

MARCH 2017

Mapping the challenges
***Labour Migration from West and East
Africa to the Gulf and MENA region***

The Migration and Development Civil Society Network (MADE) is an international, civil society-led platform that connects and supports civil society worldwide to promote policies and action for the well-being and protection of all migrants and communities.

MADE activities are currently coordinated by seven civil society organisations and networks in Asia (Migrant Forum in Asia), Africa (Caritas Senegal), the Americas (Fundación Scalabrini with assistance from the Scalabrini International Migration Network and International Network for Migration and Development), and Europe (AFFORD UK, Cordaid and ICMC Europe). The International Catholic Migration Commission (ICMC) acts as the global Coordinating Office for MADE and for civil society activities in the process of the GFMD. Find out more on www.madenetwork.org

The present report is a direct output of MADE EUROPE Chapter's activities on EU-Africa Civil Society exchange on migration policies, carried out in the framework of the PROGRAMME IMPACS - MIGRATION AND DEVELOPMENT (DCI-MIGR/2013/334-176) .

This report, together with the resources mentioned in the text, is available on the MADE website: <http://www.madenetwork.org>



The MADE project (www.madenetwork.org) is co-funded by the European Commission. The contents of this publication are the sole responsibility of the implementing organization and can in no way be taken to reflect the views of the European Commission.

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1. Introduction

International labour migration is one of the most prominent characteristics of a globalised world. Most migrate in search for decent jobs, higher income and more opportunities, often leaving rural areas, where few prospects and low incomes – due to land degradation, water scarcity and lack of infrastructure, among other factors – make established ways of living unsustainable. Temporary labour migration has come to exceed permanent movements, and low-skilled workers present the largest share. The increase of informal and precarious work among migrants has also led to greater vulnerability and has increased the urgency to establish and implement effective protection measures. These migrants often cross national borders with the help of private recruiters and contractors. This presents a significant governance challenge in terms of ensuring decent work, protecting migrant workers and reducing migration costs.¹ Despite of the many benefits that migration brings to countries and individuals, migrants continue to be among the most vulnerable members of society. Currently, migrant workers continue to suffer from significant violations of their human rights, including fundamental rights at work and other labour rights violations that increase the social and financial “costs of labour migration”. These range from discrimination in wages, poor working conditions, lack of access to social protection and abusive recruitment practices to – in extreme cases – bonded or forced labour and trafficking.²

Ethical recruitment practices and decent labour standards are vital elements of migration and development and have as such been included in the 2030 Agenda for Sustainable Development.³ The New York Declaration, adopted on 19 September 2016, refers to the need for an international framework to protect labour rights and to offer a safe environment for migrant workers regardless of their status.⁴ As reiterated at the Global Forum of Migration and Development in Dhaka, Bangladesh in December 2016, fair recruitment and ethical working standards have been identified as a core element to be included in the forthcoming Global Compact for Safe, Regular and Orderly Migration to be adopted in 2018.⁵

Civil society organizations have undertaken numerous and varied interventions to support improvements in ethical treatment of migrant workers with the intent to influence governments to enhance their protection. As such, the Migration and Development (MADE) Civil Society Network,⁶ guided by the 5 year 8 point Plan of Action, has advocated for ethical recruitment standards and safe labour migration on a global and inter-regional level to protect and empower migrant workers at every stage of the labour cycle. Both within the MADE network - implemented by the MADE Open Working Group on Labour Migration and Recruitment, coordinated by the Migrant Forum in Asia (MFA) – and in international political fora, the considerable progress achieved in the area of South-South recruitment has addressed labour migration from Asia to the Middle East. Meanwhile, the decent work challenges, exploitation and prevalence of trafficking, which characterises labour migration from African countries to Middle Eastern and Gulf countries, have not yet received the same level of attention. The MADE Europe chapter’s activities focus on linking policy issues across regions, using grassroots practice examples, to effect policy change. In addition to enhancing the exchange of experiences and improving policy coordination, such efforts also play an important role by diffusing regional perspectives into the broader, global migration agenda. The present survey and paper was conducted, researched and written within the framework of the MADE Europe chapter, therefore contextualizes the growing phenomenon of labour migration from African countries to the Gulf and MENA regions with the pertinent provisions on labour migration found in the New York

¹ ILO, OECD and World Bank: *The Contribution of Labour Mobility to Economic Growth*, joint paper for the G20 Labour and Employment Ministers’ Meeting, Ankara, Turkey, 3–4 September 2015.

² http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_524995.pdf

³ <https://sustainabledevelopment.un.org/post2015/transformingourworld>

⁴ UN: *New York Declaration for Refugees and Migrants*, General Assembly, 71st session, A/RES/71/1, 3 Oct. 2016; ‘New York Declaration’ hereinafter.

⁵ <https://gfmf.org/meetings/bangladesh2016>

⁶ <http://www.madenetwork.org/>

Declaration with the aim of contributing to the ongoing debate on migration governance and fair and ethical recruitment for all migrants regardless of their status.

2. Labour Migration trends

a. Global Stocktaking

The number of international migrants worldwide has continued to grow rapidly over the past fifteen years reaching 244 million in 2015⁷ - roughly 3.3 per cent of the global population - 150 million of which are migrant workers.⁸ Since 2000, there has been dynamic change in patterns of movements and migration across national borders has grown significantly in some key migration corridors, demonstrating the dynamism and complexity of international migration. South–South migration movements, including migration to neighbouring countries, are as significant as South–North flows. Indeed, 57 per cent of the increase in total migration between 2000 and 2013 was due to higher levels of South–South migration,⁹ which thus constitutes the fastest growing trend in international migration patterns. Meanwhile, countries that were countries of origin have also become, in a very compressed period of time, countries of destination and transit.¹⁰ In the context of labour migration generally, much attention has been paid to South and South-East Asian labourers moving to the Gulf and MENA region and the decent work challenges they face. Meanwhile, a sizeable number now also come from African countries.

Special challenges arise from the governance of labour migration: attempts to deal with it on the national level only will prove futile. Rather, it necessitates intra-and interregional collaboration. The growing level of contemporary mobility towards countries with weaker governance systems has critical implications:¹¹ one is the pressing need for the dissemination and mainstreaming of international labour standards and technical assistance in order to ensure good governance and the implementation of the Sustainable Development Goals (SDGs). Moreover, the regional economic communities play a significant strategic role in pushing their member States to adopt and implement policies that are compliant with international labour standards.¹² While South–South migration of low-skilled workers has the potential to yield positive benefits for migrant workers and their families, the social and economic costs will remain high and development benefits low, without much stronger labour laws and social protection systems, as well as fair labour market intermediation mechanisms.

Low-skilled migrant workers constitute the large majority of migrant workers worldwide, giving rise to serious concerns regarding the efficiency and equity of labour migration:¹³ they are more frequently exposed to decent work deficits, greater informality and bear higher labour migration costs, often because of high fees paid to labour recruiters.¹⁴ Their low bargaining power means that low-skilled migrant workers are more often exposed to abuses involving deception about the nature and conditions of work, the retention of passports and other identity documents, deposits and illegal wage deductions, collection of fees or related costs from workers and debt bondage linked to repayment of recruitment fees. These debts often incentivize workers to remain in exploitative conditions in the destination country, as they have few alternate employment options to recoup the funds if they return home. For migrant workers, these may be coupled with threats if workers wish to leave their employers, and fears of subsequent expulsion from a country. Women migrant workers are more likely than men to experience discrimination on account of their sex, nationality and migrant status and are especially vulnerable to physical and sexual violence in the workplace.¹⁵ Sample surveys

⁷ UN-DESA Population Division: *International Migration Report 2015: Highlights*, New York, 2016.

⁸ UN-DESA, Population Division: *Trends in International Migrant Stock: The 2015 Revision*, UN database.

⁹ ILO: *World of Work Report 2014: Developing with Jobs*, Geneva, 2014.

¹⁰ *A New Perspective on Human Mobility in the South*; edited by Rudolf Anich, Jonathan Crush, Susanne Melde, John O. Oucho

¹¹ ILO: *Challenges to labour migration governance*, 2017. – para. 109 f.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ The roads ahead: Narratives for shared socioeconomic pathways describing world futures in the 21st century; <http://dx.doi.org/10.1016/j.gloenvcha.2015.01.004>

carried out within the framework of KNOMAD¹⁶ show that female migrants are often made to work longer hours, such as in the Africa–GCC corridor, where some migrant women domestic workers reported working an average of about 115 hours per week, as compared to 70 hours for migrant men in the construction sector.¹⁷

Where access to the labour market, visas and general mobility is difficult, recruitment agencies step in to fill the gap. Owing to the fragmented global governance system of labour migration and the large number of actors involved the recruitment intermediation landscape today is complex: it is composed of a web of private sector actors, which includes recruiters, sub-agents, pre-departure training centres, transport companies and travel agencies, medical screening centres, insurance companies and visa consultancies among many others, often operating in the informal economy and outside of the legal and regulatory framework.¹⁸ While when appropriately regulated, private employment agencies can play an important role in improving the functioning of the labour market,¹⁹ abusive practices also characterize this industry. These agents often prey on low-skilled workers and those desperately searching for work, charging them high recruitment fees,²⁰ making them particularly vulnerable to abusive and fraudulent recruitment practices, as mentioned above,²¹ a combination of which can amount to trafficking in persons and forced labour. The impact of these serious infringements of fundamental rights in the workplace becomes even more severe when governments have not laid down clear requirements in law and regulations for fair recruitment, adopted bilateral or multilateral agreements to prevent abuses in major recruitment corridors, or when they lack the capacity to enforce the law.²²

An issue in addressing these challenges remains the lack of reliable and comparable data on labour migration, although recent years have witnessed wide-ranging efforts to produce such data. The data gap remains significant, as noted by the ILO²³ and the international community.²⁴ The need for better-quality data on labour migration is also underscored in the 2030 Agenda, notably Goal 17 on strengthening the means of implementation and revitalization of the Global Partnership for Sustainable Development.²⁵

b. Regional stocktaking: West and East Africa

Most migration on the African continent happens in an intra-regional context, with the intra-Africa emigration rate hovering around 52 per cent.²⁶ For countries in Sub-Saharan Africa this figure is close to 65 per cent, which represents the largest intra-continental south-south movement of people in the world. Intra-African emigration is driven largely by demographic pressures, jobless growth and a dearth of decent work opportunities, growing inequalities between and within countries (rising exclusion), fragility of States and the breakdown of effective governance, globalised access to information and a global skills shortage.²⁷ Similarly, emigration from Africa has increased substantially over the past several decades.²⁸ More than 90 per cent of emigrants from North Africa end up outside Africa, contrasted by only 41 per cent of emigrants from East Africa, 24 per cent from West Africa, 39 per cent from Central Africa, and 28 per cent from Southern Africa.²⁹ Nevertheless, the net migration rate remains low on average in Africa, albeit with marked variation across

¹⁶ ILO: Global Wage Report 2014/15: Wages and income inequality, Geneva, 2015.

¹⁷ M. Aleksynska et al.: *Deficiencies in conditions of work as a cost to labour migration: Concepts, extent and implications*, ILO, 2017.

¹⁸ ILO A Study of Employers of Migrant Domestic Workers in Lebanon, 2013.

¹⁹ Awumbila et al.: Brokerage in migrant domestic work in Ghana: complex social relations and mixed outcomes, 2017.

²⁰ ILO: *The cost of coercion*, Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work, 2009.

²¹ ILO: *Report for Discussion at the Tripartite Meeting of Experts on Fair Recruitment*.

²² ILO: fair recruitment, 2016: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_524995.pdf

²³ Committee on the Application of Standards of the General Survey; *Provisional Record* No. 16-1, 105th Session, 2016.

²⁴ New York Declaration, para. 40;

²⁵ UN: *Transforming our world: the 2030 Agenda for Sustainable Development*, General Assembly, 70th session, 2015.

²⁶ World Bank: *Leveraging Migration for Africa: Remittances, Skills, and Investments; Chapter 1 Migration Patterns and Policies in Africa*; Ratha et al., 2011; *Leveraging Migration for Africa*, 2011 hereinafter.

²⁷ Ibid.

²⁸ World Bank: *Migration and Remittances Fact Book 2011*. 'World Bank 2011' hereinafter.

²⁹ *Leveraging Migration for Africa*, 2011.

countries.³⁰

West Africa, just like sub-Saharan Africa as a whole, is at the heart of a transition and mobility phase. Over the past 45 years, the number of West African inhabitants has multiplied by 3.3 and the urban population by 10, i.e. more than 80 million West Africans have “migrated” from the rural areas to the cities. The available data indicate that 84% of migration movements in West Africa are directed towards another country in the region, which is seven times greater than migration flows from West African countries to other parts of the world.³¹ Most geographically West African countries form part of the Economic Community of West African States (ECOWAS), comprising 15 Member States.³² A salient feature of the ECOWAS region, which was established in 1975, is the 1979 Protocol on Free Movement of Persons, Residence and Establishment, which provides the legislative framework for the free movement of persons in ECOWAS.³³ The protocol stipulates the right of Community citizens to enter, reside, and establish businesses in Member States. Labour migration is the dominant form of migration flows in the ECOWAS region, including temporary, seasonal, and permanent migration, as well as short-term cross-border movements.³⁴

The complexity and dynamism of the migration and asylum reality in the Horn of and East Africa, characterised by both intra-regional and international mixed migratory movements, with countries simultaneously hosting and assisting internally displaced persons, refugees, returnees, victims of trafficking, as well as labour migrants, makes this region stand out. The current number of emigrants from East Africa is limited: fewer than 2.2 per cent of the total population of East African live in other parts of the world, well below the world average migration rate of 3.3 per cent. More than two thirds are settled in other African countries.³⁵ Still, attempts to implement the free movement of persons within the East African Community (EAC) are still in the preparatory stage. The region has become a pivotal point in human smuggling and trafficking, which according to the Danish Refugee Council (DRC) affects up to 80% of migrants in the region.³⁶ This is mainly due to the large movements of refugees and IDPs, but also the economic dimension underlying the recorded forced migration flows, which remains a distinguishing feature of migration in the region. This is particularly true in the context of migration to the Gulf countries, particularly from Sudan, Somalia and, to a lesser extent, Ethiopia and Eritrea. Current demographic and development considerations suggest that labour migration pressures will likely increase significantly in the coming years:³⁷ more than 15 million young people will reach working age each year in 2030, up from currently around 10 million. A compounding factor, the region is the worst affected by extreme poverty in Africa, with 54% of its population living under 1.25 dollars a day per person and 77% living under 2 dollars per day and person. Projections all suggest that even a good performance in economic growth in those countries will likely translate into increased emigration.³⁸

Generally speaking, data on migration in Africa are often missing, out of date, or inconsistent with definitions used in other countries. Intraregional migration flows are often informal and not captured in official statistics. Only 15 African countries have data for the period after 2000, 24 countries have data for the 1990s but not later, and 10 countries have no data even for the 1990s. Coverage varies across sub-regions and central Africa has the weakest data, with no country providing data after 2000.³⁹ Throughout Africa many countries report migrants only from the major source countries. Clandestine migrations, on the other hand, elude any serious quantitative evaluation.⁴⁰ Lack of data

³⁰ World Bank 2011

³¹ Sahel and West African Club (SWAC), OECD, *The Economic and Regional Context of West African Migrations*;

³² <http://www.ecowas.int/member-states/>

³³ See Protocol A/P3/5/82 relating to the definition of Community citizenship for the definition of a Community citizen.

³⁴ ICMPD, IOM: *A Survey on Migration Policies in West Africa*, 2016. ‘ICMPD, IOM 2016’ hereinafter.

³⁵ IOM: *African Migration Trends: Key Facts and Figures for Development*; Bernardo Mariano Jr.;

³⁶ Migration Policy Centre, *Migration and Asylum Challenges in Eastern Africa: Mixed Migration Flows Require Dual Policy Approaches*, 2015. ‘MPC 2015’ hereinafter.

³⁷ <https://www.imi.ox.ac.uk/publications/global-migration-futures-using-scenarios-to-explore-future-migration-in-the-horn-of-africa-yemen>

³⁸ MPC 2015

³⁹ *Leveraging Migration for Africa*, 2011.

⁴⁰ OECD figures on international migration in West Africa.

and, consequently, lack of knowledge of the nature, patterns and problems of migration phenomena are critical issues that constrain both knowledge and appreciation of migration in the whole of Africa.⁴¹

c. Regional Stocktaking: Gulf countries and MENA

The Gulf and MENA region is one of the main destination regions globally for migrant workers, and the numbers have surged considerably in recent years.⁴² The proportion of migrant to local workers is amongst the highest in the world: migrant workers make up roughly one third of the region's population.⁴³ Millions of women and men from Asia and sub-Saharan Africa migrate to the region to seek employment in the construction, manufacturing and agricultural sectors, in food services and the retail trade, and in private houses as domestic workers, nannies, caregivers, drivers and gardeners. Often considered unappealing by the local population, these jobs are instrumental to the transferral of billions of dollars in remittances each year to their countries of origin. Many of these migrant workers, and low skilled workers in particular, face multiple decent work deficits and hardships such as lower-than promised wages, poor living conditions, scant legal protection, passport confiscation, debt, physical abuse and constant fear of deportation. Cases of exploitation by recruitment agents and employers often exacerbate the vulnerable situation workers find themselves in.⁴⁴

The type of sponsorship system used in the GCC countries and Lebanon and Jordan is commonly referred to as the *kafala* system.⁴⁵ While the term *kafala* itself is rarely used in legislation, the concept remains a commonly applied term, particularly in the media, to describe the unique elements of sponsorship, shared by the labour market and systems of the Middle East. This deeply seeded structural system causes, permits, and at times actively encourages, violence towards migrant workers and makes them more vulnerable to trafficking. The *kafala* system is essentially a delegation of responsibility by the State to the private employer to oversee both a migrant worker's immigration and employment status, requiring that migrant workers be sponsored by employers in order to live and work in the region, enabling employers to exert significant control over their employees' lives.⁴⁶ Sponsors often control several aspects related to the migrant workers' labour market mobility, including the entry, renewal of stay, termination and transfer of employment, and, in some cases, exit from the country, which is essential to the vulnerability of the migrant workers. The impotence to break the work contract further contributes to their vulnerability and renders victims even more prone to trafficking. The *kafala* system has been heavily criticised by ILO and the international community.⁴⁷

d. Labour migration from Africa to the Gulf and MENA region: the role of recruitment agencies

The exact number of African workers currently employed in the Gulf and MENA countries is difficult to specify, partly due to the clandestine and unregulated channels through which much of the migration often occurs,⁴⁸ making it difficult to present a coherent picture of migration from West Africa to the MENA region and the Gulf countries in particular. Still, some data has been collected via census and other official sources, which allows for some degree of contextualisation. A recent large survey on migration policies in the ECOWAS region⁴⁹ found that Nigeria is the largest sending

⁴¹ ICMPD, IOM 2016.

⁴² ILO : <http://www.ilo.org/beirut/areasofwork/labour-migration/lang--en/index.htm>

⁴³ ILO *global estimates of migration*, 2015.

⁴⁴ ILO *global estimate of forced labour: results and methodology*, 2012;

⁴⁵ ILO: *Employer-migrant worker relationships in the Middle East: exploring scope for internal labour market mobility and fair migration*; 2017; 'ILO White Paper 2017', hereinafter.

⁴⁶ ILO White Paper 2017'; <https://thinkprogress.org/meet-julie-one-of-the-many-migrant-workers-trapped-in-the-kafala-system-in-lebanon-b8b1604086a>

⁴⁷ ILO White Paper 2017

⁴⁸ http://globalinitiative.net/wp-content/uploads/2017/05/adhrb_slaving-away-migrant-rights-and-human-trafficking-the-the-gulf-web-publication.pdf

⁴⁹ Awumbila et al: *Across artificial borders: An assessment of labour migration in the ECOWAS region*. 2014. Awumbila 2014 hereinafter.

country of migrants to the GCC Member States, primarily Saudi Arabia and the UAE. These are believed to be the main countries of destination, especially for individuals from the north of Nigeria. Given the lack of published data among GCC Member States, little is known about the volume and typology of such migration.⁵⁰ National authorities in Sierra Leone highlight that since 2003, Gulf countries, including Kuwait, Iraq, and more recently, Qatar, have become increasingly important countries of destination for emigrating nationals. In 2010, the stock of nationals in Lebanon, for example, was 916 out of 102,000 migrants.⁵¹ National authorities emphasize the risk of trafficking faced by migrants employed in Gulf and MENA countries, including, more specifically, female domestic workers.⁵² In Ghana, according to national authorities, emerging countries of destination include Southeast Asian countries, Hong Kong, India, and the GCC states. In 2015 over 2,000 women who migrated from Ghana to some Middle Eastern countries were reported to have been abused by their employers. An investigation by the Ghana Immigration Service (GIS) revealed that the victims were assisted by fraudulent recruitment agencies that lured them with the promise of decent job opportunities.⁵³ For Liberian emigrants, Lebanon is the fifth-highest country of emigration. In Senegal, many cases of young girls being trafficked for domestic work have recently surfaced in the media. Finally, Saudi Arabia (and France) was the main country of residence for Malians living abroad. In Mali, recruitment habitually happens not via agencies but by individuals recruiting victims. These are often influential people with access to travelling documents who focus on easily impressionable young people and recruit girls in their localities.⁵⁴ In Lebanon, migrant workers from African countries mainly come from Kenya, Togo, and Ghana. The majority of domestic workers hired in Lebanese households (76.4 per cent) are young women in their twenties.⁵⁵

Temporary labour migration from East and the Horn of Africa to the Gulf and MENA region has increased significantly in recent years. In particular, migration from Kenya to the GCC countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE has seen a substantial surge.⁵⁶ As South and South East Asian countries are increasingly imposing restrictions on sending migrant workers to the region, some Gulf countries and employers are turning to Kenya and other East African countries for inexpensive labour to fill the labour shortages in various sectors ahead of the UAE Expo in 2020 and the Qatar World Cup in 2022, including construction and other service-based jobs. Unemployment and instability at home combined with the difficulty of gaining entry to Western countries and the Gulf region's economic growth and proximity have generated more potential migrants in Kenya. Ethiopia continues to be a major labour sending country for African migrant domestic workers in the GCC. The country's Ministry of Labour recorded a total of more than 37,000 female migrant workers in Lebanon, Kuwait, Saudi Arabia, and the UAE between 2008 and 2010, migrating via regular channels.⁵⁷ In addition, in the first half of 2012 alone, over 160,000 Ethiopians were reported to have migrated irregularly to Saudi Arabia to work in the domestic sector as maids on time-bound contracts facilitated by private employment agencies using the so-called "desert route".⁵⁸ Moreover, interviews conducted with Ugandan CSOs by ICMC Europe confirm anecdotal evidence regarding the movement of Ugandan youths to the Gulf states in order to gain a better living for themselves, often involving trafficking and exploitation, deception by fake recruitment agencies and the charging of exorbitant recruitment fees.⁵⁹ This is confirmed by a number of testimonies from Ugandan nationals collected by migrant rights organisations.⁶⁰

Given the popularity of the Middle East labour market, private recruitment agencies fulfil a prominent

⁵⁰ IOM, ICMPD, MTM: a Dialogue in Action. Linking Emigrant Communities for More Development. 2010.

⁵¹ Ibid.

⁵² Awumbila 2014

⁵³ <https://www.ghanaweb.com/GhanaHomePage/regional/Migration-Foreign-Affairs-to-monitor-recruitment-agencies-425741>

⁵⁴ IOM: *Migrants Caught in Crisis: the IOM Experience in Libya*, 2012.

⁵⁵ ILO: *Intertwined - An study of employers of migrant domestic workers in Lebanon*. 2016; 'Intertwined, ILO 2016', hereinafter.

⁵⁶ <http://www.migrationpolicy.org/article/kenyan-migration-gulf-countries-balancing-economic-interests-and-worker-protection>

⁵⁷ 2013 report ILO domestic workers

⁵⁸ http://www.regionalmms.org/images/ResearchInitiatives/Migrant_Smuggling_in_the_Horn_of_Africa_and_Yemen_report.pdf

⁵⁹ This was the result of a series of a survey and interviews conducted by the authors. S. Chapter 4 for more details.

⁶⁰ <https://www.migrant-rights.org/2015/10/ugandans-risk-more-than-exorbitant-recruitment-fees-in-seeking-employment-in-the-gcc/>
<https://www.migrant-rights.org/2017/07/stories-of-origin-in-the-land-of-friends-and-uncles-everyone-is-an-agent/>

role, i.e. that of bridging the gap between employers or sponsors and prospective migrants: according to survey conducted by the ILO in 2011, close to 90 per cent of private households in Lebanon alone used the services of private recruitment agencies to contract domestic migrant workers.⁶¹ As found by the PAVE project in 2011,⁶² there exists thus a complex interplay of vulnerabilities in both labour-sending and receiving countries and the recruitment-related exploitation of migrant workers begins in the home country. In many cases, particularly where a labour-sending government has banned the recruitment of domestic workers, brokers and agencies facilitate migration through irregular pathways that exacerbate already precarious employment conditions by leaving women unregistered in both their home and host country.

As has been previously mentioned, low-skilled migrant workers and those in irregular situations are particularly vulnerable to becoming victims of human trafficking. A brief snapshot of the prevalence of human trafficking between Africa and the GCC and MENA countries should complement the mapping exercise as put forward in this paper. As noted by the UNODC Global Trafficking in Persons report 2016, there is a prominent trafficking flow originating from Sub-Saharan Africa bound for the Middle East.⁶³ About 13 per cent of the victims detected in North Africa and the Middle East between 2012 and 2014 were from Sub-Saharan Africa. The vast majority of these victims were from East Africa, mainly from the Horn of Africa. The repatriation data gives more details about the trafficking flows out of Sub-Saharan Africa. For one, East Africans were not the only victims from this region that were trafficked to the Middle East during the 2012-2014 period.⁶⁴ Nigerian authorities reported that some 130 Nigerian citizens were trafficked to the countries of the Gulf Cooperation Council as well as from North Africa. During the same period, Uganda reported that some Ugandan citizens had been repatriated from the Middle East. There is also a trafficking flow that runs from West Africa to North Africa, which may be underreported, as North African countries do not report many cases of trafficking in persons. In a survey of 162 victims of trafficking in the MENA and Gulf region, the PAVE project found that the demographic profile of trafficking victims reflected the recently increasing number of workers migrating from sub-Saharan Africa (Cameroon, Eritrea, Ethiopia, Kenya, Liberia, Sudan and Uganda).⁶⁵

3. Legal standards and policy frameworks: protection of migrants (workers) rights

a. International standards

As previously noted, the increase in labour migration in recent years and in particular the predominance of low-skilled migrants that are particularly vulnerable to trafficking, exploitation and human rights abuses, has meant that ethical and fair recruitment standards have found increasing attention on the global political level. As such, the 2030 Agenda for Sustainable Development⁶⁶ provides a strong link between decent work and migration in SDG 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, which contains target 8.8: “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.”⁶⁷ Other important targets relating to labour migration are found in SDG 10 on reducing inequality within and among countries, and in particular SDG 10.7: “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”, as well as target 10.c on remittance costs.

The Addis Ababa Action Agenda of the Third International Conference on Financing for Development (and an integral part of the 2030 Agenda), for its part, recognised that stronger

⁶¹ Intertwined, ILO 2016.

⁶² IOM: *The Other Migrant Crisis - Protecting Migrant Workers against Exploitation in the Middle East and North Africa*, 2015.

⁶³ UNODC, *Global Report on Trafficking in Persons 2016*;

⁶⁴ Ibid.

⁶⁵ *The Other Migrant Crisis*, 2015.

⁶⁶ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_524995.pdf

⁶⁷ Citation SDG goal 8.8

governance is needed to distribute the benefits of migration equitably and that reducing the costs of migration through lowering recruitment costs, ensuring coordination of social security rights and benefits, skills recognition and lowering remittance costs are key tools to achieve this.⁶⁸

Similarly, the New York Declaration for Refugees and Migrants, adopted by the UNGA on 19 September 2016, acknowledges that labour migration at all skill levels, employment creation and adherence to labour standards are essential in protecting migrant workers, regardless of their status.⁶⁹ In relation to migrants, States under this document commit, among others, to addressing the drivers of irregular migration; assisting, on the basis of needs, migrants in countries facing conflict or natural disasters; reducing the costs of labour migration; promoting ethical recruitment policies; and, applying minimum labour standards. The Declaration also calls upon governments to consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) and relevant ILO conventions.⁷⁰ Annex II of the Declaration further includes “protection of labour rights and a safe environment for migrant workers and those in precarious employment, protection of women migrant workers in all sectors and promotion of labour mobility, including circular migration” as one of the elements that could be included in the Global Compact on Migration.⁷¹

International labour standards have remained an essential tool for the harmonisation and convergence of legislation and guiding frameworks at the national and regional levels. The ILO has several legally binding instruments related to migrant workers, including the Migration for Employment Convention (No. 97), the Migrant Workers Convention (No. 143; MWC), the Domestic Workers Convention (No. 181), the Private Employment Agencies Convention (No. 189), as well as a series of non-binding guidelines and principles that comprise the ILO’s Multilateral Framework on Labour Migration.⁷² The MWC seeks non-discrimination against migrant workers and upholds their human rights, including freedom of movement, association and speech in host countries. While it protects migrant workers, the MWC also pushes for measures to end clandestine migration, especially because of human trafficking and misleading information that encourages irregular migration. Thus far, the 49 countries that had ratified the Convention by November 2016 are primarily countries of origin of migrants.⁷³ For these countries, the Convention is an important vehicle to protect their citizens living abroad.

The ratification of UN legal instruments related to international migrants and migration remains uneven. As of October 2015, 36 Member States had ratified all five of the UN legal instruments related to international migration, while 14 Member States had ratified none of the relevant instruments.⁷⁴ Still, the references to ILO Conventions Nos 97 and 143⁷⁵ and to related Conventions and Recommendations,⁷⁶ providing a benchmark for national laws and supporting jurisprudence and litigation, have continuously informed labour migration agendas, especially across regional economic communities. For example, the 2014 SADC Labour Migration Policy Framework and the 2012 ECOWAS General Convention on Social Security draw directly on ILO Conventions related to migration. The continued relevance of international labour standards can also be seen in recent ratifications of new instruments such as the Domestic Workers Convention in Latin America, Africa and Asia and in the inclusion of ratification processes for Conventions Nos 97 and 143 on the agenda of the AU Joint Labour Migration Programme.⁷⁷ In December 2016, ILO released General Principles and Operational Guidelines for Fair Recruitment,⁷⁸ which outline 14 responsibilities for governments,

⁶⁸ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_524995.pdf

⁶⁹ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_524995.pdf

⁷⁰ New York Declaration, par. 48

⁷¹ New York Declaration, Annex II.

⁷² http://www.ilo.org/newyork/news/WCMS_217919/lang--en/index.htm

⁷³ <http://indicators.ohchr.org/>

⁷⁴ http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf

⁷⁵ http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf

⁷⁶ Such as Conventions Nos 181 and 189 and Recommendations Nos 86 and 151

⁷⁷ IOM: *Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community*, 2016.

⁷⁸ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_536755.pdf

six responsibilities of enterprises and public employment services,⁷⁹ and six responsibilities for employers including the right to change employer and to collective bargaining.

b. Regional standards

Migration and particularly the free movement of people across borders is paramount to enhancing regional and continental integration.⁸⁰ The African Union (AU) defines its approach to migration through two key policy frameworks: the Migration Policy Framework for Africa (MPFA)⁸¹ and the African Common Position on Migration and Development (ACPM).⁸² The former rightly recognised that “migration will be a major topic in the 21st Century and will therefore pose certain social, economic and political challenges for policy makers in the future management of migration for the betterment of African societies”⁸³, and calls for a rights-based approach to labour migration based on ILO Conventions No 97 and 143 as well as the MWC, thus incorporating labour migration as a central aspect of migration. In January 2015, African Heads of State and Government adopted the Joint AU/ILO/IOM/ECA programme on governance of labour migration to foster development and integration in Africa (JLMP), in cooperation with Africa’s Regional Economic Communities (RECs). The programme contributes to obtaining the development potential of labour and skills mobility in Africa by supporting effective governance of labour migration and protection of migrants.⁸⁴ The fact that all AU member states have signed the JLMP shows the commitment of AU Member States to achieve an effective continental labour migration regime and to encourage labour migration across national borders.⁸⁵

The importance of RECs in governing labour migration has been highlighted previously. Throughout the ECOWAS region, the Horn of Africa and EAC, the nature of migration policies entails two dimensions: an internal dimension affecting the national territory and an external one that relates to the country’s foreign affairs.⁸⁶ Largely because of this dual nature, migration policy processes involve several different ministries and stakeholders, with the institutional landscape of many countries presenting a fragmented picture. Migration-related responsibilities are allocated among a number of ministries and public agencies according to the traditional split of internal and external dimension. Government ministries and agencies work rather independently from each other and in most of the countries, no ministry or unit within the government is mandated to coordinate migration issues. Other relevant mechanisms include the Khartoum⁸⁷ and Rabat process, respectively. Not RECs per se, but rather a platforms for political cooperation, including on migration and development, and given their distinct governance structure and political implications, these will not be examined in detail.⁸⁸

Most ECOWAS states have ratified most of the international legal instruments protecting human rights,⁸⁹ achieving a high ratification rate of the MCW. This is consistent with the observation that the region represents the best case among the three African regions⁹⁰ as far as effecting the freedom of movement is concerned.⁹¹ However, the major international conventions on migration have received less support in the region. Although almost all of the countries have ratified the 2000 UNCTOC on

⁷⁹ These include guidance relating to recruitment fees and passport retention; six responsibilities for labour recruiters, which include respecting both bilateral and multilateral guidelines on recruitment;

⁸⁰ <https://www.saiia.org.za/speeches-presentations-other-events-materials/1101-2016-09-08-kas-migration-presentation-dr-innocent-moyo>

⁸¹ http://www.fasngo.org/assets/files/resources/EXCL276_IX_Strategic_Framework_for_Policy_Migration.pdf

⁸² http://www.un.org/en/africa/osaa/pdf/au/cap_migrationanddev_2006.pdf

⁸³ http://www.fasngo.org/assets/files/resources/EXCL276_IX_Strategic_Framework_for_Policy_Migration.pdf

⁸⁴ REPORT OF THE AFRICAN WORKING GROUP ON MIGRATION

⁸⁵ SEF: *Regional Migration Governance in the African Continent. Current state of affairs and the way forward*, 2017. ,SEF 2017’ hereinafter.

⁸⁶ De Somer, M., *Trends and gaps in the academic literature on EU labour migration policies*, Liberty and Security in Europe Papers, 2012.

⁸⁷ <https://www.khartoumprocess.net/>

⁸⁸ <https://rabat-process.org/en/>

⁸⁹ 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, and the 1989 Convention on the Rights of the Child.

⁹⁰ The other two being SADC and EAC; SEF 2017.

⁹¹ The two major ILO conventions dealing with international migration for employment appear to be particularly divisive. The 1975 Supplementary Provisions of the ILO Convention on Migrant Workers C 143 has been ratified by Benin, Burkina Faso, Guinea, and Togo.

trafficking in persons and the smuggling of migrants, other instruments are still awaiting ratification or have not yet even been signed.⁹² More than half of the countries have concluded bilateral labour agreements facilitating nationals' access to the labour market of partner countries that are not ECOWAS Member States.⁹³ Only a few countries have concluded bilateral readmission agreements establishing the procedures to return irregular migrants to their countries of origin, both with countries in the region and increasingly with the EU and its member states. Although the EAC and the Horn of Africa have a lower ratification rate of international instruments, the EAC has made significant progress in working towards the realisation of the freedom of movement.⁹⁴ Only two countries in the EAC and none from the Horn of Africa have signed or ratified the MWC. Convention No. 181 has only been ratified by Ethiopia.⁹⁵

Many ECOWAS states do not have a comprehensive national migration strategy in place with a few exceptions. Mostly, migration policies are based on strategic documents that only address parts of migration, which results in an unbalanced approach that may neglect key migration aspects (e.g. emigration issues in Côte d'Ivoire and Guinea, and human trafficking and protection of migrants at risk in Togo). Some countries have established agencies mandated to facilitate the matching of labour demand and supply in the country. Emigration is in general less regulated and very few ECOWAS states have adopted comprehensive policies in this regard. In the area of labour migration, initiatives to identify and assess potential new countries of destination and to promote employment of nationals abroad are quite limited in the region, and countries have mainly focused on labour agreements. Initiatives in the region for the promotion of employment of nationals abroad, as well as the identification and assessment of existing and potential new countries of destination remain limited. Some countries have developed frameworks, mechanisms and other activities around labour migration (Nigeria, Senegal, Cape Verde).

In recent years, a number of African governments have implemented measures to improve the conditions especially for migrant domestic workers through an enhanced regulatory framework for recruitment agencies and processes, mandatory training and information sessions for migrant workers before their departure, as well as concluding bilateral labour agreements with major labour receiving countries. However, significant challenges remain to enforce newly drawn up regulations to improve government control of the private employment agencies. What's more, the presence of labour attaches or ad hoc missions in major countries of destination to provide support and protect their nationals remains limited.

Recruitment abroad through private employment agencies is regulated by law in some ECOWAS states,⁹⁶ as well as through the conclusion of bilateral recruitment agreements with private companies operating in the Middle East that include protection measures, as is the case in Sierra Leone. The Ghanaian government⁹⁷ has placed a temporary ban on recruitment of workers to Gulf countries after a hike in reported cases of abuse faced by migrant workers. However, the regulation of these private recruitment agencies seems limited in practice and they often operate outside the control of national authorities, as is the case in Burkina Faso, and also Ghana, where there are 127 licensed agencies, but an estimated 250 active agencies in total. Throughout the region, the implementation of protection policies towards nationals abroad or potential emigrants seems to be undermined by financial constraints. Some of the countries have undertaken initiatives to inform potential emigrants about the different aspects of the migration process, legal migration opportunities, and living and work conditions abroad.⁹⁸ In an attempt to combat the modus operandi of recruiters in Mali, who often prey on youth and young girls in particular in their local communities, the Malian government introduced special travel documents for children up to age 18 and sensitized authorities to be vigilant when these

⁹² Among those ILO conventions No. 97 and 181 on Migration for Employment Convention and PEAs, respectively.

⁹³ i.e. Benin, Burkina Faso, Cape Verde, Guinea-Bissau, Côte d'Ivoire, Mali, Niger, Senegal, and Sierra Leone

⁹⁴ SEF 2017.

⁹⁵ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312326:NO

⁹⁶ Burkina Faso, Ghana, Liberia, Mali, Nigeria, and Togo

⁹⁷ <http://www.africanews.com/2017/06/02/ghana-bans-recruitment-of-workers-to-gulf-countries/> ; <http://allafrica.com/stories/201704130080.html> ; <http://www.migrationpolicy.org/article/kenyan-migration-gulf-countries-balancing-economic-interests-and-worker-protection>

⁹⁸ Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea, Mali, Senegal, Sierra Leone, and Togo

are requested.

In East Africa, a number of countries have initiated national strategies to deal with labour migration. A high-level Ministerial group,⁹⁹ set up in Kenya and led by the President, has produced guidelines and an action plan on labour migration, triggered partly by the high number of reported cases of abuse of Kenyan migrant workers employed in the Middle East and discussed in the Kenyan media. In 2012 the country put a ban on employment of their nationals as domestic workers in countries in the Middle East. Moreover, a new legislation on Private Recruitment Agencies was developed aimed at better enforcing regulations for recruitment agencies. Kenya is also currently holding bilateral dialogues with some major countries of destination, and has entered into an agreement with Qatar, while an agreement with Saudi Arabia is in the process.¹⁰⁰

Ethiopia¹⁰¹ has a Regulation on employment exchange services, which sets out a number of provisions for the protection of the rights of migrant domestic workers. These include a ban on the hiring of domestic workers younger than 18, the requirement to issue a written contract before departure, and mandatory pre-departure orientation training. Ethiopia has also prohibited the migration of their nationals to certain countries with the aim of putting pressure on destination countries to improve conditions where there is demand for foreign workers. However, reports have surfaced that these travel bans are ineffective, and in the absence of proper enforcement and grievance mechanisms, push people to migrate clandestinely.¹⁰²

As was the result of a civil society survey conducted by the authors of this report among 130 CSOs across West and East Africa, the Ugandan Parliament has on many occasions tasked the Ministers and officials from Labour Ministry of Foreign Affairs and Ministry of Gender Labour & Social Development to explain the fate of Ugandans going abroad for those odd jobs, locally termed as 'kyeyo'.¹⁰³ As a result, the Government of Uganda entered into a formal agreement and partnership with Trinidad and Tobago – and is currently setting up similar agreements with a number of Gulf countries – to send doctors from Uganda to Trinidad and Tobago to meet the local demand for such labour. These specific agreements allow for targeted filling of labour supply gaps, and are in line with international labour and human rights standards.

The fight against human trafficking is the most developed migration area, as mentioned above.¹⁰⁴ Almost half of all ECOWAS member states have established bodies that focus on actions against human trafficking. However, results are mixed when it comes to the protection of the rights of migrants. Efforts to protect migrants at risk are limited in scope in most of the countries where public authorities rely mainly on NGOs to provide support to victims. Similarly, policies to protect nationals abroad or potential emigrants are inadequate. Diplomatic and consular posts offer limited support, while activities to provide information on the different aspects of the migration process and living/working conditions abroad lack continuity. Furthermore, comprehensive information strategies have yet to be developed.

In the Gulf and MENA region, ratification of international ILO conventions to protect migrant workers is very low. As such, no country except for Egypt has ratified the MWC.¹⁰⁵ Neither have they signed Convention No. 97 Migration for Employment Convention. GCC countries are also grappling with a labour migration and mobility model, which, although fairly liberal in terms of bringing workers in, has been criticized for not addressing unacceptable conditions of work faced by many migrants. There have been some changes, however, mainly between Asian countries of origin and

⁹⁹ ILO 2013 domestic migrant worker report

¹⁰⁰ UN Economic Commission for Africa: *Challenges in promoting and protecting the human rights of migrant domestic workers* 2012.

¹⁰¹ ILO 2013 report domestic workers:

¹⁰² <https://www.irinnews.org/feature/2017/05/15/slave-labour-death-rate-doubles-migrant-domestic-workers-lebanon>

¹⁰³ s. Chapter 4 for more details.

¹⁰⁴ S. signing of convention against trafficking

¹⁰⁵ <http://gulfmigration.eu/international-convention-on-the-protection-of-the-rights-of-all-migrant-workers-and-members-of-their-families-mwc/>

Gulf destination countries.¹⁰⁶ Several countries in the Gulf and MENA region have joined cross-regional consultative processes. UNODC has been instrumental in establishing “The Arab Initiative to Build National Capacities to Combat Human Trafficking in the Arab Countries”.¹⁰⁷ The ILO continues to promote migrant worker dignity and welfare through the Decent Work Programme.¹⁰⁸ Additionally, within the IOM’s PAVE Project, a regional policy dialogue engaged senior government officials in an attempt to strengthen their respective protection frameworks.¹⁰⁹ These programmes are supported by governments who are relying on the expertise of these bodies to train and build capacity of law enforcement officials including through awareness of the crime and worker rights, identification of victims and referral mechanisms.

4. The role of civil society

a. Overview

Since its inception in 2007, the Global Forum for Migration and Development (GFMD) has highlighted the central role played by civil society in advocating for the protection of workers rights, fair and ethical recruitment standards, and the advancement of rights-based labour migration policies. Local, national and international civil-society organizations have increasingly secured fundamental labour and human rights for vulnerable temporary labour migrants, while reinforcing governments’ legal and moral obligations to uphold international labour standards.

As noted previously, even in the presence of cogent legal and policy frameworks to protect migrants’ and migrant workers’ rights, implementation on the local level is often lacking. To fill this gap, CSOs have stepped in to respond and provide assistance to migrants at the local level where public systems are not sufficient or are absent. At the national level, the CSOs’ expertise and hands-on experience working with migrants also make them important players and a source of valuable information; that gives them an advantage when they engage in advocacy, allowing them to represent migrant workers, who tend to be one of the most marginalized populations in most countries in the region.

b. Presentation of survey results

In order to get a more nuanced picture of the specific role in a number of countries in East and West Africa, the services provided by CSOs, the collaboration between civil society and governments, as well as their recommendations both in terms of policy and concrete programming, a survey was conducted by ICMC Europe/MADE Africa among 132 civil society organisations in the both West, East, the Horn of Africa and Morocco. All of the organisations interviewed for this survey work with or on behalf of foreign migrant workers in their countries of residents, nationals of their countries of residence who have migrated abroad for reasons of work, as well as returnees, either voluntary or forced. Some work on the grassroots level in direct contact with migrants themselves, others on the nexus between grassroots and political level. The vast majority are from the ECOWAS region, and about one third from East or the Horn of Africa and a few others from Morocco.

The 21 questions¹¹⁰ covered issues from the profiles of national migrant workers abroad as well as returnees; observed changes in migratory dynamics (motivation to migrate, actors involved in migration process, destination countries) over the past five years as well as policy and institutional developments; dynamics of recruitment of prospective migrants; prevalence of trafficking, fraudulent recruitment practices, and cases of abuse and exploitation as well as the victims’ profiles; existing

¹⁰⁶ In 2014, the Third Ministerial Consultation of the Abu Dhabi Dialogue among Asian countries of origin and Arab destination countries adopted the Kuwait Declaration, which references the ILO Fair Migration Agenda and the importance of fair recruitment. → mainly Asia!!

¹⁰⁷ Migration Governance, ILO, 2017.

¹⁰⁸ <http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/lang--en/index.htm>

¹⁰⁹ The other migrant crisis, IOM, 2015.

¹¹⁰ S. Annex to this report.

examples of good collaboration between CSOs and governments to enhance protection of migrant workers; identified gaps in the protection of migrant workers and recommendations as to how to improve collaboration between CSOs and governments.

The responses largely confirmed the findings of the literature review in the first part of this document. The profiles of migrants were largely found to be young people who move out of a mix of lack of economic prospects in their home countries, peer pressure and deception by recruiters. Cases of trafficking, abuse, exploitation, and a high cost of migration were found to be prevalent. While some governments, especially in East Africa, were considered to have set up promising political and legal frameworks to enhance protection of migrant workers that could serve as best practices to be implemented in other countries, many governments were criticized for lacking crucial knowledge of grassroots dynamics; the programmatic or policy response was thus not considered to be tailored to the needs of migrants and returnees and targeted enough to effectively prevent harm caused by fraudulent recruiters. Generally, a stronger collaboration between NGOs, governments in countries of original and destination, consular offices as well as law enforcement was called for as a solution. Existing best practices from other countries – including the Philippines and Thailand – were named as important examples to learn from. Moreover, many organisations called for a stronger regulatory framework for private recruitment agencies and better enforcement mechanisms.

In addition, the responses served to fill gaps in official statistics and reports. As such, the migration from West Africa to the Gulf countries is often portrayed as being negligible or difficult to grasp due to a lack of data. Anecdotal evidence from the present survey confirmed however the increasing relevance of migration from West Africa to the Gulf Countries and therefore highlighted the need for a robust partnership between governments and civil society to protect those who decide to migrate and offer alternatives to those they are able to deter. In the following, a number of responses have been summarised in order to give a representative picture of the overall situation, and recommendations.

According to a respondent from a **Uganda**-based NGO that works with both returnees and migrant workers ('foreign workers') in the Gulf and MENA region, the situation in the countries where these migrants move to was 'bleak'. He stated that many felt motivated to migrate because of false promises by recruiters as well as peer pressure. Young people were particularly vulnerable and susceptible for this racket. Prospective migrants are recruited both by friends or colleagues who have good relationships in the destination countries, as well as through private recruitment companies. In some cases, young Ugandans were hired specifically by companies to act as recruitment agents for their friends and relatives. Some of those who returned report encouraging stories of success. Others, especially females, speak of life-threatening experiences, including exploitation, abuse, humiliation and harassment. The knowledge gap of those migrating and deceptive practice used by recruiters was confirmed by a respondent from **Ethiopia**, who works with victims of child and human trafficking, as well as returnees from mainly Saudi Arabia, who are between 18 and 35 years old. Returnees often spoke of exploitation, debt bondage and other forms of abuse. The travel ban on specific countries by the Ethiopian government was found to be ineffective and rather push people to migrate clandestinely.

Deception and fraudulent practices also played a role in the recruitment of prospective migrants in a number of West African countries, as confirmed by several CSOs from **Senegal**. It was named that a dire economic situation as well as restrictive migration policies by Western countries had contributed in particular to youth being receptive to the promise of high salaries, excellent living conditions and easy access to Western countries. Similarly to East Africa, recruiters were often of the same nationality and had either personal or good business connections to the destination country. Some were former migrants themselves and family members of prospective migrants. Stories of sexual abuse, the taking away of the passport, abuse, beatings and house arrest dominated the stories of returnees, who often work in the construction and agricultural industry, and as domestic workers in Gulf countries and Lebanon.

Family connections, positive stories of friends and relatives in destination countries as well as the will to establish a better life for oneself were named as a central reason for **Nigerian** migrants to take up the journey, with an ‘abysmal’ state of knowledge of the countries they were moving to. On their way towards what was found to be mainly Europe, often via Libya, as well as the Kuwait, UAE and Lebanon, migrants fell prey to trafficking, smuggling, exploitation, often as a result of fraudulent recruitment. In Nigeria, recruiters were reported to be more organised than in other national contexts: aside from Nigerians working as middlemen, many of the recruiters are foreign nationals and operate illegally without an official recruiters license. The nationalities of those allegedly involved in recruiting migrants are Egyptian, Lebanese, Emirati, and from ‘under-developed’ Asian countries, often linked to private recruitment firms. Contact with prospective migrants, many of them youth in the search of better job opportunities, was established online (through ‘emails, online messages and bulk SMS’) and via social media, as well as local adverts and ‘door-to-door consultation’.

In **Ghana**, migration has historically mainly rural to urban or from the resource poor Northern Ghana to the South. However, over the last five years, according to one NGO, this internal migration and the perceived economic prosperity and availability of jobs in the destination countries had created an impetus for smuggling and often trafficking young girls across the borders to neighbouring countries like Benin and Nigeria. The respondent suspected that these countries were merely transit hubs to other destinations like the Gulf and the MENA regions. As confirmed by another organisation, there had recently been an accumulation of reported cases of direct trafficking of young women from Ghana to the Gulf Region and South Africa with lures of jobs. Data on these issues was reported to be difficult to get or verify. The profile of recruiters was difficult to ascertain, given arrests are rarely made. A few reported cases involved Nigerian nationals without recruitment licenses.

Both immigration and emigration in the context of **Benin** was found to be largely regional (Nigeria, Togo) and intra-African. Recruiters, both male and female, usually had no license and worked clandestinely. Information about migration opportunities was obtained through recruitment agencies, other migrants, radio announcements, written press, as well as door-to-door consultations.

c. Recommendations

Respondents of the survey identified gaps in the current protection of migrant workers, and put forward a number of recommendations and best practices for a more effective partnership between CSOs and governments, as well on a multi-stakeholder level.

Actors in **Uganda and Kenya** found that governments and civil society should work together in order to increase the protection and information of migrant workers against abuse and exploitation. Multiple stakeholders (whether families, governments, human rights Organisations, citizens etc.) should be brought into partnerships in order to contribute to a better prevention of this kind of migration. A particular **role for grassroots NGOs** was seen in the follow-up and case referrals especially where there are instances of abuse, exploitation, humiliation etc. Moreover, the role of CSOs was seen in creating awareness and sensitisation of the danger of trafficking under the disguise of ‘lucrative’ job opportunities abroad. **Governments** should improve registration of all those migrants leaving the country and to improve cooperation with consular missions in destination countries. Moreover, formal arrangements or partnerships with the respective government(s) of destination countries were seen as important to enhance protection of foreign workers abroad, as well as between governments and employers and companies in the destination countries.

In **Ethiopia**, recent cases of increased recruitment of youngsters to work in the construction, agriculture and services sector in the Gulf and MENA region had gotten significant attention by the government and NGOs actors. However, some actors saw a problem in that acting on the issue required (financial and institutional) resources, systematic coordination and collaborative effort, which thus far was still lacking. It was recommended that the **government** should work on the protection migrants through its embassies and improving the enabling environment in the home country (poor governance was named as major reason for people to emigrate). A central **role for**

CSOs was seen in awareness creation, counselling, and immediate support and rehabilitation measures. As best practices for both CSOs and governments were named peer education in schools, strengthening child protection structures, training for potential migrants, training for law enforcement officials, improving the reporting system, involving the private sector to support initiatives, continuing to bring issues to the attention of the government, and improving an enabling environment so as to facilitate the re-integration of returnees.

Several CSOs recognised that governments of a number of ECOWAS states have recognised the effective potential of collaboration with CSOs and actively include CSO representatives in their activities around migration governance. A respondent in **Senegal** found that authorities often intervened to raise public awareness of the risks associated with recruiting labour in certain countries, especially in the Gulf, especially after a specific case of a young Senegalese migrant domestic worker in Saudi Arabia who had killed her employer following severe exploitation and abuse, generated a public outcry. Despite the positive impact that awareness and a good collaboration between government, civil society and consular authorities can have, the clandestine nature of operations by recruitment agencies was seen as a major challenge. Therefore, greater sensitisation of the public was seen as an important step. **Civil society** could play an important role in raising awareness among potential candidates and their families and provide targeted information sessions for vulnerable individuals and their families were recommended to inform potential candidates of the trip about the possibilities of work, the conditions of integration, the necessary documents, the risks to avoid. **Governments** should strengthen their anti-trafficking laws and regulation of recruitment agencies, as well as build up partnerships with the authorities of host countries on the need to respect the rights of migrant workers. Finally, it was seen as key to success that government and civil society work together, possibly via setting up of councils that meet on a regular basis, in order to improve the programmatic and policy response to the effective protection of migrant workers.

A number of respondents from **Nigeria** found that the **government** had the primary responsibility to put in place systems and mechanisms to ensure safety of migrant workers and to draw up and implement laws that will protect migrants.

Civil society in Nigeria was reported to be limited by law in terms of how much can be done to directly reduce trafficking. Capacity needed to be built and funding supported to assist governments and families in reducing the increasing and pervasive spread of the social menace in Nigeria and West Africa. More civil society engagement was needed at local, national and regional levels. Most often, anti-trafficking civil societies were largely invisible stakeholders due to inadequate funding and lack of capacity to function to assist the government anti-trafficking agency to successfully meet the ever dynamism of the operators of illegal and clandestine activities and thus at the mercy of government coordination agencies for migration and anti-trafficking for participation in strategic and planning meetings nationally and internationally. Transparency and funding commitment to reduce irregular migration was seen as a very important factor in the fight against trafficking and smuggling of migrants. The government was seen to be wary that too independent civil society would expose government inadequacies to the public on trafficking issues. For now, only the government anti-trafficking agency in Nigeria, NAPTIP is most visible in the fight against trafficking, which was reported to be well positioned, but poorly funded to reach out to every community in the country and therefore needed the grass-root reach of the civil society groups and to diversify the reach in different local communities in different parts of the country to become more effective. The **Nigerian government** has promulgated many anti-trafficking and anti-smuggling legislations. It has also, endorsed the Labour Migration Policy and the National Migration Policy. Implementation, however, was seen as problematic. Finally, the **synergy between the government**, government anti-trafficking agencies, CSOs, NGOs, families, research institutions, law enforcement agencies, rehabilitation centres, UNODC, international institutions, religious bodies and social groups civil society and grassroots NGOs was seen as central to protect migrant workers against abuse and exploitation and could produce the establishment and publicised online platform for engagement against human, smuggling, trafficking and irregular migration.

In **Benin**, several good practices by **civil society actors** were highlighted. As such, the national platform of civil society organisations on migration and development provided training to members of the so-called advocacy technique platform, organised discussions and conferences with local authorities to inform on the protection of girls and women, the dangers of trafficking, victims of trafficking, exploitation and gender-related harassment in the female migrants' places of work. Awareness raising initiatives and trainings on the very local level were seen as and among relatives and neighbours of potential migrants were seen as effective to prevent deception and mitigate the danger of trafficking. The **government** of Benin, it was recommended, should establish better reporting mechanisms between the different levels of governments, especially on the local level, and civil society, which would also improve the collection of data. Moreover, the lack of a national migration policy was seen as an impediment to the effective advocacy and addressing of issues on the ground. A greater raising of protection issues and trafficking on a transnational and high-policy level was furthermore seen as central in order to improve tools and financing of protection measures. Civil society needed greater financial and technical support from foreign donors in order to be able to effectively lobby their government.

CSOs in **Ghana** reported that horrifying stories of returnees or those stranded in destination countries being reported in the media has aroused public discussions. The new National Migration Policy launched by the government in April 2016 had created an impetus for engagement by the public and between the government and civil society. While it was considered a best practice for strong political commitment and a framework for multi-actors cooperation in Ghana, it is still early days yet for real results to be reported. Clear national migration policies with implementation and monitoring mechanisms in place as well as the establishment of an Anti-trafficking unit within the Ghana Police Service were seen as important measures to be taken by the **government** to improve protection. The role of **civil society** was seen in furthering a strong policy advocacy for the adoption and implementation of national Migration Policy and the provision of information services to potential migrants so that they are aware of the true situation of the expected destination countries. As a good practice, a network of NGOs in Ghana working with the International Justice Mission in country that raise issues of migrant protection abroad periodically was named. Finally, collaboration between the government and civil society could be strengthened by setting up a joint committee of government actors and CSOs in order to review and monitor the implementation of the National Migration Policy and to provide for improved information exchange.

5. Conclusion

As this mapping exercise has shown, protection of migrant workers, especially those migrating from African countries to the Middle East, still shows significant gaps, both in terms of political and programmatic response and implementation on the ground. These findings are exacerbated by a weak regulatory environment of recruitment agencies in most African countries and a lack of licencing standards.

The survey results show a strong awareness and knowledge of the pertinent protection issues, migration dynamics by civil society actors and clear suggestions on how to prevent abuse, exploitation and deceit. However, the lack of proper coordination among governmental bodies and levels is compounded by a largely only ad-hoc and unstructured engagement with civil society organisations, as well as little possibility for consistent capacity building among CSOs and a continued funding gap. The potential of civil society to engage in awareness raising activities was highlighted in each interview conducted. Returnees, families, local authorities, friends and other stakeholders should actively be involved in awareness raising campaigns to combat false information spread by both peers and recruitment agencies. Such campaigns and in-person activities should concentrate on specific localities but still have a broad coverage recognising vulnerability of certain regions.

Evident from both interviewees' assessment and the foregoing literature review, there is a palpable gap in data on dynamics of migratory movements, labour market needs and best practice exchange. Protection issues are sometimes very specific to certain occupations and categories of workers, which is where a corridor approach within regional economic communities may be useful.

Governments could help protect migrants by improving regulation of intermediaries, strengthening legal safeguards against trafficking, and providing information on the potential dangers involved in illegal border crossings and exploitative practices by destination country officials and employers. International cooperation can support better management of migration through well-regulated temporary migration programs, which need to be carefully supervised to avoid the exploitation of migrants. Both international bodies and civil society should advocate for a more widespread ratification of the MWC.

ANNEX I

Questions for Interviews – Labour Recruitment

West and East Africa to Gulf countries and Central Africa

1. Personal information:

a. Name of organisation:

b. Name of interviewee:

c. Country/ies, your organisation works in:

d. Country of origin as well as residence of interviewee:

2. Work of your organisation:

a. Which areas does your organisation work in? (Please be specific) I.e. Labour recruitment, labour migration and/or trafficking as a result of labour migration, trafficking for forced labour; both in North-South and South-South context (**particularly African countries to Gulf region and MENA**), etc.

b. Which countries and geographic areas do you work in or focus on?

- c. Which social group is your work focused on? Demographics? Is your work aimed at/focussing on returnees or foreign workers?

- 3. What developments in terms of migration patterns** have you observed over the past five to ten years specifically in your country/region/geographic focus of work? I.e. in terms of countries that migrants move to, the demographics of those moving, the details of their experience?

- 4. Have there been many significant political and/or legal developments** in your country or geographic area to improve the protection of migrant workers, both nationals abroad and foreign workers in your country?

- 5. Please answer the following questions to the best of your knowledge and based on your experience:**

- a. Which countries/geographic do most migrants you work with/are aware of move to?

b. How long do most migrants intend to move for and finally stay for?

c. What is the knowledge migrants have of the destination country and how do they obtain this knowledge?

d. What is going to be the most likely reason for people to move?

- i. Improving their own future
- ii. Supporting their household's need for a higher income
- iii. Family connections in destination country
- iv. Influence by other people to move: peer pressure, family, etc
- v. Political/social situation in country of origin

6. Risks of labour migration and protection issues:

a. Are the challenges and risks of labour recruitment part of the public discourse in your country? I.e. the risk of trafficking, smuggling, exploitation, fraudulent recruitment agencies, high costs, etc;

b. Would you say that in the recruitment process, deception and false promises play an important role in motivating people to leave?

- c. Which nationality are those recruiting migrants? Do they often know those who are leaving?

- d. What experiences do those who have migrated report? Are there stories of exploitation, abuse, debt bondage, etc?

- e. How do migrants find out about jobs?

- f. What is the profile do those recruiting have? (aside from nationality) – Do they have a licence?

- g. How do those recruiting establish links with prospective employers?

7. Protection of migrant workers and information sharing

- a. What measure would you say are necessary to ensure safety of migrants? Who are the relevant actors (i.e. governments, CS, families, etc)?

- b. Which role can civil society actors play to ensure safety and protection of migrant workers? Can you tell of any best practices?

- c. What does your government do in order to ensure the safety of migrant workers?

- d. Should governments and civil society work together in order to increase the protection and information of migrant workers against abuse and exploitation? If so, what form of collaboration should exist?

- e. Can you tell of any best practices in the area of the protection of migrant workers?
This can be from your own country and organisation, or another organisation and country, where a sensible approach has been tested.