



RAPID ASSESSMENT ON GENDER AND SOCIAL PROTECTION

GENDER DISPARITIES AND GENDER-BLIND LABOUR MIGRATION AND SOCIAL PROTECTION POLICIES/LEGAL FRAMEWORKS IN EAST AND HORN OF AFRICA (EHOA) REGION

MAY 2022

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This publication has been produced by the International Organization for Migration (IOM)/UN Migration, within the framework of the “The Better Regional Migration Management Programme (BRMM)” Labour Mobility and Regional Integration for Safe, Orderly and Humane Labour Migration in East and Horn of Africa: East Africa Migration Management”, a regional, multi-partner, pilot project funded by the Foreign Commonwealth and Development Office of the United Kingdom. The BRMM programme aims to enhance labour migration governance and protection of migrant workers and their family members’ human, social and labour rights through intra and inter-regional cooperation on a whole-of-government and whole-of-society approach, to support regional integration and facilitate mobility for transformative inclusive and sustainable economic growth as well as youth and women empowerment.

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ACKNOWLEDGEMENTS

The Rapid Assessment on Gender and Gender Disparities and Gender-Blind Labour Migration and Social Protection Policies/Legal Frameworks In East and Horn Of Africa (Ehoa) Region has been developed in close coordination and partnership between the IOM/UN Migration Regional Office for East and Horn of Africa and IOM country offices in Kenya, Rwanda, Somalia, Uganda and South Sudan.

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LIST OF ABBREVIATIONS

AfDB	Africa Development Bank
AIR	African Institute for Remittances
AMISOM	African Union Mission in Somalia
AU	African Union
BLMAs	Bilateral Labour Migration Agreements
BRMM	Better Regional Migration Management
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
COTU-K	Central Organization of Trade Unions (Kenya)
CRRF	Comprehensive Refugee Response Framework
CSOs	Civil Society Organizations
DIS	Department of Immigration Services
DRC	Democratic Republic of Congo
DVA	Domestic Violence Act
EAC	East African Community
EAC CMP	East African Community Common Market Protocol
EAEO	East African Employers Organization
EATUC	East African Trade Union Confederation
EEU	External Employment Unit
EHOA	East and Horn of Africa
FAO	Food and Agriculture Organization
FCDO	Foreign Commonwealth and Development Office
FGDs	Focus Group Discussions
FGS	Federal Government of Somalia
FKE	Federation of Kenya Employers
GCC	Gulf Cooperation Council
GCM	Global Compact for Migration
GDP	Gross Domestic Product
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and their Families
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority for Development
IGAD FMP	Intergovernmental Authority for Development Free Movements of Persons
ILO	International Labour Organization

IOM	International Organization for Migration
IPRS	Integrated Population Registration System
IRIS	Integrated Recruitment Integrity System
KI	Key Informant
KIIs	Key Informant Interviews
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
LFPR	Labour Force Participation Rate
LODA	Local Administrative Entities Development Agency
MFA	Ministry of Foreign Affairs
MGSOG	Ministry of Gender Labour and Social Development
MIFOTRA	Ministry of Public Service and Labour
MINALOC	Ministry of Local Government
MoGLSD	Ministry of Gender Labour and Social Development
MOI	Ministry of Interior
MOICNG	Ministry of Interior and Coordination of National Government
MOL	Ministry of Labour
MOLPSHRD	Ministry of Labour, Public Service, and Human Resource Development
MOLSA	Ministry of Labour and Social Affairs
MOLSP	Ministry of Labour and Social Protection
MURBS	Makerere University Retirement Benefits Scheme
NCM	National Coordination Mechanism on Migration
NCPD	National Council for Population and Development
NEA	National Employment Authority
NGOs	Non-Governmental Organizations
NISR	National Institute of Statistics of Rwanda
NITA	National Industrial Training Authority
NSPPF	National Social Protection Policy Framework
NSSF	National Social Security Fund
NWC	National Women's Council
OSH	Occupational Safety and Health
PEAs	Private Employment Agencies
RECs	Regional Economic Communities
RMFM	Regional Ministerial Forum on Migration
SAGE	Social Assistance Grants for Empowerment

SDGs	Sustainable Development Goals
SOPs	Standard Operating Procedures
SSA	Sub-Saharan Africa
SSSP	Somalia Social Protection Policy
TWGs	Technical Working Groups
UAERA	Uganda Association of External Recruitment Agencies
UN WOMEN	United Nations Women
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMISS	United Nations Mission in South Sudan
USAID	United States Agency for International Development
USD	United States Dollars
UWEP	Uganda Women Entrepreneurship Program
YEDF	Youth Enterprise Development Fund
YLP	Youth Livelihood Program

EXECUTIVE SUMMARY

Labour migration has massive socio-economic benefits to both countries of origin and destination. It is a source of employment and livelihood for migrant workers, bridges skills gaps in destination countries, supports skills development and technological transfer in the countries of origin and is a source of the much-needed remittances in the migrant workers' countries of origin. Labour migration is an imperative driver of economic growth, gender equality, women empowerment and a catalyst for sustainable development. Furthermore, labour migration in the East and Horn of Africa (EHOA)¹ region is becoming a priority policy agenda because most of these States, as countries of origin, transit, and destination, are experiencing challenges in governing migration and protecting the migrants. Some of the key trends of migration in this region include intra-regional and feminization of migration. Over the years, intra-regional migration has increased and is motivated partly by the growth of migrant workers in the EHOA region. Meanwhile, the feminization of migration has taken root since more women than ever before are leaving their countries of origin to seek employment in the feminized service sectors in the Gulf Cooperation Council (GCC)² States where there is demand for their services. However, migration is very much a gendered phenomenon; gender roles, norms and expectations, power relations, and unequal rights shape women and girls' migration choices and experiences as they do for men and boys (Neil et al., 2016).

Sadly, the global COVID-19 pandemic has worsened existing gender disparities and exposed governments' gender-blind policies, health institutions, and social safety nets' inability to meet people's sexual and reproductive health requirements worldwide. COVID-19 might be the tipping point needed to upend the structures that suppress girls and women. It is an opportunity to make gender issues, health care and education genuinely universal. It is also a great chance to enhance conditions and reinforce safety nets. Hence, this has prompted the States in the EHOA region, with the assistance of international organizations like the International Organization for Migration (IOM) and International Labour Organization (ILO) to draft and harmonize their national labour migration policies to the intra-regional migration policies such as the East African Community (EAC) Common Market Protocol (CMP) and Intergovernmental Authority for Development (IGAD) Free Movement Protocol and to increase their regulatory capacities to manage labour mobility for the mutual benefit of their migrants and societies.

This rapid assessment report presents the analysis of the differential impact of the national and regional labour migration legal framework and policy, review of the national and regional social protection policies, plans and emergency economic schemes and the gender disparities in labour migration policy and frameworks in the East and Horn of Africa region. It draws its findings and recommendations from a desk review of relevant policy, scholarly literature, and data from the field visits carried out in Kenya, Uganda, Rwanda, South Sudan and Somalia. The specific objectives of this rapid assessment on gender and social protection are: i) To assess the differential impact of proposed and/or existing migration and labour migration frameworks (i.e., policies, programs, legislations, IGAD FMP & EAC CMP etc.) on women and girls, men and boys in Uganda, Kenya, Somalia, South Sudan and Rwanda; ii) To develop recommendations to ensure a gender perspective and protection concerns of women migrant workers is incorporated, in the long run, in EHOA labour migration-related frameworks; iii) To review regional and national level social protection policy plans and emergency economic schemes and develop recommendations to include a gender perspective.

In terms of scope, this report limited its focus to assessing firstly, the differential impact of proposed and/or existing migration and labour migration frameworks (i.e., policies, programs, legislations, IGAD FMP & EAC CMP etc.) on women and girls, men and boys in Kenya, Uganda, Rwanda, Somalia, South Sudan.

¹ IOM's geographical denomination of the East and Horn of Africa includes Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, Uganda and the United Republic of Tanzania; its geographical denomination of the Horn of Africa includes Djibouti, Eritrea, Ethiopia and Somalia.

² Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates.

Secondly, it reviewed regional and national level social protection policies plans and emergency economic schemes and developed recommendations to include a gender perspective in the East and Horn of Africa region. These five countries were selected because they are either a country of origin, transit or destination of migrants and labour migration. At the national level, they are developing or have developed their labour migration policy, while at the regional level, they have either endorsed the East African Community Common Market Protocol and/or the IGAD Free Movement Protocol. The aim of the assessment was to develop recommendations to ensure a gender perspective and protection concerns of women migrant workers is incorporated.

The methodology of this assessment is qualitative in nature, and it adopted a mixed methods approach to data collection. Primary data was obtained by means of field visits and key informant interviews (KIs) and focus group discussions (FGDs) with selected stakeholders considered critical for this assessment, whereas secondary data was collected from reviewing and analyzing the content of national and regional labour migration and social protection policies and emergency economic schemes. Field visits were carried out in the five target countries by a team of consultants (three local assistant consultants in Uganda, Rwanda and South Sudan and a lead consultant in Kenya and Somalia) with logistical support from IOM's country offices. Data was also obtained through desk review using content analysis technique.

The following is a summary of the key findings and recommendations drawn from the assessment of the national and regional labour migration policy and data collected from the field and desk review.

Findings on the Differential Impact of National and Regional Labour Migration Frameworks on Women and Men

- Among key findings is the feminization of intra and inter-regional labour migration in EHOA due to the increased rate of mobility due to the externalization of labour in the feminized services such as domestic, hospitality and care industry to the GCC countries and the free movement regimes of the EAC and IGAD which has implications on the lives of men, women, girls and boys.
- Importantly, the assessment revealed a lack of access to justice and redress mechanisms of grievances for migrant women and men.
- Another finding is lack of informal sector regulation in EHOA which has a negative impact on women and that female migrants are at greater risk of exploitation and abuse, including trafficking and death, than their male counterparts.
- Other key findings include the following: that gender inequality determines the experience of men and boys and women and girls during migration; that migrant workers and IDPs still face difficulties in the process of moving between countries in EHOA; there is a huge gender gap in data, especially evidence and intersectional based data on the number of labour migrants leaving and returning; and finally there exist inadequate knowledge, skills and training to prepare women migrant workers leaving for the GCC States.

Findings on Gender Concerns and Needs within the National and Regional Social Protection Policies

- Key findings here indicate lack of annual leave and days off work, rampant exposure to GBV, sexual violence, human trafficking and harassment within the work context, existence of unequal pay and workload between men and women, and limited data on the social protection needs and gendered vulnerability profile of the migrant's population in East and Horn of Africa.
- Other revelations are the lack of guaranteed access to protection, health care, access to justice and other services puts them at increased risk of exploitation and abuse.

Findings on the Policy Gaps

Regarding policy gaps, there is evidence that countries in the EHOA region have made progress on their labour migration governance and policy a priority, but there are still discrepancies and contradictions in terms of policy development, adaptation, implementation and review. For instance, out of the five countries selected for this assessment, only Rwanda has a national labour migration policy in place while South Sudan has a National Comprehensive Migration Policy.

At the same time, there lacks labour migrants' integration policy and return and reintegration policy for migrant workers in EHOA and effective enforcement and implementation of social security laws and bilateral or multilateral social security agreements. This encourages discriminatory practices and impunity.

Four countries, namely Kenya, Uganda, Rwanda and South Sudan have a gender policy while Somalia only has a draft document in place. Furthermore, the existing policies and frameworks governing labour migration in EHOA are gender-blind and not gender responsive.

It also reveals how the impact of the global Covid-19 pandemic has exposed the biases of national social protection policies and emergency plans in EHOA and that safety net and emergency plans were not accessible to migrants' workers.

Findings on the Implementation of Regional and National Migration and Labour Migration Policies and Frameworks

- The assessment indicates scanty or statistically insignificant data on the number of male and female migrants from the other countries in the region in South Sudan, Somalia and Kenya. Hence, there is no proper documentation on the trends and patterns of the migrants in those countries.
- Other important findings are revelations of weak labour migration enforcement mechanisms due to lack of political will, migrant workers having no/limited knowledge about their rights, coordination between the actors, sustainable internal funding, expertise and committed institutions. Furthermore, there is a notable lack of cooperation between receiving state and sending state.
- Lastly, it indicates inefficient and gender unfriendly consular services to assist the stranded female migrant workers particularly in the GCC countries due to lack of a gender specific training and synergy, nationally and regionally, among the various actors, institutions, departments, planning processes and implementation approaches for effective synchronized gender-sensitive labour migration governance.
- From the interviews with the different government stakeholders, it was clear there is no efficient coordination to implement a gender-responsive labour migration policy in the EHOA region.

Recommendations for Gender Responsive Policies and Protection Concerns for Women Migrant Workers in East and Horn of Africa

- Some key recommendations include for EHOA to adopt gender responsive labour/migration policies and laws that address the needs and vulnerabilities of all migrants and mandates decent work and prohibit gender-based discrimination, violence, injures and harassment in employment and occupation and ensure equal pay for work of equal value for migrant women as an urgency and policy priority. Another recommendation is for States in EHOA to develop a gender specific curriculum training for its civil servants and to eliminate gender-based discrimination in education, employment, prioritize access to justice, political participation, healthcare and socioeconomic and cultural life with view to reducing the adverse drivers and structural factors of migration.
- Two States, Somalia and South Sudan, should introduce a mechanism to regulate and monitor recruitment agents regarding fair and equal treatment of all women migrant workers and the prohibition of recruitment fees and related costs charged to migrant workers to prevent exploitation and trafficking and that States within EHOA should harmonise and make their labour migration policies gender responsive to have bargaining power in the externalization of labour beyond the region.
- Other key recommendations include: States in EHOA to involve gender experts to draft a gender responsive BLMAs, include social protection and response to sexual violence; developing more intra-regional BLMAs for instance between Kenya and Somalia or Uganda and Kenya; governments in EHOA externalizing labour to the GCC states such as Kenya and Uganda need to ensure that gender issues are addressed explicitly during drafting, negotiation, implementation, follow-up, and revision of BLMAs and for the BLMAs should establish access to justice for migrant women for labour-related claims, including specific complaints mechanisms for harassment and discrimination to assist women in seeking redress.

- Countries such as Kenya, Uganda, Somalia and South Sudan that are developing their National Labour/ Migration Policy should ensure that their policy has an implementing mechanism that ensures that specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed.
- States should also ensure that the labour migration policies are gender responsive and address the problems particularly the abuses women often face in the migration process and in the work environment such as those evidenced from the current distressing experiences of female migrant workers in the Middle East. Furthermore, States in the EHOA region should have a clear labour mobility system, implementation and coordination plans that focus on the structural factors that instil gender inequalities in labour migration policies and agreements and how they can be monitored using clear gendered indicators.
- The States in EHOA should review their respective Employment Act along with other regulations from a gender perspective, to adopt a gender responsive employment policies and labour mobility schemes with equality of opportunity and treatment, including equal pay for work of equal value, for all migrant women at all skill levels and sexual harassment to protect female migrant workers who are more vulnerable, especially in the context COVID-19.
- Importantly, EHOA States should create, encourage and provide pathways for regular gender responsive labour migration that will enable both men and women to migrate in a safe, regular and orderly manner and to have access to decent work, public services, social protection, education and vocational training upon their return and reintegration. This will reduce the vulnerability of migrant workers especially women to exploitation, trafficking and sexual violence. Women and girls should be consulted during the formulation and review of labour migration law.
- Additionally, all EHOA States should align their gender and social protection policies with Sustainable Development Goal (SDG) 5: Gender Equality, using a human rights approach by addressing gender inequalities in the labour market, sexual violence, exploitation and discrimination.

Recommendation for Gender Responsive Consular Services

- It is recommended that States in EHOA that have migrant workers in GCC countries such as Uganda, Kenya and Somalia provide through their consulates/embassies clear, gender-responsive information, on rights, obligations, norms/customs, risks, and access to justice, in accessible formats (oral, written, electronic).
- They should also establish more consulates/embassies and expand their consular support services for migrant women and girls by a gender specific training, language courses, providing toll-free numbers/hotlines for feedback and grievance mechanism, interpreters, legal aid, medical care, counselling, access to safe houses when shelter is needed and other forms of assistance.
- EHOA countries also need to map out the areas where their female migrant workers are deployed, especially in GCC countries. For instance, in Saudi Arabia, all the embassies are located in the capital city, Riyadh; however, migrants are dispersed throughout the country. Therefore, the mapping exercise will assist the governments of EHOA in reaching out and serving their citizens effectively.
- As a response to the impact of COVID-19, EHOA states should adopt gender responsive measures to address the heightened vulnerabilities of migrant women and girls during the pandemic and to guarantee their access to rights, services and information about safe and dignified return and voluntary/ forced repatriation irrespective of migration status especially for those who are stranded in countries of destination or transit and those who lost their jobs due to the current pandemic.

Recommendations for Gender Responsive Data

- In relation to gender responsive data, EHOA States need to harmonise their protocols and procedures on data collection to ensure consistency in sex and age-disaggregated data and gender statistics across national data systems. Existing literature and feedback from the respondents suggest that gender perspective has been excluded at the policy level and its implementation process when it comes to matters of labour migration. Gendered data on migrant workers and returnees remains largely outside empirical studies.
- In order to assess the need for foreign labour, evidence should include data on gender and more detailed information on specific labour market sectors and required skills mapping to understand the gender distribution better. The needs assessment should not overlook domestic work and private care-related services so that admission policies would better reflect the actual need. Such measures would also help reduce the number of female migrants working in irregular and exploitative employment situations within the economic migration.
- More nuanced and contextualized evidence-based research should be undertaken on labour migration in order to develop coherent policies that are gender-responsive based on human rights approach.

Recommendations for the International Organization Working on Migration and Labour

- There is need for the sector stakeholders such as IOM to train private recruitment agencies in GCC countries on ethical recruitment through IRIS, and international organizations should exert pressure on Saudi Arabia to reform its system.
- IOM should assist countries in the EHOA to strengthen the capacity of the national statistics offices, ministries responsible for labour migration and immigration, including ministries responsible for anti-trafficking, gender, foreign affairs and other relevant stakeholders to collect, use and disseminate gender statistics on migration that adequately reflect differences and inequalities in the situations of migrant women and men, taking into account gender stereotypes as well as social and cultural factors that may induce gender bias, while ensuring the privacy of personal data.
- IOM through its thematic expert on Gender should train the ministries, private recruitment agencies, trade unions, diplomatic and consular staff who protect the rights of migrant women and girls abroad, including identifying, protecting and assisting possible victims of trauma, trafficked persons, survivors of sexual and gender-based violence (SGBV) and/or labour exploitation and helping women in detention or due to be returned.
- IOM should also include training on gender equality, gender-responsive recruitment practices and the rights of women migrant workers for public and private recruitment agencies, trade unions, labour attachés, consular staff, immigration personnel at the border points and others in the manual of consular services.
- IOM should also assist in developing an inclusive and gender-responsive training for civil society organizations and workers' organizations, for labour inspection services, police and other competent bodies to protect women migrant workers from abuse.
- It should also work with other stakeholders to provide migrants with gender-responsive and child-sensitive support and counselling along relevant migration routes.

Recommendations to Incorporate a Gender Perspective into the Social Protection Policy, Plans and Emergency Economic Schemes

- There is need for a comprehensive training programme for female migrant workers at the country level from pre-departure by educating them about their rights, gender issues, violence, its prevention, legal systems in the destination and eventually their reintegration. The pre-departure trainings should be gender responsive and also cover skills such as confidence, conflict management and negotiation skills,

understanding and analysing contracts, documenting and reporting rights violations and how to access help and services in the countries of destination.

- Private recruitment agencies in Kenya and Uganda should ensure that all the documents and next of kin contacts are verified and accurate and psychosocial support like counselling, capacity building and skills for female migrant workers or returnees should be offered.
- Other recommendations include the establishment of investment programs for returnees migrants, building houses or buying equipment for female migrant workers to start their business start-ups and investing in self-sustaining integration programmes by the EHOA states. Others are digital financial inclusion and financial literacy skills for female migrants; capacity-building of institutions mandated to deal with labour migration; building of a better framework for dialoguing with state actors and the formulation of clear gender indicators and a tracking mechanism (monitoring and evaluation) for the same. The establishment of government safe houses and migrant workers welfare funds in Kenya, Somalia, South Sudan and Uganda is also recommended.
- The five selected countries for this assessment have all signed the regional framework such as EAC CMP or IGAD FMPT therefore, they are not obligated to harmonise their national policies to these regional frameworks, but they are expected to focus on improving their accountability in protecting women migrant workers.
- Another important recommendation is for regular assessments to establish the gender-related gaps in labour migration and social protection schemes. The findings should be used to inform policy and programme reviews and amendments. And based on recent incidents in GCC states, provision of and access to mental, sexual and reproductive health for female migrant workers seeking employment in those countries, should be included in the social protection services offered to migrants whether in formal or informal sector.

1. INTRODUCTION

This Rapid Assessment on Gender and Social Protection in East and Horn of Africa (Kenya, Uganda, Rwanda, Somalia and South Sudan) is one of the activities under the International Organization for Migration (IOM) Better Regional Migration Management (BRMM) on Labour Mobility and Regional Integration for Safe, Orderly and Humane Labour Migration in East and Horn of Africa Program (EHOA). The Foreign Commonwealth and Development Office (FCDO) funds this program. The program is meant to enhance labour migration governance and protection of migrant workers and their family members' human, social and labour rights through intra- and inter-regional cooperation on governmental and societal approaches, to support regional integration and facilitate mobility for transformative, inclusive, and sustainable economic growth as well as youth and women empowerment. More specifically, the programme is expected to strengthen national and regional Labour migration governance in accordance with the global and regional frameworks. It will increase national and cross-border cooperation on labour mobility; promote ethical recruitment and protection of migrant workers' rights; and enhance avenues for safe, regular and humane labour migration and mobility pathways through the Intergovernmental Authority on Development (IGAD) Free Movements of Persons (FMPs)/East African Community (EAC) Common Market Protocol (CMP) and Bilateral Labour Migration Agreements (BLMAs). A robust communication and visibility strategy and action plan will support the aims of the programme.

The programme works at two levels: the regional and national levels. At the regional level, IOM works with both Regional Economic Communities (RECs) and their Member States through the Regional Ministerial Forum on Migration (RMFM) and its four Technical Working Groups (TWGs). At the national level, the program supports the Member States in enhancing their capacities in policy and practice leading to greater impact and faster results, engaging local governments and non-government partners from the diaspora, private sector, and civil society.

Within the scope of this program, the main purpose of this rapid assessment is to assess the differential impact of proposed and/or existing migration and labour migration frameworks (that is, policies, programs, legislations, IGAD FMP and EAC CMP etc.) on women and girls, men, and boys to incorporate a gender perspective and protection concerns of women migrant workers in EHOA labour migration-related frameworks; as well as in social protection policies plans and emergency economic schemes as a tangible step towards effective implementation of the Global Compact on Safe, Orderly and Regular Migration (GCM), Sustainable Development Goals (targets 8.8 and 10.7), African Union's Vision 2063 and Regional Ministerial Forum on Migration (RMFM) Objectives and other relevant regional cooperation and development frameworks.

This rapid assessment report feeds into Labour Mobility and Regional Integration for Safe, Orderly and Humane Labour Migration in East and Horn of Africa, East Africa Regional Better Migration Management Program Output 1.11: Evidence base to integrate gender in the EAC CMP and IGAD-FMP and other regional and national labour migration-related frameworks (Uganda, Kenya, Somalia, South Sudan and Rwanda); and Activity 1.11.1: Assess the differential impact of proposed and/or existing migration and labour migration frameworks (i.e. policies, programs, legislations, FMP & CMP etc.) on women and girls, men and boys and develop recommendations to ensure a gender perspective and protection concerns of women migrant workers is incorporated, in the long run, in EHOA labour migration-related frameworks; and Activity 1.11.2: Review regional and national level social protection policies plans and emergency economic schemes and develop a recommendation to take/include a gender perspective.

This report contextualizes the background and objectives of this assessment, explains the methodology used and challenges encountered during the data collection process. Considering the fact that women are increasingly migrating for labour, and their experience with exploitation and inhumane treatment, it is critical to assess the national and regional labour migration policy and review the social protection policy, plans and emergency economic schemes in order to develop recommendations for incorporating a gender perspective.

This assessment provides the findings and recommendations drawn from a desk review of relevant policy and scholarly literature pertaining to labour migration and social protection policy nationally and regionally.

1.1 BACKGROUND

Women in the East African Community (EAC) and Intergovernmental Authority on Development (IGAD) region constitute a significant demographic, forming more than 50% of the population, and therefore, their role in boosting social and economic development of the region cannot be overemphasized. Despite the progress made, gender inequality in the East African region is still manifested in many aspects. This is reflected through women's lack of access to adequate and quality health services; limited access to financial services; high unemployment rates of women in the formal sector as compared to men; the rampant sexual and gender-based violence, including rape, human trafficking (particularly of girls and women); high illiteracy rates; low levels of economic empowerment, low involvement and access to land; and limited participation of women in decision-making and politics. In many instances, cultural beliefs and practices still have an impact on female participation in education, as well as a good majority of national policies and plans.

Women's migration is growing in importance in Africa and is reflected in the growing number of women migrating for work and education and to pursue other economic opportunities. In 2017, the share of international women migrants reached 50% in Eastern Africa, exceeding the continental average (47%). Women migrants are concentrated in particular niches, for example, in cross-border trade. Women are also increasingly engaging in formal contract migration. The changes in labour market dynamics in developed countries, arising from ageing populations, with demand for highly skilled labour from the developing world, including Africa, are creating new opportunities for women doctors, nurses, teachers, and other professionals.

Labour migration from East and Horn of African (EHOA) countries is also becoming a highly gendered phenomenon. Women account for the most documented movements compared to men along the Eastern Route. However, women migrants face various inequalities in the form of discriminatory legal, attitudinal, and governing practices that stand in the way of enabling them to participate fully and equally in all aspects of social, political and economic life. Furthermore, they face gendered risks of exploitation and abuse throughout the migration, gendered conditions of work, pay inequity, poor levels of social protection and barriers to accessing labour and human rights – all of which have gender-specific consequences for their health and wellbeing, and hinder efforts to alleviate gender inequality and realize sustainable development. Such gendered realities and risks impact all stages of migration (e.g., pre-departure, transit, employment, return and integration).

While the threat of COVID-19 is indiscriminate, the impact of the virus does discriminate. Migrant women workers' health, well-being, and livelihoods, and that of their families and communities, are being disproportionately impacted, yet government policy responses to the crisis are predominantly excluding these workers. This health crisis will have long-term social and economic impacts, and it is imperative that governments' policy responses and guidelines are gender-responsive and inclusive of migrant women.

Within the East African Community (EAC), a Common Market Protocol (CMP) came into force in 2010 with the aim of facilitating free movement in the region and the opportunity to pursue employment. However, national laws in effect restrict the legal migration of skilled migrants, and this is likely to work to the disadvantage of women through historical legacies of gender inequality. The costs involved in securing work permits also tend to disadvantage women. In Tanzania, fees for work permits have increased more than once since the introduction of the CMP and have risen from USD 470 to USD 2000. However, these fees were reduced to USD 500 for EAC residents in 2016 (Government Notice n.246). Kenyan citizenship and immigration regulations of 2012 restricted work permits to foreigners over the age of 35 years and with a prospective income of 24,000 USD (Martin, 2014). In practice, this may preclude women who are less likely to meet these requirements because of previous gender bias.

The Protocol on Free Movement of Persons in the IGAD region adopted by the 72nd extra-ordinary session of the IGAD council of ministers of foreign affairs of IGAD Members States, under Article 3 General Principles, states that citizens of IGAD member states shall enjoy the protection of the law of the host Member State

guided by the fundamental principles and rights at work, equal treatment regarding working conditions. It further states that such protections under the law shall be gender-responsive and child-sensitive regarding rights to education, health, and other services. It calls for the Member States and IGAD to devise instruments and mechanisms for the protection of migrant workers against unfair recruitment practices including by intermediary bodies, including private recruitment agencies and public employment services.

Despite growing evidence about the gender-related nature of migration, migration-related policies, recruitment policies and practices, free movement protocols and regulations are not fully influenced by gender. Often, they underestimate the gendered nature of migration, with unforeseen consequences for women. Despite the feminization of migration in the region, the existing policies tend to take men as a norm, overlooking women's needs, aspirations, and capacity to act independently.

In recent decades, there have been calls for greater gender responsiveness in migration governance. The Global Compact on Migration (GCM) ensures that the human rights of women, men, girls, and boys are respected at all stages of migration, that their specific needs are properly understood and addressed, and that they are empowered as agents of change. It mainstreams a gender perspective and promotes gender equality and the empowerment of all women and girls, recognizing their independence, agency, and leadership in order to move away from addressing migrant women primarily through a lens of victimhood.

1.2 OBJECTIVES

The specific objectives of this rapid assessment on gender and social protection are:

1. To assess the differential impact of proposed and/or existing migration and labour migration frameworks (i.e., policies, programs, legislations, IGAD FMP & EAC CMP etc.) on women and girls, men and boys in Uganda, Kenya, Somalia, South Sudan and Rwanda.
2. To develop recommendations to ensure a gender perspective and protection concerns of women migrant workers is incorporated, in the long run, in EHOA labour migration-related frameworks.
3. To review regional and national level social protection policies plans and emergency economic schemes and develop recommendations to include a gender perspective.

1.3 METHODOLOGY

This assessment consists of primary data from the field visits and secondary data from the national and regional labour migration and social protection policies, legal frameworks and plans. The data was collected using qualitative methods. The field visit was carried out in five selected countries in East and Horn of Africa, namely, Kenya, Uganda, Rwanda, Somalia and South Sudan by a team of consultants (three local assistant consultants from Uganda, Rwanda and South Sudan and a lead consultant from Kenya) with logistical support from IOM's country offices.

Moreover, data was obtained via desk review, Key Informant Interviews (KIs) and Focus Group Discussions (FGDs) of sampled and selected stakeholders considered critical for this assessment because of their insight and experience with migration, labour migration frameworks, gender and social protection in Kenya, Uganda, Rwanda, Somalia and South Sudan (see Appendix IV for the list of the KIs and FGDs participants). Content analysis was used in reviewing and assessing the proposed and/or existing migration and labour migration policies and legal frameworks (IGAD FMP and EAC CMP etc.) on women and girls, men, and boys in Uganda, Kenya, Somalia, South Sudan and Rwanda. Secondly, data on regional and national level social protection policies plans and emergency economic schemes was collected (see Appendix III for the labour migrations and social protection policies reviewed for this assessment).

The methodology employed a set of questionnaires tailored to suit different individuals and institutions. The various tools were designed to gain a clear understanding of the differential impact of proposed and or existing migration and labour migration legal and policy frameworks, concerns, gaps and barriers that are faced in Kenya, Uganda, Rwanda, Somalia and South Sudan that influence Better Regional Migration Management (BRMM) on Labour Mobility and Regional Integration for Safe, Orderly and Humane Labour Migration in East and Horn of Africa Program (EHOA).

The interviews were conducted face to face, through telephone and WhatsApp, and virtually via Zoom and Microsoft Teams. Appendix IV contains the list of KIs and FGDs participants who were interviewed for this assessment. The desk review was complemented by the field visit and interviews. Data collection through field visits was carried out during the months of November and December 2021 in Nairobi, Kenya; Kampala, Uganda; Kigali, Rwanda; Mogadishu, Somalia and Juba, South Sudan. Also, the IOM country offices sent an official letter of introduction and request for an interview appointment to the selected participants, on behalf of the team. Once that was done then the team followed up with the participants to confirm the date, time and venue.

The data was analysed qualitatively using gender analysis in assessing the impact of different existing and proposed migration and labour migration policies and frameworks on women and girls, men and boys in EHOA. The gender analysis approach was used to assess how migration and labour migration frameworks affect women and girls and men and boys differently based on their gender identity, roles and relations in the society. It also aimed to find out the gender concerns and requirements not addressed by labour migration policies and legal frameworks.

Ethical considerations and the national COVID-19 health Standard Operating Procedures (SOPs) of wearing face masks, constantly sanitizing and social distancing were followed. The respondents were provided with a consent form and briefed on the nature of the assessment. Furthermore, during the data collection process, the team also safeguarded and respected the tenets of transparency, equity, equality and inclusiveness. They did this by protecting the privacy, confidentiality and anonymity of participants. Mechanisms to guarantee gender and cultural sensitivity, respect for the autonomy of participants, and the do no harm principle were also incorporated by not forcing or insisting on interviewing reluctant participants. To mitigate ethical issues, safety and security risks, the consultant shared the tools for data collection with the IOM Regional/Country teams for their input and approval in accordance with the country context.

1.4 CHALLENGES

Several challenges were encountered during the data collection process, including the following.

1. Conducting the rapid assessment in November and December was a not easy. During this period, most government institutions, agencies, civil society organizations (CSOs) and the private sector are busy winding up their activities, writing annual reports and preparing for the festive season. Therefore, accessing the respondents during the data collection phase was not easy for the team.
2. Some respondents were experiencing interview fatigue because there were other rapid assessments commissioned by IOM happening simultaneously, in which they would also find themselves sampled as stakeholders or respondents.
3. The assessment was also conducted during and when most of the COVID-19 lockdown measures, introduced in early 2020, were reduced but not entirely lifted— and this, in a way, limited interaction with the respondents.
4. Some of the relevant and revised/updated documents on existing and proposed frameworks on labour migration policies, especially the draft policies in EHOA, were not publicly or readily available on the official websites for desk review.
5. While there was an extraordinary response and generosity from the participants from civil society organizations/NGOs and international organizations, it was difficult to access the government participants since they were not forthcoming.
6. Securing interviews with the sampled/identified government stakeholders was difficult since most government agencies were very busy, and it became difficult to set an appointment due to the last-minute cancellations. Eventually, it became impossible to talk to these stakeholders because the assessment was itself time bound.

7. Some of the senior participants delegated participation to co-workers who did not possess adequate or similar experience or capabilities to respond to the interview questions.
8. We faced resistance to the gender concept. For example, many potential interviewees declined to participate, claiming that gender was not their area of expertise.
9. There was self-censorship and fear of criticizing the existing policies and regulations. Freedom of expression was limited when it came to the government officials because they were nervous about sharing their views and opinions on the national or regional frameworks or policies set to govern the migrant workers. Some feared losing their jobs and expressed this fear and reservation during the sessions.

2. ASSESSMENT OF NATIONAL, REGIONAL AND INTERNATIONAL LABOUR MIGRATION POLICY FRAMEWORKS IN KENYA, UGANDA, RWANDA, SOMALIA AND SOUTH SUDAN

“The state owns all the procedures, policies and laws.”³

Over the years, the scale of African emigration has increased, while the pattern has shifted in terms of destinations. Migratory patterns in Africa have existed within diverse social, political, and economic contexts driven by political factors, poverty, rapid population growth, and international borders (IOM, 2013). Moreover, Eastern and Southern Africa have long been major destinations for migrants from within Africa and other regions. At the same time, Eastern Africa is also increasingly a significant origin of migrant workers going to Gulf Cooperation Council (GCC) States (IOM, 2020:61).

Millions of people in the East and Horn of Africa region are on the move, in search of skilled and non-skilled jobs. Hence, without a doubt, labour migration is a source of employment, skills transfer between countries and livelihood for migrant workers. Extreme weather events, including floods, droughts, and storms, affect livelihoods in the sub-region, often resulting in large displacements. Several countries in Eastern Africa, already beleaguered by conflict and violence, have experienced devastating disasters over the last two years. Kenya, Ethiopia, Somalia and South Sudan, for instance, were affected by some of the worst floods in decades, which created the conditions for a catastrophic locust outbreak that damaged livelihoods across the region in 2020 (IOM, 2020).

Migrant workers also significantly contribute to the socio-economic development of their countries through remittances. However, as much as migrants opt to relocate to improve their well-being, they also experience human and labour rights abuses, thus leading countries to draft and enact policies and legal frameworks to properly govern labour migration and protect people. According to the IOM World Migration Report (2020), integration efforts such as the East African Common Market Protocol, while still facing major implementation challenges, have gradually made it easier for people to work across borders. Moreover, recent arrangements, such as the Free Movement and Transhumance Protocol endorsed in June 2021, could further accelerate intraregional migration once ratified and implemented by the Member States of the Intergovernmental Authority on Development (IGAD) (IOM, 2020). This section analyses the national, regional, and international labour migration policies and frameworks in Kenya, Uganda, Rwanda, Somalia and South Sudan to assess the differential impact of proposed and/or existing migration and labour migration frameworks on women, girls, men and boys. It also assesses the gender disparities in labour migration policies and frameworks in EHOA.

2.1 NATIONAL POLICIES AND LEGAL FRAMEWORKS ON LABOUR MIGRATION IN EAST AND HORN OF AFRICA

This section provides an assessment of the national policies and legal frameworks on labour migration in Kenya, Uganda, Rwanda, Somalia and South Sudan.

2.1.1 Kenya

Kenya is mainly a destination, origin and transit country for people in mixed migration flows from East Africa, including refugees, irregular, and economic migrants (RMMS, 2017). Migrants transit Kenya to reach

3. Quote from a male official working an international organization

South Africa, the Middle East and North Africa, West Africa, Europe, and North America. Most immigrants in Kenya are from African countries, with the majority being from the other East African countries (IOM, 2015:16). Labour migrants from Asia, such as Bangladesh, India, Pakistan and China, are also found in Kenya (MGSOG, 2017:6). In contrast to a number of its neighbours, Kenya is, to a lesser extent, a country of origin for migrants in mixed migration flows, but it is a country of origin for labour migration.

Kenyan emigrants stand out for being skilled and educated and leave for employment abroad through regular and sometimes irregular means. The countries and regions they travel to for education and work include Uganda, Rwanda, the United Republic of Tanzania, South Sudan, Botswana, Lesotho, South Africa, the United States of America, UK, Saudi Arabia, Qatar, United Arab Emirates, Kuwait, Oman and Bahrain. Furthermore, Kenyan migrant workers are also present in other regions of the world, including Asia, Latin America, Canada, Australia, the Caribbean, and Oceania.

Low-skilled migrant workers mostly migrate to the Middle East, particularly to the Gulf countries for work, facilitated through Private Employment Agencies (PEAs). Higher wages, better social amenities, high unemployment rate in Kenya drive these migration flows. Abuse and trafficking have also been reported in these migration flows, which the Government of Kenya has tried to address through regulating the PEAs and concluding Bilateral Labour Migration Agreements (BLMAs) with destination countries.

Unemployment and underemployment remain significant development challenges in the country, mainly due to rapid population growth, low economic growth, and structural rigidities within the labour market. Because of these and many other challenges, Kenyans are increasingly seeking employment opportunities beyond the borders. Besides, the high levels of unemployment, socio-economic and environmental conditions within the country are among the key push factors for migration. The pull factors include the opportunities for a better life, namely, higher salaries, better quality of education and health care in the destination countries.

Kenyan migrant workers contribute significantly to the country's socio-economic development in terms of skills, expertise, and transfer of knowledge upon return. For instance, the large Kenyan diaspora has resulted in significant international remittance inflows making Kenya the third-largest remittance recipient in sub-Saharan Africa (IOM, 2020). It is also worth noting that Kenya is the strongest economy in the East and Horn of Africa, making it a prime employment destination for those in neighbouring states. For example, most Ugandan migrant workers have migrated to Kenya to seek gainful employment.

Additionally, Kenya hosts a significant number of refugees from the region, with the majority of them from Somalia (54%), South Sudan (24.6%), Ethiopia (5.8%) and the Democratic Republic of Congo (DRC) (9%) (UNHCR Kenya, 2022). It implements a refugee encampment policy, and refugees require work permits -issued free of charge- to engage in wage-earning employment. However, work permits are rarely issued, and therefore the refugees' economic activities are largely limited to the informal sector (Law Library of Congress, 2016). Following the 2016 adoption of the New York Declaration on Refugees and Migrants, Kenya agreed to implement the Comprehensive Refugee Response Framework (CRRF), which, inter alia, aims to enhance the self-reliance of refugees. In November 2017, President Kenyatta rejected a bill that would have given refugees living in camps the right to work and use land for business and farming. He referred the bill back to Parliament to allow for public input, in accordance with the Constitution (Owino, 2017). Therefore, given the increasing number of migrants and considering that this trend may persist in the foreseeable future, the management of safe, orderly, and regular migration has unavoidably become one of the critical challenges that Kenya and the region must address.

The draft National Policy on Labour Migration 2021 is currently awaiting approval from parliament. This policy framework is intended to reinforce the legal framework on labour migration. Therefore, labour migration in the country is currently guided by the National Employment Policy, Kenya Foreign Policy 2014, Strategy for Kenya and the Diaspora Policy.

These policies seek to harness Kenya's benefits from labour migration as well as protect the interest of the Kenyans residing and working abroad. The National Policy on Labour Migration has been developed to cohere with the above-mentioned policy frameworks relevant to labour migration governance in Kenya.

The Employment Policy and Strategy for Kenya of 2013 seeks to streamline foreign employment administration through:

- i. The establishment of the National Employment Authority as the lead institution in coordination of employment issues in the country.
- ii. The deployment of labour and employment attachés to strategic missions abroad to source for jobs.
- iii. The development and coordination of implementation of foreign employment orientation and re-entry programmes.
- iv. Reviewing and enforcing regulations for the issuance of work permits to streamline employment of foreigners in collaboration with the social partners, the private sector and other stakeholders; and
- v. Formulating and implementing Anti-Trafficking in Persons Policy.

The Kenya Diaspora Policy of 2014 seeks to:

- i. Mainstream the Kenyan Diaspora into the national development process in line with the aspirations and goals of the Kenya Vision 2030. Curb the high cost of remittances,
- ii. Improve consular services to address issues of Kenyans abroad,
- iii. Use Kenyans abroad to promote tourism,
- iv. Tap into Diaspora talents to reverse the current brain drain, and
- v. Establish a web-based portal to facilitate the collection of data and profiles of Kenyans abroad for proper planning and engagement.

The main objective of the draft National Policy on Labour Migration 2021 is to promote the inclusive and sustainable development of the country through safe, orderly, and productive labour migration.

The specific objectives of the draft Policy include:

- i. To enhance coordination of labour migration governance in Kenya.
- ii. To enhance transparency and flexibility in labour migration.
- iii. To promote overseas employment.
- iv. To protect human and labour rights and promote the welfare of Kenyan migrant workers.
- v. To maximize the participation of Kenya migrant workers in economic development.
- vi. To promote equal treatment of foreign migrant workers in Kenya who are lawfully engaged in employment.
- vii. To provide a framework for collection, analysis and use of data and information on labour migration and labour migrants.

One of the guiding principles of the draft National Policy on Labour Migration is gender equity and inclusivity. This policy recognises the importance of integrating a gender perspective into all its aspects.

Kenya's legal framework is embedded in its constitution. The Constitution of Kenya advocates for decent work, and promotes freely chosen productive employment, fundamental rights at work, adequate income from work, representation and social protection for workers. Therefore, the Draft Labour Migration Management Bill 2021, which is the legal framework on labour migration, has been developed and is currently in the Office of Attorney General for legal drafting ahead of stakeholder validation. The objective of the bill is to provide for the regulation of private employment agencies and the recruitment of workers within and outside Kenya; to safeguard the rights and welfare of job seekers and migrant workers and establish the Kenya Migrant Workers Welfare Fund. It is guided by the following legal frameworks:

- Labour Institutions Act of 2007:
- Employment Act of 2007:
- Private Employment Agencies Regulations, 2016

- National Employment Authority Act of 2016
- Immigration and Citizenship Act, 2011
- Counter-Trafficking in Persons Act of 2010

In conclusion, labour migration issues are fragmented in various policy and legal documents and implemented by different agencies. This has resulted in the uncoordinated implementation of the policies. However, the major challenge is the enforcement of the existing legislation and the lack of a gender responsive national labour migration.

Kenyan labour migration issues are handled by multiple agencies, namely:

- a. Ministry of Labour: Deals with the protection of workforce rights across the country. The Ministry is responsible for implementing the three fundamental labour laws: the Employment Act, 2007; the Labour Institutions Act, 2007; and the Labour Relations Act, 2007. It formulates and implements national labour law and policy, promotes decent work for all and harmonious industrial labour relations, and implements tripartite dialogue mechanisms (MOLSP, 2016a).

The National Human Resource Planning and Development Directorate is mandated to collect and analyse data on manpower supply and demand, on the basis of which it provides labour market information that guides human resource development policies and strategies. Moreover, it is tasked with the development and maintenance of a national skills inventory and guidelines for skills development (MOLSP, 2016b). The Registrar of Trade Unions, in the State Department for Labour, registers trade unions and their branches.

The Directorate of Occupational Safety and Health Services enforces the Occupational Safety and Health (OSH) Act, 2007. It is tasked with ensuring the safety, health, and welfare of all workers in all workplaces and undertakes related inspections in workplaces. Its functions also include medical surveillance of workers, providing related advice, training, and awareness-raising on occupational safety and health, and facilitating workers' compensation for work-related injuries and diseases per the provisions of the Work Injuries Benefits Act, 2007 (MOLSP, 2016c).

The State Department for Social Protection is, inter alia, tasked with social protection policy; policy and programmes for persons with disabilities; community development policy; social assistance programmes; children's welfare; and counter-trafficking (Government of Kenya, 2018:55). The Department of Children Services falls within this State Department and is mandated by the Children Act, 2001 to safeguard and protect the rights and welfare of children. The Department of Children Services hosts the Counter-Trafficking in Persons Advisory Committee.

- b. National Employment Authority (NEA): Deals with the rights of employees and ensure that employers and institutions provide a suitable, legal working environment. The National Employment Authority (NEA) is a semi-autonomous government authority that falls under the MOL. The NEA provides public employment services, for which it registers Kenyan jobseekers and links them with job opportunities locally and internationally and provides advisory services on employment policy issues.

It registers and regulates PEAs; provides information on registered employment agencies; verifies job offers; ensures implementation of pre-departure training; and promotes the protection of Kenyan labour migrants. It also provides internship services to youths, including seeking out opportunities and placing applicants in internship positions (NEA, 2018). The NEA also supports negotiations on BLMAs.

- c. The National Industrial Training Authority (NITA): This government parastatal provides a curriculum and licensing to institutions that train domestic workers intending to work abroad, especially in Middle East countries.

- d. Directorate of Immigration Services: It provides vetting and legal documentation to allow foreigners to work in Kenya. Its mandate covers population registration, maintenance of an inclusive population register, migration and border management, and refugee welfare supervision.
- e. The Ministry of Foreign Affairs (MFA): It handles diplomatic relations with other states in a bid to protect the interests of Kenyans across the globe seeking employment and better opportunities. The Ministry's Directorate of Diaspora and Consular Affairs supports Kenyans abroad, inter alia, through emergency assistance and authentication of documents, and leads the implementation of the Diaspora Policy (IOM, 2015:138). The Directorate is also the focal point for the African Institute for Remittances (AIR), which is hosted by Kenya. The AIR is an African Union (AU) body and works to reduce the cost of remittances and harness remittances for Africa's development.
- f. The Ministry of East African Community and Regional Development: The Ministry hosts the State Department for the EAC, which leads cooperation with the EAC and EAC institutions, such as the Inter-University Council for East Africa. The State Department coordinates EAC regional programmes and projects and the implementation of the EAC Treaty.
- g. The Ministry of Public Service, Youth and Gender: This ministry deals with youth and women empowerment as well as gender equity and houses the Youth Enterprise Development Fund (YEDF). The YEDF is a state corporation and a flagship project of Kenya Vision 2030. It works to create employment opportunities for youths through entrepreneurship by providing affordable financial and business development support services (YEDF, 2016). A "youth" is defined in Kenya as a person between the ages of 15 to 35. Moreover, the YEDF runs the Youth Employment Scheme abroad, whereby it helps youths to secure employment abroad through partnerships with PEAs. The type of work performed through this Scheme includes domestic work and driving.
- h. Private Employment Agencies (PEAs): Low-skilled Kenyan migrant workers mostly migrate to the Middle East and the Gulf countries for work, as wages are generally much higher than in Kenya. Such movements are facilitated through private employment agencies (PEAs). Middle Eastern countries tend to encourage low-skilled and low-cost labour migration from East Africa, especially given the needs of the upcoming Qatar World Cup in 2022 (Malit and Al Youha, 2016a).

Kenyans are employed as domestic workers, cleaners, construction workers, hospitality service providers, security officers and taxi drivers in these countries. The kafala sponsorship system, whereby migrant workers' rights to work and reside legally in their host countries are tied to one employer, is regarded as a major contributing factor to the exploitation of workers in the Gulf countries (Langat, 2017). Due to reports of abuse and trafficking of Kenyan migrants, Kenya has had two labour migration bans to these countries – the most recent of which was lifted in 2018. In an effort to protect its citizens, Kenya has issued new registration requirements and a code of conduct for PEAs (US Department of State, 2017).

Kenya has 625 accredited private employment agencies, giving rise to unethical practices due to increased competition for clients (National Employment Authority Integrated Management System, 2022). Many of these agencies are not duly registered, and they do not take time to vet the foreign employers that they are working with. Migrant workers at times sign contracts with local recruiting agents before departure, but upon arrival in the country of destination, they are forced to sign new contracts drawn in foreign languages they do not comprehend, leaving them vulnerable to exploitation. To address this challenge, an elaborate mechanism for vetting the agencies has been established, and regulations to guide their operations have been developed. In addition, the agencies have been encouraged to form associations for self-regulation (Kenya's laws provide for the freedom to create associations). The government has taken a further step to provide an updated list of licensed agencies publicized on the National Employment Authority website. It is worth noting that this website is not actively advertised, and many may not even know of its existence; thus, most of these people seeking employment may not check the credibility of the agencies that they are working with.

Kenya is promoting the establishment of written, understandable, and enforceable employment contracts that serve as the basis for determining obligations and responsibilities. PEAs need to register and operate according to a standardized licensing system specified in the law and overseen by the National Employment Authority (NEA). COTU-K and FKE participate in tripartite consultations, during which the operations of PEAs and how to improve them are discussed. The 2016 Code of Conduct for Private Recruitment Agencies aims to establish a PEA self-regulatory regime in order to aid the protection of migrant workers' rights. Private recruitment agencies are now enrolled in the Integrated Recruitment Integrity System (IRIS) certification process. IRIS is a voluntary multi stakeholder certification system for labour recruiters and helps in protecting migrant workers by eliminating the risks of exploitation during recruitment. Moreover, PEAs have established their association to (Kenya Association of Private Employment Agencies) promote high standard and professionalism in the provision of their services.

- i. Workers' and Employers' Organizations: Kenya's 2010 Constitution (article 41(c)) grants every worker the right to form, join, and participate in activities and programmes of a trade union. It grants every employer the right to form and join an employers' organization and to participate in the activities and programmes of an employers' organization.

Two of the major organizations are:

Central Organizations of Trade Unions (Kenya) (COTU-K): The COTU-K is an umbrella organization of 44 trade unions and represents workers in the formal and informal sector. It participates in the tripartite structure in Kenya and is tasked with defending the rights of workers. According to COTU-K, most migrant workers are active in Kenya's informal economy and do not participate in trade unions. Their interests are represented through their own groups or associations. COTU-K is a member of the East African Trade Union Confederation (EATUC), a regional workers' body that promotes the interests of workers in the EAC and advocates for the free movement of persons. It is headquartered in Arusha, Tanzania.

Federation of Kenya Employers (FKE): The FKE is Kenya's largest employers' organization and works to promote sound industrial and labour relations. Its services include:

- i. Legal advice on labour issues.
- ii. Developing collective bargaining agreements.
- iii. Representation at the MOLSP and in tripartite consultations.
- iv. Advocacy and lobbying on policies and regulations that govern employers.
- v. Training on labour law and other relevant subjects.

FKE has membership that include foreign companies, from China, Japan, the Netherlands, and the United Kingdom, and may assist these companies with obtaining work permits for their migrant workers, as well as promote their concerns in tripartite consultation.

FKE participates in the East African Employers Organization (EAEO), which represents employers' views at the EAC and promotes the interests of employers at the regional level. It is headquartered in Arusha, Tanzania (EAEO, 2016). These social partners engage in tripartite consultations with the Government of Kenya.

Introduction of a National Coordination Mechanism on Migration: As seen from the various national, international and regional frameworks discussed above, Kenya has numerous institutions working towards the labour migration framework of the country; but these frameworks were not working in cohesion. To remedy this, Kenya has launched its National Migration Coordination Mechanism (NCM), a government-led inter-agency coordination platform that will be responsible for national migration management. The body is tasked with facilitating inter-agency coordination, collaboration and information-sharing on migration issues at the national level. It will provide a

common platform for relevant government ministries, departments and non-state actors. NCM was conceived from the findings and recommendations of a joint assessment by the Intergovernmental Authority on Development (IGAD) and IOM in 2014 (IOM, 2016). It also draws on the migration profile for Kenya launched by the government with the support of IOM in 2015 and launched in 2016. It enjoys strong government ownership and broad participation by government agencies. The NCM operates on the basis of terms of reference and an annual work plan and is working towards anchoring the NCM in a legal framework. It meets at least quarterly and drives inter-agency coordination, collaboration, and information sharing on migration issues at the national level.

The NCM serves as the national platform for coordination of migration issues and enjoys broad participation and ownership by government agencies. Social partners do not participate in the NCM. NCM discussions have mostly focused on low-skilled labour migration to the Middle East and Gulf countries due to the acute protection concerns of these migrant workers. Labour migration in broader terms, and to other regions and from other regions, have not featured much in the deliberations or activities of the NCM.

2.1.2 Uganda

Uganda's population is growing at a high rate, yet the economy is not growing at a similar pace. All unemployed Ugandans cannot be locally absorbed into gainful employment, thus increasing demand for work abroad, especially in the Middle East, which offers an excellent opportunity in the short run. Low wages, family responsibilities, family pressures, domestic violence and broken relationships, personal aspirations, and loss of loved ones, especially family heads, are some of the factors pushing migrant workers to seek employment out of the country. COVID-19 and its effects on the economy have also compelled several men and women to migrate in search of employment opportunities.

Many young adults have secured employment opportunities abroad as domestic workers/ house helps, drivers, security guards, waiters and waitresses. It is reported that Uganda started to formally externalize labour in 2005 following the high demand for security guards by American forces in Iraq. It was after this rush for labour externalization that the government started to take steps towards creating a legal framework. In 2010, Uganda had 530,000 international migrants, and that number increased to 1,690,000 in 2017, approximately 4% of its population. These migrants are externalized to the major destination countries of Afghanistan, Iraq, Somalia, Saudi Arabia, United Arab Emirates, Kuwait, Qatar and Bahrain, Oman, Jordan, Turkey and countries within the EHOA.

The migration patterns and information show that despite a clear legal process, some Ugandans migrate irregularly. This is due to the high demand for labour in these countries (Global Compact for Safe, Orderly and Regular Migration, 2019). Moreover, a recent report from the World Bank shows that remittance flows to Uganda declined by 26%, from US\$1.4 billion in 2019 to US\$1.1 billion in 2020. Yet despite the decline, Uganda was ranked among the top ten recipient countries in sub-Saharan Africa (SSA) (World Bank, 2021).

Furthermore, gender inequalities in the labour market are present in Uganda on various aspects such as legal status, access to land, employment and career development (Danish Trade Union Development Agency, 2019). This situation echoes deep gender earning gaps and attitudes, beliefs and practices that deliberately discriminate or exclude women. Child labour is rampant, though available data reveals that it is declining very slowly. Despite high labour force participation by men and women, women are more disproportionately represented in unpaid subsistence and domestic work (reproductive gender roles), which is not accounted for in Labour Force Participation Rate (LFPR) and Gross Domestic Product (GDP) computations. Gender inequalities in economic opportunity are also reflected in high (33%) wage inequality for similar work. In addition, women occupy fewer technical and professional positions than men. When aggregated, these economic factors make women earn considerably lower annual incomes than men. Men earn more than twice (USD 2,535) as much as their female counterparts (USD 1,008) annually (USAID, 2017).

In Uganda, women have less access to education, finance and technology and work opportunities, and face barriers to specific markets and value chains compared to men. There are gendered inequalities in asset ownership and the use and control of productive resources. At the same time, women also face hurdles to meaningfully contribute to household, community, and national decision making. These constraints for women are further compounded by the high prevalence of Gender-based Violence that women and girls face (UN Women, 2015; Global Compact for Safe, Orderly and Regular Migration, 2019). Gendered inequalities further extend to access to financial opportunities, credit, insurance schemes, and access to technologies, knowledge, and extension services. Studies have found that government extension programs only reach 22% of farmers, often reaching only better-off farmers, and regularly do not target women farmers (UNDP, 2020).

The COVID-19 pandemic worsened the conditions under which migrants live and work. Migrant workers, especially those working in the Gulf Cooperation Council (GCC), were exposed to infections due to living in unsanitary and overcrowded hostels, especially the case for construction workers. Employers took limited actions to ensure the health and safety of their employees despite directives from public health and government agencies. For example, workers in the construction sector in countries like Qatar continued to work without adequate personal protective equipment and did not comply with public health directives.

In addition, migrant workers lost their jobs, especially those employed in the services and tourism sector, due to the lockdown measures. For domestic workers, government-instituted lockdown measures resulted in longer working hours without compensation in pay or overtime. Also, increases in the abuse of domestic migrant workers, predominantly females, were recorded, as a result of being indoors with abusive employers (Bisong, 2021).

The Ugandan government has shown commitment to improving migration and labour migration frameworks by enacting several laws and policies. All these enacted laws and policies are inspired and drawn from the Constitution of the Republic of Uganda of 1995. Article 24 of the Constitution of the Republic of Uganda clearly states how the State is committed to providing protection to Ugandans against forced labour and slavery. In support to eliminate forced labour, the State enacted the Prevention of Trafficking in Persons Act in 2009, which works to eradicate human trafficking and contains multiple actions related to forced labour and child labour (Constitution of Uganda, 1995). The State recognizes the significant role played by women in society. Article 40 of the Constitution expresses how the State is committed to promoting women's economic rights. The Constitution further states that; (1a) to provide for the right of persons to work under satisfactory, safe and healthy conditions;(1b) to ensure equal payment for equal work without discrimination: and (1c) to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.(2) Every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business. In order for the State to implement these clauses, it passed the Uganda Gender Policy, 2007, which stipulates out how employers should treat the employees and other related issues. In the course, the State approved the Domestic Violence Act 2010, 2014 (DVA).

At the national level, the Ugandan government has shown commitment and efforts to strengthen labour externalization by designing various labour migration regulations and frameworks. The principal law that governs migration in Uganda is the Citizenship and Immigration Control Act of 1999 (The Uganda Citizenship and Immigration Control (Amendment) Act, 2006), which regulates the entry and residence of migrants in Uganda as well as the issuance of citizenship. However, the Act does not govern emigration or return migration (IOM, 2013). Some of the other general policies include the Employment Act, 2006 which promotes equal opportunities for migrant workers and their families; the Labour Disputes (Arbitration and Settlement) Act 2006, which guides solving misunderstandings between employees and the employers; the Occupational Safety and Health Act 2006, which promotes a safe and healthy working environment for all workers in Uganda including migrants leaving in Uganda. Also, the Workers' compensation Act, 2000 (chapter 225) promotes the rights to compensation for workers. Furthermore, specific policies that relate to protecting the rights and improving the working conditions of Ugandan migrant workers include the Employment and Recruitment of Uganda migrant workers abroad regulations, 2005.

Other frameworks include the Equal Opportunities Commission Act 2007, which monitor, evaluate and ensure that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of state organs, statutory bodies and agencies, public bodies and authorities, private businesses, NGOs, social and cultural communities are compliant with equal opportunities and affirmative action in favour of marginalized groups. Meanwhile, the National Women's Council (Amendment) Act, 2010 was set to establish and create women's councils to coordinate and promote the organisation of all women in Uganda in a unified body. Its objective is to bring all women of Uganda together for social, political and economic development purposes, irrespective of their religion, tribe, origin, status or political affiliation. Article 29(1e) of the Constitution of Uganda provides for freedom of association through the Labour Unions Act 2006, which allows workers to establish and join unions. The Minimum Wage Advisory Boards and Wages Councils Act, section (1), states that the basic minimum wage to be paid to employees specified in relation to any such employment.

In a bid to make gender-sensitive and responsive labour policies, the Ugandan government enacted the National Employment Policy, 2011, which is committed to improving labour administration and labour standards in Uganda. This policy also recognizes the employment of vulnerable groups such as women, youth and disabled persons and promotes gender equality. Furthermore, the Uganda Gender Policy, 2007 was set to achieve gender equality and women's empowerment as an integral part of Uganda's socio-economic development. It established a clear framework for identifying, implementing and coordinating interventions designed to achieve gender equality and women's empowerment in Uganda. This policy guides all stakeholders in planning, resource allocation, implementation and monitoring and evaluation of programmes with a gender perspective. It is meant to reduce gender inequalities so that all women and men, girls and boys, can move out of poverty and achieve improved sustainable livelihood. It is also designed to increase the knowledge and understanding of human rights among women and men so that they can identify violations, demand, access, seek redress and enjoy their rights; to strengthen women's presence and capacities in decision making for their meaningful participation in administrative and political processes; and to address gender inequalities and ensure inclusion of gender analysis in macro-economic policy formulation, implementation, monitoring and evaluation.

As more Ugandans seek employment via recruitment agencies for jobs in the West and the Middle East, and other areas, the government has responded by establishing the External Employment Unit (EEU), an agency under the Ministry of Gender Labour and Social Development (MoGLSD), to license and regulate these agencies. Their primary role is to educate the job seekers about the opportunities in the labour market outside Uganda. The government has also developed regulations to streamline and standardize the sector. Therefore, the Employment Recruitment of Uganda Migrant Workers Regulations, 2021, section 2 of the regulation outlines the objectives as; (a) to regulate the recruitment and placement of migrant workers by providing a mechanism for regulating the activities of recruitment agencies; (b) to uphold the dignity and rights of migrant workers by prescribing the appropriate terms and conditions of their employment.

The Government of Uganda is in the process of drafting a comprehensive National Migration Policy. Currently, the Ministry of Foreign Affairs is undertaking regional consultations with a wide range of actors including civil society. The Government has also developed a National Diaspora Policy, which is yet to be formally adopted. The legislation currently governing migration in Uganda is fragmented and there is no comprehensive policy or framework driving migration governance, resulting in limited transparency in rules and regulations pertaining to emigration and immigration. Existing legislation focuses on the rights of Ugandan nationals working abroad and could be strengthened to address the rights of immigrants living in Uganda.

2.1.3 Rwanda

While Rwanda has experienced significant and complex migration patterns in the past, labour migration has only recently emerged, affecting both the economic and socio-economic development of the country. In most of the 20th century, migration in Rwanda occurred because of conflict, and many migrants in the country were refugees. In fact, economic immigration is uncharacteristically absent from the country's history. However, little attention was paid to migrants' economic integration. This changed in the early 2000s with the introduction of a new development framework (Vision 2020) that focused on increasing tourism, importing skills, and attracting foreign direct investment. The Vision triggered a radically new policy approach

intended to harness the potential of regional and international economic integration to benefit the country's development. Today, questions remain about immigrants' labour market impact and economic contribution, as well as the costs and benefits of immigration.

Rwanda is a country of origin and destination for labour migrants. However, the profile of immigrant workers appears to be different in Rwanda from that usually observed in other developing countries. While immigrant workers tend to be relatively young and less educated than the native-born population, the reverse is true in Rwanda. Immigrants are slightly older and have a higher level of education than native-born workers. They also tend to enjoy better employment opportunities and working conditions. Furthermore, they are over-represented in the most productive sectors and continue to be attracted to sectors for which there are currently relatively few qualified native-born workers.

Most of the migrants are men from neighbouring countries of the Democratic Republic of Congo, Tanzania, Burundi, Uganda and Kenya, who come by road transport and legally enter Rwanda through the borders by bus. A few migrants come illegally due to the wars, insecurity and violence that sometimes occur in the Democratic Republic of Congo and Burundi. Work opportunities and investment are the main reason to migrate to Rwanda. To position Rwanda as a major tourist destination and as a regional skills and investment hub, the Government of Rwanda has eased and shortened the process of obtaining the required papers while availing most of the services online. Furthermore, citizens of the East African Community partner states can obtain a visa upon arrival free of charge. Also, the Rwandan government has waived the work permit fee for the East Africans, and there is no other form of working fees required in Rwanda. However, recently Rwandans are emigrating for different reasons, including employment and educational opportunities, skills development, among others, where majority of them have moved to North America (the USA and Canada), while other professionals are dispersed around Europe and Asia. With Rwanda's new drive of transitioning to middle-income status by 2035 though setting itself as a tourism destination and conference hub in Africa, many migrants are moving to Rwanda by bringing the skills needed to bridge gaps in the local labour market. Therefore, through the Vision 2020/50 framework and a comprehensive migration policy, the Government of Rwanda continues to improve regional and international cooperation and integration. This creates a positive environment both for migrant workers and for the foreign investment needed to help Rwanda transition from an agrarian subsistence society to a knowledge-based service economy.

The National Labour Migration Policy is a comprehensive approach to migration issues. It expressly links development and migration processes in recognition of the contribution of labour migration to employment, economic growth, development, both in origin and destination countries. Rwanda has many policies around labour migration and labour mobility that also protect both men and women, and this particular policy protects everyone at an equal level. The country has gender protection policies that specifically safeguard women and women's rights with men and women, boys and girls, benefiting from these policies. Well-managed labour migration leads to economic development, growth and poverty reduction through remittances and investments in the domestic market by migrant workers, thereby increasing the impact of remittances at the household and national level.

Currently, there is need for an organised administrative structure for Rwandan nationals migrating for foreign employment opportunities and skills exchange programs. Providing for an organized administrative Labour Mobility system (Labour Mobility Management) to help migrant workers emigrate to other countries to look for employment opportunities in conditions of safety to achieve the benefits of labour migration. In line with this, Rwanda adopted the National Labour Mobility Policy (2019) that protects the migrants' workers, including women.

The National Labour Mobility Policy is under the lead responsibility of the Ministry of Public Service and Labour (MIFOTRA) but implemented under Rwanda Development Board (RDB) in collaboration with partners and stakeholders directly involved in the various aspects of the labour mobility process.

By its nature as the State institution responsible for promoting employment, regulating the labour market, and monitoring employment conditions, the Ministry is positioned to review the policy and make amendments

where necessary in collaboration with its Partners and other relevant Stakeholders. MIFOTRA manages the safe migration and in and out flow of the workers both internally and externally. Therefore, the migrants' labour rights are reinforced in Rwanda. The rights can sometimes be violated due to the lack of sufficient information about the migrant workers' rights bit overall; they work very well. The policy has been developed with support of IOM Rwanda and in the consultation with the International Labour Organizations (ILO). However, the implementation is weak because it does not reflect the reality on the ground. Lack of incentives for the employer to respect and implement humanely labour migration policies was cited as one of challenges. For instance, one of the civil society members interviewed said that: "Many employers in Rwanda take advantage of the high employment rates and mistreat their employees because they do not have other option. In most cases the policies are badly implemented simply because there are no benefits on the side of employers to obey them."

2.1.4 Somalia

Somalia is a key country of origin for mixed migration in the Horn of Africa. Conflict, insecurity, poverty, and famine have led to massive emigration, especially over the last 20 years (RMMS, 2016). Somalia is also a country of origin for refugees and internally displaced persons (IDPs) in the region. Furthermore, Somali labour migration takes place to neighbouring countries and South Africa, where Somalis often set up small businesses. Somali migrants also work in semi-skilled and low-skilled jobs in the Middle East, where the men work as construction workers, security guards, drivers and the women as domestic workers, caregivers and shop attendants. However, return migration has increased in recent years as Somalia has become relatively more stable. The reintegration of returnees is nonetheless challenged by continuing insecurity, high levels of unemployment, environmental disasters, lack of basic services, and weak governance and rule of law. These factors have also contributed to significant internal displacement, and some returnees have become internally displaced upon their return to Somalia.

Somalia hosts refugees and asylum-seekers, mostly from Zanzibar, Yemen and Syria. While insecurity curtails labour migration to Somalia, international aid agencies and the African Union Mission in Somalia (AMISOM) have brought an influx of migrant workers. In addition, migrants from the IGAD region and the Middle East work in the hospitality, IT, and construction sectors, and also as domestic workers, teachers and doctors.

Even though Somalia has created a structure made of inter-ministerial agencies and the National Coordination Mechanism on Migration (NCM) to coordinate migration and mobility governance, it does not have a migration policy or a labour migration policy. There are no policies or instruments to protect migrant workers in Somalia or to protect labour migrants from Somalia. Somalia has not yet drafted its National Labour Migration Policy, but the Ministry of Labour and Social Affairs has a draft guidelines/framework (Draft Labour Code) on labour.

During the KIIs with the officials from MOLSA in Mogadishu, Somalia, they said that they are in talks with the Ministry of Women and Human Rights Development to conceptualize a Migration Policy that will have a long-time approach to also tackle labour migration issues. Also, recognizing that gender is a cross-cutting issue, MWHRD confirmed the importance of including a section on Gender and Migration in future national labour/migration policy. The respondents from the Ministry of Women and Human Rights Development also reported that they have been discussing with the Ministry of Foreign Affairs and International Cooperation (MFA) the possibility of deploying "Woman Attaché" besides the Labour Attaché in their diplomatic missions in the Middle East, particularly Saudi Arabia, to map out and guarantee the protection of its female migrant workers considering both the Somali and Saudi culture. If Somalia implements this ground-breaking idea, it will be the first nation in the world to offer a specific gendered service for its citizens.

It is worth noting that Somalia has a large diaspora community in North America (the USA and Canada), Europe (United Kingdom, Netherlands and the Nordic States), Australia, Malaysia, East and South Africa. However, most of the diaspora community have either migrated as recognized refugees or as irregular migrants. Recognizing the vital role of Somali diaspora and remittances as a source of income, the Ministry of Foreign Affairs, with the support of IOM, is currently developing a comprehensive Diaspora Policy that will be

embedded in investments, skills transfer and foreign policy. The eventual adoption of this policy will introduce a more organised and meaningful engagement with the diaspora community.

The Somali labour migrant workers especially the returnees narrated the challenges they experienced abroad and during their reintegration back into the society. They felt discriminated because the refugees returning home were assisted by international organisation such as UNHCR in collaboration with government actors and local NGOs. One of the respondents said that “migrant workers in Somalia are left aside, however, Somalis believe that someone will always find help once in Somalia”. Another respondent reported that “information about migration stopped at the border”. One of the KI argued that “as an immigration officer even if I want to assist returned migrants, unfortunately there is no framework or policy to follow.” Therefore, this means that due to lack of migration policies and information, Somali migrants are vulnerable to irregular migration, trafficking and exploitation.

2.1.5 South Sudan

The Republic of South Sudan doubles equally as a country with evergreen pastures for business, employment, and investment opportunities, and of origin, transit, and destination to many migrants in East and Horn of Africa. Moreover, South Sudan is an important country of origin for refugees and asylum-seekers. For instance, in 2011, when South Sudan achieved independence, hundreds of thousands of South Sudanese returned from neighbouring countries, especially Sudan. Some settled in urban areas, and many were internally displaced as they could not find durable solutions upon their return (RMMS, 2016). Hence, in South Sudan, forced migration caused by conflict and other crises led to high numbers of IDPs, who seek protection in United Nations Mission in South Sudan (UNMISS) Protection of Civilian sites and in collective centers or informal settlements. International migration to countries in the region is increasingly being chosen above internal displacement in order to reach safety, especially in areas where UNMISS has little presence, and cross-border networks are in place. Informal settlements in border areas have been growing as people try to stay close to their properties – and to safety – in case of heightened conflict.

Despite the volatile situation in South Sudan, the country hosts refugees from other countries in the region such as Sudan, Ethiopia, the Central African Republic, and the Democratic Republic of Congo. While South Sudan receives migrant workers from its neighbouring countries, the conflict has tempered these flows. The demand for goods, services, and skilled labour attracts entrepreneurial migrants from the Democratic Republic of the Congo, Kenya, Eritrea, Ethiopia, Somalia, Uganda, and Sudan’s Darfur region. From 2011 to December 2013, between 500,000 to 1.2 million labour migrants were estimated to be in South Sudan. When the civil war broke out in December 2013, many returned home. Large numbers of Kenyan and Ugandan labour migrants were also evacuated by their governments following the renewal of conflict in July 2016 (RMMS, 2016).

In the absence of a National Labour/Migration Policy, the procedures and rules governing labour migration and mobility were shaped by various laws and regulations, which were sometimes contradictory and not always applied in practice as prescribed by the law. However, in 2019 the Government of South Sudan adopted a National Comprehensive Migration Policy (CMP) with a section on Labour Migration that aims to improve, and where missing to establish a system of policies and institutions to manage migration. The Policy is founded on a rights-based approach in line with the Transitional Constitution of the Republic of South Sudan, which gives every South Sudanese citizen the right to freedom of movement and the liberty to choose her/his residence. It also calls for the regulation of issues related to Nationality and Naturalization, Passports and Visas, and Immigration and Aliens. Nevertheless, it is gender-blind since it does not mention or consider a gender perspective. Therefore, the Government needs to ensure that gender perspective and protection concerns of women migrant workers is incorporated into the labour migration governance.

Furthermore, national labour is protected by requiring foreign employers to employ at least 80% nationals, at different levels of management. But the Government has no strategy for the transfer of skills from migrant workers to nationals or for attracting critical skills. Future labour exchanges and temporary work schemes to South Sudan should have a skill transfer strategy built into them. Labour inspection is also constrained by

insufficient resources. The MOLPSHRD highlighted that labour inspectors need training on managing labour records and how to handle labour disputes. The ILO should train labour inspectors on the Labour Act, 2017; procedures for labour inspection; and migrants' rights.

Besides, South Sudan is a country with immense labour market opportunities that attract both nationals and migrant workers (both men and women) from within the region and across Africa. However, the Comprehensive Migration Policy does not protect women migrant workers since it is not gender responsive. Currently, it is the South Sudan Labour Act of 2017 which is active but nearly mentions nothing about the migrant workers as it is used to only follow ethical recruitment of employees, safeguard against the mistreatment of employees by their employers and also settle disputes that arise at workplace. One of the KIs reported that "the challenge is the enforcement, because if there is no enforcement mechanism of the Labour Act of 2017 then that's a problem. Another challenge is the lack of existing laws, lack of regulatory framework in country to ensure that migrant workers or migrant workforce are protected. So the opportunity here, is that there should be a national labour policy and it should be implemented to protect the migrant workers."

However, labour migration and mobility in South Sudan is also guided by the following regulations:

Labour Act of 2017: Article 42 of the Labour Act, 2017, allows for written and oral employment contracts. While Article 43 states that that the employment contract should contain all information necessary to define the rights and obligations of the parties. Article 48 states that disputes regarding employment contracts may be referred in writing to the Commission for Conciliation, Mediation and Arbitration, and if it is not solved within one month the Labour Court may adjudicate the dispute. However, the MOLPSHRD indicated that the Commission and the Labour Court, which are both defined in the Labour Act, 2017, have not been set up. At present, only the MOLPSHRD and labour offices can intervene to solve labour disputes. Furthermore, the MOLPSHRD highlighted that awareness needs to be raised among workers and employers of what constitutes an employment contract. If an employer has engaged a worker for a period of time, it amounts to an employment contract.

Refugee Act of 2012: Article 33(f) of the Refugee Act, 2012, and article 67 of the Refugee Status Eligibility Regulations, 2017, entitle refugees to the right to seek employment. Refugees need a UNHCR refugee card to apply for a work permit and need to complete the same work permit application process and pay the same fees as other migrant workers.

Nationality Act of 2011: The Act aids the integration of migrants by offering pathways to citizenship, while allowing migrants to retain their original nationality and be able to work freely in South Sudan.

Even though the government of South Sudan is striving to make its framework and policies gender responsive through affirmative action, however looking at the context, men still have more opportunities to jobs while gender inequitable social norms have placed systemic structures that make it difficult for women to access equal opportunities. South Sudan registers high levels of structural and cultural violence against women including on issues of education opportunities, child marriages and women's participation in the formal sector.

2.2 REGIONAL FRAMEWORKS ON LABOUR MIGRATION IN EAST AND HORN OF AFRICA

The States in East and Horn of Africa are mostly member states of the East African Community or IGAD. For example, Kenya, Uganda, Rwanda and South Sudan are member States of the EAC, and all of these Partner States are part of the EAC Common Market Protocol (CMP). Kenya, Uganda, Somalia and South Sudan

are Partners States of IGAD and party to the IGAD Free Movement Protocol. This section highlights the guidelines for incorporating gender responsiveness labour migration and social protection policy in national policies using the different articles and clauses within the EACCMP and IGAD FMP that commit partners States to harmonize their national policies to the regional policies and frameworks.

2.2.1 East African Community Common Market Protocol (EACCMP)

Article 4 states the overall objective of the Common Market, which is to widen and deepen cooperation among the Partner States in the economic and social fields for the benefit of the Partner States. Article 7(1) of CMP states that the partner states guarantee the free movement of persons who are citizens of the other partner states within their territories. Clause 2(a) the permits entry of the citizens of the other partner states into the territory of the partner states without a visa; (c) that the citizens of the other partner states are allowed to stay in the territory of the partner states;(d) exists in the territory of the partner state without restrictions. Also, clause 5 indicates that the free movement of persons shall be subject to limitations imposed by the partner state on the grounds of public policy, public security or public health. Furthermore, clause 6 states that a partner state imposing a limitation under paragraph 5 shall notify the other partner states accordingly. Clause 7 states that the partner states shall effect the reciprocal opening of border posts and keep the post opened and manned for twenty-four (24). Clause 8 indicates that the relevant international conventions shall govern the movement of refugees within the community.

Article 10 grants free movement of workers within member states. Clause (1) states the partner states hereby guarantee to free movement of workers, who are citizens of the other partner states, within their territories; (2) partner states shall ensure non-discrimination of workers of the other partner states, based on their nationalities, in relation to employment, remuneration and other conditions of work and employment; (3e) enjoy the freedom of association and collective bargaining for better working conditions in accordance with the national laws of the host partner state; (f) enjoy the rights and benefits of social security as accorded to the workers of the host partner state. Clause 8 states that the partner states shall, within the framework of a joint programme, encourage the exchange of young workers amongst the partner states; Clause 10 clarifies that the provisions of this Article shall not apply to employment in the public services unless the national laws and regulations of a host partner state so permit.

Article 12 of CMP shows how member states are committed to working together by harmonizing national labour policies, laws and programs to suit the objectives of CMP. Clause 1 states that the partner states undertake to harmonize their labour policies, national laws and programs to facilitate the free movement of labour within the community; Clause 2 reflects that the partner states undertake to review and harmonize their national social security policies, laws and system to provide for social security the self-employed persons who are citizens of other partner states.

2.2.2 Proposed EAC Regional Labour Migration Policy

According to section 5, the policy is set to harmonize labour migration policies within the regional, continental and international standards, to develop gender-responsive mechanisms to ensure the protection of migrant workers and their families along migratory pathways and in destination countries. It also aims to establish and strengthen labour attaché offices in their diplomatic missions abroad. Additionally, it proposes to establish centres for migrant workers in origin, transit and destination countries where they can lodge complaints about abuse, exploitation and violations of their rights. Lastly, it is to develop national legislation to combat discrimination, xenophobia, violence and harassment along migration pathways and workplaces.

2.2.3 Protocol on Free Movement of Persons in the IGAD Region

Protocol on Free Movement of Persons in the IGAD Region, 2020, Article 3(1a) accords to citizens of member states the right of free movement of persons and guarantee the right of entry, stay, move freely and exist the territory of other member states; (b) extend the right of free movement of workers and self-employed persons and their dependents and guarantee them the right to apply for employment, conclude

contracts and accept offers of employment and accord the right of the workers to be accompanied or joined by dependents in the territory of other member states; (c) Progressively realize the right of establishment and residence of citizens of other member states in their territory.

Clause 2 states that the free movement of persons, right of establishment, and residence in the member states shall be guided by relevant regional, continental, and international instruments. Clause 3 declares that migrant worker shall enjoy the protection of the law of the host member state guided by the fundamental principles and rights at work, equal treatment with regard to working conditions. Such protection under the law shall be gendered responsive and child-sensitive, particularly regarding rights to education, health, and other services. Finally, clause 5 states that member states and IGAD shall devise instruments and mechanisms for the protection of the rights of workers against unfair recruitment practices, including by intermediary bodies including private recruitment agencies and public employment services.

In a nutshell, Kenya, Uganda, Rwanda and South Sudan are member States of the East African Community which allows for free movement between the member states through visa elimination and free movements of persons. Moreover, Kenya, Uganda, South Sudan and Somalia are Partner States of IGAD, which has a protocol to allow free movement of persons among its members. These States are also member states of the Regional Ministerial Forum on Harmonizing Labour Migration Policies in East and Horn of Africa. As members of these organisations, they are bound to follow their migration and labour migration regulations. However, the harmonization of the policy implementation presents strong gaps because states align these policies to their national interest and development aspiration, gender blindness and disparities in implementing these policies.

2.3 INTERNATIONAL FRAMEWORKS

Kenya has ratified numerous Agreements with the International Labour Organization (ILO) Conventions that are in relation to migration policies. Some of the relevant Conventions include ILO Conventions, No. 29, 100, 105, 182, 111 and 98 which are all in force. However, it is worth noting that Kenya is yet to sign and ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition to these conventions, the country is a signatory to the East African Community Common Market Protocol and is also guided by the Inter-Governmental Authority on Development (IGAD) Revised Regional Migration Policy Framework.

At the international level, Uganda is a party to international conventions and frameworks that guard the rights of migrant workers. Such conventions include Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Protection of the Rights of All Migrant Workers and their Families (ICRMW).

Rwanda has domesticated and ratified the following ILO Conventions: No. 97, 143, 181 and the UN Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and operation of Private Employment Agencies with technical assistance from the ILO in the implementation of the ratified conventions.

Somalia has recently ratified three conventions on labour migration, to enter into force in March 2022 - Convention 97 on Migration for Employment, Convention 143 on Migrant Workers (Supplementary Provisions) and Convention 181 on Private Employment Agencies Convention. Somalia also ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Worst Forms of Child Labour Convention, 1999 (No. 182). The Federal Government of Somalia (FGS), social partners of the country and the International Labour Organization (ILO) signed an agreement establishing a Decent Work Programme for Somalia.

In South Sudan, there is no policy on labour migration but there is a National Comprehensive Migration Policy with a section on Labour Migration. Unlike, its neighbouring countries, South Sudan has not adopted

any key labour conventions including the ILO Migration for Employment Convention (Revised), 1949 (No.97), ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143), and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, recently it has domesticated some of the international conventions that prohibit forced labour and exploitation of workers. Thus, South Sudan has adopted and domesticated the following ILO Conventions: No. 29, No.98, No.100, No.105, No. 111, No. 138, and No. 182.

2.4 GENDER DISPARITIES IN LABOUR MIGRATION POLICIES AND FRAMEWORKS

2.4.1 Policies under drafting Process

Policies such as Labour/Migration policy (for Kenya and Uganda) and National Diaspora Policy (Uganda) that are meant to protect and promote orderly and safe migration for men and boys, women and girls in EHOA in the context of labour migration are still being developed. Some countries have taken long in the drafting process leading to donor fatigue and misconception of state priorities. Even though these policies seek to address the various problems that migrant workers face in their host countries, particularly in the Middle East, the delay in adopting and implementing them further augment the exploitation, violation and discrimination of the migrant workers, especially female migrant workers.

2.4.2 Lack of Informal Sector Regulation

Countries assessed have enacted various frameworks, policies and programs that are seemingly gender responsive. For example, most labour laws and policies are anchored on their Constitutions, which give equal rights to women and men to participate in meaningful and productive activities to improve their livelihoods and contribute to national development. However, there are still issues that are not addressed in these policies and which create disparities in employment. Women migrant workers tend to be over presented in informal jobs, pay less, are uncoordinated, unregistered and may not be largely impacted by the policies and frameworks. The administration of jobs such as housekeeping, caregiving, babysitting is not well stipulated in employment policies. Also, since women are mostly employed within the private sphere (domestic), where they are more at risk of physical and sexual violence due to their gender vulnerabilities. On the contrary, men are well presented in the formal, organized, coordinated, and regulated sector, putting them in better saving financial systems that support their development. For instance, men dominate the industrial and professional jobs, which earn them higher incomes than women, and where they are more sheltered from violence since those jobs are in the public sphere.

Furthermore, it is on record that women still assume the primary responsibility for household care tasks. Studies show that women undertake 75% of all unpaid care work and spend 2.5 times more time on these care tasks than men. This causes women to interrupt their careers, work shorter hours and accept the precarious position of combining paid work in the labour market with unpaid work at home. Findings from a study by Oxfam revealed that more men than women spend a large proportion of their time in a typical 24-hour day on paid work (24% for men vs 13.8% for women), while the opposite is true concerning Unpaid Care and Domestic Work (UCDW). Only 3% of the men indicated having spent some of their time in a given day on unpaid care activities, compared to 18.2% of women (Guloba et al., 2018). This eventually widens the gender pay gap between women and men and prevents women from making the same contributions to social security as men.

Despite the significant contribution of unpaid care work towards national development, this work is not visible. Moreover, there is no policy specifically designed to cater for, or compensate unpaid care work, though some care issues are embedded in various policies. Therefore, there is lack of informal sector regulation in EHOA which has a negative impact on women as the majority workforce in this sector. Since most of the policies are designed to regulate the formal sector but disadvantage women in the informal sector who do not have capacity to contribute and access social protection and other amenities.

2.4.3 Gender-Based Violence and Migration

Women migrant workers experience gender-based violence and harassment, ranging from insults to severe physical abuse, sexual assault, psychological abuse, bullying and intimidation. Several women migrant workers have reported abuse while in transit and host countries and communities (Global Alliance Against Traffic in Women, 2010). This gender-based violence cannot be considered in isolation from the patriarchal stereotypes about women's place in host countries, the value of their labour, race, gender and the violence that women are subjected to throughout their lives.

For example, Uganda has various progressive laws in place to address the issues of gender-based violence, such as the Employment Act 2006 and the Domestic Violence Act 2010. However, they fall short in effectively protecting female employees. The Employment Act 2006, for instance, places the obligation primarily on employers with more than 25 employees to effect measures to prevent or investigate sexual harassment in their workplaces. Even then, most government departments and private companies in Uganda do not either have the scope or specific policies in place to investigate and address sexual harassment at the workplace.

Furthermore, specifically for migrant workers, the most recent and available regulation is, The Employment Recruitment of Uganda Migrant Workers Regulations, 2021, by the Ministry of Gender, Labour and Social Development. Unfortunately, this does not solve the problems associated with labour externalization as it majorly deals with the licensing of recruitment companies and complaint mechanisms.

It should also be noted that these policies only remain effective in the origin, and there is little they can do to help migrant workers while in transit or in their host countries. Migrant workers may not be supported by the regional and international policies and protocols since they are mostly unaware of these policies. They are also mostly about how and where to seek or access justice or fear seeking justice since some are irregular/undocumented migrants.

2.4.4 Sexual Violence

Sexual abuse and harassment as a form of sexual violence in EHOA countries is a common occurrence unnoticed by many and many cases are not reported to the authorities for different reasons. Research has revealed that women constitute most of the victims of sexual abuse and harassment compared to men. Being women and the nature of work they are involved in at the workplace puts them in a vulnerable position. For instance, being a secretary, tea lady, or domestic worker reduces their bargaining power when the boss advances signs of sexual abuse and harassment compared to a man.

Sexual harassment constitutes a violation of a person's fundamental human rights protected under the Universal Declaration of Human Rights and the supreme law of the land, the Constitution. This includes violating a person's right to privacy, personal dignity and integrity security, freedom from discrimination, and labour rights, for instance, the right to work under satisfactory, safe and healthy conditions. Due to the social and cultural construct, many female or male victims will remain silent since they don't know how to navigate the stigma and stereotypes associated with this type of violence.

Though there are laws in place to curb sexual harassment, they fall short in effectively protecting female employees. The absence of sexual harassment policy in most companies, government agencies, departments and authorities in EHOA with the exception of Rwanda are not effective and efficient. However, all the five countries (Kenya, Rwanda, Uganda, Somalia and South Sudan) selected for this assessment have ratified the Universal Declaration of Human Rights as members of the United Nations.

2.4.5 Nature of Work and Migration

The nature of work performed by migrant workers in host countries has been described by some as 3-D, meaning, Dirty, Dangerous and Difficult (or Demanding) (Ahmad et al., 2018). Therefore, migrant workers often face a higher risk of injury and death than other workers. In the field of migration, there has been a discussion as to whether the work done by the migrant workers is 3-D. The direction of argument as to whether the work is dirty, dangerous and difficult depends on the different perspectives used to analyse the issue.

Even though there are several laws and policies that aim at Promoting Occupational Safety and Health for migrant workers. Despite these protective policies and frameworks, a key challenge for many migrant workers is the language barrier and cultural differences at the country of destination, especially for those who are illiterate. When they cannot understand or read the language of their host country, migrant workers may not be able to understand the Occupational Safety and Health related information on key issues (such as the use of chemical cleaning products, use of electronic appliances etc.), and are therefore more at risk with regard to accidents and injuries.

2.4.6 Migrant Workers' Rights in Host Countries

Even though a country might have a Labour Migration Policy that is meant to protect the migrant workers' rights in the host countries, if not well formulated and implemented, these policies might still have shortcomings. For instance, the protection of the rights of a country's citizens abroad has a long-term effect on their contribution to their home countries. It has been irrefutably proven that migrating from low-income to high-income countries brings excellent benefits to immigrants, their families, and their communities through remittances. In contrast, the fewer rights an immigrant has, they are more likely to face exploitative working conditions and low wages in the host country.

Hence, countries in EHOA should address these concerns as destination countries lack implementation policies to enforce migrants' labour rights, particularly low-skilled labour workers. Most labour-receiving countries in the West provide comprehensive rights to immigrant workers (a path to citizenship). In contrast, others, such as the GCC countries (including the UAE), provide minimal rights to their temporary migrants.

2.4.7 Responsibility to Protect Migrants' Rights

For countries externalizing labour like Uganda and to some extent Kenya even though not noticeably, the policies and institutional frameworks for migration shift much of the responsibility for protecting migrant workers' rights from the government to recruitment companies. However, granting recruitment agencies the legal obligation to protect the rights of migrants (that is, contractual violations) poses challenges. The agencies lack total legal and institutional capacity to negotiate for and protect their labour rights in the host countries, thereby leaving the migrants vulnerable to the host country's legal system. This shortcoming in legal protection negatively affects the migrant workers' contribution to national development.

For instance, the Kenyan and Ugandan policy and institutional frameworks also fail to capitalize on the potential gains of "social remittances" (including the transfer of values, norms, knowledge or skills), which has always been beneficial to both sending and receiving countries. The economic and infrastructural development of migrant-receiving countries, such as the GCC countries, has occurred due to the imported skills of migrant workers; on the other hand, labour-sending countries like Uganda and Kenya have benefited from the financial investment of their migrant workers.

3. REVISION OF NATIONAL AND REGIONAL SOCIAL PROTECTION POLICIES, PLANS AND EMERGENCY ECONOMIC SCHEMES IN KENYA, UGANDA, RWANDA, SOMALIA AND SOUTH SUDAN

4.

“Every responsible government must play a role in the protection of migrant people, however, because of the situation of the country maybe these protections framework has to be developed and generated based on timelines”.⁴

Social protection refers to public and private interventions to address risks and vulnerabilities that expose individuals to income insecurity and social deprivation, leading to undignified lives. It is an essential service and a human right that ensures the dignity of people. Extending social protection to all, including migrant workers and their families, is key to providing income security, reducing poverty and inequality, achieving decent working conditions and reducing vulnerability and social exclusion. Furthermore, it has been widely recognized that social protection promotes inclusive growth and sustainable development, as reflected in the 2030 Agenda for Sustainable Development (ILO, 2021). From this perspective, countries in East and Horn of Africa, including Kenya, Uganda, Rwanda, Somalia and South Sudan have endeavoured to incorporate social protection policies and programmes as part of their interventions.

Social protection policies can be divided into three main categories: social assistance, social insurance, and labour market interventions. Social assistance programmes target the most vulnerable groups in society (e.g. children and senior citizens). Examples include cash or in-kind transfers (conditional and unconditional) and input or food subsidies. Social protection policies can also include social insurance programmes, which are generally conditioned on past contributions and are designed to potential income loss due to life cycle-related events such as pregnancy or old age. Examples include pensions and health insurance, maternity benefits, unemployment benefits and agricultural risk insurance. Finally, labour market interventions, such as programmes skills transfer programmes, employment guarantee schemes and self-employment support, can also be considered under the broad umbrella of social protection policies (FAO, 2021).

At the international level, a strong argument in favour of extending social protection to migrant workers and members of their families is made in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, which states that “everyone, as a member of society, has the right to social security” (Art. 22) and “...to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in the circumstances beyond his control” (Art. 25). Furthermore, the right to social security is also enshrined in the International Covenant on Social, Economic and Cultural Rights (1966), other international and regional human rights instruments and the national Constitution.

According to Sabates-Wheeler (2019), the copious literature and work on social protection have focused on the protection and provision of social assistance, social insurance and social services to vulnerable and poor populations in the global south. However, she argues that a notable and increasing (yet relatively small) exception to this has been research that document and interrogates the relationship between labour migration and social protection.

4. A male government official from Somalia.

For Sabates-Wheeler (2019), this literature has been critical to shifting the framing of social protection away from the constraints imposed by the nation-state – instead, allowing a discourse to emerge regarding how people are able to claim social rights beyond borders. Work in this area has expanded in the areas of (i) portability of social rights (such as pensions and healthcare) across borders and within economic trading zones protection; (ii) inequities in access to social rights for different categories of labour; (iii) labour market regulations that cover migrants provision to social protection; and, (iv) the structures of informal and transnational social protection and care systems for low-income migrants, particularly those that might move undocumented, or into the informal labour market of a destination country (Sabates-Wheeler, 2019:8). Below is a review of the social protection policies in Kenya, Uganda, Rwanda, Somalia and South Sudan relating to labour migration and mobility. It also examines the gender disparities in social protection policies and economic schemes.

3.1 KENYA

While regular labour migrants in Kenya should enjoy the same protection as nationals under Kenya's national labour law, the extent to which this protection is enforced is unclear. Regular migrant workers have access to Kenya's National Social Security Fund, including self-employed migrants. Kenya has no bilateral, regional, or multilateral agreements in place to facilitate the transferability and portability of social security benefits. It should develop such agreements, including finalizing the draft Social Security Portability Bill of the EAC Common Market Protocol.

Kenya is finalizing its draft National Labour Migration Policy (NLMP), which is not publicly available, and it is expected that it will provide detailed policy coherence with other policy areas, such as employment, education, economic development, and integration, aligning to the Kenya Vision 2030, the country's development plan for 2008–2030. The NLMP could serve as an important mechanism to ensure policy coherence through continual coordination. The NLMP should ensure that pre-departure training is given to all migrant workers destined for the Middle East. Whilst there is pre-departure training, it appears not to be strictly enforced. Costs related to deployment can be charged to a migrant worker, such as administrative costs and trade tests. To ensure the protection of migrant workers, they should not face any charges for recruitment, placement, and deployment. Kenya should sign and ratify the ILO Private Employment Agencies Convention, 1997 (No. 181). The government of Kenya through the Ministry of Labour is also formulating the Labour Migration Policy and the Labour Migration Bill set to regulate the protection of migrant workers.

In principle, national laws on human rights apply to migrant workers, and the Kenya National Commission on Human Rights (KNCHR) is responsible for monitoring, investigating, and enforcing human rights. Regular labour migrants in Kenya have access to the Employment and Labour Relations Court to settle employment disputes. The extent to which the rights of migrant workers are enforced is unclear. The government of Kenya should proactively inform migrant workers in Kenya of their rights and ensure that migrant workers in an irregular situation have access to protection mechanisms. Kenyan migrant workers in distress can contact their embassies and labour attachés for assistance, and Kenyan domestic migrant workers abroad can also contact COTU-K. The Government has worked to address national and international human trafficking, including through the implementation of the Counter-Trafficking in Persons Act, 2010, which is in line with the United Nations Convention Against Transnational Organized Crimes, the smuggling and trafficking in persons protocol. Implementation of the Act needs to be strengthened, however, and the National Referral Mechanism to assist a trafficked person in Kenya needs to be bolstered. The Government should provide migrant workers in Kenya with on-arrival information or training on their rights and obligations, including such topics as access to social services, dispute settlement mechanisms, and tax contributions. At present, migrant workers in Kenya may receive training and information from their employers.

3.2 UGANDA

Uganda's Social Protection Policy 2015 is premised on the provisions of the Constitution of the Republic of Uganda, laws that address issues of risks and vulnerabilities; and Regional and International Instruments the country is a party to. It is also consistent with other National Policies and Planning Frameworks. Moreover, there are several social protection interventions that have been implemented in Uganda. Some of the specific laws that provide for various aspects of social protection include:

- i. Prevention of Trafficking in Persons Act, 2009, which was designed to address the issues of human trafficking and forced labour and to bring the perpetrators to face the law and be punished.
- ii. Workers Compensation Act 2000 (Ch225), section 2(1), applies to all employees within **Uganda**. Clause 2 confirms that this Act shall apply to workers employed by or under the government of Uganda in the same way and to the same extent as if the employer were a private person, but the Act shall not apply to active members of the armed forces of Uganda.
- iii. The National Social Security Fund Act, 1985, provides for the establishment of a National Social Security Fund and provides for its membership, the payment of contributions to, and the payment of benefits out of, the fund and for other purposes connected therewith.
- iv. The Occupational Safety and Health Act, 2006, was set to consolidate, harmonize and update the law relating to occupational safety and health; to repeal the Factories Act, Cap. 220 and to provide for connected matters. Section 13 highlights the duties of employers to protect their workers.
- v. The Uganda Retirement Benefits Regulatory Authority Act 2011 was set out to establish a Retirement Benefits Regulatory Authority to regulate the establishment, management and operation of retirement benefits schemes in Uganda in both the private and public sectors. Under Section 2.2, the government is implementing various social protection interventions, which include: i) The Public Service Pension Scheme; ii) The National Social Security Fund, Workers Compensation; iii) The Social Assistance Grants for Empowerment (SAGE); iv) Public Works Programmes; and v) Social Care and Support Services.
- vi. The National Social Protection Policy, 2015, provides a framework for establishing a comprehensive social protection system that caters to diverse population categories. The existing social protection interventions targeted a few people accessing social security services. The policy was enacted to facilitate a holistic approach in addressing the risks and vulnerabilities faced by different categories of the population in the formal and informal sectors. Through this policy, the government can understand the Ugandan context's social protection and provide recommendations. The national social protection interventions are fragmented and uncoordinated. This policy was to resolve the issues of duplication, incoherence, wastage of resources and limited impact on the beneficiaries.

Uganda is a signatory to several regional policies and has committed to implementing key provisions in these policies and frameworks. Some of the vital protection policies include:

- i. The Ouagadougou Declaration and Plan of Action 2004, that commit Governments to improve vulnerable people's living conditions through better social protection services, including enhanced pensions, health, and other social security schemes (Abebe, 2017).
- ii. The Constitutive Act of the African Union adopted by the 36th ordinary session of the Assembly of Heads of State and Government on 11th July 2000 in Lomé, Togo, that reinforces the need to promote a common agenda to address issues affecting the people of the continent (Constitutive Act of the African Union (2000).
- iii. The Social Policy Framework for Africa is within the purview of the African Union's vision which is building an integrated, prosperous and peaceful Africa, an Africa driven and managed by its citizens and representing a dynamic force in the international arena and, to achieve by 2025 (Social Policy Framework for Africa, 2009).

3.3 RWANDA

Rwanda's National Social Protection Policy was established to assist families living in poverty and includes measures to ensure access to education for children and to provide livelihood development. Although this plan acknowledges that poverty is a root cause of child labour, the government adopted a National Policy on Elimination of Child Labour in 2013. Rwanda's National Social Protection is in line with all of the East Africa Community partner states (National Social Protection Policy page 21). The policy was mainly delivered in the form of humanitarian assistance until it evolved to social assistance. During this period, Social Protection has contributed enormously to Rwanda's performance in delivering the national development targets (for example, reducing extreme poverty and inequality).

In addition, the social protection sector has evolved over time with emerging challenges like malnutrition, livelihood shocks, the existence of extreme poverty and poverty in its dimensional nature, necessitating revision of the National Social Protection Policy to accommodate the new commitments from the Human Capital Development drive, the National Strategy for Transformation (NST1) and the Vision 2050, whilst responding to the positive demographic dividend, which calls for focused attention on the emerging issues and concerns of the elderly persons and Persons with Disabilities.

The Rwanda Ministry of Local Government (MINALOC) through its Local Administrative Entities Development Agency (LODA) oversee the implementation of the social protection policy. Other development agencies and government agencies implement the policy. Besides, the Rwanda National Social Protection Policy and Strategy was reviewed in 2020 with the aim to assist families living in poverty and includes measures to ensure access to education for children and to provide livelihood development.

However, the national social protection policy does not include migrants' workers. The migrants' workers are socially protected by the Rwanda national labour law only if they are working. The policy is inclusive to all genders (men and women, boys and girls). Rwanda adopted a non-discriminatory mechanism, and gender policies are in place. This policy is intended to support the realisation of Rwanda's Vision 2050 as well as a range of regional and international medium-term commitments relating to poverty, hunger and social protection system development.

In 2020, Rwanda received funding from the Africa Development Bank (ADB) to support Rwandan citizens to benefit from improved basic health service delivery and social protection interventions. In 2019, MIFOTRA and RDB also implemented a National Employment Program which targeted to empower women. Therefore, the direct beneficiaries of these interventions were vulnerable workers in the informal sectors, including women, public works programme beneficiaries (over 56% women), private and financial sector actors, and farmers. Moreover, the program has benefited small and medium enterprises, including those that are women owned. Also, the funding was used to create the Gender Marker System, a program that has safeguarded the livelihoods of vulnerable men and women through gender-inclusive social protection programs and COVID-19 relief schemes.

Rwanda has a National Gender Policy, and specific policies include ones for girls' education, women in agriculture, gender-based violence and sexual and reproductive health, each with its own implementation strategy. Gender-Responsive Budgeting has been in place since 2003, the production of gender budget statements was piloted in 2010/11, and from 2011/12 all ministries have been expected to produce them. However, there are concerns about the technical capacity of central and local government to deliver on these policies, including the extent to which employees understand gender equality, and the monitoring and evaluation of their implementation. The national gender machinery comprises the Ministry of Gender and Family Promotion, the Gender Monitoring Office and the National Women's Council (NWC). The Ministry of Gender and Family Promotion is charged with promoting gender equity, coordinating the implementation of the national gender policy and ensuring effective gender mainstreaming and the empowerment of women. While the NWC is important in representing women's concerns, giving a voice to women and providing opportunities for capacity-building, its impact is limited to lack of resources. Although the area of gender equality and women's empowerment has been recognized as one of the few where Civil Society Organizations (CSOs) have had an impact, their role is severely limited by the government's emphasis on CSOs working

to the government agenda and a lack of capacity among member organizations for advocacy at national and local levels. This means that women have very limited opportunities to put forward their own perception of their political interests. Gender policy is implemented in a top-down way by technocrats who are supplied with 'tools' to monitor implementation.

Furthermore, women have benefited less from the creation of non-farm employment compared to men. They are also disadvantaged in the agricultural sector, and the commercialization of farming has made it more difficult for rural women to feed their families. On average, women work about 20 hours more every week compared to men when domestic work is considered; providing childcare and domestic labour, whether they are mainly responsible for collecting wood and water and undertaking voluntary care work.

The social protection policy implementation is often hindered by:

- i. Lack of sufficient funding to boost or accelerate the graduation models of the government of Rwanda. This always results in the non-coverage of all of the households targeted (i.e., living in extreme poverty), which stand at 38% according to the National Institute of Statistics (NISR).
- ii. The existing social protection programmes, which do not always reach the poorest and most vulnerable.
- iii. The adequacy of social care services, etc.

3.4 SOMALIA

Somalia Social Protection Policy (SSSP) seeks to rectify the critical poverty and vulnerability issues of the country, an initiative headed by the Ministry of Labour and Social Affairs. Furthermore, the Somalia Social Protection Policy has taken a keen interest in addressing the vulnerable in society, who include women, girls, young men and boys.

Moreover, Somalia has a very high young population, with about 50% of its population below 15 years of age. This population group is the most vulnerable and most likely poor as most are born into impoverished households and are not at an age where they can fend for themselves and are exposed to health-related complications and difficulty accessing education. About 47% of children in this age group are not enrolled in formal education. Therefore, SSPP seeks to address this by creating free/affordable national healthcare that will reduce the chances of stunting, poor cognitive development, disease, disability and no immunization.

Furthermore, the 'Somali Health Policy' of 2014 upon successful establishment, is set to provide 'a people-centred essential package of health services with efficient, equitable, culturally acceptable and universal access to promotive, preventive, curative and rehabilitative services that produce the desired health outcomes in terms of reduced morbidity, mortality and improved quality of life and wellbeing'. Some of its key objectives are to provide child healthcare and nutrition. It also aims to prevent and control the spread of communicable diseases and move towards universal healthcare coverage. In addition, the National Nutrition Strategy (2011-2013) and the National Micronutrient Deficiency Control Strategy (2014-2016) was established to improve the nutritional health of children with an emphasis on children under the age of 5 years.

Similarly, girls and women are more disadvantaged in Somalia than their male counterparts. Girls are prone to early marriage, have fewer chances of receiving a formal education and gainful employment, and have higher chances of early motherhood. Although females make the larger population of Somali, they receive less assistance and representation in the government. The The Draft Constitution of Somalia seeks to protect their rights. However, the laws show that girls are not to be exposed to anything that may be considered abuse and neglect, such as early marriage or failure to receive formal education however, this is not the case.

Somalia has also signed and ratified specific international conventions that seek to protect the rights of girls such as the Worst Forms of Child Labour Convention, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the African Charter on Human and People's Rights, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. However, it is worth pointing out that Somalia is not a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The SSPP aims to ensure that women and girls have access to food, universal healthcare, and protection from national disasters. While these initiatives are beneficial, they do not address the fundamental issues that women and girls face. As long as the policy does not directly deal with the issue of early/forced marriage and its effects (such as halting education, early marriages, and the continuation of trans-generational poverty), the fundamental problems faced by women and girls shall continue.

Poverty, lack of education, healthcare and the risk of recruitment into vigilante armies are the primary problems faced by the boys of Somalia. SSPP seeks to ensure that healthcare, financial assistance and access to food are catered for in the long term. The SSPP, however, fails to address how to handle the recruitment of young boys and ensure formal education is received.

The problems bedeviling the most vulnerable of Somalia are yet to be truly addressed by these policies, and in the long term, they will cushion these communities, but it will not lead to a real change in the society. These frameworks ought to be reassessed, and the issue of education, rights, and employment must be revisited to ensure that the curse of trans-generational poverty is broken. A proper framework for bilateral trade to protect female migrant workers is still yet to be tackled.

3.5 SOUTH SUDAN

Social Protection in South Sudan is defined as “the set of private and public mechanisms that protect and prevent individuals and households from suffering the adverse effects of shocks and stresses.” At a macro level, the South Sudan Development Plan 2013–2017 and the National Development Strategy 2018–2021 identify social protection as a national priority to combat poverty and social exclusion. In 2015, the government approved the National Social Protection Policy Framework (NSPPF), which envisages a national social protection system with strong coordination and a range of social protection programmes for the most vulnerable. The government also committed to allocating 1 per cent of its annual budget to finance the National Social Protection Policy Framework through the Ministry of Gender, Child and Social Welfare. However, this policy does not cover migrant workers in South Sudan.

3.6 GENDER DISPARITIES IN SOCIAL PROTECTION POLICIES AND ECONOMIC SCHEMES

3.6.1 Exclusion of Women Migrant workers

Most of the contributory social protection and economic schemes primarily target the formal and organized employment sectors. Women and other vulnerable groups like Persons with Disabilities are at a disadvantage since they are mainly employed in the less paying informal sector; spend much of their time on Unpaid Care and Domestic work (Guloba et al., 2018). Even when women do the same jobs, they are at times paid less than men. Despite the opportunity to voluntarily join some of the schemes, the women can hardly make any savings to join the schemes. They lack contributory capacity and have other financial challenges which are not covered under the social protection policy.

3.6.2 Access to Health, Social Care Services and Migration

The legal status of migrant workers determines the type of services they can access. When immigrants do not have legal status or have temporary status under visiting visas, they generally have fewer rights to access support services, including healthcare, in their host countries. Research has shown that lack of health insurance is a significant barrier to healthcare access, particularly for migrant workers and minorities. In cases where a non-negligible share of migrant workers could be undocumented, policies vary across host countries. In some host countries, migrants, for example, have access regardless of their migratory status to the universal and public healthcare system (Hadler, 2015).

For instance, all migrants have free access to emergency and preventive health services in public health centres in Uganda, independent of their migratory status (The Uganda National Social Protection Policy, 2015). However, in some host countries, full access to the healthcare system is restricted to migrant workers

with legal status. It should be noted that, even when migrant workers have legal access to healthcare services, they may not use them because of discrimination by the natives, lack of information about their rights, language barrier, and cultural differences, among other factors. Therefore, migrant workers' lack of access to healthcare and other social care services is particularly detrimental for women and children, considering that they are vulnerable to health and other social risks (food insecurity/hunger and homelessness).

3.6.3 Access to Information and Language Barriers

Another issue is limited information or knowledge of migrants' rights and the administrative procedures for accessing social security schemes. Remoteness or isolation of the workplace and home, irregular status, language barriers, discrimination in access to information and illiteracy are additional factors that can prevent migrant workers from receiving adequate information on their entitlements. Lack of information can also lead to irregular negotiations between workers and employers, placing the migrant workers at a disadvantage when advocating for their rights.

4. FINDINGS OF THE ASSESSMENT ON GENDER AND SOCIAL PROTECTION

“The problem with the Free Movement Protocols is the attitude of our policymakers who want countries to trade with each other but without people and guiding frameworks and policies.”⁵

This section provides the findings of the rapid assessment on gender and social protection drawn from the analysis of the desk review and the data collected from the field which informs the differential impact of proposed and or adopted labour migration frameworks on women and girls, men, and boys. It further discusses the gender concerns and needs within the national and regional social protection policies. This section also analyses the policy gaps that were identified during the literature review, KIs and FGDs interviews. Lastly, the implementation challenges of the national and regional migration frameworks in EHOA region are also outlined here.

4.1 FINDINGS ON THE DIFFERENTIAL IMPACT OF NATIONAL AND REGIONAL LABOUR MIGRATION FRAMEWORKS ON WOMEN AND MEN

- One of the key findings on the differential impact of the national and regional migration framework is the feminization of intra and inter-regional labour migration in EHOA due to the increased rate of mobility made possible by the externalization of labour in the feminized services (domestic, hospitality and care industry) to the GCC countries and the free movement regimes of the EAC and IGAD which has implications on the lives of men, women, girls and boys.
- There is lack of access to justice and redress of grievances for migrant women and men. Currently, the existing national and regional migration labour policies promote the human rights of migrant workers, both men and women. This is because, at the national level, EHOA states have developed policies and frameworks based on their constitution to improve the condition of workers, to provide social protection, annual leaves, sick leaves, plus maternity and paternity leaves.
- Women migrant workers face the challenge of accessing justice and seeking redress through the justice system compared to their male counterparts. Most police officers in the Middle East are men, so women are hesitant about entering police stations, particularly in Saudi Arabia, due to legally required segregation between the sexes and gender relations. Some have no legal documents and therefore cannot access justice. In addition, women migrant domestic workers routinely face false counter charges from their employers in efforts to mask mistreatment. For example, one of the female returnees from Kenya said that:

“It is better to persevere until you finish your contract because it is your employer’s word against yours. Your employer might say that you stole and even plant evidence and witness against you. They might say you were escaping”.
- Even though men and women migrate for almost similar reasons, such as getting education, employment, getting married, or fleeing persecution or harm, female migrants are at greater risk of exploitation and abuse, including trafficking and death, than their male counterparts. Most migrant domestic workers are women and adolescent girls. Low/unskilled female migrants work in less-regulated and less-visible (private sphere) sectors than male migrants (public sphere). Moreover, gendered power relations produce and promote particular types of violence against migrant women. In addition, their status as migrants and sometimes as unauthorized migrants can lend itself to gender-specific problems like sexual exploitation leading to unwanted pregnancy, unsafe abortion and suicide at their place of work.

- Migrant women and girls often do not have reliable access to health care, particularly mental, sexual (sexually transmitted infections and contraception) and reproductive healthcare and social care services for female migrant workers in their destination. This lack of access may be attributed to factors such as cultural beliefs, religious ideologies, the lack of information or health-related education, isolation, or the inability to gain access to services based on the legal status, fear of deportation or other repercussions, particularly for migrants in irregular situations and the country's ideology. In addition, the domestic workers remain invisible to the outside world, and they are not governed by the labour regulation of their host countries.
- There is lack of informal sector regulation in EHOA which has a negative impact on women.
- Gender and health issues emerged as a cross-cutting issue in this assessment. The assessment found that even though states preferred gender-neutral or gender-blind labour migration policies, the problems experienced by migrant workers on the ground were very gender-specific.
- Female migrants always have care responsibilities in the country of origin that are not always easily reconciled with their employment options in the migration destination country. In addition to providing financial support to their households, when women move as primary migrants, they also have to organize the logistical arrangements to care for their young children or other vulnerable family members left behind. Also, in the absence of family reunification policies, women's migration may result in family separation. The impact of that is borne by children, who grow up without at least one of their primary caregivers. For the female migrants, this leads to Mama's guilt phenomenon, the stereotype of an uncaring mother, and ultimately anxiety and depression.
- Although gender-segregated data on migrant workers remains scanty, there is a general consensus amongst the respondents that gender matters in migration because, currently, there are more women than men migrating for employment/labour in the EHOA region to the Middle East due to the available gendered opportunities or labour demand in the domestic services, hospitality and beauty industry.
- Gender inequality determines the experience of men and boys and women and girls during migration. This is so because gender inequality is both systematic and structurally, institutionalized by the cultural system and maintained through socialization. This is manifested through the exploitation of female migrant workers who normalize this act because of the social construction of their gender roles and their socialization which may be informed by their culture that women have to persevere and be submissive.
- There is some degree of regulation and implementation of government programs with gender consideration in Kenya and Uganda. For example, the existing frameworks have regulated and guided government programs such as the Uganda Women Entrepreneurship Program (UWEP) and the Youth Livelihood Program (YLP) that promotes and empowers women and youth in economic development initiatives. The KIs revealed that these government programs empowered women and youth to start small businesses to improve and increase household income. As a result of these initiatives, many women and youth have been brought on board and facilitated. Hence, they have gained practical skills and have contributed to their families and community development. Also, it should be noted that through these policy frameworks, the government establishes the structures that govern and manage these initiatives.
- Despite the promise of easy free movement through the EAC CMP and IGAD FMP, migrant workers, still face difficulties in the process of moving between countries in EHOA.
- There is a contradictory understanding of the concept of gender and gender responsive labour migration governance among the officials interviewed in the five selected countries (Kenya, Uganda, Rwanda, Somalia and South Sudan) of this assessment. Most of them demonstrated limited knowledge, expertise and experience on gender and migration.
- States preference to use gender-neutral language in their labour migration policies and practice, for example, the application of gender-neutral terminology such as "migrant worker" and the gender inequitable attitudes of the officials influence a lack of implementation or commitment to gender consideration.

- There is a huge gender gap in data, especially evidence and intersectional based data on the number of labour migrants leaving and returning, with the age, profession/job, religion, gender, status and location (rural/urban) clearly outlined. This information is essential for assessing gender vulnerability, risk and intervention. However, the source of data collection for women migrant workers in Saudi Arabia is limited to the information captured by Musaned and the registration with the embassy. The data becomes scanty because not all female migrant workers register at the embassy or inform their agents when they return. In fact, one female migrant worker said that:

“When I arrived in Saudi Arabia, my employer picked me up from airport, and recently when my contract ended, my boss took me to the airport, so for me, I have not gone to the embassy or anywhere else, in fact, I have not been in contact even with my agency.”

- There is inadequate knowledge, skills and training to prepare women migrant workers leaving for the GCC States. For instance, according to the externalization of labour migration in Uganda, all recruitment agencies must orient and train prospective migrant workers. The pre-departure orientation or training, which was previously held for one week, is now two weeks. During the pre-departure training, the migrant workers are trained in different areas, such as the culture of host countries, the weather, how to use some home appliances, communication skills and basic Arabic language, laws and contract/terms of reference, financial management, savings and human rights. Some the participants of the FGD for the returnees admitted that after attending the pre- departure training, they were able to acquire basic skills that helped them to work in the Middle East countries, especially in Saudi Arabia. One female migrant worker returnee noted that:

“I learnt cooking some snacks like biscuits and small cakes. Madam used to show me how to prepare the snacks after watching YouTube videos. She gave me the laptop and I watched the video while cooking. I tried it and added the Ugandan creativity; a Ugandan cannot fail to do something.”

However, some KIs reported that the pre-departure training for the migrant workers is not effective in preparing them for externalization. They identified the content and duration of the training as still demanding. KIs revealed that some recruitment agencies train for one week and others for two weeks. Discussions with the recruitment agencies revealed that most Ugandan women migrant workers are semi-literate or illiterate and take time to understand and absorb the issues. This confirms the view of some KIs that these migrant workers need almost a month of training and improving the training content and methodology.

- There is an improvement of working conditions for female migrant workers when the government intervenes and enacts frameworks and policies to protect them. For example, according to UAERA, when the Ugandan government enacted the Employment Recruitment of Uganda Migrant Workers Regulations 2021, the working conditions of migrants improved. They reported that before the policy was revised, migrant women workers were mistreated by their employers in the Middle East, especially in Oman, where there was no bilateral agreement. The Ugandan government signed a bilateral agreement with Saudi Arabia and the working conditions improved significantly. However, migrant workers still complained about the amount of money paid vis-a-vis the workload. They revealed they often have a lot of work and very long hours. One of the women migrant workers in Kampala reported that:

“I used to sleep with the children in my room. I had to wake up at night to give them milk and remember I hadn’t rested during the day, and I mostly went to bed at around 2 a.m. I used to do all these things while their mother was asleep. She was not bothered about the children as long as I was around. For example, when shopping, I always carried the children, one by one, to the car plus their bags when madam was walking empty-handed while chatting or talking on the phone. Whenever we reached the shopping malls, she didn’t carry anything; it was me who carried the baby and rest of the 2 children plus their bags throughout the shopping period”.

Another female migrant worker stated that:

“Arabs eat dinner at 9:00 p.m. and I always had to wash the dishes before going to bed. I never slept while in Saudi because I always went to bed at 4:00 a.m., yet I had to wake up to feed the baby at 5:00 a.m. So, I worked 24 hours without resting. The most challenging was the washing of the dishes. Their sinks are high, and I would stand for almost 3 to 4 hours while washing. I always felt like collapsing; remember by that time, I hadn’t eaten anything yet. We didn’t have any clear schedule that you work during this time and rest at this time. But we would work all the time, and the time to rest is when seated in the toilet—standing for a long time on the sink while washing caused me back pain”.

Another female migrant worker returnee noted that:

“Arabs love visiting their relatives. They visit and eat at night, and during the day, they are mostly sleeping. For me, I would move with them at night, and during the day, I clean the 12-bedroom house, compound, two cars and wash clothes. So, for me, I had no time to rest or eat”.

The narratives of the migrant women workers show that working conditions haven’t improved a lot. Therefore, making the migrant workers work for more than 15 hours a day violates their human rights. This also contravenes the international human rights laws, such as the UN Migrant Workers Convention (ICRMW), which advocates for the fair treatment of migrant workers.

4.2 FINDINGS ON GENDER CONCERNS AND NEEDS WITHIN THE NATIONAL AND REGIONAL SOCIAL PROTECTION POLICIES

- One of the findings regarding gender concerns and needs indicates no annual leave and days off work. Both the participants of the FGDs for Migrant women workers and FGDs for Recruitment agencies revealed that domestic migrant workers are not given days off as stated in their contracts. The contracts are for two years and indicate that the domestic migrant workers shall have some days to rest. On the contrary, all the migrant women workers who participated in this assessment admitted that they were never given any time to rest. They only rested when they were eating or helping themselves in the washrooms. One of the women migrant workers cited that:

“During the pre-departure training, we were told that we would work for 8 hours, but this was not the case. You can imagine your boss finds you resting and tells you that you did not come to rest, remember I pay you to work for me. Prepare the children, and we are going to visit my friends. Imagine preparing the children while their mother is just seated playing games on her phone. After you have bathed and dressed up the children, you prepare the clothes to go with them. I had to carry the children one by one to the car”.

According to the respondents of the FGD for the recruitment agencies, the contract that migrant women workers sign when leaving Uganda is not binding. These contracts are signed by recruitment agencies in Saudi Arabia but not the actual employers of these girls. When any legal issue is to be addressed, it is challenging because the employers cannot be held accountable. Therefore, it is vital to note that these employers mistreat the migrant women workers knowing that they can’t get any redress from the justice systems in Saudi Arabia. For instance, one female migrant worker reported that:

“Migrant workers from other countries have specialized work areas and are given some days off their work. When they come to clean the house, they can’t do cooking because their contracts are clearly stated compared to us. The Arabs mistreat us because they know we don’t have any law or policy that governs us. Ugandan migrant workers do every kind of work in the house while the Philippines only clean or wash clothes. The Philippines don’t babysit or massage men or women unless the massage is paid for. So, you can imagine even at night while sleeping, madam comes and wakes you up to prepare tea for her as if she doesn’t have hands”.

- One of the most serious gender concerns for female migrant workers was the rampant exposure to sexual violence and harassment within their work context. Both the interviewed female domestic migrant returnees in Kenya and Uganda reported that they experienced a lot of sexual violence which was mainly perpetrated by men who live in the houses they work in. These categories of men are sons of the bosses, husbands, brothers, fathers, uncles and sometimes the grandfathers. These perpetrators harass migrant women through attempted rape or sexual assault. Also, in some cases, these perpetrators ask migrant workers to massage them while naked. Women domestic workers confessed that they fear men in the household preying on them during their work. One of the female migrant returnees reported that:

“Yes, I was harassed sexually. A boss’s son came to me and started touching me and using signs. I told him that I didn’t understand what he was saying. When you use your local language, he will leave, but when you use English, he will come back another day saying that he wants small. Sometimes when he sees that you are not accepting him, he resorts to raping you. When you go to his bedroom to clean and find him there, he will rape you. Sometimes if he wants to rape you, he will not leave his bedroom because he knows that you will be coming to clean it. But if you are clever, you don’t go there when he is in his room. I experienced it; one day, he wanted to rape me. He came to me after seeing his parents had gone out, he started touching me. I told him no, and I entered my room and locked myself inside. He was between 35 to 40 years. In the Arabs culture, parents stay with their children when they are not married yet, even if they are 40 years and above.”

Also, there were instances where some of the girls consented to sexual relations with their bosses due to naivety. One of the female migrant workers confessed that in their WhatsApp group:

“One girl posted asking for advice that she was pregnant, and the boss had refused her to have an abortion while in Saudi Arabia. The boss wanted her to go back to Uganda and abort from there. The girl got pregnant after the boss had promised her 500 US Dollars”.

Furthermore, the migrant women workers, also highlighted the critical role played by their employers’ wives in preventing them from being harassed by the men in their family. The wives monitor their husbands all the time as a strategy to protect the migrant women workers from sexual harassment and violation. However, in some cases, the wives have also been cited as perpetrators of domestic violence through beating and abusing these migrant workers.

- The other concern is the unequal pay and workload between men and women. The migrant workers cited that male migrant workers such as drivers are paid more than them. Women migrant workers work for long hours and are paid less than men. One of the female migrant workers stated that:

“I overwork, and there is no time to rest. I wake up at 8:00 a.m., clean 15 bedrooms, 7 toilets, and wash clothes. Then in the evening, I prepare the children for visiting the relatives. We visit the relatives and come back at 4:00 a.m. I rest for only 4 hours while the drivers have a lot of resting time during the day, and they only wash the cars.”

Meanwhile, another woman migrant worker said that:

“The salary we are paid is not enough as we work hard for many hours without eating enough food. We work hard and sometimes fall sick; we then end up spending all the money on treatment. Arabs take us to their farms to spray the gardens of grapes and dates. We even do the milking of the cows. Also, the contracts we sign state that we are to work in one family, but we end up working in various families who are their relatives, yet the salary remains the same. When you refuse to work in her relative’s house, madam will return and give you a lot of work. For instance, she can remove all the cups and plates from the cupboard for you to wash, saying that they are dusty. She brings all her clothes, the children’s clothes for you to wash as a punishment for refusing to work in another family’s house”.

The little pay, especially for the female migrant workers, has a lot of implications, including having no savings to contribute to any social security funds, not being able to look after their families and relatives back in their home countries, among others.

- There is limited data on the social protection needs and gendered vulnerability profile of the migrant's population in East and Horn of Africa.
- For women, in particular, the lack of protection mechanisms is severe due to the sectors they mostly migrate into, which include the entertainment and caregiving industries. The lack of guaranteed access to protection, health care, access to justice and other services puts them at increased risk of exploitation and abuse.
- Women migrants face various inequalities in the form of discriminatory legal, cultural, attitudinal, and governing practices that stand in the way of enabling them to participate fully and equally in all aspects of social, political and economic life.
- Migrant women workers experience discrimination based on gender, colour/race, religion and nationality particularly in GCC countries. This indicates that there is imbalance power relations between the hosts and migrants and that the prevention measures against this discrimination was not considered in the BLMA's due to the state-centric nature of negotiating the agreements. For instance, one of the respondents narrated that:

“We don't eat the same food with our employers. Bad feeding while in menstruation and working for many hours affects our health. We should be allowed to rest during menstruation periods because the houses we clean are big. You keep on moving up and down, and you haven't eaten enough; sometimes, you feel like collapsing. Some girls fall sick while they are in their menstruation period but are forced to work, which puts their lives in danger”.

While one of the FGD respondents said that:

“The situation was not good, I reached Saudi Arabia, and the work was too much for me. I used to cook for them, but I put all the rice on the bigger plate and served them. I had to wait for them to finish eating first, and then eat the leftovers. Even when we went out shopping, they would buy rice from the restaurant and eat first, and I would eat the leftovers. There is nothing I could do; when given the leftovers, I look for the pieces of chicken which still had flesh on them. When you live in a foreign country with no relatives, you have to eat the leftovers because there is nothing else to eat”.

4.3 FINDINGS ON THE POLICY GAPS

- There are still discrepancies and contradictions in terms of policy development, adaptation, implementation and review even though countries in the EHOA region have made progress on their labour migration governance and policy a priority. Out of the five countries assessed, only Rwanda has a national labour migration policy in place while South Sudan has a National Comprehensive Migration Policy with a section on Labour Migration. While the other three, Kenya, Uganda and Somalia are either developing, don't have or awaiting approval of their National Labour/Migration Policy.
- Uganda and Rwanda have adopted the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, while Kenya, Somalia and South Sudan have not.
- There is a contradiction of state commitment between the national and regional levels because there are countries that have signed the regional framework, such as EAC CMP and the IGAD FMP, while at the national level they do not have a National Labour/Migration Policy, like Kenya, Uganda and Somalia.
- There is lack of labour migrants integration policy and return and reintegration policy for migrant workers in EHOA.

- Only Rwanda and Kenya have a National Diaspora policy while Uganda, South Sudan and Somalia are currently drafting the same.
- There is a lack of effective enforcement and implementation of social security laws and bilateral or multilateral social security agreements even though all the five countries have a National Social Protection policy. This encourages discriminatory practices and impunity in some countries.
- Four countries, namely, Kenya, Uganda, Rwanda and South Sudan have a gender policy while Somalia only has a draft document. However, these policies do not incorporate labour migration.
- There is a lack of self-sustainable financial commitment, institutional and technical capacity for developing and implementing labour migration policy. Countries in EHOA are heavily dependent on donors and international organizations for financial support and technical expertise.
- The existing policies and frameworks governing labour migration in EHOA are gender-blind, gender-biased, gender-neutral and not gender responsive. However, States in EHOA are currently realizing the importance of gender-sensitive and gender responsive labour migration policies and approaches due to the gender specific challenges experienced by their migrants abroad and their cooperation with IOM.
- The impact of the global COVID-19 pandemic has exposed the biases of national social protection policies and emergency plans in EHOA. The safety net and emergency plans were not accessible to migrants' workers.
- Lack of avenues to extend social protection to intra-regional migrants workers because the national social protection provisions only focus on the nationals.
- Different government policy response to COVID-19 in EHOA were not gender-responsive and inclusive of migrant women workers. For examples, the Government of Kenya put in place several public health measures to control transmission of the COVID-19 such curfew, travel bans, closures of schools and lockdowns in areas with high rate of infection (Eastleigh in Nairobi). Due to these measures many female migrants workers from the neighbouring countries of Uganda and Tanzania especially in the informal sector (domestic workers) lost their jobs because their movement was curtailed. Another example is in South Sudan where migrant female workers got stranded after the closure of their industry mainly the hospitality and hence, they also become vulnerable to physical and sexual violence, and they had no access to GBV and protection assistance.
- Socioeconomic welfare policies were not accessible to migrant workers in the informal sector since it only covered taxpayers in the formal sector. For example, the gaps in Kenya's policy response to COVID-19 was that it did not reach the most vulnerable and invisible, migrant female workers.
- Even though there are migrants from the neighbouring countries and regionally, States in EHOA tend to focus on their citizens migrating to GCC for employment.

4.4 FINDINGS ON THE IMPLEMENTATION OF REGIONAL AND NATIONAL MIGRATION/LABOUR MIGRATION POLICIES AND FRAMEWORKS

- There is scanty or statistically insignificant data on the number of male and female migrants from the other countries in the region in South Sudan, Somalia, Kenya. Hence, there is no proper documentation on the trends and patterns of the migrants in those countries.
- There are weak labour migration enforcement mechanisms due to lack of political will, coordination between the actors, sustainable internal funding, expertise and committed institutions.
- There is a notable lack of cooperation between receiving state and sending state.
- There are inefficient and gender unfriendly consular services to assist the stranded female migrant workers particularly in the GCC countries due to lack of a gender specific training and synergy at the national and regional.

- The regional economic integration model in Africa is based on the European model and therefore does not reflect and respond to the local realities of regional cooperation in EHOA. For instance, there are issues of disputes over borders, conflicts, insecurity from violent extremist groups, economic competition, multiple membership in the regional bodies (EAC, IGAD, COMESA), and so on.
- There is a lack of synergy, nationally and regionally, among the various actors, institutions, departments, planning processes and implementation approaches for effective synchronized gender-sensitive labour migration governance. From the interviews with the different government stakeholders, it was clear there is no efficient coordination to implement a gender-responsive labour migration policy in the EHOA region.
- Countries in EHOA lack bargaining power as a regional bloc because most of them are busy competing to externalize or supply domestic labour to the GCC, which has led to their exploitation and their people.
- Most of the female migrant workers' from GCC countries reported that their contracts were not consistent with the ILO labour standard provisions for workers entitlement to human rights and social protection; for example, most of them reported that they worked for over 9 hours a day without overtime or extra pay.
- Limited resources such as funding, manpower and technical expertise in the responsible government Ministries, Departments and Agencies make it difficult to implement the different provisions of the policies and frameworks.
- Unclear relationships and sometimes political tensions between neighbouring countries hinder smooth and free movement, such as between Uganda and Kenya and Somalia and Kenya. This sometimes affects the movement of migrant workers across borders and violates the free movement protocols.
- Most of the female migrant workers are illiterate or semi-literate. They can hardly understand and appreciate their rights and obligations as stated in the policies but are purely at the mercy of the recruiting agencies.
- There is still a negative attitude (stereotyping) about what women can and cannot do. Women migrant workers are therefore mostly relegated to work inside the houses as domestic workers.

5. RECOMMENDATIONS

This rapid assessment report offers the following recommendations to incorporate a gender responsive policies, consular services, data and protection concerns for women migrant workers in EHOA. It also provides recommendations for international organization working with migration and labour and incorporating gender perspective into social protection policies, plans and emergency economic schemes. Furthermore, in the future, an assessment like this should not involve too many countries simultaneously. This is because the deliverables become numerous, and this distorts the quality of the analysis, and as such, a phased approach is recommended (Phase I: Kenya, Uganda, Rwanda, and Phase II: Somalia and South Sudan).

5.1 RECOMMENDATIONS FOR GENDER RESPONSIVE POLICIES AND PROTECTION CONCERNS FOR WOMEN MIGRANT WORKERS IN EAST AND HORN OF AFRICA

- EHOA countries need to urgently adopt gender-sensitive and gender responsive labour/migration policies and laws that address the needs and vulnerabilities of all migrants and mandates decent work and prohibit gender-based discrimination, violence and harassment in employment/occupation and ensure equal pay for work of equal value for migrant women workers.
- Concerned States in EHOA should reduce the adverse drivers and structural factors of migration like gender-based discrimination in education, unemployment, lack of access to justice, political participation, health care, socioeconomic and cultural life.
- Somalia and South Sudan should introduce a mechanism to regulate and monitor private recruitment agents. To promote fair and equal treatment of all women migrant workers, there should be the prohibition of recruitment fees and related costs charged to migrant workers to prevent exploitation and trafficking.
- States in EHOA should harmonise and make their labour migration policies gender responsive to have bargaining power in the externalization of labour beyond the region. However, the States in EHOA should acknowledge the economic dynamics behind the harmonisation of the policies because regional economic discrepancies can lead to brain drain and xenophobia etc. With a regional harmonised labour migration policy, then the States can have a regional BLMAs with countries like Saudi Arabia, Qatar or the United Arab Emirates. For example, Kenya and Uganda should have one BLMA with Saudi Arabia for domestic workers. In fact, the competition between East African countries in externalizing or supplying domestic labour to the GCC feeds the exploitation of these states and their citizens.
- States in EHOA should develop more intra-regional BLMAs, for instance between Kenya and Somalia or Uganda and Kenya and involve gender experts to draft a gender-sensitive and gender responsive BLMAs, including social protection and response to sexual violence.
- Governments in EHOA externalizing labour to the GCC states such as Kenya and Uganda need to ensure that gender issues are addressed explicitly during drafting, negotiation, implementation, follow-up, and revision of BLMAs. The BLMAs should also establish access to justice for migrant women for labour-related claims, including specific complaints mechanisms for harassment and discrimination to assist them in seeking redress.
- Countries such as Kenya and Uganda that are developing their National Labour/Migration Policy should make sure that the policy has an implementing mechanism that ensures that specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed.
- States in EHOA should also ensure that the labour migration policies are gender responsive and address problems, particularly the abuses women often face in the migration process and in the work environment, such as those distressing experiences of female migrant workers reported in the Middle East.

- States in the EHOA region should have implementation and coordination plans that focus on the structural factors that instil gender inequalities in labour migration policies and agreements and how they can be monitored using clear gendered indicators.
- It is pertinent to create awareness on the gendered challenges of labour externalization in EHOA, trends and responses, and identify gender-blind spots or opportunities for incorporating a gender perspective into labour migration governance.
- Countries in EHOA should create, encourage and provide pathways for regular gender-sensitive and gender responsive labour migration that will enable both men and women to migrate in a safe, regular and orderly manner and to have access to decent work, public services, social protection, education and vocational training upon their return and reintegration. This will reduce the vulnerability of migrant workers especially women to exploitation, abuse, trafficking and sexual violence.
- States in EHOA need to invest in gender responsive labour/migration policies, institutions, technical capacity and personnel. For example, increasing the number of officers at the border points (air, land and water borders) and consular with gender expertise.
- The countries in EHOA should review their respective Employment Act along with other regulations from a gender perspective, to adopt a gender responsive employment policy, labour migration and mobility schemes with equality of opportunity and treatment, including equal pay for work of equal value, for all migrant women at all skill levels and to protect female migrant workers from sexual harassment, especially in the context COVID-19.
- The age for girls and boys seeking employment abroad in the national legislation should be harmonized regionally and be increased to 21 years to prevent the exploitation and trafficking of children.
- Due to the increasing intra and inter-regional labour migration, countries in EHOA need to reform or adopt a gender sensitive, gender responsive and inclusive return and reintegration policy/framework to give women returnees equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national and international laws.
- Women and girls should be consulted during the formulation and review of labour migration law.
- States in EHOA need to align their gender and social protection policies with Sustainable Development Goal (SDG) 5: Gender Equality, using human rights and intersectionality approach by addressing gender inequalities in the labour market, sexual violence, exploitation and discrimination.
- The States in EHOA drafting their labour/migration policies should decolonize and demasculinize those policies to avoid gender-blindness, biases and blanket adoption or copying and pasting policies from other regions/countries.
- Governments should commit to gender responsive policies and programmatic activities in EHOA for migrants workers, in the national government responses in the fight against COVID-19 and generate ideas on regional/national relevant socioeconomic stimulus measures (cash for work).

5.2 RECOMMENDATIONS FOR GENDER RESPONSIVE CONSULAR SERVICES

- States in EHOA that have migrant workers in GCC countries such as Uganda, Kenya, Somalia should provide through their consulates/embassies clear, gender-sensitive and gender responsive information, on rights, obligations, norms/customs, risks, and access to justice, in accessible formats (oral, written, electronic).
- They should also establish more consulates/embassies and expand their consular support services for migrant women and girls by providing the provision of toll-free number/hotlines for feedback and grievance mechanism, interpreters, legal aid, medical care, counselling, access to safe houses when shelter is needed and other forms of assistance.

- EHOA countries need to map out the areas where their female migrant workers are deployed, especially in GCC countries. For instance, in Saudi Arabia, all the embassies are located in the capital city, Riyadh; however, all the migrants are dispersed throughout the country. Therefore, the mapping exercise will assist the governments of EHOA in reaching out and serving their citizens effectively.
- As a response to the impact of COVID-19, EHOA States should adopt a gender responsive measure to address the heightened vulnerabilities of migrant women and girls during the pandemic and to guarantee their access to rights, services and information about safe and dignified return and voluntary/ forced repatriation irrespective of migration status especially for those who are stranded in countries of destination or transit and those who lost their jobs due to the current pandemic.

5.3 RECOMMENDATIONS FOR GENDER RESPONSIVE DATA

- There is need for EHOA countries to harmonise the protocols and procedures on data collection to ensure consistency in sex-disaggregated data and gender statistics across national data systems. For instance, since there is no central mechanism for data collection, each government entity (Labour, Foreign Affairs, Immigration, Gender ministries etc.) collect the data on its own. Gender perspective has been excluded at the policy level and its implementation process when it comes to matters of labour migration. Gendered data on migrant workers and returnees remains largely outside empirical studies.
- In order to assess the need for foreign labour, evidence should include data on gender and more detailed information on specific labour market sectors to understand gender distribution better. The needs assessment should not overlook domestic work and private care-related services so that admission policies would better reflect the actual need. Such measures would also help reduce the number of female migrants working in irregular and exploitative employment situations.
- More nuanced and contextualized evidence-based research should be undertaken on labour migration in order to develop coherent policies that are gender-responsive based on human right approach.

5.4 RECOMMENDATIONS FOR INTERNATIONAL ORGANIZATION WORKING ON MIGRATION AND LABOUR

- There is need for the sector stakeholders such as IOM to train private recruitment agencies in GCC countries on ethical recruitment through IRIS, and international organizations should exert pressure on Saudi Arabia to reform its recruitment system.
- IOM should assist countries in the EHOA to strengthen the capacity of the national statistics offices, ministries responsible for labour migration and immigration, including ministries responsible for anti-trafficking, gender, foreign affairs and other relevant stakeholders to collect, use and disseminate gender statistics on migration that adequately reflect differences and inequalities in the situations of migrant women and men, taking into account gender stereotypes as well as social and cultural factors that may induce gender bias, while ensuring the privacy of personal data.
- IOM through its thematic expert on Gender should train the different ministries, private recruitment agencies, trade unions, media, diplomatic and consular staff who protect the rights of migrant women and girls abroad, including identifying, protecting and assisting possible victims of trauma, trafficked persons, survivors of sexual and gender-based violence (SGBV) and/or labour exploitation and helping women in detention or due to be returned.
- IOM should include a training on gender equality, gender-sensitive, gender-responsive recruitment practices and the rights of women migrant workers for public and private recruitment agencies, labour attachés, consular staff, immigration personnel at the border points and this should be included mandatory in the Manual of consular services developed by IOM

- IOM should also assist in developing gender-sensitive, inclusive and gender-responsive training for civil society organizations and workers' organizations, for labour inspection services, police and other competent bodies to protect women migrant workers from abuse and exploitation.
- It should also work with other stakeholders to provide migrants with gender-responsive and child-sensitive support and counselling along the relevant migration routes.

5.5 RECOMMENDATIONS TO INCORPORATE A GENDER PERSPECTIVE INTO THE SOCIAL PROTECTION POLICY, PLANS AND EMERGENCY ECONOMIC SCHEMES

- There is need for a comprehensive programme for female migrants workers at the country level from pre-departure by educating them about their rights, gender issues, violence, its prevention, legal systems in the destination and eventually their return and reintegration.
- The pre-departure trainings should be gender-sensitive and gender responsive which should cover skills such as confidence, conflict management and negotiation skills, understanding and analysing contracts, documenting and reporting rights violations and how to access help and services, including the gender risks and vulnerabilities in the countries of destination.
- Private recruitment agencies in Kenya and Uganda should ensure that all the documents and next of kin contacts are verified and accurate.
- Psychosocial support like counselling and capacity building and skills for female migrant workers or returnees should be provided.
- The establishment of investment programs for returnees migrants. building houses or buying equipment for female migrant workers to start their business (start-ups).
- States in East and Horn of Africa should invest in self-sustaining integration programmes.
- Based on recent incidents in GCC states, provision of and access to mental, sexual and reproductive health for female migrant workers seeking employment in those countries, should be included in the social protection services offered to migrants whether in formal or informal sector.
- The establishment of government safe houses and migrant workers welfare funds in Kenya, Somalia, South Sudan and Uganda is of necessity.
- States in EHOA should have a gender expert/advisor in their institutions involved with labour migration to promote a gender-sensitive and gender responsive migration governance.
- Financial literacy skills for female migrants workers.
- Capacity-building for institutions mandated to deal with labour migration.
- The states need to admit the differential role and impact of labour migration on both regular and irregular male and female migrants' workers' human rights, and they should include a gender-sensitive and gender-responsive approach in understanding their vulnerabilities, risks, and concerns.
- States should develop strategies to counter negative narratives and gendered stereotypes (e.g. women from country X come to do commercial sex work here) about migrants' workers from neighbouring countries and the conditions that sustain them.
- Building a better framework for dialoguing with state actors.
- Formulating clear gender indicators and a tracking mechanism to ensure a gender responsive labour migration policy.
- These labour migration policies should establish a clear set of minimum standards for incorporating gender considerations and social protection.
- A gendered analysis is more likely to provide a balanced assessment of the varied experiences of women and men in labour migration, thereby providing insights on how they are affected and strategies that

can remedy the situation. Therefore, EHOA states must incorporate gender lenses/perspectives in their Labour Migration Policies by focusing on men and boys and women and girls vulnerabilities, risks, needs, and concerns and interests.

- Empowering the migrant workers with the knowledge, awareness on their rights, available support services. They should also be adequately informed regarding the jobs they are enlisted to do and the terms and conditions. Female migrant workers should be given high priority because of their level of vulnerability.
- Female migrant workers struggle to reintegrate into the society upon their return and they need to be equipped with integration skills. They should also be offered vocational and other skills to enable them to restart life upon their return.
- The different government ministries, departments and agencies, recruitment agencies and other stakeholders should popularize the different policies and frameworks relating to labour externalization. Clauses pertaining to gender equality, equity and social protection need to be prioritized. These may also be translated into some of the local languages for ease of understanding.
- The governments, through Ministries of Foreign Affairs, Ministry of East African Community and the East African parliament, should endeavour to address issues of insecurity in South Sudan and the tenuous relationship between Uganda and Rwanda.
- The different policies should compel recruitment agencies to establish coordinating offices in the foreign countries where they take the migrant workers. These offices can help to monitor the migrant workers and or provide any other related support to the workers. This could be done through policy provisions that also have deterrent penalties for non-compliance.

6. CONCLUSION

It is clear that the issue of labour migration governance and social protection of migrants in the East and Horn of Africa is an urgent and complex phenomenon that is further complicated by cross-cutting issues such as gender and health. Gender as a cross-cutting issue greatly influences all the stages (from motivations for migration, migration pathways and routes, as well as the opportunities and resources available to potential migrants) and responses to migration. Furthermore, it is the roles, expectations, relations and power dynamics associated with gender that significantly affect all aspects of labour migration.

The evidence of this assessment indicates that labour migration in the EHOA is driven both by economic and security reasons, which have a gender implication. For example, despite the fact that South Sudan and Somalia have a potential for labour migrants but due to state instability and insecurities, people forcibly migrate as refugees and displaced persons. Meanwhile, Uganda and Kenya's labour externalization development strategy has led to job opportunities for many youths and the feminization of labour migration through the deployment of domestic workers to GCC countries. However, this has exposed female migrant workers to diverse forms of violence from direct/physical (beating, starvation and death), structural (exploitation, denial of leave/off days, lack of access to justice and health), cultural (racism, discrimination), sexual (rape, harassment) and psychological (mental health/depression) violence.

Countries in EHOA have also made significant progress towards enacting gender-responsive and sensitive labour migration policies, laws and frameworks such as Rwanda, Uganda and Kenya, partly. The Ugandan government has tried to harmonize international and regional frameworks with national frameworks to allow for the free movement of persons and services within the member states; for example, having East African Passports, National Identification, among others. Several regional and international policies and frameworks have also been assented to and set up to support the smooth implementation of the different policies and frameworks. Despite the commendable achievements, it is noted that those significant challenges remain, and considerable work needs to be done.

Furthermore, the States in EHOA should assume greater responsibility for the protection of migrant workers, especially those working abroad, through the conclusion of appropriate bilateral agreements. These governments should further adopt measures to develop supportive frameworks that protect migrant workers at every stage of the externalization process.

The collection and analysis of migrant workers related data is still generally weak and consistent statistics are unavailable or incomplete. Also, international and regional benchmarks in terms of data management standards and standardized frameworks, approaches, and collaboration must be utilized, not only to enhance the quality, availability and accessibility of labour migration-related data, but also foster regional integration and streamline the importation and exportation of labour. This requires, among others, technological and systems enhancement and widespread human capacity-building.

Additionally, recruitment and support services for migrant workers still have several problems, such as high placement costs for migrant workers, incomplete supervision of recruitment agencies, inadequate pre-departure orientation, and the absence of return and reintegration measures. There is, therefore, need for a review of the national policies and frameworks and align them with the international and regional standards such as having a minimum wage, clear job specifications, among others. Furthermore, the government and other stakeholders can also benchmark best practices around the world.

In a nutshell, this report found that there is fragmentation of policies and lack of coordination among the responsible ministries, departments, and agencies, among labour externalization stakeholders in the EHOA. It is imperative, therefore, to streamline operations among the different stakeholders, improve liaison and collaboration.

Fragmentation and duplication in labour migration management need to be dealt with appropriately, including setting up concrete regional and national systems, institutional coordination. Besides, the private sector stakeholders should also be incorporated through the public-private partnerships.

In conclusion, it can be argued that labour migration is not gender neutral. This is because gender issues impact the reasons for migration, how one migrates, where one migrates to, the type of job one is expected or able to obtain, and the vulnerabilities to which one is exposed to, throughout the process. In highlighting the gendered nature of labour migration, this assessment believes that due to the feminization of labour migration, increasing demand for female migrant workers and the often-experienced discrimination and unequal treatment of female migrants, states in EHOA such as Kenya, Somalia and South Sudan should strive to develop and enforce gender-sensitive and gender-responsive labour migration policies that comply with international law and human rights principles.

REFERENCES

Abebe, T. T. (2017). Migration Policy Frameworks in Africa. In Africa Report (Vol. 2, Issue December).

Ahmad, N. M., Saidonatagoranao, M., Asma, N., & Rahman, A. (2018). Malaysians' Reluctance to Work in Local 3D Sectors: A Preliminary Review. *The Journal of Social Sciences Research*, 4, 220–223. <https://doi.org/https://doi.org/10.32861/jssr.sp4.220.223>

Bisong, A. (2021). Regional solutions: Regulating recruitment and protection of African migrant workers in the Gulf and the Middle East. 292.

Constitution of Uganda, (1995).

Constitutive Act of the African Union (2000), *The African Union: Legal and Institutional Framework* 525 (2012). https://doi.org/10.1163/9789004227729_026

Danish Trade Union Development Agency. (2019a). Labour Market Profile, Uganda.

Danish Trade Union Development Agency. (2019b). Labour Market Profile.

Domestic Violence Act 2010, 1 (2014).

Equal Opportunities Commission Act, 2007, Pub. L. No. No. 23, C 1 (2007).

European Union. (2015). The other Migrant Crisis: Protecting Migrant Workers against Exploitation in the Middle East and North Africa.

FAO. (2021). Social protection and migration.

Global Alliance Against Traffic in Women. (2010). Demanding Justice: Migration Garment Workers and Gender Based Violence. In *Contributions to Management Science*. https://doi.org/10.1007/978-3-7908-2367-7_15

Global Alliance Against Traffic in Women. (2019). Demanding justice: Women Migrant Workers Fighting Gender Based Violence. In *Economist (United Kingdom)* (Vol. 404, Issue 8800). <https://doi.org/10.2307/j.ctt2005s9m.8>

Global Compact for Safe, Orderly and Regular Migration, 58 *International Legal Materials* 160 (2019). <https://doi.org/10.1017/ilm.2019.6>

Guloba, M., Katunze, M., Ssewanyana, S., Ahikire, P. J., Musiimenta, P., Boonabaana, B., & Ssennono, V. (2018). Gender Roles and the Care Economy in Ugandan Households.

Harmonizing labour Migration Policies in EHOA, (2020).

ILO. (2021). Extending social protection to migrant workers, refugees and their families.

IOM. (2013). Migration in Uganda: A Rapid Country Profiles 2013.

Kasirye, I. (2011). Addressing Gender Gaps in the Ugandan Labour Market. *EPRC*, 12, 1–4.

Laiboni, N. A. and N. (2019). Women's Labour Migration on The Africa - Middle East Corridor: Experiences of Migrant Domestic Workers from Uganda.

Leonardo, M. D. (2020). Uganda : Jobs Strategy for Inclusive Growth. <http://documents.worldbank.org/curated/en/693101582561426416/Uganda-Jobs-Strategy-for-Inclusive-Growth>

Migration Policy Institute. (2015). Diaspora Engagement mapping in Uganda (Vol. 2011, Issue 2010). <http://www.migrationpolicy.org/topics/diaspora-engagement>

National Employment Authority Integrated Management System (2022). List and Status of Private Employment

Agencies, <http://neaims.go.ke/employmentAgencyList.aspx>.

National Women's Council (Amendment) Act 2010, Pub. L. No. Supplement No.6, CIII 5 (2010).

Neil, T. O., Fleury, A., & Foresti, M. (2016). Women on the move; 2030 Agenda for Sustainable Development. July.

OSCE. (2009). Guide on Gender- Sensitive Labour Migration Policies.

Policy and Regulations Against Sexual Harassment, (2006).

Prevention of Trafficking in Persons Act, 2009, 1 (2009).

Protocol on Free Movement of Persons in the IGAD Region, (2020).

Republic of Uganda. (2019). Quantitative Impact Analysis of Uganda's Senior Citizens Grant. 1–57.

Social Policy Framework for Africa, (2009).

Ssewanyana, S. (2017). A pathway to social protection development in Uganda; A synthesis report. Sustainable Development, 133.

The Employment Act, 2006, (2006).

The Employment Recruitment of Uganda Migrant Workers Regulations, 2021, Pub. L. No. Supplement No.26, CXIV 1335 (2021).

The Labour Dispute (Arbitration and Settlement) Act,2006, (2006).

The Labour Unions Act, 2006, (2006).

The Minimum wage Advisory Boards and Wages Councils Act.

The National Employment Policy for Uganda, Government Policy (2003).

The National Policy on Elimination of Gender Based Violence in Uganda, Government

The National Social Security Fund Act, (1985).

The National Social Protection Policy, 256 World Development (2015).

The Occupational Safety and Health Act,2006, (2006).

The Uganda Citizenship and Immigration Control (amendment) Act, 2006, 2 (2006).

The Uganda National Social Protection Policy, Social Development (2015).

Treaty Establishing the East African Community, 2012 (1999). <http://www.eac.int/treaty>

USAID. (2017). Gender and Social Inclusion Analysis: Uganda. August, 1–67.

UBOS. (2020). 2020 Statistical Abstract. Uganda Bureau of Statistics, 1, 303.

UNDP. (2020). Uganda gender analysis. 4.

UNHCR Kenya. (2022). Figures at a Glance, <https://www.unhcr.org/ke/figures-at-a-glance>. Uganda Bureau of Statistics. (2018). National Labour Force Survey 2016/17 (Vol. 17, Issue June). www.ubos.org

UNHCR. (2018). Uganda: Age, Gender and Diversity Participatory Assesment Report.

Uganda Bureau of Statistics. (2019). Annual Labour Force Survey 2017/18 (Issue April).

Uganda Gender Policy, 2007, 1 (2007).

UN Women. (2015). Women Migrant Worker S ' Contributions To Development. 2, 2–9.

World Bank. (2020). Uganda: Jobs Strategy for Inclusive Growth. 19, 2–4.

World Bank. (2021). Resilience COVID-19 Crisis Through a Migration Lens. Global Knowledge Partnership on Migration and Development (KNOMAD), 34(May), 56.

Workers Compensation Act 2000 (Ch 225), 1 (2000).

APPENDICES

APPENDIX I: ROADMAP FOR INCORPORATING GENDER PERSPECTIVE INTO LABOUR MIGRATION AND SOCIAL PROTECTION POLICY IN EAST AND HORN OF AFRICA REGION (EHOA)

Labour migration from East and Horn of African (EHOA) countries has recently become a highly gendered phenomenon. This is because women constitute a significant demographic, forming more than 50% of the population, and therefore, their role in boosting social and economic development of the region cannot be overemphasized. Despite the progress made, gender inequality in the EHOA region is still manifested in many aspects. For instance, women migrants workers face various inequalities in the form of discriminatory legal, attitudinal, and governing practices that stand in the way of enabling them to participate fully and equally in all aspects of social, political and economic life. They face gendered risks of exploitation and abuse throughout the migration, sexual violence (rape), gendered conditions of work, pay inequity, limited access to financial services, human trafficking, limited participation in decision and policy making, poor levels of social protection and barriers to accessing labour and human rights – all of which have gender-specific consequences for their health and wellbeing, and hinder efforts to alleviate gender inequality and realize sustainable development. Furthermore, in many instances, cultural beliefs and practices still have an impact on female participation in education, as well as a good majority of national policies and plans.

Therefore, the purpose of this roadmap is to provide priority actions to address gender disparities and to ensure that gender perspective and protection concerns of women migrant workers is incorporated into the labour migration governance and social protection policies in East and Horn of Africa. The implementation of this roadmap will result to a harmonized gender-sensitive and gender-responsive labour migration and social protection policies in EHOA.

Proposed Priority Actions	Proposed Actions	Time line	Outputs
<p>Develop a gender responsive Consular Services and data sex-disaggregated data and gender statistics.</p> <p>Incorporate a Gender Perspective into the Social Protection Policy, Plans and Emergency Economic Schemes.</p> <p>Establish government safe houses and migrant workers welfare funds in Kenya, Somalia, South Sudan and Uganda.</p> <p>Develop and incorporate clear gender indicators and a tracking mechanism to ensure a gender responsive labour migration policy.</p>	<ul style="list-style-type: none"> • Develop and implement intra-regional BLMAs to promote regional cohesion. • Involve a gender expert/ advisor in the drafting of the labour migration policies and BLMAs to ensure that a gender perspective is incorporated. • Train and increase the number of officers at the border points (air, land and water borders) and consular with gender expertise. • Ensure access to justice and redress of grievances for migrant women and men is incorporate in the BLMAs and implemented in the consular services • Advocate and promote access to access to health care, particularly mental, sexual and reproductive healthcare and social care services for female migrant workers in their destination. • Create awareness and provide pathways for regular gender-sensitive and gender responsive labour migration that will enable both men and women to migrate in a safe, regular and orderly manner and to have access to decent work, public services, social protection, education and vocational training upon their return and reintegration. 	<p>2022-2023</p> <p>2022-2023</p> <p>2022-2024</p> <p>2022-2024</p> <p>2022-2023</p> <p>2022</p>	

Proposed Priority Actions	Proposed Actions	Time line	Outputs
	<p>Provide provision for safe houses/shelter and welfare fund migrant women workers in the country of origin and at the embassy/consular.</p> <p>Provide the provision of toll-free number/hotlines for feedback and grievance mechanism, interpreters, legal aid, medical care, counselling and other forms of assistance as part of consular support service in particularly in GCC.</p> <p>Train private recruitment agencies in GCC countries on ethical recruitment through International Recruitment Integrity System (IRIS).</p> <p>Harmonize the protocols and procedures on data collection to ensure consistency in sex-disaggregated data and gender statistics across national data systems.</p> <p>Train the different ministries, private recruitment agencies, trade unions, media, immigration personnel, diplomatic and consular staff especially labour attachés who protect the rights of migrant women and girls abroad, including identifying, protecting and assisting possible victims of trauma, trafficked persons, survivors of sexual and gender-based violence (SGBV) and/or labour exploitation and helping women in detention or due to be returned.</p>	<p>2022-2024</p> <p>2022-2023</p> <p>2022-2023</p> <p>2022-2024</p> <p>2022-2023</p>	

Proposed Priority Actions	Proposed Actions	Time line	Outputs
	<ul style="list-style-type: none"> • Train on gender equality, gender-sensitive, gender-responsive recruitment practices for public and private recruitment agencies, labour attachés, consular staff, immigration personnel at the border points and include this mandatory in the Manual of consular services developed by IOM. • Develop gender-sensitive, inclusive and gender-responsive training for civil society organizations, labour unions/labour inspection services, police and other competent bodies to protect women migrant workers from abuse and exploitation. • Strengthen and harmonize the pre-departure trainings for female migrants workers to include a gender specific curriculum that educates them about their rights, gender issues, violence, its prevention, legal systems in the destination and eventually their return and reintegration. Also provide them with skills such as confidence, conflict management, negotiation skills, understanding and analysing contracts, documenting and reporting rights violations, how to access help and services, including the gender risks and vulnerabilities in the countries of destination. 	<p>2022-2023</p> <p>2022</p> <p>2022-2024</p>	

Proposed Priority Actions	Proposed Actions	Time line	Outputs
	<ul style="list-style-type: none"> • Provide financial literacy skills, psychosocial support like counselling and capacity building and skills for female migrant workers or returnees should be provided. • Establish opportunity for investment programs for returnees migrants. building houses or buying equipment for female migrant workers to start their business (start-ups). • Finalize the draft Social Security Portability Bill of the EAC Common Market Protocol. • Strengthen self-sustaining integration, return and reintegration programmes. 	<p>2022-2024</p> <p>2022</p> <p>2022</p> <p>2022-2024</p>	

APPENDIX II: GLOSSARY OF TERMS

Agreement (International): refers to the merger of wills of two or more international subjects for the purpose of regulating their interests by international rules.

Asylum: The grant, by a State, of protection on its territory to persons outside their country of nationality or habitual residence, who are fleeing persecution or serious harm or for other reasons. Asylum encompasses a variety of elements, including non-refoulement, permission to remain on the territory of the asylum country, humane standards of treatment and eventually a durable solution.

Bilateral Labour Migration Agreements: Agreements concluded between two States, which are legally binding and are essentially concerned with inter-State cooperation on labour migration.

Consular Protection and Assistance: The right to the provision of adequate consular and other services that are necessary to meet the social, cultural, and other needs of nationals abroad or to protect their rights against any infringements by the receiving State.

Country of Destination: In the migration context, a country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly.

Country of Origin: In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly.

Country of Transit: In the migration context, the country through which a person or a group of persons pass on any journey to the country of destination or from the country of destination to the country of origin or the country of habitual residence.

Database: is an organised collection of data stored and accessed electronically from a computer system.

Diaspora: Migrants or descendants of migrants whose identity and sense of belonging, either real or symbolic, have been shaped by their migration experience and background. They maintain links with their homelands, and to each other, based on a shared sense of history, identity, or mutual experiences in the destination country.

Discrimination: Any distinction, exclusion, restriction, or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

Drivers of Migration: Complex set of interlinking factors that influence an individual, family or population group's decisions relating to migration, including displacement.

Exploitation: The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit.

Feminization of Migration: The changing nature of women's migration, reflecting the fact that more women migrate independently rather than as members of a household, and are actively involved in employment.

Gender: The socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power, and influence that society ascribes to males and females on a differential basis. Such distinct roles and behaviours may give rise to gender inequalities, that is differences between men and women that systematically favor one group. Gender is relational and refers not simply to women or men, but to the relationship between them.

Gender analysis: makes visible any fairness and justice in the distribution of opportunities, responsibilities, resources, benefits between women and men, boys, and girls in all spheres of life.

Gender-Based Violence: An umbrella term for any harmful act that is perpetrated against a person's will and is based on socially ascribed (i.e., gender) differences between males and females. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and denial of resources, opportunities, or services, forced marriage and other deprivations of liberty.

Gender-biased policies: Those policies that discriminate, e.g., excluding women from recruitment programmes, wage discrimination, or policies that allow for the systematic exploitation of women.

Gender-blind: Means failing to take account of, or recognize the different roles, capabilities and needs of women and men. It is often assumed for instance that a national budget will, in its functions, benefit women and men, boys and girls equally. Gender-blind policies that ignore the different situations, roles, needs and interests of women and men. Gender-aware policies consider gender a way of reaching set development goals by addressing gender norms, roles and access to resources.

Gender discrimination: differential treatment of men and women based on whether they are male or female.

Gender equality: equal rights, responsibilities and opportunities for women and men. Equality does not mean that women and men will become the same but that men and women's rights, responsibilities and opportunities will not depend on whether they were born male or female. Gender equality implies that the interests, needs and priorities of both men and women are taken into consideration in any intervention or policy.

Gender issue: a point of gender inequality that is undesirable and requires intervention. It results from some of the gender discriminations or oppressions that take place in society.

Gender-neutral policies: de facto, do not have a differential impact on men and women; however, their outcomes may sometimes be detrimental to female migrant workers.

Gender perspective: approaching or examining an issue, paying practical attention to the potentially different ways that men and women are, or might be impacted.

Gender relations: the social relations and power distribution between men and women in both private and public spheres.

Gender-responsive migration governance refers to the importance of laws, policies and programmes recognizing and addressing the different experiences, needs and vulnerabilities faced by women, men, girls, boys and gender non-conforming migrants at all stages of migration while upholding their human rights, promoting their empowerment and advancing gender equality.

Gender-sensitive: the ability of an individual or agency/institution to take into account the social relations of women and men as well as the differences in their needs in any undertaking or decision.

Gender-sensitive labour migration policies have been defined as policies recognizing that both men and women migrate for economic reasons and better employment opportunities and that the migration experience of men and women may differ significantly. They also recognize that female migrant workers may experience more disadvantages and discrimination at all stages of the migration process due to employment categories/sectors offered, educational requirements and stereotypes, which is often further magnified by the intersectional marginalization of age, class and ethnicity (OSCE, 2009).

Gender stereotype: the way that society expects women and men to behave and the roles they are expected to play. These stereotypes often define women and men in opposite ways, are limiting to both women and men and legitimize unequal power relations.

Integration: The two-way process of mutual adaptation between migrants and the societies in which they live, whereby migrants are incorporated into the social, economic, cultural, and political life of the receiving

community. It entails a set of joint responsibilities for migrants and communities and incorporates other related notions such as social inclusion and social cohesion.

Irregular Migrant Worker A migrant who is not authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.

Irregular Migration: Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

Labour mobility: labour mobility or mobility of workers can be either occupational (movement along the occupational ladder) or geographic (movement across geographic locations). In the context of migration, geographic labour mobility is implied.

Labour migration: movement of persons from one state to another, or within their own country of residence, for the purpose of employment.

Low-Skilled Migrant Worker: A migrant worker whose level of education, occupational experience, or qualifications make them eligible to practice a typically low skilled occupation only.

Migrant worker: A person who migrates or who has migrated from another country to Somalia with a view to being employed otherwise than on his or her own account and includes any person regularly admitted as a migrant worker, but does not include frontier workers, artistes and members of the liberal professions who have entered the country on a short-term basis and seamen or women.

Migration: The movement of persons away from their place of usual residence, either across an international border or within a State.

Migration Governance: The combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States' approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation.

Mixed Movements/Migration: A movement in which a number of people are travelling together, generally in an irregular manner, using the same routes and means of transport, but for different reasons. People travelling as part of mixed movements have varying needs and profiles and may include asylum seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants in an irregular situation.

Pre-Departure Orientation Programmes: Courses designed to help prospective migrants, including refugees, acquire the knowledge, skills and attitudes needed to facilitate their integration into the country of destination. They also address expectations and provide a safe and non-threatening environment in which to answer migrants' questions and address concerns.

Protection: All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. Human Rights law, International Humanitarian Law, Refugee law)

Psychosocial Support: The term "psychosocial" denotes the inter-connection between psychological and social processes and the fact that each continually interacts with and influences the other. The composite term mental health and psychosocial support (MHPSS) is used to describe any type of local or outside support that aims to protect or promote psychosocial well-being and/or prevent or treat mental disorder.

Ratification: "Acceptance" or "approval" of a treaty. In an international context, ratification is the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty.

Regular Migrant: A person who moves or has moved across an international border and is authorized to enter or to stay in a State pursuant to the law of that State and to international agreements to which that

State is a party.

Regular Migration: Migration that occurs in compliance with the laws of the country of origin, transit, and destination.

Returning Migrant Workers: in the context of international migration, the movement of persons returning to their country of origin after having moved away from their place of habitual residence and crossed an international border for work. In the context of internal migration, the movement of persons returning to their place of habitual residence after having moved away from it for work.

Reintegration: A process that enables individuals to re-establish the economic, social and psychosocial relationships needed to maintain life, livelihood and dignity and inclusion in civic life.

Return: In a general sense, the act or process of going back or being taken back to the point of departure. This could be within the territorial boundaries of a country, as in the case of returning internally displaced persons (IDPs) and demobilized combatants, or between a country of destination or transit and a country of origin, as in the case of migrant workers, refugees or asylum seekers.

Return Migration: In the context of international migration, the movement of persons returning to their country of origin after having moved away from their place of habitual residence and crossed an international border. In the context of internal migration, the movement of persons returning to their place of habitual residence after having moved away from it

Safe, Orderly and Regular Migration: Movement of persons in keeping both with the laws and regulations governing exit from, entry and return to and stay in States and with States' international law obligations, in a manner in which the human dignity and well-being of migrants are upheld, their rights are respected, protected, and fulfilled and the risks associated with the movement of people are acknowledged and mitigated

Sexual Exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another

Sexual Violence: Sexual violence is a form of gender-based violence and encompasses any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. Sexual violence takes multiple forms and includes rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration and forced nudity.

Social Protection: The set of public and private policies and programmes aimed at preventing, reducing and eliminating economic and social vulnerabilities to poverty and deprivation.

Trafficking In Persons: The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Vulnerability: Within a migration context, vulnerability is the limited capacity to avoid, resist, cope with, or recover from harm. This limited capacity is the result of the unique interaction of individual, household, community, and structural characteristics and conditions.

APPENDIX III: LIST OF NATIONAL POLICIES AND REGIONAL POLICIES REVIEWED

KENYA

National Policies and Legal Frameworks

1. The Constitution of Kenya, 2010
2. BIG-FOUR AGENDA, 2017
3. Kenya Vision 2030, 2007
4. Employment Act, 2012
5. The Kenya Citizenship and Immigration Act, 2011
6. The Kenya Citizens and Foreign Nationals' Management Service Act, 2011
7. Kenya Foreign Policy, 2014
8. Kenya Diaspora Policy, 2014
9. Labour Institutions Act, 2007
10. National Policy on Gender and Development, 2019

UGANDA

National Policies and Legal Frameworks

1. The Constitution of Republic of Uganda 1995
2. The Domestic Violence Act 2010
3. The Employment (recruitment of Ugandan Migrant Workers) regulations, 2021
4. The Employment Act 2006
5. The Equal Opportunities Commission Act, 2007
6. The Kampala Capital City Act, 2019
7. The Labour Unions Act, 2006
8. The Minimum Wages Advisory Boards and Wages Councils Act.
9. National Labour Child Policy 2006
10. National Health Policy, 1999
11. The National Policy for Disaster Preparedness and Management, 2010
12. The National Policy on Elimination Gender Based Violence in Uganda, 2016
13. National Referral Mechanism for Victims Human Trafficking: Deficiencies and Future Deployment, 2017
14. The National Social Security Fund Act
15. The National Women's Council (amendment) Act, 2010
16. The National Social Protection Policy, 2015
17. The Parliament Pensions Act, 2007
18. National Action Plan for Prevention of Trafficking in Persons in Uganda
19. The Registration of Persons Act, 2015
20. The Labour Disputes Arbitration and Settlement Act, 2006

22. The Draft National Health Insurance Scheme Bill, 2019
23. The Occupational Safety and Health Act, 2006
24. The Prohibition of Female Genital Mutilation Act, 2010
25. The Uganda Citizenship and Immigration Control Act
26. The Uganda Gender Policy, 2007
27. The National Youth Policy 2001
28. The National Employment Policy of Uganda, 2011
29. The Prevention of Trafficking in Persons Act, 2009
30. The Uganda Retirement Benefits Regulatory Authority Act, 2011
31. The Workers Compensation Act, 2000

RWANDA

National Policies and Legal Frameworks

1. Rwanda National Employment Policy revised in 2019
2. Rwanda National Employment Policy 2017
3. National Employment Programme (NEP) for Rwanda, 2014
4. The Rwanda Diaspora Policy 2009
5. Rwanda National Labor Law in 2018 September
6. Rwanda National Labor Mobility Policy 2019
7. National Migration Policy and Strategies of 2005-2006
8. National skills development and employment promotion strategy 2019 - 2024
9. National Rwanda Gender Policy 2010
10. Law governing matrimonial regimes, donations, and successions in Rwanda, 2016
11. Law regulating labour in Rwanda, 2018
12. Rwanda National Social Protection Policy 2020

SOMALIA

National Policies and Legal Frameworks

1. The Federal Government of Somalia, Somalia Social Protection Policy 2019.
2. Federal Republic of Somali Draft National Gender Policy 2015
3. The Federal Government of Somalia, National Employment Policy 2021
4. Somalia National Development Plan 2020 to 2024

SOUTH SUDAN

National Policies and Legal Frameworks

1. The South Sudan Labour Act of 2017
2. South Sudan Gender Policy 2013
3. South Sudan Development Plan 2011-2013
4. South Sudan National Comprehensive Migration Policy 2019
5. South Sudan National Social Protection Policy Framework (NSPPF) 2015

REGIONAL POLICIES AND LEGAL FRAMEWORKS IN EAST AND HORN OF AFRICA REVIEWED

1. African Union Commission Initiative against Trafficking
2. African Union Convention on Cross- Border cooperation
3. Constitutive Act of the African Union
4. Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
5. The International Covenant on Economic, Social and Cultural Rights (ICESCR)
6. The International Convention on the Protection of the Rights of All Migrant Workers and their Families (ICRMW)
7. The East African Community Common Market Protocol for Movement of Labour
8. Regional Ministerial Forum on Migration, on Harmonizing Labour Migration Policies in East and Horn of Africa: A United Approach on Safe, Regular and Humane Labour Migration
9. Draft Road Map for the Implementation of the Regional Ministerial Forum on Migration (RMFM)
10. Drafts Terms of Reference (ToR) for the Country Technical Advisory Committee (TAC) for the Harmonization of Labour Migration Policies in East and Horn of Africa
11. Way forward for the Second Regional Ministerial Forum on Harmonizing Labour Migration Policies in East and Horn of Africa, "A United Approach on Safe, Regular and Humane Labour, 25th November 2020
12. Global Compact for Safe, Orderly and Regular Migration
13. Protocol on Free Movement of Persons in the IGAD region
14. Migration Policy Framework for Africa and Plan of Action, 2018- 2030
15. Treaty establishing the East African community

APPENDIX IV: LIST OF KEY INFORMANT INTERVIEWS (KIIS) AND FOCUS GROUP DISCUSSIONS (FGDS) PARTICIPANTS

KENYA

List of Participants interviewed

No.	Names	Title	Institutions	Gender	Contact
1	Glory M Kanana	Programme Coordinator	Trace Kenya	Female KII	munoruglory@gmail.com 0725638704
2	Ilham Hisham Said	Legal Coordinator	FIDA Kenya	Female KII	hisham@fidakenya.org 0715761041
3	Peter Njiru	Director	NITA	Male KII	pnjiru@nita.go.ke
4	Dr. Emmanuel Mutisya	Chairperson	National Diaspora Association of Kenyans in Japan	Male KII	0721630798
5	Madam Shukri Abdi	Director	Fast Reliable Private Recruitment Agencies	Female KII	0722722053
6	Madam Winnie Karingithi	Director Planning	State Department of Labour	Female KII	karingithiw@gmail.com 0722775934
7	Pravina Gurung	Programme Manager (LHD & MPA)	IOM	Female KII	pgurung@iom.int

UGANDA

List of Participants interviewed

No.	Name	Title	Organization	Gender	Contact details (Email & phone number)
1	Byonanebye Prosper	Commissioner Disability and elderly, MGLSD	Government	Female	prosper.muhumuza@mglsd.go.ug 0772 525180
2	Florence Epodoi		UN OHCH	Female	fepodoi@ohchr.org florence.epodoi@un.org
3	Monica Kyamazima	Programs coordinator	Willow International -NGO	Female	monica@willowintl.org 0701 627 533
4	Mwijuka Collins	Executive Secretary	National Women Council -Gov't	Male	mwijukac@yahoo.com 0772957584

5	Odette Bolly	Programs Manager	LHD- IOM UN	Female	Obolloy@iom.int 0771405537
6	ASP Atuheire Moreen	Ag. Commissioner Child, and Family Protection Unit	UPF -Gov't	Female	mkeddiez@ymail.com 0703432076
7	Phiona Namazzi	Manager prevention	Rahab -CSO	Female	rahabuganda@yahoo.com 0754060860
8	Elizabeth Mushabe	Deputy Country Representative	UN Women	Female	0772959032
9	Rhona		UAERA -Private	Female	0704 888005
10	Magerie	Counsellor	UAERA-Private	Female	
11	Amanda Doris Nshemeire	Migration Officer-Legal	MOIA –Govt	Female	0773 357969
12	Karungi Joycelyn	National program Officer	IOM-UN	Female	
13	Angella Nakafeero	Commissioner	MGLSD	Female	0776831669
Focus Group Discussion with female returnees					
1	Nabakoza Robinah	RMW		Female	0785148903
2	Betty Alesu	RMW		Female	0753 837162
3	Okaba Beatrice	RMW		Female	0752953 705
4	Kulabako Esther	RMW		Female	0758 285 787
5	Mobira Flavia	RMW		Female	0700455635
Focus Group Discussion with Private Recruitment Agencies					
1	Nabwire Jacqueline	Director HR	Explorer Dubai	Female	explorerdubai26@gmail.com 0772385429
2	Namusoby Aisha	HR	KING'S LAND	Female	namusobyaaisha@gmail.com 0754375425
3	Muhinda Marjorie	Counselor	PRA	Female	muhindamarjorie@gmail.com 0701505663
4	Esther Nabaju	MD	Bantu Establishments	Female	enabaju@gmail.com 0751068003
5	Carolyn Angom	HR	Ezvisa Kampala	Female	carolyn.a@ezvisakampala.co.ug 0752601009
6	Barnabus Iga	HR	Fresh Minds Int	Male	0752655061
7	Nabyonga Rahma	Administrator	Security Link Ltd	Female	rahmanabyonga@gmail.com 0706401038

RWANDA

List of Participants interviewed

Institution name	Type of Interviews: Key Informant Interviews (KIIs) & Focus Group Discussions (FGDs)	Number of participants
Rwanda Investigation Bureau (RIB)	KIIs	2
National Institute of Statistics of Rwanda (NISR)	KIIs	2
Rwanda Private Sector Federation (PSF)	KIIs	1
Rwanda Ministry of Labor (MIFOTRA)	KIIs	1
Local Administrative Entities Development Agency (LODA)	KIIs	2
Rwanda National Employment Centers (Kigali City, Musanze District and Huye District)	FGDs	5
Rwanda Civil Society organizations (Rwanda work's trade union, AJPRODHO-JijUKIRWA and Rwanda Human Rights Commission)	FGDs	3

SOMALIA

List of Participants interviewed

Name	Gender	Institution	Contact details (Email & phone number)
Ahmed Farah Salah	Male KII	Ministry of Internal Security	jaale120@gmail.com
Abdikamil Shukri Hersi	Male KII	Ministry of Internal Security	abdikamilshukri@gmail.com
Mohamed Abdullahi Dahir	Male KII	National Commission for Refugees and IDPs (NCRI)	dacadow@ncri.gov.so

Maxamed Isaaq Abdinour	Male KII	National Commission for Refugees and IDPs (NCRI)	m.isak@ncri.gov.so
Mariam Yassin Hagi Yussuf	Female FGD	Special Envoy for Migrants and Children's Right	mariam.specialenvoyfgs@gmail.com
Dahir Hassan Gutale	Male KII	MoLSA	dahir.x@gmail.com
Abdikadir Aden Mohamed	Male KII	MoLSA	adam@molsa.gov.so
Abdinasir Sheikh Mirre	Male KII	MoLSA	abdinasir.grm@molsa.gov.so
Ahmed Abdi Omar	Male KII	Ministry of Women and Human Rights Development	borille1990@gmail.com
Amina Mohamed Yusuf	Female KII	Ministry of Women and Human Rights Development	suheera48@gmail.com
Abdulahi Mohamed Dini	Male FGD	SAHAN Research and Development Organization	sahan_ngo@hotmail.com
Mohamed Hillow	Male FGD	Save Somali Women and child organization (SSWC)	hillow@sswc-som.org
Yusuf Elmi Ahmed	Male KII	National Bureau of Statistics	hajiyare090@gmail.com
Abdirizak Mohamed Ibrahim	Male KII	FESTU	kobey1991@gmail.com
Omar Faruk Osman	Male KII	MoFA	faruk129@gmail.com
Abdi Ali Muse	Male KII	MoFA	a.musse@mfa.gov.so
Imran Khan Mohammad	Male KII	IOM-IBM	amrankhan@iom.int
Sikhulile Dhlamini	Female KII	IOM-LHD	sngqase@iom.int
ZANFAGNA Zeffira	Female KII	IOM-LHD	ZZANFAGNA@iom.int
Abdiweli Hassan	Male KII	IOM-MPA	abdirahman@iom.int

SOUTH SUDAN

List of Participants interviewed

S/N	Institution	Type of Interviews: Key Informant Interviews (KIIs) & Focus Group Discussions (FGDs)	No of Participants
1	National Transformative Leadership Institution (NTLI)	KII	1
2	South Sudan Non-Governmental Organizations Forum (SSNGOF)	KIIs	2
3	International Labour Migration (ILO)	KIIs	3
4	Ministry of Labour	KIIs	4
5	South Sudanese Network for Democracy and Elections (SSuNDE)	KIIs	
6	Ministry of Interior	KIIs	5
7	United Nations Association of South Sudan (UNASS)	KIIs	
8	SUDD Institute – South Sudan Research Think Tank	KIIs	
9	Ministry of Gender, Child and Social Welfare.	KIIs	6
10	Community Empowerment for Progress Organization (CEPO)	KIIs	
11	South Sudan National Bureau of Statistics (SSNBS)	KIIs	7
12	SUDD Institute - Research Think Tank	KIIs	
13	Ministry of Public Service and Human Resource Development	KIIs	8
14	IOM- Gender Protection Unit	KIIs	2
15	IOM-Migrant Representative Focus Group Discussion	FGDs	9
16	Private Recruitment Agencies (PRAs)	FGDs	10
17	Focus Group Discussion with Ethiopian Women Migrants in South Sudan	FGDs	11
18	Migrant Associations in Juba, South Sudan.	FGDs	12
19	Women's Union, JUBA – South Sudan.	FGDs	13

