self-reliance of Eritrean refugee in Addis Ababa?
6. What do you suggest for improvement?

**D) Interview Questions for UNHCR**

I am Yosef Girma, graduating student at Addis Ababa University Center for Human Rights. Currently I am working on a Master thesis entitled: **“Practical Challenges of Access to Employment Opportunity of Eritrean Refugees living in Addis Ababa”** I believed it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure that information provided and views expressed will solely be used for academic purposes and treated with utmost confidentiality. Thank you in advance for your attention and support.

**1. Respondent Profile**

1.1 Name of Respondent (optional)

1.2 Sex: Male \_\_\_ Female \_\_\_

1.3 Age: \_\_\_\_\_

1.4 Educational Background:

1.5 Represented Institution:

1.6 Official capacity:

1.7 Duration of engagement with the institution represented:

### **Interview Question**

- 1) What is the mandate and role of UNHCR in the fulfillment of Refugees employment right?
- 2) Is there specific activities done by UNHCR with regard to the employment right of Eritrean refugees who live out of the camp in Addis Ababa ?If yes when and how many times ?
- 3) What are the legal, practical and operational challenges in protecting employment right of Eritrean refugees?
- 4) What do you suggest for the Ethiopian government for the better protection of Eritrean refugees employment right who live out of the camp in Addis Ababa?
- 5) How UNHCR support Eritrean refugee livelihood and self reliance in Addis Ababa
- 6) What do You Suggest for improvement?

### **E) Interview Questions for Norwegian Refugees council**

I am Yosef Girma, graduating student at Addis Ababa University Center for Human Rights. Currently I am working on a Master thesis entitled: **“Practical Challenges of Access to Employment Opportunity of Eritrean Refugees living in Addis Ababa”** I believed it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure that information provided and views expressed will solely be used for academic purposes and treated with utmost confidentiality. Thank you in advance for your attention and support.

#### **1. Respondent Profile**

1.1 Name of Respondent (optional)

1.2 Sex: Male \_\_\_ Female \_\_\_

1.3 Age: \_\_\_\_\_

1.4 Educational Background:

1.5 Represented Institution:

1.6 Official capacity:

1.7 Duration of engagement with the institution represented:

### **Interview Question**

- 1 What was the mandate and role of the NRC in the fulfillment of refugee employment right in general?
- 2 Is there specific activities done by the NRC with regard to the employment right of Eritrean refugees who live out of the camp in Addis Ababa? If Yes when and how many times?
- 3 What are the legal, practical and operational challenges for the better protection of Eritrean refugee's employment right?
- 4 How NRC support Eritrean Refugees live hoods and self reliance in Addis Ababa?
- 5 What do you suggest to improve the Ethiopian government to protect Eritrean refugees employment right who live out of the camp in Addis Ababa?

## **Part Two**

### **A. Interview questions**

#### **Interview Guideline for interviewing Eritrean refugee's community who live out of the camp in Addis Ababa**

The researcher has designed the questions for a detailed interview to conduct a research on Major Challenges and Opportunities of Realizing Rights of employment: The Case of Eritrean refugees that live out of the camp in Addis Ababa, for the partial fulfillment of MA Degree Award in Human Rights. In order to realize this study your cooperation is relevant. In this regard, genuine answers are very important for the following questions. In addition, your valid responses will be kept secret. It is only for academic purpose. The researcher will use tape recorder to get the original account of your response. So, do not hesitate to provide your experience and genuine information.

Questions about General History of the Informant

Sex

Age

Marital status

Place of origin

Educational level (any skills training? If yes certificate or diplomas obtained)

Children (if any)

Year of registration in Ethiopia

**I over all questions of the interviewer**

1. What was the reason to flee your country?
2. Do you have previous employment experience? What kind of jobs have you done earlier and for how long?
3. Did you hear about the rights of Refugees access to employment?
4. Are there any criteria for the refugees to have employment opportunity in Addis Ababa? If yes what are there
5. Are you an employee in Addis Ababa? If yes in what condition
6. Could you tell me your daily routine activities?
7. How much is your salary?
- 8 Do you have other sources of income?

**II question based on Challenges of Eritrean refugees to access employment right**

- 1 How do you explain refugees working opportunity in general?
- 2 What are major legal, practical and operational challenges in accesses of employment right for Eritrean refugees who live out of the camp in Addis Ababa?
- 3 To what extent Eritrean refugees are affected by this problem? (Economic and social contexts)Why?
- 4 Is there any special protection given by the government to accesses employment right for Eritrean refugees in Addis Ababa?
5. What do you suggest to realize Eritrean refugees employment right in Addis Ababa?
6. How do you explain Eritrean Refugees live hoods and self Reliance in Addis Ababa?

## **B. Interview Questions for Group Discussion**

Name -----

Age-----

Sex .....

Place of birth-----

Marital Status-----

Academic status-----

1. Could you please explain major employment opportunity for refugees in Addis Ababa?
2. Are there challenges you face in access to employment right in Addis Ababa? What are major challenges are you facing with?
3. To what extent Eritrean refugees are affected by this problem (Economic and Social contexts) why?
4. Is there any initiation made by the Eritrean Refugees to establish committees to realize access to employment opportunity?
5. If you are employed in Addis Ababa how could you describe the working environment in relation to wage, working hours, and leave and safety provision?
6. What do you suggest to reduce challenges in access to employment opportunity of Eritrean refugees in Addis Ababa?
7. How do you explain Eritrean refugees live hoods and self reliance in Addis Ababa?