

AFRICA LABOUR MIGRATION TO THE GCC STATES:

THE CASE OF GHANA, KENYA, NIGERIA AND UGANDA

An African Trade Union Overview

By Kennedy Atong, Emmanuel Mayah, and Akhator Odigie



**AFRICAN REGIONAL ORGANISATION OF THE INTERNATIONAL TRADE UNION CONFEDERATION
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PREFACE

Migration is part and parcel of human existence. It is a historical human phenomenon and will continue to be part of human practice across societies, ages and cultures. It cannot be stopped, but certainly can be better managed to contribute to and accelerate development. African trade unions are committed to ensuring that migration delivers for all, especially for the migrants and members of their families.

It is not constestable that Africans move more within the continent than outside it. Further, more Africans move within their sub–regions to work, reside and establish themselves. However, more Africans are leaving their communities and countries for sundry reasons, most for economic survival and security protection as globalisation effects and violent sectarian conflicts deepen and not relenting respectively.

African migrants and labour migrants are everywhere in the world working to eke a living and to support members of their families. Their contributions, through remittances and skills repatriation have contributed to support family and household socio–economic consumption and small investment and business development. Their contributions to to host/receiving countries have been well documented.

In recent times, African governments have been signing Bilateral Labour Migration Agreements with Gulf Cooperation Council (GCC) States to send labour migrants there. Thus, the pace and rate of African workers moving to the GCC states, especially domestic workers, mostly women as house minders, is on the steady increase. Gains from such movements for the sending countries (SCO) and the receiving countries, as well as for the migrants are tangible.

Unfortunately, tales of woes and ordeals, including horrendous human rights abuses such as avoidable deaths of African migrant workers, as well as the lack of accountability thereof have continued to inundate the African public. Whilst African governments, including the African Union (AU) and the Regional Economic Communities (RECs) are taking measures to address these issues, African trade unions sought to, through this study, to gain better understanding of the African migration context and the human and labour rights abuses African migrants are subjected in the GCC states, with the view to be able to develop and deploy appropriate responses that will contribute to improving how migration can advance development and how rights of African migrants can be better defended and protected.

It is our hope and expectation that this study will be a useful contribution to the task of promoting fair recruitment, prevention of exploitation and human trafficking and also the better defence and protection of the human and labour rights of migrant workers.

Kwasi Adu–Amankwah, general Secretary African Regional Organisation of the International Trade Union Confederation (ITUC–Africa)

EXECUTIVE SUMMARY

Labour migration from Africa as shown in the country cases of Ghana, Kenya, Nigeria and Uganda to the GCC states has been on the increase. This is largely perceived but less captured statistically. Even though data collected is scanty, the perception is supported by increasing reported cases of abuses and maltreatment of African labour migrants. The abuses have led to labour migration ban to the GCC states, notably Saudi Arabia and United Arab Emirates, by some of the case study countries at one time. While this phenomenon is largely undocumented, the majority of those who end up in the GCC states are mostly young, unskilled and less educated Africans.

The composition of labour migrants is also becoming more feminized due to the nature of jobs and demands in the GCC states. Domestic services sector appear to engage most of the migrant workers while sectors such as construction and security are also notable areas.

A number of factors are behind the recent increase in GCC states migration Africa. Though they may be country specific, they are multiple and overlapping. The main push factors however, in spite of the abuses and exploitation, are high unemployment, the lack of decent jobs and the life style of successful return migrants. Further, the local communities and leaders also play a part in facilitating migration.

Where African labour migrants face exploitation and abuses in their course of taking up employment and during actual work in the GCC states, their ordeals usually start from the point of departure to their workplaces and in their efforts to get out and return home. There are instances, as some compiled cases here will show, of African migrants that were not lucky to get out in piece, but returned home in coffins.

Recruitment agencies (though not most) in Africa have through their actions and activities handled potential and actual Africans labour as vulnerable persons to be exploited and treated inhumanly. Exorbitant fees and charges are collected from potential migrants after feeding them with deceptions and false promises that fuel their desperation. Regulation of labour recruitment agencies is still weak and encouraging exploitation and human trafficking practices and operation. However, the efforts of the Kenyan government to overhaul labour migration management to the GCC states is acknowledged. Nigeria and Ghana also emphasize labour recruitment agencies registration. However, the inspection and supervision of their activities are considered grossly inadequate.

The kafala sponsorship system that ties migrant workers to an individual sponsors for visa and employment continues to perpetrate and exacerbate slavery and slavery-like practices in the GCC states.

Very limited information and knowledge on how to process and organise safe labour migration on the part of the potential labour migrants have also been observed. In most cases, the level of

desperation blur the space and time for information and knowledge seeking and analysis, thus affecting the quality of decisions made.

It was also observed that African governments have provided very little protection for their citizens migrating to GCC states for employment. Most African migrants spoken to complained of very little support and protection from their embassies. This is partly so because some African embassies get overwhelmed and have little expertise and competence to deal with labour migration related cases.

Some of the exploitation and abuses the investigation revealed are:

- * Payment of exorbitant fees to recruitment agencies in Africa and deception as per the true nature of work, compensation (wages), location and other working conditions.
- * Most recruitment agencies, especially the unregistered ones are actually human trafficking rings as their operations are steep in luring, forcing, threatening and blackmailing their victims and members of their families to go work abroad with little or no pay at all.
- * African domestic workers are treated as slaves, properties of their sponsors and employers and members of their families. They are subjected to all manners of abuses, including being “sub-contracted” to other employers without their consent and wages of such extra jobs paid to them.
- * Cases of excessive workload and denial of sleep and rest time have been reported and becoming a common trend.
- * Late, non-payment of wages, as well as cut and denied wages are also abuses that African migrants suffer.
- * Safety and health standards concerns have also been observed. A lady domestic worker in Oman had her five fingers burnt from using a toilet disinfectant that proved corrosive without protective hand gloves.
- * Health care arrangements for African migrant workers in the GCC states, especially for domestic workers are largely absent and made available to them even when their contracts explicitly indicate the availability of these benefits. Investigations reveal that the deaths of African migrants would have been avoided if timely and adequate health care services have been availed them. Where they have been availed health care, the quality is often of the lowest kind.
- * Cases of dastardly deaths, murder and killings of African migrant, especially domestic workers are reoccurring events. There are instances of the killing of a Kenyan and a Nigerian domestic migrant workers were murdered in Saudi Arabia; a Ugandan and an Ethiopian migrant domestic workers were butchered in Oman. For these deaths, till date, no accountability as justice for victims’ families and prosecution of perpetrators remain elusive, thus aiding and fuelling impunity.
- * Physical assaults and battering leading to serious injuries and deaths have also been reported. Verbal insults that psychologically depress domestic workers are also becoming common trends.

- * Rape of female African domestic workers in the GCC states, especially in Oman and Saudi Arabia is growing.
- * The right to association is seldom enjoyed in the GCC states. Qatar is now a fledging exception as it has made firm commitments in October 2017 to progressively review her labour laws that will in turn improve human and labour rights protection.
- * Oman is fast becoming a human trafficking destination of African migrants.
- * In the GCC states, especially in Saudi Arabia, access to justice for African migrant workers is very weak. Where justice remedies exist, very few African migrants are aware of the existing justice remedies and how to access them.
- * African migrants get very little support and protection from their embassies in the GCC states when suffering abuses. Thus, they have resorted to self-help.

A number of recommendations were proposed that African governments through their national, regional and continental institutions in concert with trade unions and civil society organisations can take to stem the abuses and better protect the rights of African migrants. Some of the recommendations are:

- * The need for an identified lead agency to coordinate to migration and labour migration governance. Such bodies should be well resourced to regulate and monitor migration and labour migration activities.
- * Awareness and education of the general public need to be developed and deployed to wipe out the element of illiteracy on migration just as was the issue with HIV/AIDs. Awareness especially on the fact that laws in the GCC countries are not the same, available jobs and skills needed, rights of workers, culture and dress code.
- * Private Employment Agencies (PEAs) should be regulated with some agreed criteria and laws reviewed if need be, while harsher penalties are handed down to defaulting agencies including close down to deter others.
- * The ratification, application and implementation of standards enabling instruments such as the African Union Free Movement protocol, ILO Conventions 98,143,181,189 and P29 (forced labour) should be prioritised and achieved.
- * It is critical and urgent for African governments to devise means of providing support and protection to migrants in the GCC states. Where embassies are present, a Labour Attache equipped with the appropriate capacity and mandate should be deployed to cater for the needs of migrants.
- * In the areas of integration of migrants and reintegration of return migrants, need for migrants' resource centers (MRC) and other active labour market programmes.
- * African governments must demand statutory representation in the Abu Dhabi Dialogue process. This space must be accessible to African non-state actors as well.

Non-State Stakeholders

- * Trade unions must strategically work with progressive CSOs, as well as the media in their economies to scale up non-state actors' voices and spheres of influence necessary for engaging state actors and complementing their efforts at improving migration governance.
- * Non-state actors, especially trade unions and their civil society allies need more and regular capacity building trainings to improve their knowledge, skills and competences to effectively engage on migration governance.
- * Advocacy campaign on the protection of the rights of migrants and migrant workers, as well as the rights of members of their families must be developed and consistently implemented by trade unions and their civil society allies.
- * There is a sense of urgency to scale up the campaign to combat and defeat human trafficking. Trade unions and their CSO allies should advocate for pragmatic efforts at prevention, as well as on investigation, prosecution and sanction of offenders.
- * Organising of workers is critical to improving the chances for the protection of the rights of workers. Trade unions must continue to prioritise organising.



CHAPTERS

1

INTRODUCTION AFRICA EMIGRATION CONTEXT

Africa has a long history of human migration, both within the continent from one country to another and outside the continent (internationally). Though the existing body of literature on migration shows that African migration is largely within, movement out of the continent dates back several years and has been on the increase ever since. A number of studies with focus on Africa have addressed both the past and recent international migratory trends and patterns. According to Russel et al, (1990), earlier documentation on African migration patterns especially that of Sub Saharan Africa (SSA), reveal huge wave of human migration that surpassed the global average. A recent finding in the US Journal of Science indicates that, multiple migrations out of Africa, beginning 120,000 years ago, gave rise to the modern population of people¹.

Further, Shinn (2008), revealed that an estimated number of close to 140 million people with African descent were living outside the continent mostly in the Western Hemisphere. Such depiction of African emigration trends is in tandem with recent data on international migrant's stocks. For instance, between 2000 and 2017, Africa was the largest origin and producer, second to Asia, of international migrants (see International Migration Report², 2017). In absolute terms, about 36 million (i.e. close to 14 percent) of the 258 million international migrants in 2017 originated from Africa, a seemingly small number compared to the global total. The report however, indicated that, since 2000, the number of international migrants originating from Africa was the highest (plus 68 percent) in relative terms than any other region.

As shown in Table 1, indeed Africa emigration over the period has increased substantially in percentage terms, 85 percent as compared to intra–Africa migration (55 percent).

Table 1: Estimates of Migration Stocks Trends Within, Out of and Into Africa, from 2000–2017

Year	Intra–(Within) Africa migration	Africa emigration to the rest of the rest of the world	From the rest of the world into Africa
2000	12,413,437	9,098,838	2,386,869
2005	12,746,503	11,675,679	2,715,803
2010	13,666,144	14,390,051	3,341,105
2015	18,214,050	16,255,185	5,222,038
2017	19,274,433	16,868,723	5,375,790

Source: Compiled from UN DESA, 2017 Trends in International Migrant Stock: 2017 Revision

1 <http://www.news24.com> downloaded May 2018

2 Refers to International Migration Report

Although African emigration for economic considerations and better life can now be found in virtually all regions and countries of the world, in the past in particular, a growing number of emigrants were largely towards destinations in Europe and North America. The choice of such destinations, especially in Europe can be linked to historical and colonial ties³ as well as geographical proximity. According to the International Organisation for Migration (IOM), (2015a), the choice of countries of destination by African migrants is related to factors such as geographical proximity, historical and cultural. While, this pattern is still significant, perhaps supported by skewed data/studies on Africa migration towards Europe or lack of data/studies towards other regions, there has been an increase and spatial diversifications of African emigration in terms of destinations and composition of migrants.

Beyond the established colonial patterns of Africa emigration, the Gulf Cooperation Council (GCC⁴) states in particular, and other countries in the Arabian Gulf have become the preferred choice of destination by African labour migrants in recent times. Some studies have shown that a major factor for the movement of Africans to the GCC was the post-1973 economic boom followed by high growth and job opportunities, while others have attributed it partly to the increasing and emerging difficulties for African migrants to get to Europe and North America.

The GCC countries are a popular destination for migrant workers primarily due to their high per capita incomes (Omar, 2015)⁵, while Flahaux and de Haas, (2016) observe that the diversification of African emigration towards other states including the GCC seems partly driven by visa and other immigration restrictions by European countries. Indeed, migration between Africa and the oil rich GCC states has taken place for many years with African migrants moving to the Gulf primarily to take up employment. For instance, while religion and education are also key, contemporary migration from West Africa to the Arab world is motivated economic considerations (Pelican and Tatah, 2009). Though the exact size of African labour migration to the GCC States is difficult to establish, as GCC states' authorities often do not want to reveal such information of the irregular nature of migration, UNDESA data showed a consistent increase in the number of African migrant to the GCC. In 2017, of the estimated number of 28.1million foreigners/migrants who lived and work in the GCC countries, about 12 percent were of African origin. Over time, there has been a consistent out flow with, Saudi Arabia, UAE and Kuwait being the most recipients of African migrants compared to Qatar, Bahrain and Oman.

African labour migrants in the GCC states have traditionally been Egyptians, Sudanese, Ethiopians, Eritreans, Chadians and Somalians. However, the dynamics and complexities have changed over time with, especially Nigerians, Kenyans, Ghanaians and Ugandans emerging as key economic migrants to the GCC states and Gulf region. According to ILO report, many of the migrant workers in the GCC and Arab States are domestic workers and labourers who face a number of decent work challenges⁶. This does not preclude African migrants. Undoubtedly, an increasing proportion of the African labour migrants are in the domestic work sector and made up of mostly

3 It is important to stress that, the existence of colonial ties has underpinned Africans' emigration in the past, as it is less difficult for migrants from Francophone to move to France and for those from Anglophone to move to United Kingdom

4 The GCC states comprise of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates (UAE)

5 Omar Al-Ubaydli (2015), "The Economics of Migrant Workers in the GCC" Arab Gulf States Institute in Washington, Issue Paper #10 (downloaded at www.agsiw.org)

6 http://www.ilo.org/beirut/areasofwork/labour_migration/lang-en/index.htm

women because of the high demand for women in that sector. In addition, the low skilled and non-professionals are more as compared to those with skills or professions.

A growing number of reports reveal mixed experiences of African labour migrants, and other migrants from Asia working in the GCC states. For instance, some human rights organizations have been critical of the situation of migrant workers, especially Africans in the GCC states. Migrants have faced frequent mistreatments, abuse and sometimes deportations (alive or dead). The mistreatments include exploitation from unauthorised private recruitment agencies at home, as well as exploitation and violence in the GCC states by employers and their families and friends as well as state apparatus.

Prior to migration, some migrants are at the mercy of traffickers, while others have none or little and incomplete information about their travel arrangements regarding documentation, destination and work with its related issues. At the destinations or in host countries, some migrant workers are vulnerable to many forms of exploitation. In 2015, a Kenyan domestic worker in Saudi Arabia was asked to make a choice between sex with the boss or death⁷. Not a few of these workers have stories of harrowing rights' abuses and full of regrets and desperately want out and to be returned back home safely⁸. Another Kenyan domestic worker was not so lucky, she was returned back home in a coffin from Saudi Arabia⁹.

Further, a Human Rights Watch 2017¹⁰ study reports of Tanzania domestic workers in Oman and UAE experiencing various abuses including sexual abuse. A report by a Parliamentary Committee of Uganda has found appalling working conditions in the UAE to have contributed to 35 nationals of Uganda committing suicide in 2017¹¹. These are gross violations of both the human and work rights of migrants, with little legal recourse and protection, even though international human rights instruments and labour standards exist to give protection to all workers including migrants. These challenges are as a result of the policies and practices adopted in the GCC States especially kafala system which form the basis for employment of immigrant labour. The system which is an employer (sponsor or Kafael) led governs migrant or foreign workers in the private sector.

For migrant workers to obtain a temporary work permit they require a kafeel or sponsor. The permit requires the migrant to work for the sponsor only while considerable control is also exercised over the migrant including employment, financial and legal. As a common practice, sponsors take hold of migrant workers' passports as well as restrict migrants' rights in the labor market and access to welfare benefits.

7 <https://www.reuters.com/article/us-rights-domesticworkers-kenya/desperate-kenyan-maids-abused-in-middle-east-despite-ban-idUSKBN0OC02K20150527>

8 <https://www.bbc.com/news/av/world-africa-34121412/kenyan-domestic-workers-abused-in-saudi-arabia>

9 <https://www.nation.co.ke/news/Saudi-Arabia-in-coffins/1056-3886724-lha0yv/index.html>

10 <https://www.hrw.org/news/2017/11/14/tanzania-migrant-domestic-workers-oman-uae-abused>

11 <https://www.alaraby.co.uk/english/society/2017/10/26/ugandan-workers-committing-suicide-in-uae-at-alarming-rate>

In spite of the on-going deceptions, exploitations and violations of migrants' rights especially in the GCC states, and even to the point of death, labour migrants from Africa continue to move towards the Gulf region and the GCC countries. Currently, countries such as Ethiopia, Uganda and Ghana have banned the recruitment of workers to the Gulf region, but sadly migrants still find a way through the activities of recruiters. For instance, in February, 2018, 500 Ghanaians were reported to be stranded in Dubai in the UAE¹². The Minister of Information of Ghana, Mustapha Hamid is reported to have indicated these migrants were lured and sent by fake recruiters for non-existing jobs. An earlier report from the same source in 2017, indicated that about 800 Ghanaian migrants living in Saudi Arabia illegally had turned themselves in at the Ghana's mission in Riyadh to be deported home.

The governance, both legal and institutional, structures have not been robust enough to protect migrants. Unions and CSOs in Africa have not done much, if at all, it has not been with vigour and united voice or with the right information for effective responses. For instance, the recruitment processes of workers from Africa to the GCC states, and the working conditions and treatment of migrants in Gulf Arabs/GCC in particular, are unclear and needs further studies. This would allow for effective responses to addressing the challenges African migrants face by all stakeholders.

12 <https://citinewsroom.com/2018/02/21/500-ghanaians-stranded-in-dubai-govt/>

2

ABOUT THIS STUDY

For unions to better help protect migrants by improving their own interventions, improving regulation of recruitment agencies and intermediaries, strengthening legal and institutional safeguards against abuses, it would be appropriate they understand the situation from their own position. It is therefore, in the light of the above that this study is being conducted to better inform labour unions policy and for effective intervention to promote decent work for labour migrants. The study is focused on understanding and/or addressing the following:

- * Why do migrants still decide to migrate to the GCC states in the midst of increasing challenges and abuses?
- * How do recruitment agencies behave and why they do that?
- * How prospective migrants get to be recruited
- * What are the challenges and experiences in the process and course of migrating and working/living in the GCC states (forms of exploitations and violations)?
- * What are the existing protection mechanisms—legal, policy and institutions, to respond and/or regulate, and how accessible and effective they are?
- * What are the experiences of the African migrants in the GCC states and how can they be addressed?
- * How can trade unions help to better defend and protect the rights of migrants and labour migrants, especially international labour migrants?
- * How can the lessons learnt on how to better protect the human and labour rights of international labour migrants be transferred and applied by African trade unions in the protection of the rights of migrants in their own countries?

3

METHODOLOGY

The research is interview and investigative based study using case study approach, focusing on labour emigration from four selected African countries – Uganda, Kenya, Ghana and Nigeria to the GCC states especially the four major receiving countries comprising of Saudi Arabia, United Arab Emirates (UAE), Kuwait and Qatar. The case–study of sending countries were selected first based on regional blocks considerations of Northern, Southern, Eastern and Western Africa. Eastern and Western Africa were selected for being the major sources of labour migration to the GCC states and the Gulf outside the traditional Arab North Africa¹³. The study also employed an investigative approach used to better identify and understand the plights of African migrants to the GCC states so as to understand how to better defend and protect, as well as promote the rights of migrants and labour migrants.

Following that, Ghana and Nigeria from Western Africa while Kenya and Uganda from Eastern Africa were chosen because labour migration from each to the GCC states has grown significantly in recent times, especially with Ghana and Kenya being key transit countries, coupled with several and increasing reported cases of abuses suffered by their nationals in the GCC countries. Unlike Kenya, labour migration and recruitment practices from Ghana, Nigeria and Uganda to the GCC states have largely been under studied, and so they presented an opportunity for comparative study on how migration and recruitment to the GCC states has evolved or been handled in each context and the mechanisms of responding to challenges migrants face. The opportunity in terms of easy accessibility, especially traveling was also a factor in the selection.

The research was largely qualitative using both primary and secondary data sources as well as a rich dose of investigative work. The qualitative primary data was collected mostly through semi–structured interviews, key informant interviews and in–depth interviews with key actors and institutions in the migration industry or chain. First, information was collected from government ministries and agencies dealing directly with labour migration in the various sending countries comprising of the Ministries of Labour & Employment, Foreign Affairs and Interior, and agencies directly on the field or frontline, especially officials from Labour Departments, Immigration and the Police Services. It was difficult, impossible and largely futile, despite repeatedly attempts and redesigned strategies to get information from official quarters of receiving GCC states, save Qatar. Face–to–face in–depth interviews were conducted with some return migrants while telephone and WhatsApp were used to interview emigrants in the selected GCC states. The snow balling approach was used to contact more interviews.

13 Northern Africa is traditionally the most significant supplier of labour migrants to the GCC and Gulf based on cultural and religious ties.

The interviews with the migrants paid particular attention to key issues on the whole process before travelling, travel routes and final destinations, the conditions and treatment in destinations, awareness and access to protection systems, reasons for return and reintegration back home. Labour or trade unions, migrant networks/association, recruitment agencies were also interviewed. The interviews were conducted with a structured interview guide for the sake of uniformity, while in some cases telephone interviews were done where further clarification were needed. For the investigative component of the study, informants and undercover researchers were identified, recruited embedded and used to source information and gain better insights.

Regarding the field work, the reaserch team visited Kenya, Uganda, Nigeria and Ghana. In Kenya the key organizations and institutions contacted include the trade unions (COTU and KHUDEIHA), Trace Kenya, Immigration, National Employment Authority (NEA) for the Ministry of Labour and which also have direct oversight responsibility for labour migration issues. In Ghana, officials interviewed were drawn from the Ministry of Employment and Labour Relations, Ministry of Foreign Affairs, and the Ministry of Interior. In addition, agencies such as the the Labour Department, Ghana Immigration Service, Anti-human Trafficking Unit of the Ghana Police Service as well as labour unions and migrant associations. For Nigeria, officials of the Ministries of Labour and Productivity, Ministry of Internal Affairs, Nigeria Immigration Service were spoken too, with most offering to do so in confidence. Nigerian trade union officials (notably from the Nigeria Labour Congress – NLC), CSOs and some recruitment agencies were reached.

Attempts to get views from Saudi Arabia and United Arab Emirates proved abortive. Officials from the Ministry of Labour and its Foreign Affairs counterpart of Qatar responded to request for verbal interview and provided useful insights.

The interviews were conducted between May – July, 2018.

Table 2: Number of people/officials Interviewed by Organizations

Country	Number of organizations (people) interviewed				
	State Institutions	Recruitment Agencies	Migrants	Trade Unions (officials)	CSOs/Networks/ NGOs/Airlines
Ghana	5(7)	3 (3)	7	3(3)	3(3)
Kenya	4 (5)	2(2)	6	3(5)	1(1)
Nigeria	4 (6)	5 (3)	17	7(8)	5(3)
Uganda	3 (2)	3 (3)	12	4(2)	4(3)

The prominent secondary data was collected through an extensive desk review. The sources included existing related literature, books, published and unpublished reports or papers, internet databases¹⁴, news paper reports, policy documents and pieces of legislations. The review of all these was specific to the African region and the Gulf and GCC states context. Given the individual country peculiarities, the analysis begins with the specifics and graduate towards the general patterns.

14 The 2015 and 2017 version of the UN's dataset were used to extract numbers/stocks of migration in the GCC

5

EMPIRICAL LITERATURE ON LABOUR MIGRATION TO THE GCC STATES

This section of the study is focused on the empirical literature on African labour migration to the Arab Gulf region, most especially the GCC states and partitioned into various interconnected parts. In this brief review, the focus is on the literature that addresses the questions of the research. The first part begins with a brief overview of the global migration trends and scale towards the GCC states and the Gulf in general. This is followed with an overview of the African migration trends to the GCC states and the major countries of destinations.

Also included in this aspect is an assessment of the major sending African countries as well as the patterns of migration and profile of migrants. In the second part, the study explores the major drivers of migration to the GCC states and the Gulf region with an objective to assess the key push–pull factors on the sides of both source and host regions. The final part looks at the recruitment processes or chain and explore the sectors of employment in the selected receiving countries as well as the working and living conditions of migrants in host countries. Further, the section will, among other things, explore the institutional and policy frameworks for the governance and protection of labour migrants at the global and regional levels and from both the sending and receiving regions.

Perhaps another striking thing about this section is the compilation of some cases of African migrants in the GCC states of focus, which is hoped will help governments of sending and receiving (especially the former since it has the primary responsibility to protect her citizens), trade unions (as labour migrants are workers and belong to their constituency, employers and other stakeholders).

5.1 Overview of Current Global Migration towards the GCC States

Migration to the Gulf region and especially the GCC states has been on the increase in the past two decades. It has been established that cases of migration to the GCC states and the Gulf in recent times have intensified and grown (see Table 3). As indicated in Table 3, total stocks of global migrants to the GCC states have increased significantly between 1990 and 2017 with a current migration population of a little over 28 million. This represents about 10 percent of the 258 million international migrants and 35 percent of the 80 million international migrants living in Asia (see International Migration Report (IMR), 2018). Further analysis of Table 3 suggests that, between 1990 and 2017, migrations to the GCC states have grown close to 66 percent and about 244 percent in cumulative terms than any other region. In terms of host of international migrants stocks, Asia, of which Western Asia and the GCC states fall, has remained the second largest to

Europe over that period (see UN DESA data base, 2017)¹⁵. Between 1990 and 2017, an average 42.6 percent and 59.8 percent of the total migrant stocks in Asia and Western Asia were hosted by Western Asia and the GCC states respectively. In 2010, there were an estimated total of 20.5 million migrants in the GCC states alone compared to the overall 30.6 million in the region of Western Asia. In 2017, the migrants' number had increased to 28.1 million in the GCC states compared to 42.9 million in that region¹⁶. Accordingly, over the last two to three decades, Saudi Arabia and the United Arab Emirate (UAE) have been the most prominent destinations in the GCC states and in the whole region, while Kuwait and Qatar have also come up. In 2010, there were an estimated total of 8.4 million migrants in Saudi Arabia and 7.3 million in the UAE, while in 2017 the estimates stood at 12.2 million and 8.3 million for the two respective countries¹⁷.

The prominence of migration to the GCC countries is reflected in the dominance of migrants in the total population and their workforce. While other GCC countries exhibit lower numbers in absolute terms, the proportion of migrants to their total population is huge (see Table 3). This gives an appreciation of not just the intensity of migration to the GCC states, but also the implications for the labour force given that the majority of migrants to the region are for employment. In 2000 for instance, of the total population of the GCC states, an average of 47 percent were migrants while in 2015 and 2017, the average was about 60 percent of the total population. The proportions in individual countries such as Qatar, Kuwait and UAE were even higher than the regional average, ranging from 55 – 88 percent while the lowest rates were recorded by Bahrain, Oman and Saudi Arabia. Migrants indeed constitute a significant majority of the population in Kuwait (75.5 percent), Qatar (65.2 percent), Bahrain (48.4 percent) and Oman (44.7 percent).

Regarding the role of migrants in the labour force, the fact that, migrants are also more pronounced in the GCC states' workforce is not in question. Valenta et al, (2018), observed that, the GCC states are among the largest recipients of labour migrants with Saudi Arabia and the UAE being the most prominent destinations. According to Baldwin–Edwards (2011) foreigners accounted for at least 75 percent of the labour force in almost all the GCC countries. At individual country levels, both studies showed the rates for Kuwait, Qatar and UAE in the range of 80 and 90 percent, while Oman, Saudi Arabia and Bahrain had lower rates.

Table 3: Global Migrant Stocks and Share in the Population of GCC States, 1990–2017

Country	1990		2000		2010		2015		2017	
	Migrants stock	As % of pop								
Bahrain	173,212	34.9	239,000	36.0	657,856	53.0	704,137	51.1	723,000	48.4
Kuwait	1,074,391	51.2	1,128,000	55.0	1,871,537	62.4	2,866,136	73.6	3,123,000	75.5
Oman	304,000	16.8	624,000	27.5	816,221	26.8	1,844,978	41.1	2,073,000	44.7
Qatar	309,753	65.0	360,000	60.7	1,456,413	81.8	1,687,640	75.5	1,721,000	65.2
S. Arabia	4,998,445	30.6	5,263,000	25.3	8,429,956	30.7	10,185,945	32.3	12,185,000	37.0
UAE	1,306,574	70.2	2,447,000	77.6	7,316,611	88.5	8,095,126	88.4	8,313,000	88.4
Total/Ave	8,166,375	44.8	10,061,000	47.0	20,548,594	57.2	25,383,962	60.3	28,138,000	59.9

Source: Authors Updates based on the International Migration Report, 2017 Highlights & UN DESA data, 2017

15 Except for 2015 and 2017 where Asia has slightly overtaken Europe.

16 UN DESA data are used in this calculations

17 Between 2000 and 2017, Saudi Arabia and UAE have consistently been among the top 15 host countries of international migrants, IMR, 2017

5.2. Contemporary Africa Labour Migration to the GCC States

5.2.1 Trends, Patterns and Characteristics

Migrations from Asia, Africa and bordering Arab countries, in particular, represent the largest sources of migration flows to the GCC states and Gulf region (Valenta & Jakobsen, 2017). With regards to Africa, the size of labour migrants to the GCC states may even be an underestimation given the general lack of accurate and up to date migration data or unwillingness to give information in the GCC countries. Indeed, earlier and current studies have shown that African migrations are being directed towards the GCC states and the Gulf. For instance, Bakewell & De Haas, (2007) found that those moving outside the African continent is not only towards Europe but to the Gulf countries and that of the Americas.

Analysis of UNDESA data¹⁸ showed that between 2010 and 2017, Asia and for that matter Western Asia and the GCC states have been the second largest destination for African migrants. In 2010, about 99 percent of the 3.389 million African migrants in Asia were in Western Asia of which close to 73 percent were in the GCC states. Similarly, in 2017, 99 percent and 77 percent of the 4.43 million African migrants in Asia, were hosted by the region of Western Asia and the GCC states respectively.

The information in Table 4 further attests to the fact that the GCC countries are typical receivers of or destinations for African labour migrants. As shown in Table 4 there has been a consistent increase in the number of African migrants' population in the GCC between 1990 and 2017 which is tandem with the overall global trends. For instance, of the 28.1 million migrants who lived and work in the GCC countries in 2017, about 12 percent were from African. Overall, the countries with the highest number of African migrants in the GCC have been Saudi Arabia, UAE and Kuwait compared to that of Qatar, Bahrain and Oman (see Table 4).

Again, of the total African migrants' stock in the GCC region in 2017, the three most recipient countries hosted about 88.5 percent. This is not by coincidence, given the fact that the three countries are the largest economies in the region in terms of growth and income per capita and thus are better placed to provide employment opportunities which would attract migrants. Omar, 2015¹⁹ argued that the GCC countries are a popular destination for migrant workers primarily due to their high per capita incomes.

Relative to the population, there are significant differences across countries. For instance, on average, 6.2 percent of the GCC states' population were made of African migrants in 2017. However, African migrant population represents 2 percent and 4.4 percent of the respective total population of Oman and Saudi Arabia, low shares compared to the average and perhaps size of their economies especially in the case of Saudi Arabia.

As shown in Table 4, there are much higher percentages in Bahrain and Qatar while the notable countries with the highest shares their population being African immigrants are UAE (11.4 percent) and Kuwait (12 percent) in 2017. The size of the immigrants share in the total population of host countries can have implications for labour market outcomes and integration. All things being

¹⁸ Estimates are from UN DESA database, 2017

¹⁹ Omar Al-Ubaydli (2015), "The Economics of Migrant Workers in the GCC" Arab Gulf States Institute in Washington, Issue Paper #10 (downloaded at www.agsiw.org)

equal, the high presence of African migrants in the populations of UAE and Kuwait can provide welcoming social environment for new immigrants through easy networking and integration and labour market positioning.

Table 4: African Migrant Stocks and Share in the Population of GCC countries 1990–2017

Country	1990		2000		2010		2015		2017	
	Migrants Stock	% of Pop								
Bahrain	28,609	5.8	33,705	5.1	84,209	6.8	95,505	7.0	98,011	6.6
Kuwait	177,443	8.5	158,746	7.7	225,171	7.5	457,057	11.6	498,082	12.0
Oman	23,721	1.3	38,453	1.7	37,339	1.2	94,405	2.2	94,843	2.0
Qatar	18,064	3.8	14,280	2.4	172,171	9.7	195,947	7.9	199,861	7.6
S Arabia	597,326	3.7	628,991	3.0	1007410	3.7	1,217,259	3.9	1,456,184	4.4
UAE	216,754	11.7	347,271	11.0	944,152	11.4	1,104,305	12.1	1,072,657	11.4
All GCC	1,061,917	4.6	1,221,446	4.1	2,470,452	5.5	3,164,478	6.0	3,419,638	6.2

Source: Author's Computation from UN DESA Data, 2018 (Data for 2017)

Over the years and time, Africans' emigration to the GCC states is concentrated in specific countries. Egyptians and Sudanese are reported to be among the largest group of African workers to migrate to the GCC states, especially post the 1973 economic boom (various estimates). Table 5 shows the top 10 migrants sending African countries to the GCC states. As shown in the Table 5, between 1990 and 2017, the growth in the African migrant population towards the GCC countries is mostly caused by movements from Egypt, Sudan and Ethiopia, while a growing contribution also come from Eriteria, Nigeria and South Sudan.

A recent study found Nigeria to be the largest migrant sending country from West Africa to the GCC countries (see Awumbila et al 2014). The particular prominence of some countries such as Chad, Somalia, and South Sudan may be due to the presence of refugees due to their hostile political situation. In addition, in recent times, countries such as Kenya, Ghana, Tanzania and Uganda have also been key sources of emigration to the GCC countries. However, accurate data is difficult to come by. In Kenya and Ghana for instance, authorities are very much concerned about the issue of trafficking of especially women to the Gulf and GCC countries in the midst of the ban. In 2017, the Ghana Immigration Service (GIS) rescued 150 girls between the ages of 18 and 28 that were being trafficked outside Ghana for jobs in the Gulf²⁰. Also, in April 2018, 29 women and girls from Burundi were intercepted by Kenyan authorities attempting to go to Gulf countries via Kenya²¹. Since April 2017 to the time of filing this report, IOM working with relevant agencies of the Nigerian government has assisted over 8,000 stranded Nigerian migrants to return home from transit and destination countries. Close to 90 percent of those returned were Libyan detention camps and the other from neighbouring countries mainly Niger and Mali²². The ITUC/Africa working with Mauritanian, Ugandan and Kenyan trade unions and CSOs have,

20 <https://www.myjoyonline.com/news/2017/july-15th/immigration-service-rescues-150-trafficked-girls.php>

21 <http://edge.ug/2018/04/26/29-burundi-girls-trafficked-via-kenya-as-sex-slaves/>

22 <https://reliefweb.int/report/nigeria/over-8000-nigerian-migrants-return-home-iom-assistance-past-12-months>

since 2015, assisted over 600 abused domestic workers from Saudi Arabia, UAE and Oman to return home and be reunited with members of their families. Most of these cases are with the assistance of fraudulent recruitment agencies and human traffickers that normally lure them with non-existing job or unfulfilled promises.

Table 5: Major 10 Migrants Sending African Countries to the GCC countries

Country	1990	1995	2000	2005	2010	2015	2017
Chad	12,557	11,440	9,300	5,790	6,693	7,156	7,488
Egypt	700,369	732,802	812,226	1,052,392	1,760,225	2,374,997	2,479,365
Eritrea	8,141	8,702	10,428	12,686	24,194	26,045	27,070
Ethiopia	67,206	69,158	72,058	87,713	117,755	138,123	165,603
Morocco	5,099	5,467	6,268	6,582	11,691	12,372	13,704
Nigeria	3,075	3,231	3,814	7,891	18,219	24,864	25,965
Somalia	5,138	5,553	6,793	7,415	13,267	10,930	14,535
South Sudan	5,081	6,433	7,990	8,735	17,190	14,425	20,010
Sudan	252,683	266,270	289,303	342,971	493,680	538,690	656,875
Tunisia	2,568	2,744	3,266	3,955	7,538	8,646	9,023

Source: Compiled from UN DESA database, 2018

Further assessment showed that, the top 10 sending African countries are mainly from the regional blocks of Northern Africa, Eastern Africa, Western Africa and Central or Middle Africa (UN DESA, 2017). Northern Africa made up of Egypt, Sudan, Morocco and Tunisia form the largest source. This is followed by Eastern Africa (comprising of Ethiopia, Eritrea, South Sudan, and Somalia), Western Africa (Nigeria) and Central Africa (Chad) in that order. It has been established that Egyptians and Sudanese are among the major expatriate communities in the GCC states (see Tattolo, 2006).

It shows that that Africa labour migration to the GCC is on the increase, but dominated by Northern, Eastern and Western Africans. While the dominance of North Africa, and to some extent East Africa in the GCC states migration wave may be easy to comprehend due to geographical proximity, religious and cultural factors, it is interesting why the share of West Africa is increasing. These revelations though add credence to early assertions about the diversity of African emigration.

Though, Africa labour migration to the GCC States is reminiscent of the trends and patterns observed in other parts of the world recently, a growing number of the migrants are for temporal employment, while a few are refugees or asylum seekers mainly from countries such as Egypt, Sudan, South Sudan, Libya and Somalia. As Valenta et al., (2017) put it, the oil-rich Gulf countries are well known for their temporary labour-migration systems, which attract millions of economic migrants. Several studies have revealed that that the GCC states recruit large numbers of domestic workers (see ILO²³).

Undoubtedly, an increasing proportion of the African labour migrants are in the domestic work sector and made up of mostly women because of the high demand for women in that sector. It is also the fact that increasingly, majority of the labour migrants are women (see International Migration Report, 2017).

23 <https://www.ilo.org/beirut/areasofwork/domestic-workers/lang--en/index.htm>

In addition, they are dominated by the low skilled and non professionals. Unlike in recent times, African labour migration to the GCC states and Gulf, in the past was largely regular. While reports of migrants' accounts of their passports being seized on arrival in the GCC states support this, previous studies also support this argument. For instance, Schoorl et al., (2000), and Heering et al.,(2000) have suggested that most Africans migrate out of the continent in possession of valid passports, visas and other travel documentation, of which the GCC states should not be an exception.

5.2.2 Drivers of Africa Labour Migration to the GCC States

Over the years, the scale of African emigration has increased while the pattern has also shifted in terms of destinations. Migration, especially labour migration, to the GCC states and other Gulf countries has become a major destination for labour migrants from Africa, and of course South Asia. The push–pull factors for African migration, and migration in other regions, are diverse and dynamic. For instance, the drivers of regular migration is similar to irregular migration (Fernandez, 2017).

Upon a careful analysis of the literature, while conservative analyses have indicated that African migration is driven by poverty and underdevelopment as well as violence, other contradicting interpretations have it that, the processes of development and social transformation have increased Africans' capabilities and aspirations to migrate (Flahaux and Hein de Haas, 2014). These may not be different when it comes to the Gulf.

Based on empirical studies however, regarding contemporary labour migration from Africa to the GCC in particular and the Gulf in general, the drivers though may be interconnected, are largely lack of decent work (low wages and thin and sparse/thin social protection access and coverage) and deep/growing unemployment in many African countries, while the employment opportunities and wage differentials are the pull factors in the GCC states (see Valenta et al. (2017).

The lack of decent work and/or high unemployment especially amongst the youth have been argued to be a major push factor. For instance, a study by Human Right Watch – HRW, (2017) in Tanzania have found that most of the women labour migrants that are moving or have moved to the Middle East, especially Oman and UAE, is because they struggle to find jobs in Tanzania. According to the study, many of them were actually unemployed before they migrated, while others mentioned the meagre earnings working in various sectors of the economy as a reason for migrating. In addition, a 2015 report²⁴ in Ghana indicates that economic reasons is forcing Ghanaians to the Gulf states, while another report in 2016 complemented the earlier assertion–the economic conditions in the country (Ghana) do not favour the teaming unemployed youth.

The youth unemployment situation across most African countries is frightening. In Ethiopia for instance, unemployment rate for people within the age category of 15 and 24 years is 40 percent and the unemployment rate for the people aged 25 years and above is 22 percent (Fernandez, 2017). In Nigeria and Ghana, the rates are about the same. For instance, while the National Bureau of Statistics (NBS) of Nigeria puts the unemployment rate for the youth (15–24 years) to be 25.2

24 For details (<http://citifmonline.com/2015/03/03/economic-reasons-forcing-ghanaians-to-gulf-states-immigration/downloaded on May, 24, 2018>)

percent in the last quarter of 2016, the Labour Force Survey (2015) in Ghana estimated youth unemployment to be about 25.9 percent²⁵.

Another report by the World Bank published in 2016 shows that about 48 percent of individuals between the ages of 15 and 24 in Ghana are jobless. According to AfDB, 2018, in North Africa, youth unemployment rate is three times as high as the total unemployment rate. In fact, the gains in economic growth in Africa hasn't been matched with adequate employment opportunities for the youth. Despite significant increase in economic growth, employment growth has not increased with the same pace as the growth in the labour force (AfDB, 2018). Indeed, the growth is a jobless growth which leads to unemployment and underemployment, and because the youth and women are mostly affected it is by no surprise they form the majority of labour migrants.

Also, it has also been revealed that contemporary migration from West Africa to the Arab world is motivated by economic considerations, including education and religion where the hajj in particular continues to attract large numbers of African Muslims (Pelicana and Tatah, 2009). Social factors have equally been noted as a driver (Fernandez, 2017). A study by Fernandez, (2017) in Ethiopia indicates that visible migrant success of friends, neighbors and peers as well as family pressure are among some of the social factors that push migrants from Africa to the Gulf countries. The report affirmed that strong social ties of the prospective migrant to the Gulf countries is a driver to migration patterns.

Connected to the low wages is the fact that African migrant labour will be relatively cheaper, while the weak regulations is also a key factor. Unlike the Asian countries²⁶ which are the major sources of migrant (domestic) workers in the Gulf states but with more protection through Bilateral Labour Agreements (BLAs), Africa falls short of this. According to HRW, 2017, recruiters are increasingly turning to East Africa where protections are weaker and workers demand cheaper wages as Asians have increased protections and in some cases banned recruitment to the Gulf entirely.

It is widely noted that that most BLAs negotiated by African governments with the GCC states are weak in terms of human and labour rights protection provisions as against the Asian governments that are demanding that GCC states improve protection for Asian migrants. This has led to what observers call "GCC state bluffing of the Asian labour migrants' protection stance" and so retorted to seeking alternative sources of labour supply – Africa. It is this development that partly explains the increase in the number of African labour migrants to the GCC states. It is also a development that is exacerbating the race to the bottom.

Also, there are discussions in the empirical literature that the visa and other immigration restrictions by European states has brought about diversification of African emigration (Valenta et al, 2017). This is may be a major driver and pushing African labour migrants to new destinations such as the Gulf countries. In fact, the desperate youth who have attempted for several times and failed to get to Europe, in some cases through the crossing of the Mediterranean Sea and Sahara Desert, would not abandon the chance to travel to the Gulf.

25 This rate is compared to the total unemployment figure of 11.9 percent

26 Mainly from Indonesia, the Philippines, India, and Sri Lanka

Studies have also been done to assert that environment and climate change effects (such as flooding, draught and wind storms) is also push people to move and migrate. Study²⁷ by Raleigh et al showed that climate change effects trigger and exacerbate vulnerabilities of individuals, communities and economies. Environmental migration is thus one of the coping responses by the affected.

Beyond the push factors, several pull factors have encouraged labour migration to the Gulf from Africa including the job attractions and other opportunities or facilitating factors. For instance, the GCC countries are a popular destination for migrant workers primarily due to their high per capita incomes (Omar, 2015)²⁸, while the booming Gulf economies attracted migrants from Africa (Hein de Haas, 2017). This saw the arrival of African workers to the GCC states, especially Egyptians and Sudanese being the largest group and a lesser extent Eritreans, Ethiopians and Somalis. This is expected as the high incomes per capita from the economic growth would invariably bring about relative higher earnings or wages and attract migrant workers. Several contemporary studies have supported these.

5.2.3 Issues and Challenges of Migrating, Working and Living in the GCC States

The spatial diversification of migration out of Africa to the Gulf countries and especially the GCC states in recent times has not come without challenges. In particular, this new and increasing trend involving economic migrants moving to the GCC has brought to the fore serious concerns in terms of their labour rights and human rights. Broadly, there can be two sides to the problems and challenges faced by emigrants—either they get cheated and exploited in the hands of recruitment agents in processes before departure from Africa or they are abused and cheated by employers, natives and systems of the host countries in the GCC states. For instance, even before migrants leave the shores of Africa, most of them go through deception and exploitation by illegal and unethical recruitment agencies and human trafficking gangs, while others spend many days and/or risks their life on desperate journeys²⁹. In addition, most others go through irregular channels or means such as through trafficking and smuggling. These make migrant workers vulnerable and challenged before they arrive.

A critical analysis of the empirical literature has revealed that the Gulf and GCC states' labour migration from Africa is fraught with various exploitations and abuses. First of all, migrants in desperation to move out of Africa and find employment in the GCC states and Gulf countries mostly approach private recruitment agencies—legal or illegal. Operating illegally in most cases, these agencies indulge in unethical practices³⁰ to exploit innocent prospective migrants by conniving with sponsors. The ILO in 2017³¹ reported cases of Kenyan domestic workers traveling without valid passports. Majority of Ethiopians who migrate to the Middle East and Gulf states

27 http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/SDCCWorkingPaper_MigrationandConflict.pdf

28 Omar Al-Ubaydli (2015), "The Economics of Migrant Workers in the GCC" Arab Gulf States Institute in Washington, Issue Paper #10 (downloaded at www.agsiw.org)

29 Mainstream media expression for migration along dangerous and perilous routes in quest for safe havens and survival.

30 While it is officially the employer/sponsor responsibility to take care of the visa and travel costs of any employee, agencies still charge fees on that as well as forged/improper travel documents, no job description

31 ILO, 2017 The Migrant Recruitment Industry: Profitability and unethical business practices in Nepal, Paraguay and Kenya

travel in dangerous clandestine routes because they work with smugglers that are unlicensed (Fassil Demssie (2018)³².

Lack of pre-departure orientation has been a major challenge prior to migrants moving to the GCC states. This sometimes make migrants unaware of what is expected of them in terms of their rights and responsibilities. For instance, Kenyan migrants in the UAE were found to be more vulnerable because they had limited legal and rights awareness due to lack of pre-departure information (IOM, 2011).

Based on the empirical literature and the investigative work of this study, a significant part of the violations endured by migrants take place in the host gulf and GCC countries. These involve contract alteration or substitution upon arrival, delay in payment of salaries, physical and verbal abuses, excessive working hours and sexual abuse amongst others. Tanzania migrant domestic workers in Oman and UAE were found to face many miseries including excessive working hours, physical beatings, sexual abuse and non payment of salaries (HRW, 2017)³³. The report also indicated the gaps in Tanzania's policies contributed to the exposure of women to such exploitations. Reports of similar abuses have also been extended to Mauritanian, Nigerian, Ugandan, Kenyan and Ghanaian migrants working in the GCC states. The issue of policy gaps or ineffective regulations in most of these countries can also be cited as a reason for such abuses migrants faced abroad, both have taken some bold steps to temporarily ban recruitment of workers to the Gulf with the aim to review it so as to better protect migrants.

Migrant workers, especially the women are made to work for long hours. Women working as domestic workers in the Africa-GCC states corridor are reported to work on average for 115 hours per week. Migrant men in the Africa-GCC states corridor working in the construction sector mostly work for 70 hours (ILO, 2017). This is far higher than the standard working hours of 40 hours per week.

Many domestic migrant workers from Ghana, Uganda and Ethiopia are subjected to harsh working conditions and abuse of human rights including confiscation of passports, unpaid and underpaid wages, working for longer hours and sexual violence especially for women domestic migrant workers. A study conducted by Jamie and Tsega (2005) found out that Ethiopian women working as domestic workers in the Gulf countries suffer greater degrees of gender-based violence, underpayment and trafficking and other forms of human right abuses. They argued that most of these Ethiopian women are illiterate, irregular and low skilled workers who are employed in unregulated private sectors in the Gulf countries which makes them vulnerable to harsh working conditions and human right abuses of all forms. The investigative component of this study confirmed the existence, continuous and severity of these abuses on African migrants in the GCC states.

Whilst wage gaps are partly explained by education, working experience or level of skills, occupation and other labour market information, significant wage gaps that exist between migrant workers and the locals is explained by discrimination against migrants (ILO, 2017). Data on wage gap between African domestic migrant workers and other domestic migrant workers

32 Fassil D (2018) Ethiopian female domestic workers in the middle east and Gulf states: an introduction, African and Black Diaspora: an international journal @ <https://doi.org/101080/17528631.2017.1495518>

33 Working Like a Robot: Abuse of Tanzania Domestic Workers in Oman and the UAE at <https://www.hrw.org/news/2017/11/14/Tanzania-domestic-workers-oman-uae-abused>, downloaded on

or domestic local workers in the Gulf countries is difficult to obtain or do not exist. However, a study conducted by Alkarib (2016) found out that women domestic migrant workers from Africa to the Gulf countries are the lowest paid among other domestic migrant workers from Philippines, Indonesia and Sri Lanka. They argued that the wage gap is due to the discrimination against African migrants in the Gulf countries and the Middle East.

5.3 Overview of Labour Migration Governance

A desirable international order for labour migration would be one where those who migrate to different countries will enjoy full human rights and labour rights. At least, and especially in destination countries, concrete and mutually reinforcing legislations and policy mechanisms and their effective implementation are key to empower and protect migrants.

However, past and current experiences in terms of the protection of the labour rights of emigrants during the recruitment process and working in destination countries especially in the Arab Gulf region and the GCC states have not measured up to international standards. The respect for human and labour rights of African migrants to the GCC states worsen where sending countries have weak policies and practices concerning labour migration.

There are a number of international, regional and national legal, normative and institutional structures that exist and recognized to govern and provide protection focusing specifically on labour migration. The challenge, however, has been the lack of policy measures at country levels and non adoption or respect of global standards and/or their effective implementation. This section of the study presents a brief analysis of the key legislations as well as the policy and institutional frameworks relevant to the regulation of international labour migration. It focuses on both the international standards and case study countries policies, laws, regulations and administrative procedures that govern international migration.

5.3.1 International Legal and Policy Frameworks.

At the global level, several systems and standards are applied in the regulation of international migration. Most of the standards are prescribed in the form of conventions, recommendations, protocols and declarations to protecting and promoting migrant workers' rights and ensuring non-discrimination against them. There are 3 key international conventions set by the UN and ILO systems³⁴ that directly cover many aspects of migration and migrant workers. In the case of the UN, the foremost and principal international standard on migrant workers' rights is the **1990 United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (known as the UN Migrant Convention), which entered into force in 2003. Other UN related and relevant conventions are: *the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1969)*, *the Convention on the Elimination of All Forms of Discrimination against Women (1981)*, and *the UN Protocol to Suppress and Punish Trafficking of Persons, especially women and children (ICERD, 1969)*, which in particular, contains an international framework of non-discrimination which applies directly to migrant workers and guarantees broad non-discriminatory access to rights similar to nationals in a host state.

34 These are legal and binding instruments linked to migrants.

On the other hand, the key ILO conventions dealing with the rights of migrant workers include the Migration for Employment Convention (Revised) 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143)³⁵. Convention No.97 and Convention No.143 mutually reinforces the UN Migrant Convention, 2003. The two instruments constitute a framework of complementary international standards that recognise and guarantee the rights of migrant workers in countries of origin, transit and destination. Indeed, Convention No. 143³⁶ actually complements Convention No. 97 which applies to the whole labor migration space from entry to return, including the conditions governing the orderly recruitment of migrant workers.

As at June, 2018, Conventions No.97 and No.143 have been ratified by 49 and 23 member states respectively. Also related are the Domestic Workers Convention (No. 189)³⁷ and the Private Employment Agencies Convention (No. 181). The former essentially aims to protect the rights of women workers in domestic employment (majority being migrants) and have specific provisions on recruitment, while the latter specifies the standards for the recruitment and employment industry. The respective conventions have received 25 and 32 ratifications by member states. Other equally related instruments are the Forced Labour Convention, 1930 (No.29) and Protocol of 2014 (PO29) to the Forced Labour Convention, 1930 both of which have received 178 and 24 ratifications.

It is important to add that, besides the above specific standards that deal with labour migrants' rights, there are other legally binding instruments and policy frameworks that have some scope of coverage for migrants. For instance, most of the key ILO social security conventions: the Social Security (Minimum Standards) Convention (No.102), the Equality of Treatment (Social Security) Convention 1962 (No.118), the Maintenance of Social Security Rights Convention, 1982 (No.157), and the Equality of Treatment (Accident Compensation) Convention 1925 (No.19) have specified some scope of coverage irrespective of nationality. Some have also included general clauses on equality of treatment between nationals and foreign workers and non-discrimination sections, though with some exceptions and conditions.³⁸ Most importantly, Convention No.118 has outlined specifically social security rights of migrant workers. For instance, it requires a state party to guarantee equality of treatment³⁹ to social security provisions for migrant workers for any or all of the 9 branches of social security which it has in force in its territory and for which it agrees to be bound.

Regarding Convention No.157, it had provisions to ensure and promote maintenance of acquired social security rights (or rights in the course of being acquired) when workers move from one country to another and also to ensure that rights acquired by workers can be exported to them in their home or other countries. Convention No.157 also promotes bilateral and multilateral social security agreements to ensure such rights are realised and provides model provisions to assist

35 Key ILO recommendations related to migrant workers include Recommendations 86 and 151.

36 It concerns migrations in abusive conditions, including irregular migration, and the promotion of equality of opportunity and treatment of migrant workers.

37 Seek to address the long-standing inequities faced by migrant domestic workers by establishing a comprehensive, international legal framework which acknowledges the right of domestic workers to decent working and living conditions.

38 See for instance section 68 of ILO Convention 102 Social Security (Minimum Standards) Convention

39 The equality of treatment provision is dependent upon the home country of the migrant also being a party to C118 and specific conditions regarding use of public funds. The Convention adopts specific standards to ensure migrants can maintain social security rights and export such rights out of a territory.

states to conclude such agreements. The challenge with No. 157, just like No. 118, is that rights only apply to nationals of States who are also party to No.157. In addition, Convention No.19 has embedded migrant social security to ensure that migrant workers are not discriminated against in comparison to nationals of a host state, as long as their home state has also ratified, in terms of work accident compensation rights. The convention also contains provisions for the export of such benefits abroad. Finally, the Maintenance of Migrant's Pensions Rights Convention 1935 (No.48) deals with specific issues relating to migrant workers and pension rights/portability.

It is important to state that, most of the specific international conventions dealing with migrant workers have provisions on migrant workers' rights to social security and protection which is an important ingredient to work. For instance, Article 27 and 28 of the 1990 UN Migrant Convention have provisions in that regard. Article 27 specifically deals with all migrant workers' (documented or undocumented) rights to social security. It, however, stated that '(1) with respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfill the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties...; (2) Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances'.

Similarly, Article 28 states: 'Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned'⁴⁰

...'. Similarly, the ILO key conventions on migrant workers, No. 97 and No.143 contain specific clauses on rights to social protection for migrant workers. Article 6 of No. 97 states that, with conditions as to maintenance of rights and public funding, 'Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which applies to its own nationals in respect of ... (a) (iii) accommodation; (b) social security.' Likewise, No. 143 has in Article 9 and Article 10 similar provisions for 'social security.'

This is in spite of the fact, such an exercise will inform regional and national policy agendas on migration. Globally, as of June 2018, Convention No.97 had received 49 ratifications while Convention No.143 had 23 ratifications. Also, 23 ILO members have ratified Convention No.189.

In Africa and the GCC states, the ratification is uneven and very low. For instance, only 10 countries (including Nigeria and Kenya) had ratified Convention No.97 while Convention No.143 is made

⁴⁰ Specifically with regard to documented migrant workers, Articles 43 and 45 mandates states to ensure equality of treatment for migrants and their families in relation to access to housing, social housing schemes, social and health services, unemployment benefits and unemployment services, providing conditions are met and subject to immigration terms.

up of 7 countries with Kenya and Uganda included⁴¹. Only 3 countries have ratified Convention 189. Regarding the GCC countries, except for Convention No.29, none of the other conventions⁴² have been ratified by any member country. This situation is not encouraging, given the fact that for real good governance to exist and for opportunities for the protection of the rights of migrants preserved, national policies, laws and regulations are to be reflective of the international standards endorsed and respected.

There are other policy frameworks and declarations that regulate or guide migration governance. A key instrument is the ILO 1998 Declaration on Fundamental Principles and Rights at Work. It is must be stated that, the Preamble of the ILO's Constitution states that the ILO shall have the task of protectiing "the interests of workers when employed in countries other than their own." Therefore, in 1998 the ILO adopted its Declaration which made specific reference to the protection and promotion of the rights of migrant workers as of pressing importance and interest. Following this, in 2004 the ILO also adopted a Resolution concerning a fair deal for migrant workers in a global economy.

Further, the ILO, in 2007, agreed on a **Multilateral Framework on Labour Migration** as a guide and best practice for ensuring regulation and protection of migrant workers⁴³. Another relevant framework is the 2014 ILO's Resolution concerning a fair deal for migrant workers (i.e. Fair Migration Agenda) in a global economy. The 2014 Resolution had 8 broad priorities and largely stresses the need for 'Comprehensive national approaches to improving social welfare and social inclusion and cohesion in the context of labour migration...' Entering into bilateral or multilateral agreements to provide social security coverage and benefits to all migrant workers, both regular and irregular, was promoted and the resolution encouraged facilitation of economic, social and cultural integration of migrant workers and their families into host societies.

In addition, the ILO's Multilateral Framework on Labour Migration, which has 15 broad principles, suggests that as a guideline all states should consider, (section 9.9.) Entering into bilateral, regional and multilateral agreements to provide social security coverage and benefits, as well as portability of social security entitlements, to regular migrant workers and, as appropriate, to migrant workers in an irregular situation.... (Section 9.10) Adopting measures to ensure that migrant workers and accompanying members of their families are provided with access to health care.'

Finally, other policy frameworks are **the ILC 2017 Fair and Effective Labor Migration Governance conclusions** (with 10 priorities for action) and **the ILO General Principles and Operational Guidelines for Fair Recruitment**. While the former has 10 priority areas such as social protection, fair recruitment, skills development, BLAs & MLAs and data, the latter is intended to orientate implementation at all levels by way of guiding to address responsables of specific actors in the recruitment process while it also has in it possible interventions and policy tools.

41 Ratification is as follows: (i) C97–Algeria, Burkina Faso, Cameroun, Kenya, Madagascar, Malawi, Mauritius, Nigeria, Tanzania/Zanzibar and Zambia; C143–Benin, Burkina Faso, Cameroun, Guinea, Kenya, Togo and Uganda
42 C97, C143, C189, and C181 PO29
43 Section 9 states that 'All international labour standards apply to migrant workers, unless otherwise stated.'

In the last couple of years, the world has also made bold political steps and initiatives towards building an inclusive policy that benefits all workers including migrants. One of such is the 2030 Agenda for Sustainable Development, which is prescribed in 17 Sustainable Development Goals (SDGs). In particular target 8:8 of SDG 8⁴⁴ has a key link between decent work and migration with the priority to “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. Another critical and opportune global initiative is the Global Compact on Safe, Orderly and Regular Migration (GCM) which is being developed through the processes of negotiations and consultations. When finalized, it holds important promise to strengthen the governance of migration. The GCM is one of the outcomes, when the UN member states adopted the New York Declaration for Refugees and Migrants in September, 2016 and is expected to be adopted late 2018.

5.3.2 Institutional and Policy Frameworks on Migration in Africa

This section sketches, in summary, the existing frameworks, treaties, protocols and consultative processes as well as programmes that guide the management and governance of migration in Africa. The discussion covers frameworks at the African Union (AU) level and at the level of the key Regional Economic Blocks or Communities (RECs). This is because in Africa, regulations and policies as well as institutions that govern international and cross border migration are largely set within the African Union (AU) and Regional Economic Communities (RECs) systems. Such frameworks including agreements, protocols and policies that regulate migration operate within the international commitments.

At the continental level, the AU and the United Nations Economic Commission for Africa (ECA), as well as the International Labour Congress and now the International Organisation (ILO) for Migration (IOM) are the key institutions for governing migration and complemented by the RECs. It is important to recall that, the free movement of people across borders, most especially the migration of labour has been far too long recognised by Africa as paramount to enhancing both regional and continental integration. It is in the quest to achieve these that, right after independence by most countries, the AU and the United Nations Economic Commission for Africa (ECA) emerged.

One of the concrete outcomes of the AU creation was the Abuja Treaty⁴⁵ (1991) which subsequently facilitated the setup of the African Economic Community (AEC). Currently, the existing policies and institutional mechanisms to guide and govern migration in Africa include two key policy frameworks: the AU Migration Policy Framework for Africa (MPFA⁴⁶) in 2006 and the African Common Position on Migration and Development (ACPMMD) in 2006. Complementing the two is the Joint AU/ILO/IOM/ECA (JLMP) programme on governance of labour migration adopted in 2015 by African Heads of State and Government.

44 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

45 The treaty urged African countries to adopt employment policies that will foster free movement of persons and exchange of available skilled manpower. It was envisioned that this would promote regional cooperation and integration on the continent.

46 Is a non-binding framework and guides governments and RECs in the formulation of their national and regional migration policies?

The MPFA and ACPMD, as well as the recently adopted Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment form the basis through which the AU defines its approach to migration⁴⁷. These were formulated out of the need for a comprehensive migration strategy for Africa and based on country differences. The (JLMP)⁴⁸, on the other hand, intends to foster development and integration in Africa in cooperation with Africa's Regional Economic Communities (RECs) and the engagement of social partners, notably workers and employers organisations. One of the initiatives under the JLMP to consciously address labour migration in and out of Africa, is the creation of the African Union Labour Migration Advisory Committee (AU-LMAC). It was inaugurated in May 2018. The AU-LMAC has RECs, social partners, diaspora and relevant stakeholders as members.

In addition to the Continental frameworks, the formation of regional economic groupings or communities (RECs) throughout the Western (Economic Community of West African States – ECOWAS), Southern (Southern African Development Community–SADC), Northern (Arab Maghreb Union), Eastern (East African Community – EAC), Central (Economic Communities of Central African States – ECCAS) as well as Common Market for Eastern and Southern Africa (COMESA) had migration policies that have been critical in governing especially international labour migration. Other key frameworks and efforts, especially against smuggling of migrants and trafficking in human beings are guided by the Ouagadougou Action Plan⁴⁹, the AU Commission Initiative against Trafficking which was adopted in Tripoli, November 2006 by AU–EU Ministers and the Khartoum as well as the Rabat processes⁵⁰.

At the regional or sub–regional level, there are key migration related frameworks. The focus here, however, is on ECOWAS, SADC and EAC due to the fact that other regional organizations such as COMESA and Intergovernmental Authority on Development (IGAD) are overlapping, while the Arab Maghreb Union appears not to have concrete migration policies.

In West Africa, the Economic Community of West African States (ECOWAS) currently has many official policy documents on migration for all member states, including a regional migration policy framework. This is drawn from the the ECOWAS 1979 Protocol (A/P1/5/79), and for that matter the Treaty, on the Free Movement of Persons, The Right of Residence and subsequent supplementary Protocols. It is important to state that, the treaty which formed the basis for the creation of the regional body, had a clear agenda implicitly though on labour migration. For instance, while the treaty has enjoined member states to allow for free movement of persons for the purposes of residence and engaging in any economic activity without any hindrance, the revised treaty and supplementary articles seek to address free movement and migration (see Article 59, ECOWAS Revised Treaty 1993, Page 36).

47 The first approach to migration is based on the realization that, migration issues will be topical in the 21st Century and will come with socio–economic and political challenges for migration governance and management in Africa

48 The JLMP intends to support effective governance of labour migration and protection of migrants which will assist in the development potential of labour and skills mobility in the continent.

49 Adopted in Tripoli, November 22–23, 2006 by the ministerial conference on migration and development

50 For details see <https://www.iom.int/eu-horn-africa-migration-route-initiative-khartoum-process> and <https://www.iom.int/euro-african-dialogue-migration-and-development-rabat-process>

Further, in addition to several direct and binding protocols⁵¹, the ECOWAS Travel Certificate, Common Currency, Passport and Brown Card, Motor Vehicle Insurance Scheme, are initiatives with the intention to among others promote migration in the region. Subsequently, several other documents from the region have reinforced the relevance of free movement and migration for full integration. These include the 2006 ECOWAS regional strategic document, the 2008 ECOWAS Common Approach on Migration, the ECOWAS Strategic Plan 2011–2015, ECOWAS Guidelines for the harmonization of migration data management in the region as well as the 2012 ECOWAS General Convention on Social Security.

ECOWAS has since put in place a Free Movement and Migration Programme (FMM⁵²) aimed at assisting her to accelerate the implementation of the protocol. Also, the bloc has, in 2001, set up Migration Dialogue for West Africa (MIDWA)⁵³ – a tripartite plus social dialogue mechanism that evolved from the Regional Consultative Process (RCP) it initiated in 2000 in collaboration with IOM. MIDWA is intended as a mechanism to further accelerate the effective application and implementation of the provisions of the protocol. The FMM and MIDWA deal directly with labour mobility issues of ECOWAS citizens within and outside the region as well as focus on how to deal with migration push factors.

In Southern Africa, the 2014 SADC Labour Migration Policy Framework is the official policy and focused document on labour migration governance. This is in addition to already existing frameworks such as the the SADC treaty (2001) and the Protocol on the Facilitation of Movement of Persons (2005). The Protocol aims to meet the objectives of the SADC treaty which calls for the development of capital and labour, goods and services, and of the people of the region generally, among Member States⁵⁴. The Labour Migration Policy was developed through extensive consultation and involvement of all key social partners and stakeholders after a tripartite group discussed priority areas on labour migration and agreed to formulate the policy. In addition to the existing protocols and action plans, member States are expected to follow the labour migration framework to manage migration in the region and in thier respective countries.

It must be stressed that, the Visa Protocol (1984) and the Protocol on the Free Movement of Persons, Services, Labour and the Right of Establishment and Residence (2001), the two key policies driving migration issues in COMESA⁵⁵ are also instruments that guide SADC members and which they are committed to, just like that of East African Community (EAC) member states. SADC also has her social dialogue mechanism – Migration Dialogue for Southern Africa (MIDSA⁵⁶) since 2000 – for facilitating broad stakeholders participation in the implementation of the bloc’s migration policy.

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- 51 1985 Supplementary Protocol A/SP.1/7/85 on the code of conduct for the implementation of the Protocol on Free Movement, Right of Residence and Establishment
1986 Supplementary Protocol A/SP.1/7/86 on the second phase (Right of Residence) on the Protocol on Free Movement, Right of Residence and Establishment
1989 SP A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment and
1990 Supplementary Protocol A/SP.2/5/90 on implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement, Right of Residence and Establishment .
- 52 <https://fmmwestafrica.org/>
- 53 <http://www.ecowas.int/ecowas-moves-to-address-migration-challenges-in-the-region/>
- 54 For details see (SADC Website: <http://www.sadc.int/about-sadc/overview/sadc-commonagenda>).
- 55 COMESA stands for Common Market for Eastern and Southern Africa and currently comprised of 19 member states
- 56 <https://www.iom.int/migration-dialogue-southern-africa-midsa>

In the EAC, there is no regional migration policy framework. However, member states are guided by the Community Treaty that was signed by members and came into force in 2000 which is also complemented by especially the common market protocol entered into in 2009. Both of these have provisions on migration issues. In the treaty (in Art 104), emphasis is made on free movement of persons and labour services as well as rights of establishment and residence. Similar issues are captured within the common market framework with protocols to guide the mgt of migration issues. In particular Kenya and Uganda and South Sudan who are also in IGAD are guided by such frameworks. IGAD⁵⁷ has a migration policy that was adopted in 2012 by the 8 member countries. All these, though are mechanisms to guide and manage migration flows amongst member states. In North Africa, especially the Arab Magreb Union, there is no official regional framework to manage migration.

Labour migration from Africa to the GCC states or other regions is considered an important tool to address labour market shortages of the receiving states while meeting the economic aspirations of migrants and their individual and specific source countries. To protect and empower migrants as well as enhance the development potential of labour migration for both the source and host, good governance through the right legislations, institutions, policies and practices are essential before migrants leave Africa, during their stay and work in the destination GCC countries, and even after they return home.

It is a fact that regional migration governance frameworks are key building blocks to a full continental and global progress on migration. What is, however, observed within in the internal system is that, while others have made progress, others are yet to adopt migration policies and implement them. As a result individual countries apply their own laws. There also appears to be reluctance on the part of some countries to adopt and implement even though the instruments exist. This either had to do with some provisions of the instruments being in conflict with national policy interests or they want to remain restrictive for the sake of security. More needs to be done to deepen the commitment at these levels if we are to have an improved system at the continental level and better arrangements with other regions for the protection of African labour migrants.

5.3.3 National Legislation and Policies on Migration: Ghana, Kenya, Nigeria and Uganda

This section describes the existing legal, policy and institutional frameworks as well as programmes that govern migration in the case study countries of Kenya, Ghana, Nigeria and Uganda. These range from the different mechanisms at the level of government, non state actors including UN agencies and international partners. A summary of the recruitment system is also given.

57 IGAD member states come from 3 regions: Horn of Africa (Djibouti, Ethiopia, Somalia and Eritrea) Nile Valley (Sudan and South Sudan) and Great Lakes (Kenya and Uganda)

a. National Legal, Policy and Institutional Frameworks

Kenya

In Kenya migration-related responsibilities are allocated among a number of Key ministries and public agencies. These include the Ministry of Labour, the National Employment Authority (NEA), Ministry of Foreign Affairs, Kenya Immigration Service, and Kenya Revenue Authority. Regarding international migration especially for work, every institution play a role to regulate and monitor the activities of private employment agencies, facilitation of travel abroad or into Kenya and the protection and promotion of migrants' rights. The legal frameworks for the regulation of various facets of migration in Kenya comprise of the Labour Institutions Act (2007) and its accompanying legislative instrument (General Regulations, 2014), the Employment Act (2007) and the Counter Trafficking in Persons Act, (2010). Kenya has also ratified and incorporated international instruments such as the ILO Conventions No.97 and No.143 into its national legislations to improve migration management and strengthen the protection of the rights of migrant workers.

Regarding a policy framework, Kenya currently does not have an adopted national migration policy and labour migration policy frameworks to guide the management of migration. What exist are draft copies that are yet to be finalised and passed. Kenya has however formulated diaspora policies having recognised the need to engage the Diaspora. In addition, in 2017 and 2018 for instance, the Government of Kenya has respectively negotiated Bilateral Labour Agreements (BLAs) with Saudi Arabia and the UAE to help improve the rights of its nationals working in those countries, while an earlier one in 2012 was entered into with Qatar.

Ghana

The key policy document that drives or is expected to drive the management of migration in Ghana, is the National Migration Policy (NMP⁵⁸) which was launched in 2016. The policy goal is to promote the benefits and minimize the costs of internal and international migration through legal means with the rights and security of migrants well-respected to ensure Ghana's socio-economic development. The NMP was guided by a host of principles from related UN and ILO standards, AU migration frameworks for Africa which included the protection of migrant rights, facilitation of migrants' equality, ECOWAS frameworks and adherence to the 1992 Constitution of Ghana. In terms of institutional responsibilities of managing migration, it is assigned to the Inter-Ministerial Steering Committee on Migration (IMSCM). This is under the leadership of the Ministry of Interior and include the Ministry of Employment and Labour Relations, Ministry of Foreign Affairs. A National Commission on Migration (GNCM) to implement the actions as set out in the NMP is yet to be established.

As at the time of writing, Ghana is in the process of formulating a labour migration policy which will provide comprehensive guidelines on labour emigration. In addition, processes are under way, through the work of the National Development Planning Commission (NDPC), to map out strategies of mainstreaming the NMP as well as continental and regional migration frameworks into the medium to long term national development framework. Diasporas policy? The legal frameworks that formed the basis for regulation of migration include the 1992 Constitution of

58 The main objective of the NMP is to promote a comprehensive and sustainable approach to migration management which will enhance the potential of migration for Ghana's development.

Ghana which guaranteed the rights of Ghanaians to migrate as well as the right of all persons to move freely within the country, the Labour Act, 2003 (Act 651), Labour Regulations, 2007 (L.I. 1833), Migration Act, Trafficking Act. Ghana is yet to sign and ratify key migration Conventions such as C97, C143, C181, C189, but it has signed and ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2003.

Nigeria

Migration and labour migration are regulated mainly by the following ministries and agencies: Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Labour and Productivity, Nigeria Immigration Service, Nigeria Commission for Refugees, Migration and Internally Displaced Persons (NCFRMI), National Agency for the Prohibition of Trafficking in Persons (NAPTIP).

Nigeria has developed Migration and Labour Migration policies to enhance her migration governance. NMP (2015)⁵⁹ recognises the need for a national labour market assessment, to regulate and monitor the activities of private employment agencies, and aims at limiting the promotion of employment abroad to sectors of the economy where migration does not impede national economic and social development. It also envisages measures to protect migrant workers before their departure and in the various countries of destination.

LMP⁶⁰(2014), the labour migration policy provides comprehensive guidelines on labour emigration (as well as on immigration), recognises the need for a national labour market assessment; provides for how recruitment agencies should be regulated; acknowledges that migrants make important contributions to revenue through remittances, thus it noted that mechanisms on capturing migrants' contributions in the national accounting process should be developed; it also believes that remittances collection should be organised in ways that encourage the use of more formal channels. Equally important is that the policy calls for the protection of migrant workers and the conscious engagement of social partners and other important stakeholders in the effective national governance of labour migration.

The country also has a law, the NAPTIP Act⁶¹ that seeks to address human trafficking, which is one of the ills that is a common and growing phenomenon in migration and labour migration. The levels of application and implementation of these pieces of legislation are posing concerns for stakeholders such as the trade unions.

Uganda

Uganda has a good number of legislation regulating labour emigration. The 2005 Employment (Recruitment of Ugandan Migrant Workers Abroad) Act⁶² is the chief legal framework regulating labour emigration by Ugandans. The Ministry of Gender, Labour and Social Development is the lead ministry supervising labour migration. The Ministry of Internal Affairs and that of Foreign Affairs and other relevant agencies such as the Uganda Immigration Service are active players in migration governance for Uganda. The country is one of the East African countries like Kenya, Tanzania and Ethiopia that has Bilateral Labour Migration Agreements (BLMAs) with a number

59 https://publications.iom.int/system/files/pdf/national_migration_policy_2015.pdf

60 http://publications.iom.int/system/files/pdf/national_policy_labour_migration.pdf

61 <http://lawnigeria.com/LawsoftheFederation/TRAFFICKING-IN-PERSONS-%28PROHIBITION%29-LAW-ENFORCEMENT-AND-ADMINISTRATION-ACT.html>

62 <https://ulii.org/node/23682>

of GCC states, notably Saudi Arabia, UAE and Qatar. Oman, according to our investigation, is a growing and attractive labour migration destination to Ugandans and it is equally one of the destinations for human traffickers of Ugandan women.

Uganda has an Act to deal with trafficking in persons⁶³. Again, the extent of the application and implementation remain issues of concerns to trade unions given the stories of horrors Ugandan women go through in the hands of human traffickers. Uganda places importance on the remittances of labour emigrants and has a number of policies⁶⁴ to regulate and promote remittances.

b. Recruitment Practices and Regulations

In Africa, recruitment of labour migrants to work abroad is primarily handled by Private Recruitment or Employment Agencies (PEAs). This is a multimillion dollar industry involving the agencies, employers, prospective migrants or migrants and sometimes brokers or middle men across various countries. In spite of the fact that the sector is expected to be facilitated and regulated by policies and institutions at the national level and International legal instruments there is widespread operation by illegal and/or unlicensed PEAs, while those licensed and operating legally sometimes do not comply with existing regulations.

In Ghana, international recruitment industry and PEAs operations which includes their licensing, recruitment of workers and placement, is under the institutional mandate of the Labour Department (LD) of the Ministry of Employment and Labour Relations (MELR). The LD works in close collaboration with the Ghana Police Service and GIS under Ministry of Interior and Ministry of Foreign Affairs. One of the core functions related to the recruitment of migrant workers is: licensing and monitoring the operations of PEAs. Records at the LD show that a total of 38 PEAs are registered and licensed to operate as both local and international agencies as at June 2018. Regarding the specific legal and policy frameworks, the Labor Act, 2003 (Act 651)⁶⁵ and the Labour Regulations, 2007 (L.I.1833⁶⁶) form the basis for the regulation of PEAs operations, especially the recruitment process and industry in Ghana. In particular, part II section 7, subsection (1) to (8) of Act 651 talk about registration of PEAs and the requirements for their existence and operations. On the part of Labour Regulations, 2007, regulation 3 gives the specific guidelines for registration and operation, while regulations 27 to 37 provide the specific requirements on foreign employment from recruitment, screening and placement. Ghana has not ratified relevant international legislations related to recruitment and placement of workers abroad such as the Private Employment Agencies Convention, 1997, (C181) and its accompanying recommendation (No.188), and the 2014 protocol to the Forced Labour Convention, 1930 (No.29). The latter⁶⁷ had more to say about foreign recruitment and demands that measures be taken to prevent forced and compulsory labour.

63 <http://www.mia.go.ug/sites/default/files/download/Prevention-Trafficking-Persons-Act-2009.compressed.pdf>

64 https://www.bou.or.ug/bou/bou-downloads/acts/supervision_acts_regulations/FX_Regulations/FXRegulatns2006.pdf

65 www.melr.gov.gh/wp-content/uploads/2015/12/LABOUR-ACT-2003.PDF downloaded on June 14, 2018

66 www.melr.gov.gh/wp-content/uploads/2015/12/Labour-Regulations-2007.pdf downloaded on June 14, 2018

67 The new protocol states that measures to be taken shall include, "protecting persons, particularly migrant workers from possible abusive and fraudulent practices during recruitment and placement process"

Most of these migrants are females recruited for domestic work because of the huge demand for domestic workers in the region and also the fact, recruits are by policy not supposed to pay anything. However, a number of the licensed firms charge huge fees especially when brokers are involved, while firms recruiting without license is far higher with many other exploitations.

Since 2017, the Ghana government has placed a ban on recruitment of workers to the Gulf States, and at the time of this study the ban is still in force. Though temporary, the ban is part of measures including a freeze on issuing of licenses to recruitment agencies, to address the various abuses faced by Ghanaians working in the Gulf region. A committee has also been set up to review the situation and fashion out the way forward for the activities of the recruitment industry. Despite these, some PEAs are violating the ban on recruitment of workers to the Gulf region.

Kenya, like Ghana, has a huge recruitment industry which has existed for many years. Reports⁶⁸ show that many of the recruitment agencies, both licensed and unlicensed have shifted and focused their activities to the Gulf. This is attributed to a growing number of Kenyans as well as nationals of neighbouring countries using Kenya to migrate to the Gulf. Trace Kenya observe that over 70 percent of the international recruitment in Kenya is for domestic work and the major towns of concentration are Nairobi, the capital city and Mombasa at the coastal region. The Ministry of Labour puts the number of licensed PEAs at about 100 and only 65 firms have been accredited and authorized to place workers in jobs abroad⁶⁹, while number and scale of unlicensed and illegal recruitment and placement is huge.

Together, the Ministry of labor, the National Employment Authority (NEA), Kenya Revenue Authority. In addition, the Labour Institutions Act (2007) and its accompanying legislative instrument (General Regulations, 2014), the Employment Act (2007) as well as the Counter Trafficking in Persons Act, (2010) together form the basis of the legal framework regulating recruitment industry in Kenya. In addition, while Kenya is yet to ratify the Private Employment Agencies Convention, 1997, (C181) and its accompanying recommendation (No.188), it has ratified the 2014 protocol to the Forced Labour Convention, 1930 (No.29) to guide the operations and further strengthening of their national systems.

The activities of private labour recruiters in Kenya for jobs abraod has been a long standing concern to the government. Their bad practices in Kenya which include deception about nature and conditions of job, charging unapproved fees and improper travel documents lead migrant workers to various mistreatments by employers in the Gulf. To properly regulate the industry and curb the numerous challenges, in 2014 a ban was imposed placed on the industry and followed by the establishment of a task force⁷⁰ to review the framework of foreign employment and labour migration management and proffer solutions.

For Nigeria, the Ministry of Labour and productivity register and licence private recruitment agencies to carry out local and international labour recruitment. It has been observed that registration as one of the means of facilitating regulation has been seen as the main efforts of the government to keep tabs on the activities of the PEAs. Supervision and inspection of the activities of the PEAs remain weak. This is partly responsible for the proliferation of illegal PEAs.

68 Interview with KHUDIAHA of COTU, Kenya officials, May 2018

69 Interview with NEA officials, May 2018 and statement by Labour Cabinet Secretary–Yatani in Daily Nation news paper, May 8, page 12.

70 Foreign Employment Taskforce.

Investigation also revealed that quite a number of registered PEAs are involved in exploitation of potential labour migrants. Quite a number of the PEAs registered or illegal pose as fronts for human smuggling and trafficking rings.

In spite of the growing outcry by Nigerian migrants on ordeals in the GCC States, there is no known state response as at yet. Uganda has a similar arrangement to that of Nigeria with respect to registration of PEAs. Uganda suspended issuing labour export visas to Saudi Arabia in January 2016 in response to reports of violations of the rights of Ugandan migrant workers⁷¹. Interestingly, on 31 December 2017, Uganda signed another labour agreement with Saudi Arabia with the claims that the new agreement is an improvement on the previous one.

There is a growing tendency of human trafficking gang in Uganda who specialise in recruiting migrants' right from the passport office and taking them to the GCC States, notably Oman; UAE and Saudi Arabia for forced labour activities mainly prostitution and domestic work. Investigation under the study revealed that this gang or gangs use Nairobi, Kenya as departing city and Ethiopian Airline as the airline for transportation to the GCC States.

Equally important for consideration is the growing role and use of the internet and social media for recruitment of labour migrants, as well as for the facilitation of human trafficking, child abuse and slavery practices. For some of the workers spoken to, quite a number alluded to getting information from the internet. Our search on the internet revealed that there are lots of recruitment adverts and interest groups on Facebook seeking to attract Africans to work outside their countries, in the GCC States. Most of these adverts and information on the internet and social media make "huge and attractive" promises that would easily tempt online surfers, especially prospective migrants to want to contact them. Recruitment agencies also use "online canvasers" and migrant workers trying to recruit prospective migrants and each other respectively. The online recruitment activities are largely less regulated and difficult, but not impossible to manage so as to prevent human trafficking, slavery, forced labour and other labour rights abuses.

5.3.4 Overview of Labour Migration Governance in the GCC Countries

A universal practice or policy framework sort of in the GCC states that guides the regulation of workers is the use of separate laws for private sector employees who are mostly foreign or migrant workers while the management of migrant domestic workers is under the Kafala (sponsorship) system. This system gives employers (kafeels or sponsors) and the government extraordinary control over migrant workers legal status (worker's entry, residence and exit). The demand for workers services in most cases is done through intermediaries, hence private recruitment or employment agencies (PEAs). Such workers are rendered vulnerable to several abuses and exploitations by their sponsors such as not being free to change jobs or return to their country without the consent of the employer.

The kafala system is a historical practice of treating foreign guests which has over time been formalized into the national legal frameworks of the various GCC states that determine the terms of residence and employment for migrant workers⁷². In the GCC countries, the scope of their legal labour laws does not cover migrant domestic workers, who form the large majority of migrants in

71 <https://observer.ug/news/headlines/56571-new-deal-allows-ugandan-workers-back-to-saudi-arabia.html>
72 http://www.ilo.org/beirut/publications/WCMS_211214/lang--en/index.htm.

the region. All the GCC countries have their national legal frameworks governing labour migrants or foreign workers. However, with regards to domestic migrant workers, the laws have a number of common features such as the exclusion (in whole or in part) of migrant domestic workers from the scope of their labour laws and use (see ITUC CSI IGB, 2017).

In **Saudi Arabia**, the 1992 constitution⁷³ known as “The Basic Law of Governance” is the principal legislation of the Kingdom with provisions to protect both citizens and non-citizens as well as form the basis for other legislations. In particular, the constitution has provisions that are relevant to migration such as Art 36, Art 43, and Art 47⁷⁴. In addition, the key legal framework guiding employment and labour relations is the Saudi Arabia Labour Law (SALL, 2005)⁷⁵ and its accompanying 2007 Implementing Regulation. The SALL was issued under Royal Decree No.M/51 and came into force in 2006. Chapter 3 of the SALL covers the employment of non-Saudis. For instance, Articles 32 to 35 and 37–39 respectively cover the following issues: prohibition of recruitment from abroad without approval, conditions for granting work permit, non-substitution of a license required by agency for work permit, work permit renewal conditions, format and duration of work contract, prohibition from engaging a worker in a profession other than the one stated on work permit and change of employer.

It must be emphasize that, until some recent reforms and regulations, the SALL since its enactment had not captured in it the issues of domestic workers in virtually all its provisions except for only Article 7⁷⁶. For instance, in 2013 a regulation (i.e. Decision No.310 of 1434 on Domestic Workers⁷⁷) was adopted which guaranteed migrant domestic workers some rights. These included nine hours of daily rest and one day off per week, suitable accommodation, and paid sick leave.

Domestic workers are also to enjoy one month of paid annual leave after two years of work and service compensation equal to one month’s salary after four years of work while employers must also pay workers a monthly salary without delay. There were further reforms to the SALL in 2015⁷⁸ which involved the adoption of 38 amendments to the SALL, including prohibitions on: the confiscation of migrant workers’ passports, failing to pay salaries on time and failing to provide copies of contracts to employees. The Labour Ministry has also issued directives introducing or raising fines for employers who violate labour law regulations. Key among the new or increased penalties include fines of SR\$2,000 (US\$533) for withholding employees’ passports; SR\$3,000 (US\$800) for not paying salaries on time, and SR\$5,000 (US\$1,333) for withholding an employee’s salary without a judicial order. The Ministry can also impose fines of SR\$5,000 (US\$1,333) if employers don’t provide workers with a copy of their contract as well as SR\$15,000 (US\$4000) if they force their workers to do jobs not specified in their contracts.

73 http://www.saudiembassy.net/print/about/country-information/laws/The_Basic_Law_Of_Governance.aspx
74 Art. 36 states that “The state shall provide security for all citizens and residents on its territories. No-one may be confined, arrested or imprisoned without reference to the Law”; Art 43 stipulates that Councils held by the King and the Crown Prince is to be open for all citizens and anyone else who may have a complaint or grievance; and Art.47 states that, “All people, whether citizens or residents of the Kingdom, are entitled to file suit on an equal basis”
75 <http://www.gulfmigration.eu/royal-decree-no-m51-issuing-the-saudi-labor-law/> 10 June 2018
76 Article 7 mandates the ministry to draft regulations for domestic helpers and the like to govern their relations with their employers and specify the rights and duties of each party.
77 <http://www.gulfmigration.eu/decision-no-310-of-1434-on-domestic-workers/> 10 June 2018
78 Royal Decree No. M/46 of 05/06/1436) published in the official gazette No. 4563 dated 24 April 2015, available online (in Arabic) at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101848/122930/F-172524835/UM-ALQURA.4563.pdf>

In spite of the various reforms, there are still many gaps, especially in kafala system abusive aspects while Saudi Arabia continues to impose an exit visa requirement for migrant workers to have the employer's permission before leaving the Kingdom or changing jobs. Reports have observed that the 2013 regulation in particular was bereft of decent protection. For instance, the protections so extended to domestic workers were not equal to those enjoyed by other workers in Saudi Arabia⁷⁹. The daily working time is 15 hours under the regulations while it is 8 hours working time for other workers. The regulations also stipulate that a domestic worker must respect the teachings of Islam, maintain the employer's family secrets and follow the employer's orders. Access of labour migrants to judicial remedies in these pieces of legislation is another gap that our investigation revealed. The unwillingness of the law enforcement agencies to act on complaints when migrants successfully make complaint is another challenge trumping the existing laws.

Further, there are other legal frameworks that cover work related issues but are either silent on non-Saudis or have made mention of non-Saudis but is difficult to access the rights. These include various Ministerial Decisions such as No. 2832 of 2006/1427 on Overtime Hours; No. 399 of 2007/1428H on Housing Conditions for Workers; No. 2833 of 2006/1427H on Work Injuries; No. 2836 of 2006/1427H on Working Hours; and No. 1/2835 of 2006/1427H on Complaints. Added to these are the Anti-Trafficking in Persons Law issued by Royal Decree No. M/40 and the Residence Regulations, Law No.17/2/25/1337, The Social Insurance Law issued by Royal Decree M/33 as well as The Cooperative Health Insurance Law (No.71) and its Implementing Regulations. Law No.71 covers non-Saudi residents and their dependents.

The key institutions that deal with migration issues are The Ministry of Labour, Ministry of Foreign Affairs, and Ministry of Interior. Fundamentally, the Ministry of Labour has oversight over employment and work related issues while the Ministry of Interior is in charge of Entry and Exit issues including visas and granting of residence permits. Ministry of Foreign Affairs on the other handles issues of nationality. Regarding relevant international instruments on labour migration, migration and universal human rights and migration and crime, Saudi Arabia has not ratified the following: the UN Migrant Workers convention, 2003⁸⁰, ILO Conventions C097-Migration for Employment (Revised) Convention, 1949; C143-Migrant Workers (Supplementary Provisions) Convention, 1975; C181-Private Employment Agencies Convention, 1997 as well as C189-Domestic Workers Convention, 2011 and P029-the Protocol of 2014 to the Forced Labour Convention, 1930. In addition, none of the conventions that had to do with social protection and security⁸¹ have been ratified

The only ratification had to do with the ILO Forced Labour Convention, 1930 (C029), Abolition of Forced Labour Convention, 1957 (C105), Equal Remuneration Convention (C100), and the Non Discrimination in Employment and Occupation Convention (C111). Further to these are UN Treaties such as International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1969 and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1981

79 ITUC, 2007

80 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

81 ILO Conventions C157, C102, and C019 on Maintenance of Social Security Rights 1982, Social Security (Minimum Standards) 1952, and Equality of Treatment (Accident Compensation) 1925 respectively

In the **United Arab Emirates (UAE)**, the 1971 constitution⁸² extends some rights to foreigners. However, there are various legal frameworks that deal specifically with migration issues especially labour migration. The principal labour law governing labour migration is the UAE Federal Law No. 8 of 1980 (“UAELL”), as amended, (the “UAE Labour Law”) by Federal Law No.8 of 2007. This law which provides the central framework for labour relations and makes provision with respect to, among other things, the following: remuneration, working time, leave, employment contract, occupational health and safety and dispute resolution. There have been many gaps and challenges with regards to the Labour Law and its implementation. For instance, Human Rights Watch (2014) found that many domestic workers in the UAE are duped into believing they have an enforceable contract with higher pay and better conditions than turns out to be the reality. The contracts they sign with agencies in their country of origin are substituted with the UAE standard contract offering less pay and few rights and protection. In addition to that, migrant domestic workers have not been covered.

Over time, there have been further regulations to complement the UAE Labour Law. These include the Ministerial Resolution No. 1283 of 2010 on the licensing and regulation of UAE-based private recruitment agents as well as the recent ministerial decrees by the Ministry of Labour: Ministerial Decree No. (764) of 2015 on standard employment, Ministerial Decree No.(765) of 2015 on termination of employment and Ministerial Decree No.(766) of 2015 on labour mobility. Resolution No.1283 of 2010 prohibits recruitment agents from charging workers’ “any sums, monies, rights or gains under the name of commission, fees, or anything else for any reason and through any means whatsoever,” and empowers the Ministry of Labour to force recruitment agents to “refund to the worker any amounts paid to any entity or person inside or outside of the country”. The resolution does not require employers to verify that they, and not their workers, have paid all recruiting fees. Human Rights Watch documented in 2012 and in 2015 that the practice is systematic, with workers paying fees to recruiting agents in their home countries who in turn work with recruiting agents or employers in the UAE.

The three new Ministerial Decrees Nos. 764, 765 and 766 grant foreigners/migrant workers greater flexibility to among others, make contractual obligations clear and transparent and ability to change jobs. Basically, the new rules prohibit contract substitution and introduce a possibility for the worker to terminate unilaterally their employment contract (and be considered for a new work permit) if observing a notice and paying an indemnity to the employer of up to 3 months’ salary. However, the reform does not address other practices that can contribute to forced labour. Most important for this report, the new rules do not apply to domestic workers. For domestic workers, the kafala system is especially restrictive.

Unlike other migrant workers, migrant domestic workers cannot legally leave an employer before the end of their contractual period (generally two years) without their current employer’s permission. Abuse by the employer is not a ground for leaving. Though the requirements of the standard form of contract are an important step towards providing migrant domestic workers with greater protection, with the kafala system still in place the UAE legal system does not take sufficient steps to protect such workers against abuse, violence and harassment. Workers in

82 Art.40 states that foreigners shall enjoy the rights and freedoms granted to them in relevant international treaties or in the treaties and agreements to which the UAE is signatory and they shall adhere to the corresponding duties

abusive situations may find themselves confined and isolated in the workplace and unable to seek help or redress.

In 2017, a regulation with respect to domestic workers was adopted. The “Federal Law No.15 of 2017 on Domestic Workers⁸³” focus on the work of recruitment agencies, work contracts, wages, leave, rest hours (paid and non–paid) and obligations of both employer and worker. Other notable migration relevant laws are the Federal Law No. 51 of 2006 on Combating Crimes of Human Trafficking and Law No.11 of 2013 on Health Insurance in the Emirate of Dubai which application is captured in Art 4 and includes residents and visitors. Law No.23 of 2005 and its Executive Regulation 2005 on Health Insurance Scheme for the Emirate of Abu Dhabi.

Like **Saudi Arabia**, UAE has not ratified many relevant international standards related to migrants and migrant workers. The Emirates has however ratified the ILO standards of Forced Labour Convention, 1930 (C029) and Abolition of Forced Labour Convention, 1957 (C105), Equal Remuneration Convention, 1951 (C100) and Discrimination (Employment and Occupation) Convention, 1958 (C111). However, it has acceded to the UN Treaties on the Elimination of All Forms of Racial Discrimination (ICERD) and the Elimination of All Forms of Discrimination against Women (CEDAW) pending ratification. Also signed on the Arab Charter on Human Rights.

For **Qatar**, its Permanent Constitution which was enacted in 2004 guarantee some protection to all residents irrespective of nationality. Article 52 states that every person who is a legal resident of the state shall enjoy protection to his person and property in accordance with the provisions of the law. The 2004 Labour Law⁸⁴ is the relevant legal framework for employment and labour relations in Qatar. Law No. 14 of 2004 sets minimum standards for employment in areas such as working hours, health and safety, and termination of employment but it has not made provision for domestic and casual workers. For instance, drivers, nurses, cooks and similar workers mostly in the domestic work sector are not covered.

In 2015, Qatar adopted another law (Law No. 21) purposely to govern the entry, exit and residency of foreign workers. Law No. 21 has not brought any significant relief to migrant workers as several reports⁸⁵ have been very critical of the gaps in the law. The law requires that private employment agencies provide workers with written agreements before they are recruited or placed in Qatar including details of salary, nature of work and length of contract. In 2017, the government passed a Domestic Workers Law to give some protection to domestic workers

To address migration related crimes such as trafficking, in 2011, a new law, Law No.15/2011 Combating Trafficking in Human Beings was passed. The law prohibits all forms of trafficking and prescribes sufficient and stringent penalties including imprisonment for a term extending up to 7 years.

As a result of the ILO Committee on Application of Standards (CAS) case involving the country and the ITUC campaign aimed at improving the respect of the rights of migrants, Qatar in 2017 made commitment to review her labour laws and improve labour recruitment practices to give more protection to migrant workers. This is responsible for reviewed Law No. 15 on service workers in

83 <http://gulfmigration.eu/uae-federal-law-no-15-of-2017-on-domestic-workers>

84 Qatar Labour Law, Law No. 14 of 2004, Art 3

85 Observation (CEACR) – adopted 2015, published 105th ILC session (2016) Forced Labour Convention, 1930 (No. 29) at:http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255640,downloaded on May 22 2018

the home. The law provides domestic workers with a maximum of 10-hour workday; a weekly rest day; three weeks of annual leave, an end-of-service payment; and healthcare benefits. According to Human Right Watch Report (2018), this law can still benefit from further review to bring it into conformity with ILO Conventions on Decent Work for Domestic Workers.

As further show of her commitment to the labour law reform process, which also seems to address concerns about the need for profound and complete review of the law, Qatar, as part of the reform process introduced, on 4 September 2018, Law No. 13 abolishing exit permits before migrants can leave the country. In essence, Law No. 13 was introduced to amend provisions of Law 21 of 2015 and Law No1 of 2017 that regulate the entry and exit of expatriates and migrants. This law effectively mean workers covered by the Labour Code will be able to leave the country without obtaining from their employers and presenting exit permits at exit borders. The ILO Office in Qatar welcomed this step and believed the reform process will yield more gains. According to the Head of the ILO Project for the State of Qatar, “this first step towards full suspension of exit permits is a clear sign of commitment by the Government of Qatar to labour reforms and a key milestone in the process”.

For **Kuwait**, her 1962 Constitution⁸⁶ has some relevant provisions for migrants’ rights protection. Leaving aside the Constitution, there are a number of legislations covering labour migration and human trafficking. First and foremost, the 1959 Aliens Residence law issued by Amiri Decree No. 17 of 1959 on the Residence of Foreigners and the Implementing Regulations of Law No.17 on the Residence of Foreigners issued by Ministerial Order No. 640 of 1987 are what govern the residence and employment of migrants⁸⁷.

Secondly, the reformed Labour Law No.6 of 2010 for labour in the private sector is still very paramount for labour migration. The law provides some new protections⁸⁸ to both citizens and foreign workers in the territory of Kuwait and is in better alignment with international practices. However, Law No.6, last amended by law No.90 of 2013 does not include domestic workers. It must be emphasized that, prior to the Law, there were (and still) key Decrees providing some protection to migrants.

The Ministerial Decree No.313 of 2004 (the standard-form contract) is a clear case. Ministerial Decree No.313 of 2004 requires that all private employment agencies execute a standard-form contract with prospective workers and employers prior to recruitment from abroad. Also, the Decree requires employers to present the standard-form contract to the Immigration Authority when applying for a clearance certificate for the worker to enter Kuwait. Some of the key provisions in the contract are: *(i) Employers are required to pay for agency fees and these cannot be deducted from the worker’s remuneration, (ii) The worker is entitled to one month of paid annual leave and has the right “to spend a vacation for two months after the passage of two work years” with return airfares at the expense of the employer (unless the worker is to return home, in which case the employer must pay for a single-way airfare), and (iii) Workers are to be paid compensation*

86 The 1962 constitution of Kuwait prohibits forced labour other than in cases specified by law during national emergencies, and guarantees the freedom to form associations and unions on a national basis

87 Mainly through the sponsorship system which requires that every foreign resident be sponsored by a local employer.

88 The new protections include restricting the number of working hours per day to eight, setting overtime pay rates and restrictions, granting workers a weekly rest day and annual leave, and setting conditions for termination and rules for compensation.

for workplace injuries or death. It also stipulates that any dispute emerging between the parties should be referred to the Domestic Labour Department (of the Ministry of Interior) for redress.

Further, two other Decrees were issued in 2007 and 2009 by the Labour Ministry prohibiting employers from confiscating workers' passports and permitting them to change jobs without a sponsor's consent, respectively. These laws also excluded domestic workers from their scope of application. In 2015, however, a Ministerial Decree No.68 of 2015 regarding domestic workers was enacted. Decree No.68 prohibits charging of fees in exchange for employing (Art.4), prohibits keeping of workers' documents (Art.12), stipulates the payment of agreed upon wages at end of month (Art.7), employer bearing other expenses such as food, clothes, medical and accommodation (Art.9), and the fixing of a maximum of 12 hours daily with resting periods as well as weekly day off and a paid annual leave (Art.22).

Regarding migration and crime, in 2013 Kuwaiti enacted the Law on Trafficking in Persons and Smuggling Migrants, which prohibits and punishes human trafficking and smuggling in its various forms. Although Kuwait has not ratified established Migrants related conventions or standards, it has acceded to some international human rights treaties that are to some extent important for migrants. These include the UN treaties such as the International Covenant on Civil and Political Rights ("ICCPR"), the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), the International Convention on Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on Elimination of All Forms of Racial Discrimination (ICERD) as well as 19 ILO Conventions including Convention No. 87, Convention No. 100, Convention No. 105 and Convention No. 111. To protect workers' rights, Kuwait has signed MOUs on labour agreements with Indonesia, Sri Lanka, and Egypt.

In **Bahrain**, the 2002 Constitution of the Kingdom is the bedrock for legislations relevant to migration while the 1965 Aliens Immigration and Residence Act of 1965 continues to govern the entry, exit, and stay of foreigners in the country. Bahrain appears to be more liberal, in terms of the freedom of movement, compared to the other GCC member states. The 2002 Constitution protects the right of persons to move freely and without restrictions (Article 19(b)). Complementing the above laws, the relevant and migration related legislation is Labour Law No.36 of 2012.

Generally, Law No.36 of 2012 is the principal legal framework for employment and labour relations in the private sector which also cover migrant workers. Most sections, except for Art 2(b) 1, guarantee migrant workers some protection such as clear contractual terms for domestic workers, non-discriminatory practices in payment of wages, better sick leave conditions and higher penalties for violation of the provisions. Prior to the passing of Law No.36, there were existing protective legal frameworks. One of such is the Ministry of Labour Decree No. 8 of 2005⁸⁹ which regulates the conditions and procedures of licensing for private employment agencies. Decree No.8 has attached to it a model contract for recruiting domestic workers from abroad. The Decree applies unless it is in conflict with the basic Labour Law No.36 and requires an employer to provide medical examinations for a worker. This was followed with the creation of the Labour Market Regulatory Authority (LMRA) in 2006 under Law No. 19/2006 regulating the Labour Market.

89 Is with Respect to a Model Form of Employment Contract for Domestic Help and Similar Persons

The Labour Market Regulatory Authority, represents a positive change towards enhanced rights protection for migrant domestic workers. The Regulatory Authority is empowered to issue work visas, regulate private employment agencies and educate workers and sponsors about their rights and legal obligations. Although withholding a worker's passport is illegal and carries a financial penalty under a ministerial order, a worker is required to file a complaint with the police or the Authority, which can only refer a complaint to the court if the employer refuses to return the passport. There are other Ministerial Decisions including Decisions No.4 and No.79 that regulate the permits of domestic workers & similar positions and the procedure for transfer of foreign workers to another employer respectively.

Also relevant for migration and migrant workers are Bahrain's Anti-Trafficking Law issued by Law No.1 of 2008 regarding crime and the Social Insurance Law issued by Decree No.24 of 1976 regarding social protection. The Anti-Trafficking Law prohibits all forms of trafficking in persons and prescribes penalties ranging from 3 to 15 year of imprisonment. Further, the practice of confiscating the passports of workers is criminalized under the law. However, just like other laws and decrees, its implementation and effectiveness leave more questions than answers. In 2015 the government reported investigation of 8 cases of forced labour and prosecution of 2 cases. No data on convictions was reported. Therefore, it cannot be stated that the anti-trafficking law has strengthened protection of the rights of domestic workers in Bahrain.

The Social Insurance Law (issued by Decree No.24 of 1976) is also relevant for migrant workers. This law covers all workers including especially domestic workers who are neglected by most legislations. For instance, Article 2 of Decree No.24 of 1976 avails the participation in social insurance schemes to all employees without discrimination based on gender, age or nationality while Article 65 stipulates on access to Healthcare: "The employer is required to display in a prominent location at the workplace, in both English and Arabic, an announcement about the entity responsible for treating his/her workers and the procedures that must be followed by the latter in cases of injury at work or outside it"

Regarding international commitments, Bahrain has also acceded to or ratified some international human rights treaties and conventions that are important for migrants. Treaties acceded to include the International Covenant on Civil and Political Rights ("ICCPR"), the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as well as 10 ILO Conventions including Convention No. 29, ILO Convention No. 105 and ILO Convention No. 111. It has also signed BLAs on labour migration with India, Philippines.

Concerning **Oman**, the basic law was promulgated in 1996 by Royal Decree 1015/96 and was last amended in 2011. Though the basic legislation is citizen focused, there is some indication for foreigners who are legally present to enjoy protection to themselves and property (Art.35). Also the right to litigation is guaranteed to all people irrespective of nationality (Art.25). Another law key to migration is the 1995 Foreigners' Residence Law and the 2014 Decision No.137 of 2014 Amending Provisions of the Executive Regulations of the Foreigners' Residence Law No.63 of 1996. These regulations govern the entry, exit, and stay of foreigners in the country. The key legal framework relevant to labour migration in Oman is the Labour Law 2003, issued by Royal Decree No.35. Law No.35 which governs labour relations makes provision with respect to issues

such as wages, working time, leave, industrial safety and dispute resolution. However, the law excludes domestic workers from its provisions. The Labour Law was last amended by Decision No. 113 of 2011. In the amendment, key changes include the reduction of working hours to 45 from 48 hours per week while the annual leave was also increased from 15 days in the first year to 30 days and payable on the basis of gross salary.

Regarding domestic workers, a decision is yet to be made by the relevant authority (Ministry of Labour) to regulate the activities of domestic workers in Oman. This notwithstanding, Oman like other GCC members have bilateral agreements regarding labour migration with some countries and this can provide some protection to migrant workers most of which domestic workers. For instance, Oman has had MOUs with Bangladesh (May 10, 2008), India (November 8, 2008), and Sri Lanka (June 22, 2014). Oman has enacted other legislations that are relevant to some aspects of migration. For instance, on migration and crime, there is the 2008 Anti-Trafficking Law issued by Royal Decree No.126/2008. There are various punishments for offenders including imprisonment for 3 to 7 years or even to 15 years in some cases under Royal Decree No.126/2008 (Articles 8 and 9).

Oman has ratified some international conventions. Key amongst them are: Forced Labour Convention (No. 29), Abolition of Forced Labour Convention (No. 105), Minimum Age Convention (No. 138), and Worst Forms of Child Labour Convention (No. 182). It has also acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

In all the GCC countries, the kafala sponsorship system that ties migrant workers to an individual sponsors for visa and employment appears to be the guiding framework for employment of migrant workers in the private sector despite the existence of various regulations and supposedly labour reforms in each and every country. Though, the policies may contradict the system, they are justified by way of the Kafala system. The Kafala regime in its current form gives considerable power to employers and creates a severe power imbalance between them and workers which serves as a mechanism to maintain servitude. It is the current tool for the perpetration of slave labour and the lever for the abuse of the rights of migrant workers.

Nevertheless, Qatar now seems to be an exception as it has committed to replace the kafala sponsorship system with a government-sponsored employment system. It will also institute a non-discriminatory minimum wage; end passport confiscation; improve the payment of wages; enhance labour inspections and occupational safety and health, including providing a heat mitigation strategy; and, improvement in the labour recruitment procedures. Also, restrictions on migrant workers' ability to exit the country subsequent to a reasonable notice period will be removed; the Wage Protection System (WPS) will continue to be improved to ensure that workers' wages are paid on time and that wage arrears are systematically settled, just as an intention to introduce a minimum wage rate applicable to all workers without any distinction has been announced. It has already passed a new labour law to protect domestic workers. The reviews commenced in August 2017. The ILO, who has since opened a Country Office in Qatar, will monitor the respect of the commitment as contained in the agreed roadmap⁹⁰.

90 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf

6

SURVEY/RESEARCH FINDINGS AND DISCUSSION

6.1 Emerging Patterns and Characteristics about Labour Migration to the GCC States

Labour migration from Africa to the GCC state is not uncommon in many countries especially in the two countries which are the subject of this research—Ghana and Kenya with their many developmental challenges including high youth unemployment and inability to create adequate jobs. While there are larger labour migrant sending countries from Africa to the GCC states as per the available migrants stocks data, the study, based on both the perceptions and the reviewed recent empirical analysis, confirms a general and consistent increasing trend of labour migration flows from the two countries to various destination countries in the GCC states. The key and prominent receiving countries in the GCC states include Saudi Arabia, UAE, Oman, Qatar and Kuwait. Regarding the nature of migration, the labour migrants from the two countries to GCC states are mostly undocumented while managed or official migration is on the decrease. This was evident, as data on migration flows to the GCC states from officialdom was difficult to come by during the research.

The interview with returnees, migrants and key institutional informants, indicate the migration to the GCC states is relatively more formal or regular but irregular channels of migration are on the ascendency due to the unregulated activities of registered recruitment agencies and other underground agents and unregistered agencies. They study also found that, generally, most of the migrants are unskilled workers with low or no formal education recruited for for temporal employment in the GCC and concentrated in sectors such as domestic work, driving, security and construction. In particular, the educational analysis from the interviews with the returnees and migrants showed that most migrants to the GCC are unskilled and lack high education.

What was also clear from the study is the established fact that migrants composition to the GCC is becoming more feminized, emigrants tend to be younger and less often employed and are desperate, come what may, to get out of the experiences of joblessness in the two/four countries. While such desperations expose most migrants to trafficking and smuggling and their eventual exposure to various vulnerabilities, the lack of pre-departure training for migrants may accentuate the problem. Majority of the migrants and all the returnees mentioned they were not given any pre-departure trainings or orientation and that they cannot confirm if agencies are registered.

In the case of Kenya, labour migration to the GCC and Gulf states is said to have increased significantly in recent years. In particular, the interview with the government officials and stakeholders and gathering from media reports indicate that the labour mobility is largely temporary seeking to fill the labor needs of mainly the domestic work, construction and other services sectors in the

GCC states. A key informant at the NEA argued that there is increasing demand for Kenyans for domestic work and construction especially with the preparations to host the 2022 World Cup in Qatar, hence the numbers are rising.

However, there was hardly no data, at least on regular mobility, to back such claims while the available data is captured by various agencies and lacks coordination and consistency. For instance, according to the United Nations data⁹¹, in 2015, 341,509 Kenya migrants lived outside Africa while in 2017 the number stood at 358,696. Between this period and even in earlier years none was found to live in the GCC states. However, data from the Kenya National Bureau of Statistics (KNBS) showed that, over 2,000 Kenyans each had emigrated to Saudi Arabia and UAE in 2009. An official insisted that when it comes to emigration to the Middle East, Kenyans primarily move to Saudi Arabia, UAE and Qatar. Also data on facilitated migration for work showed that, in 2012 for instance, 6,241 Kenyans were in the various GCC countries with the highest being Saudi Arabia (5,142), Qatar (670) and UAE (410). While the highly irregular nature of migration may be a factor, the different sources with varied figures for emigration to the GCC is not unique to only Kenya, but a common problem in other countries. Describing the lack of data and irregular nature, an official of the NEA claims,

It looks like much about Gulf migration is unknown to most people in Kenya, especially at the community level where it mostly occurs. People are not all that well informed you know. Officials get to hear of the worst when migrants have left in secret and have problems. Is either the recruiters are hiding it or more awareness is lacking.

Further, the interviews showed that emigration stream to the GCC is dominated by women, unskilled and less educated with a lot of irregularity. While the regular patterns are still dominant the irregular pattern is said to be on the rise in recent times largely because of activities of smuggling and trafficking. Another popular observed image of Kenya is one of major transit point for most migrants from neighbouring Uganda and Ethiopia destined for the GCC. A key informant at the KNBS claims:

“...You know that Kenya is the poster boy of the East African Community (EAC) due to its liberality coupled with Common market protocols. So some undocumented migrants through trafficking and other channels can obtain Kenya documents and be declared as such in the GCC states”.

Teresa, an official of KHUDIAHA buttressed the above assertion. She argued that

“Kenya is a transit point to leave for the GCC states and not Ethiopia because of its flexible policies. Our labour Act mentioned an employee and not a Kenyan and so other regional nationals get employed temporary in Kenya and later leave. Kenya is also a democratic country in East Africa with free speech”

91 United Nations Department of Economic and Social Affairs, “Trends in International Migrant Stock: Migrants by Origin and Destination” (1990–2017), 2017 Revision

On the gender diversity, it was observed that majority of emigrants to the GCC states are dominated by women mainly because of the increasing demand for domestic workers in the GCC. An official from KHUDAIHA observed that the number of females to the GCC has been growing steadily over the past 10 years, but the exact number is difficult to ascertain because of the operations of unlicensed PEAs and trafficking. In addition those who are desperate to migrate are mostly the young and those with low education and skills. For instance, according to the interview with the return migrants, the average age was 26 years of which the females were between 23 years and 26 years while the males were 26 years and 30 years. regarding the level of education, except for one of the men who had a diploma in marketing, the highest education attained by the remaining was senior secondary school or middle school (i.e. form 4).

Interms of emigration by county or region, it was found that Mombasa, Nairobi and Nakuru are the most sources of emigrants to the GCC, but interestingly, the largest source of emigrants recruited to the GCC are from Mombasa in the coastal region, while Nairobi the capital is reported to be second. Teresa observed that every region in Kenya is affected but is mainly at the coastal region, Mombasa because of religion and culture which is related to the GCC countries, especially the Swahili and Arabic. The dominance of unlicensed recruitment agencies in Mombasa were cited as the main reasons. Infact, the perspectives of Zainab from Kakamega, who migrated to Saudi Arabia in 2014 and returned supports the latter argument.

“I had to travel to Mombasa for my passport and travel documents even though I am close to Nairobi. The surprising thing is that, the firm (Crown Agency) operates in Nairobi”.

Ghana exhibit some characteristic akin to Kenya, interms of emigration trends and some aspects of the patterns. The perspectives from the interviews and media reports indicate an increasing mobility of Ghanaians to the GCC and Gulf states for work. However, lack of data and or its consistency was a challenge. For instance facilitated migration for work show that a total of 1,755 and 2,347 were sent to GCC in 2015 and 2016 respectively⁹². In 2017, the number was 1,589. In contrast, UNDESA data showed that of the 424,717 and 444,144 Ghanaian emigrants that were outside Africa in 2015 and 2017 respectively, the GCC hosted none. Aside the increasing trend, documented or undocumented, crucial is the reported dominance of irregular movements coupled with trafficking and smuggling and females in the labour migration to the GCC states. Is also made of mostly unskilled and less educated. Most of these economic migrants are directed towards Saudi Arabia, UAE and Qatar. For instance, the documented migration in Annex v supports this. The females are mainly recruited for domestic sector for temporal employment in the GCC states. A key informant at the Labour Department, indicates that this is as a result of norms and values in the Gulf. He explained:

“The Gulf culture is such that, husbands want their wives to be served and so they would prefer females to male domestic workers”.

Increasingly, undocumented migration is a particular feature that has also been observed. The irregularity was attributed to the activities of smuggling and trafficking and coupled with especially the ban in 2017. This has led to PEAs, both licensed and unlicensed, using unapproved routes

92 Sourced from Labour Department, Ghana, 2018 (see Annex V)

across borders into Togo, Nigeria and other neighbouring countries enroute to the Gulf. An official at the Ghana Immigration Service remarked:

“The issue of trafficking became huge in 2012 when we had our first major case of trafficking to the Gulf, since then it has been on the increase involving a lot of females and men too”.

To buttress her argument, she indicated that in 2017, 170 girls were intercepted and rescued at the eastern and western areas of Ghana.

6.2 Key Push and Pull Factors of Labour Migration from Ghana, Kenya, Nigeria and Uganda to the GCC States

Labour migration from Africa is not very different across countries, but there is no one reason to the phenomenon since it is a complex negotiation involving a wide range of actors. Across the four countries, a lot of factors were mentioned to drive labour migration to the GCC states prominent among which are the worsening employment situation, low paid jobs, the fact that is becoming a lucrative business, clandestine activities of recruiters and uninformed society, while the high employment prospects and comparative better pay in the GCC states are the pull factors. However, overall, the top two push factors identified were high unemployment and low pay in the four countries. Interestingly, there is little evidence on the influence of poverty to the Africa–GCC states labour migration. However, based on the disaggregated analyses, there were varied dynamics.

Kenya

In Kenya, our findings identify high youth unemployment, religion, low paid jobs, clandestine activities of private recruiters and uninformed Kenya society to be the push factors of labour migration to the GCC. Migrants also described the lifestyles of successful returnees as a motivation. In particular, the trade union officials and returnees interviewed described the high unemployment in Kenya as the major factor. An official of the Kenyan Plantation and Agriculture Workers’ Union (KEPAWU), Khiza said religion and unemployment are the major push factors. He indicated that:

“Labour migration to the GCC is mostly for domestic work. 80% of these are from the coastal region of Mombasa who are largely Moslems. The moslem religion which has a link with the Gulf culture drives them to move”.

Another union official, Teresa of KUDHEIHA, buttressed the above argument, but added that the link between the Arabic and Swahili is a factor and that GCC states prefer Kenyans because of easy communication. Teresa further stated that:

“The back door practices of PEAs and local and community leaders also influence migration. Local leaders are playing a part in people getting passports to move but do not know. Recruiters are sent down to the villages to convince parents and community leaders sometimes with gifts to allow their girls to be taken to the GCC states”.

The perspectives of the returnees were not very different. For instance, except a few, almost all the respondents migrants in the GCC and returnees were not employed before they embarked on the migration. All the returnees described it as a result of the failure of their government or state to provide employment and/or that the jobs they were engaged in did not offer decent pay. One female returnee, Zainab, explained what motivated her migration:

“After high school, even though I was engaged in some form of paid work, I had to search for more money to continue to further my studies and also support my siblings”

Another female returnee, Vivian, complementing the assertion that the migration to the GCC states was borne out of economic necessity, noted what influenced her movement:

“We had the mentality that people who had moved to the GCC states to work had or earn a lot of money. Therefore, looking at the conditions at home, you think it would be better to move. So I was eager to move to the Gulf region”

One male returnee described how difficult it was adapting to life since he returned on his own accord 2 years ago from Saudi Arabia to set up his own business but lost everything in the aftermath of the 2015 elections:

“I just did not know what will happen in the next few years. I may migrate but not to the Gulf. All will depend on the outcome of my job search”

Ghana

The findings from Ghana are very similar compared to Kenya. Though movement was always one from poverty towards greater opportunity, in Ghana, poverty was rarely mentioned to be a factor. From the migrants and returnee perspectives, the key reasons for departure are the issue of unemployment, poor pay and the deceitful recruitment practices were identified by both the migrants and key institutional informants to be the major drivers. In addition, some institutional informants described migration to the Gulf as a political business in Ghana hence the increasing trend. For instance, a female migrant in Saudi Arabia noted how low pay situation working in Ghana necessitated her movement to the current GCC destination:

“Before I went to Saudi Arabia in 2016, I was employed at Paloma Hotel in Accra and being paid GHc300 (less than USD90) per month and it can't take you anywhere. It is from this amount that you buy food, transport and many more things not talking about saving. But in Saudi Arabia, I get GHc1, 000 (about USD230) per month. I don't need to spend that money because here, everything is there—food and other things”

Another female migrant, 23 year old Gumah, who completed SHS and hails from the Upper East Region of Ghana, said joblessness push her to the Gulf where she is cleaner. She said: I left Ghana because of no work. It was my uncle who link me up. We (referring to Ghanaians) are many here and the same reason brought us.

Temaa, who returned from Saudi Arabia 3 years ago because of the kind of working conditions she endured, expressed her desire to migrate again because of how hard it is to find a job or lack of job opportunities in Ghana. She however prefers to travel to Turkey instead.

While the lack of jobs or unemployment remains a major driver, the underhand dealings of some recruitment agencies and influential people were mentioned to be a major push factors especially for domestic workers. An informant at the Labour Department said that most of the agencies do not present the right information about jobs availability and conditions in the Gulf to would be migrants. He said:

“These agencies are the unlicensed or unregistered ones which we have little control over. They deceive our girls with all manner of job promises and even charge fees for domestic workers when they are not supposed to. This is because the migrants have no capacity to verify. If there were decent jobs in the gulf those recruiters would consider their relatives first given the high unemployment in the country, but is not the case”.

The manner in which our girls are facilitated to leave is a worry. It is a kind of business for some of the influential people in high authority.

Nigeria

Findings from the field by an investigative journalist revealed similar push factors of unemployment and low pay, as well as perceived prestige to working abroad as some of the reasons for moving. Adeola, a single mother of two children and aging parents in Lagos states, Nigeria shared her experience thus:

“My fruitless search for a paid job in Nigeria made me to jump at the opportunity to go work abroad”....the decision wasn’t difficult for me to make as the idea of going abroad to work and make money to support my poor family were strong attractions...”

Some of the pull factors responsible for seeking employment in the Gulf and GCC states include: recruitment agencies’ attractive packaging of the job offers and opportunities in the GCC states, which include promise of better pay and working conditions and the desire to help improve the economic situation of family members. A registered recruitment agency located in Abuja, Nigeria has this to say to a researcher who disguised as a prospective labour migrant:

“I have taken not less than 200 people there. When you get to Saudi Arabia, you won’t buy anything for yourself because your sponsors will provide everything you need for you including accommodation, food etc. They can even take you to another country like the U.S”

Most of the promises by the recruitment agencies, including registered ones have turned out to be false and mere deception. Sophia, a domestic worker desperate to be assisted to return home from Saudi Arabia has this to say:

“In Nigeria, my agent told me that I will be coming to work in Saudi as a sales girl and we (other 5 ladies I met at the recruitment agent’s office) were told we will be paid 250,000 naira per month but in dollars. But when we got to Saudi Arabia, I was getting paid less than 60,000 Naira for the very tedious and long hour’s job I perform daily”

A Ministry of Labour and Productivity official confirmed the presence of rogue practices by unregistered recruitment agencies: we know that unregistered recruitment agencies that specialize in luring and sending innocent Nigerians, especially young ladies to the Gulf region to work exist... their modes of operation are growing sophisticated for us to easily track and curtain, especially as we have limited resources to carry out inspection.

For reintegration of returnee migrants, Nigeria under the Ministry of Labour and Productivity has a skills development centre located in Ikoyi, Lagos state (Southwest Nigeria) focusing on how to help returned migrants with job placement and skills development to take up self-employment. The centre is grappling with some challenges that include low awareness of the existence of the centre amongst the public, under-funding and thin presence since it is only present, and in small scale in Lagos state only.

Uganda

Domestic workers to the GCC states, notably Oman, UAE and Saudi Arabia confirmed that getting gainful employment was an attraction for them. Some of the respondents lamented their long unemployment situation in the country. Emily, one of the respondents put this succinctly:

“...you cannot imagine the misery and deprivation my family and I endured because of my protracted joblessness...it was a big miracle when I was told I have been employed by a family in Saudi Arabia to come work for them...the day my passport and visa were given to me, I didn’t sleep the entire night...”

The activities of human trafficking gangs posing as recruitment agencies is partly responsible for the growing numbers of Ugandan girls to the GCC States. This reason is linked to the existence of BLMAs between Uganda and some of these GCC states, notably Saudi Arabia, UAE and Qatar. The human trafficking gangs exploit these BLMAs to lure and illegally recruit prospective migrants to the GCC states. An account of a Ugandan man, Omar, who contracted ITUC/Africa to help rescue and return his sister from Oman buttressed this assertion.

“There are young men hanging around at the passport office in Kampala, they identify their target, pretend, and actually help her to fill her passport application form...they start to tell her they can help her travel to Saudi Arabia to work and earn big money...once the lady shows interest, they quickly move to the next stage of asking her to pay money for

travel facilitation...the target is then taken to the Gulf region mainly through Nairobi, Kenya where she flies out... this is how my sister and many other girls went to Oman...now my sister is trapped in Oman forced to work and live like a slave...she told me others were forced to prostitute"

6.3 Labour Migration Facilitation and Recruitment Practices in Kenya, Ghana, Nigeria and Uganda

A critical area of focus for fair migration largely ought to be on how migrants are facilitated to leave, especially the recruitment industry and its practices including how it is regulated. Cases of ignorance on the part of migrants and deception by recruitment agencies and their intermediaries are always matters of concern. Infact, well informed and sensitize public can allow prospective migrants to make informed choices and avoid the risks and exploitations involved. An important objective the study therefore, was to ascertain how migrants hear about recruitment agencies and get recruited, prepare to leave as well as the bahavior of agencies in general. Evidence from interviews conducted in the four labour sending countries to the GCC states (Ghana, Kenya, Nigeria and Uganda) suggests that the recruitment procedures and corrupt practices by recruitment agencies and employing company personnel in the receiving country place unskilled workers in a highly vulnerable position prior to departure from their home countries.

Kenya

In Kenya, It appears the advances in technology and the media as well as social networks have been useful information sources that link up migrants to PEAs, and help make informed choices before migrating. For instance, one female returnee migrant interviewed, indicated she read in the newspapers about an agent recruiting workers to the Gulf. According to her, she subsequently made a phone call and discussed about her interest to travel and was assured all documents will be ready in 2 months. For the other returnee migrants, friends and neighbours were cited to have been what linked them to recruitment firms which in particuar highlights the role of social networks. One male migrant, who is currently in Dubai, gave a specific example of how he prepared before leaving through the assisitance of a returnee:

Before I went to Dubai I got information from a female returnee about an agency recruiting and advice on preparing to leave. Even the Arab culture and how I should behave when there was discussed. Infact, that has helped me manage life here.

Another important finding is the speed at which travel documents are processed in Kenya sometimes with or without the involvement of the principal agent, in this case, the migrant. According to most of the returnee migrant respondents, their passports and other travel documents were processed and ready within a maximum of 2 weeks. This was without their presence and agents paid for everything, except for one migrant who indicated an amount of USD300 was paid as a top up.

The concerned returnee migrant claimed:

“...It did not take many days. I went to the agency to enquire if it was indeed genuine to travel and work, and they told me they are genuine and had no problem. They collected 30,000 Shillings (USD300) as top up for the processing while they paid the rest, and I had my passport with visa within 5 days. They organized everything including my ticket”.

These practices and recruitment procedures by recruitment agencies can expose migrants to many problems. The issue of how travel documents are acquired with or without worker's presence and the case of not knowing terms and conditions of the job before travelling makes them vulnerable. This is confirmed by impression of one respondent:

“I was to work as an English teacher in Saudi Arabia, but in my passport or visa, it was written house keeper. I only got to know this at the airport and nothing could be done. I was eager to leave though”.

Ghana

In Ghana, more formal channels such as radio, television, social media and newspaper adverts were mentioned as key sources of information to recruitment and travel. The respondent returnees and migrants in particular also described relying on adverts pasted on walls and previous returnees for information about moving to the Gulf. It is important to add that, either of the two sources could link migrants to licensed or unlicensed PEAs for the simple reason that most Ghanaians do not know how and where to check on the authenticity of recruitment firms. However, the general impression from all respondents was that, the problem is not about formal or informal, but that there are a lot of unlicensed agencies, non enforcement of the laws and that migrants are exploited during the processing of documents as well as lack of pre-departure training. One trade union respondent described the difficulty in acquiring a passport in Ghana as one of the sources of exploitation. He indicated that,

If you are prepared to pay more you get it on time and it is the prospective emigrant that must bear the cost. It has nothing to do with your source of information and whether the agency is licensed or not licensed.

The other challenges had to do with the behaviour of even licensed PEAs in terms of the the fees and charges migrants pay for documentation, medicals and contract vetting. In Ghana, there is no maximum limit on the fees⁹³ charged to migrants for for their travel processes. One female migrant who migrated to Saudi Arabia, but ended up in Jordan, said she paid GHc 6,500 (about USD1700) to enable her travel. For instance, a key informant at the Labour Department said that per the regulation, domestic workers are not to pay anything but it is happening and thinks that given the current challenges in destination countries, it would be better for them to even pay for their return ticket. He lamented:

93 50% is required to be paid back if the migrant worker is not placed in employment

“There are some cases the PEAs are told not to charge but they charge. The brokers charge even huge fees. Even the PEAs say they also pay for contracts and so they have to charge domestic migrants on scouting for contracts”.

The institutional respondents explained that the non enforcement of the laws, lack of collaboration between key actors and laxity on the part of officials are the key challenges. For instance, an official at the GIS explained that though some use land borders, it is possible for one without an exit permit to get out because other officials are not diligent. She added that there should be restrictions or sanctions on radio and TV stations that play adverts for PEAs on jobs in the GCC without due diligence. A key institutional informant described the situation as worrying. He claimed:

“Most of these girls go through our airport. And one can get out of the airport with an exit permit. So the problem is with the gate keepers. They are not keeping the gate. The gate keepers have carved a space for themselves at the Airport. They dont allow other checks such as anti–trafficking desks and/or labour desks”

Nigeria

Pasted advert posters and newspapers publicity by recruitment agencies, mostly registered ones, were cited as sources of information to contract the services of recruitment agents and agencies. Most of these registered agencies also recruit canvassers, mostly young males and female who go out to get prospective migrants for the agencies. It was also discovered that returnee migrants, especially those unable to be successfully rehabilitated, easily convert to human smugglers to ameliorate their unemployed situation.

Another discovery the study made is that lots of registered Travel Agencies also facilitate recruitment services. In fact, most of them consider recruitment services as more lucrative than ticketing and tourism facilitation services they are registered to operate. The “travels” in their names has been converted as licence to provide labour migration recruitment services. The large and growing number of Travel Agencies seems to corroborate the lucrativeness of the business. In a business building (DMX Plaza) in Abuja, Nigeria over 15 Travel Agencies were counted by the research team. The researcher, who led a team to some of these travel agencies has this to report:

A day earlier when the team first visited to make travel enquiries, not less than 16 girls were found waiting with some sitting on the floor in the verandah. Some of the young women had travelled from different parts of the country to the capital city. On this second visit, only three of the girls could be seen. Muhammad (the manager of this travel agency) apologised for his absence the previous day, saying he had gone to the Immigration office to pick up a new batch of international passports.

Element of state agencies and officials involvement came out as an observation from the four countries. Again, the conversation between our researcher and Mohammad is worth recounting here:

“All you need to do is to pay N80, 000 for processing here and N20, 000 for airport payment but the total money will be N120, 000 including medicals and police character letter which we shall do it by ourselves. We have policemen that work closely with us. They will write for you a good character letter signed by the DPO (Divisional Police Officer) saying you are a good girl; that you have never been involved in any crime, especially prostitution”.

Uganda

For Uganda, recruitment agencies use print and electronic media to advertise their services. Travel Agencies also provide labour migration services in Uganda like in other countries. There seems to be the perception that traveling equate migration. This mix-up in the “traveling–migration” link is partly responsible for why prospective labour migrants seldom ask critical questions of travel agencies.

One agent in a “travels and tours” agency ventured that: our services include ticketing and visa procurement assistance for our clients, including helping persons to get jobs abroad. When asked if his agency has that mandate to engage in recruitment services, he offered that the agency has affiliation with some recruitment agencies in the GCC states, notably Saudi Arabia, UAE, Qatar and Oman. The researcher noted that the response was meant at avoiding the question and also seeking ways to legitimize their involvement in recruitment services alien to the tourism facilitation services they are registered for.

Emilia, a returnee migrant from Saudi Arabia has this to say: “when I was leaving to Saudi Arabia, my agent, who collected UGX 1,500,000 (about \$400) to facilitate my departure, told me that I will be going to work for a family in the capital city and will be paid monthly. Contrary to these promises, I discovered that my employer already paid for my coming. The madam use me to do chores in the houses of her sisters and friends. The painful thing for me is that the money I gave my agent was borrowed... I’m still paying back”

According to one trade union official reached via Skype, he informed that the trade unions have been involved in sensitizing prospective labour migrants to use the services of registered recruitment agencies as they have been saddened by the barage of complaints from victims and members of their families.

6.4 Key Challenges and Experiences of Returnees and Migrants Working in the GCC States

Stories and reports of abuses of migrants working in the Gulf and the GCC states by media and human rights organizations are not new. For instance, the temporary bans on recruitment and export of Uganda, Kenyan and Ghanaian domestic workers to the Middle East is on the grounds of the mistreatment and increasing complaints of harassment of their nationals. Indeed, the risks and problems faced by modern day migrants in the GCC states, especially Africans are numerous and inhumane. In many instances, however, reports and discourses on the plight of

migrant workers in the Gulf States is always skewed towards the receiving countries. However, the challenges that have emerged from the study are as a result of the behaviour of recruiters and systems in Africa and that of the systems and norms in the Gulf.

Generally, the study found deception about job types and job location; extortion from recruiting firms; contract substitution; reduced, delayed and outright non-payment of wages; forced labour; hard work and long working hours; beatings, starving, and sexual harassment and assaults (mostly rape); health and safety problems; discrimination; detention; restriction on the ability to change employer and exit the country, and lack of access to justice and redress; murders as the main experiences and sufferings African migrants face in the GCC states. This is largely in tandem with the empirical literature. Respondents also described the situation of those in detention camps as worrisome and appealing to the concerned African governments to take necessary action to return them home safely.

Kenya

In Kenya, the challenges identified based on the interviews with the return migrants, and key informants are three fold thus prior to migration, during migration and working in the GCC. Leaving aside the journeys, the returnees described their own experiences and traumatic challenges to include deception on job terms, contract substitution, reduced/delay pay, physical abuse, long hours of work with little rest, rape and threat of deportation. For instance, two respondent returnees noted how they were cheated in terms of salary reduction and job substitution. Zainab who hails from Kakamega explained that she was deceived in terms of salaries after arriving in Saudi Arabia under a two year contract in 2014, but had to return in 2015 after barely 1 year of stay.

“They told me my contract will have to be renegotiated after I arrived in Saudi Arabia... that I will have to be paid 800 Riyal and not 2,000 Riyal. The sad thing is that I was told to work for 3 months without pay because monies given to Crown Agency were to be paid back. I was shocked since I was told in Kenya everything was for free”

Victor, who traveled to Saudi Arabia in 2016 and came back in 2017 also claim that:

He was to work as a cook at an Army Camp, but later his boss told him it would be security work, and he became disappointed. In addition, his salary was sliced from 70,000 KSH to 35, 000KSH per month. The first 2 months payment was regular and well, but thereafter things were different. “They lied to me on my work and salary”.

According to victor, conditions after three months were different especially the treatment to the ladies she was staying with. While he in particular suffered long hours of work, poor accommodation and feeding, the ladies were subjected to physical and sexual abuses. He added that even though his boss took his details and passport, he was determined to return. “I returned after 6 months of stay in Saudi Arabia. I told them I was returning for family reasons. My travel documents were prepared and I returned” The perspectives of Victor is an indication that female migrant domestic workers suffer more abuses in the GCC states compared to their male compatriots.

Zainab again noted how she suffered under her employer,

“...I will wake up at 04:00 am and sleep at 12:00 midnight and was sleeping in the laundry room. Their sons were sleeping with me in turns. They would come and roll over my blanket when I am asleep” She further claimed:

“...when I told madam I no longer want to work, she locked me up for days with no food and I was in my menstruating period. I stole a phone to communicate and one of the sons helped me out. I think he had a soft spot for me”

Vivian, another domestic worker, who went to Saudi Arabia but ended up in Lebanon narrated her traumatic experience and sexual harassment.

Box 1:

In the interview with the officials from the Ministry of Labour and its agencies, COTU and KUDHEIHA and Trace Kenya, all the respondents reported having heard or read about the abuses and exploitation Kenyans go through in migrating to and their employment in the GCC countries which include physical, sexual and psychological. For instance, the views of Trace Kenya in box 2 sums up the challenges and gaps in Kenya that eventually accentuate the suffering of migrants in the GCC states.

Box 2:

Government does not seem to care about people that wants to work abroad. This is because there are no stringent measures in place and government does not also know how many Kenyan migrant workers are in the GCC, but have records of the remittances. There is no enough public awareness in local community and is a duty of government but is not doing. Agents claim to self-regulate, but don't care what happens if labour migrants are out there. For us, recruitment agencies don't like us, they consider us enemies.

Ghana

In the case of Ghana, the most pressing challenges experienced by migrants include deception, extortion and lack of pre-departure training prior to migration as well as reduced pay, long hours of work, withholding of passports, sexual and psychological abuse. For instance, two female migrants currently in Saudi Arabia and UAE talked about how they are being treated. Gumah in UAE explained:

“It is not easy to settle here but I have no option. I am paid less than expected and they overuse us with no off days”

Christi, a domestic worker in Saudi Arabia, on her part had this to say:

There are good and bad experiences here. First, my employer did not allow me to use a phone, but later bought one for me. As for the long hours of work, it has become a normal part of us.

Temaa, a returnee domestic migrant worker from Saudi Arabia noted

"I was taken to Saudi to look after their old mother. I bath and feed her and in addition I clean their 4 floor storey building and the wash cars. I worked eighteen hours a day, seven days a week, without any rest. I worked like a slave and was treated like one. They talk to me anyhow. The son of Madame tried to rape me several times. I was always inside and not allowed to go out"

A key informant at the MOL argued that. Yes, we have good and bad employers. The girls that have gone to the GCC states under our supervision face less difficulties or none at all. We keep contact with them over there. Some have returned after their contracts have expired and willing to go back.

Nigeria

Nigerian labour migrants to the GCC states have experienced all the challenges and sufferings empirical literatures have identified, and more, including deaths. For most of the migrants spoken to – returnees and those still working there, they are desperate to return home as they fear for their health and safety. Nigerian labour migrants in Saudi Arabia and Oman faced the most challenges. The sense of being treated as owned slaves and the obvious powerlessness to seek and achieve redress is a recurrent frustration those spoken to expressed. Hear Aderonke from Osun state: When we are maltreated like slaves and we attempt to fight back, our bosses will tell us that they have paid for our lives and that they can do anything to us.

The story in Box 3 was told by Aderonke who shared the ordeals of her friend:

Box 3.

I have a friend here in Saudi, her name is Azeezat from Kwara State. Her father is dead and her mother is old and lives in Lagos. She does not call nor chat because her mobile is not connected to internet. She has to hide to her phone from her boss. When I called her last week, she was crying bitterly because her boss took her to their family house where they assaulted her and took her to the police station and the policemen took turns in beating her at the station.

The researcher obtained the number of her friend, called Azeezat who confirmed all that Aderonke has said. Far touching was Azeezat's desperate call for help:

“Please help us because they say we have been sold to them. We are going through hell. Their police is always on their side. Nobody will listen to our cries. The Nigerian embassy officials do not care about what is happening to their citizens’.

Another respondent, Adijat, a domestic worker with a husband and a little daughter back in Nigeria and currently working in Saudi Arabia confirmed the challenge of extortion by recruitment agencies: I regret the day I met the agents that brought me to Saudi Arabia. These agents are very wicked. They collected money from us in Nigeria and they also took money from our sponsors in Saudi Arabia.

Damilola, another domestic worker in Saudi Arabia offered this account alluding to the challenges of delayed and non-payment of salaries and even untimely deaths domestic workers meet in the hands of their employers:

“There was one of my good friends in Saudi Arabia that her boss was owing three months’ salary. She demanded for her money and they descended on her and beat her to death”.

The case of child labour was also alluded to:

Box 4:

There was a day my madam took me to her friend’s house in Saudi and I saw a 15-year old Nigerian girl doing housemaid. The worst is that she is forbidden from using a cell phone and I felt so bad for her because she is a minor and maltreated like a slave also. Please and please help us from this slavery and stop people from coming.

Uganda

some of the challenges Ugandan migrant workers, especially domestic workers in the GCC states experienced include contract change without negotiation and consent; multiple employers, but single line payment; physical abuse – beating and torture; rape and excessive and long working hours. A Ugandan was butchered by a family in Oman. Box 5 is story told by another African migrant who got account of this crime and relayed same, including the very gory picture of the butchered Ugandan lady to the research team. The picture of the murdered girl and many others of varying degrees of assaults were considered too gory to be published.

Box 5:

A Ugandan lady who was murdered in Oman after completing her two-year contract as a housemaid. The day she was leaving the house because she was now free to go, her Madam ordered that she be locked her up in the room, stripped naked her and slaughtered like an animal. The allegations by her boss’s wife was that the Ugandan maid slept with her husband

6.5 Migrants Return and Reintegration

Migrants return and the facilitation of their effective reintegration in home countries is as important as their integration in host countries. Therefore, when assessing the challenges of labour migration and its governance, the issue of return and especially reintegration has to be factored. Indeed, how reintegration is managed is an essential part of managing return migration. A key concern of the study was to assess the mechanisms and policies in place that allow for returnees reintegration. The perspectives of returnees were also sought on how they were facilitated to reintegrate upon return from the GCC states.

The study found out that, in both Kenya, Ghana, Nigeria and Uganda the only viable mechanism for return and reintegration is the IOM's⁹⁴ assistance especially its Assisted Voluntary Return and Reintegration (AVRR) programme which essentially addresses various issues of return and reintegration beginning from pre-departure and during transportation to arrival and post-arrival. Nigeria has a Skills development and Job Placement centre in Ikoyi, Lagos state for migrant returnees coordinated by the Ministry of Labour and Productivity. The challenges limiting against the effectiveness of this centre has been discussed above.

The AVRR cover issues such as pre and post-return counseling, cash grants, business startups, medical and psychosocial assistance. However, the concerns about the AVRR are the facts that it is adhoc, most returnees are not aware of it and therefore do not cover all returnees. For instance, a union official from Ghana had this to say:

“There are no proper structures to assist return migrants to fully reintegrate, socially or economically in Ghana. The AVRR is good but not efficient. How is the AVRR known or can it be accessed by returnees? We need a system that allows CSOs and Unions partnering with state institutions to have an engagement with returnees and various models of their reintegration designed”.

What appears to be the case in Ghana is that the IOM assisted programmes, though good, do not allow for broader stakeholder engagement/involvement. There is also a dichotomy between national and local levels as there is no well fashioned out initiative to address social reintegration which is largely at local level.

In Kenya, the lack of sustainable reintegration mechanism was also clear as indicated by the experiences of returnees. Two of the returnees interviewed indicated they are still struggling to get jobs since their return 2 years ago. They also indicated they are not aware of any program that assist returnees. “Our governments⁹⁵ are not thinking about us. But if you want your nationals to be treated well elsewhere, you have to show by example. I am hearing about AVRR program for the first time from you”. However, the females are reported to be working. While Zainab work as a domestic worker. Vivian owns a hair do saloon. What a key concern would why and how people have returned home and their integration. Indeed, is one of areas that have been neglected and this was confirmed by the experiences of returnees. Managing reintegration is an essential part of managing return migration. IOM assist. But most of these are adhoc. No

94 International Organization for Migration

95 In this case referring to African governments

proper structures to assist returnees to fully integrate back socially and economically. In Kenya, 2 of the returnees (males) are still not engaged in any meaningful job while females Zainab and Vivian are engaged economically and socially. Zainab is a domestic worker and Vivian owns a hair salon in Nairobi city.

The full integration of Vivian and Zainab was through the organizing and recruitment efforts of KHUDIAHA. The union has, through the media, made itself known to the public and has a toll-free line for workers and return migrants to call in. According to the union, they have engaged the ministry of employment on how returnees can be reintegrated into their families and society. Trace Kenya is another institution that supports or responds to the reintegration of migrants in Kenya. TK indicated that, in many cases of return assistance, the government does not act on time. TK establishes direct links with host employers and agents to help address migrants' problems and bring them back. Other initiatives by TK to empower return migrants economically and socially include business start-ups (e.g. transport and fish storage), psychosocial counseling and peer group link-ups.

In Ghana and Nigeria, even though there are various migrants associations and CSOs in addition to the TUC and NLC respectively, no concrete programme was identified in response to the reintegration of returnee migrants. The NLC and the TUC are using the policy space to advocate and lobby government for practical reintegration programmes for returnees to fully get back into society and the labour market. For example, the TUC indicated that, in the formulation of a labour migration policy for Ghana of which they are involved, they are very particular about the issues of reintegration and would push for their inclusion. However, some of the affiliates or associated unions are embarking on organizing drives which include migrant workers to provide protection. For instance, the GLMWU which specifically organizes migrants, the General Secretary who was interviewed indicated that *...even though their organizing is not returnee migrants', their doors are open to accept returnees who need assistance*. He admitted that their only challenge is the lack of resources to embark on their organizing, sensitization and awareness creation as well as extend support to specific groups.

A Deputy General Secretary organizing workers in the Nigeria Textile industry and whose union is affiliated to the NLC and IndustriALL indicated that "...our union is serious and engaging in organizing so as to increase voice and representation for workers irrespective of nationality status". Thus, when they organize, they do not do so wearing a "migrant workers' perspective" lense, which they are now appreciating the need to do so. This explains why they have not consciously sought to organize returnee migrants.

6.6 Existing Policy and Programme Responses on Labour Migration in Kenya, Ghana, Nigeria and Uganda

Kenya

State Responses

Broadly, the case studies demonstrate that a range of legal and policy frameworks and practical strategies have been or are being undertaken across the various countries to regulate and manage migration in general and labour migration in particular. Institutional actors or stakeholders crucial in this drive include government ministries and agencies, trade unions, civil society organizations (CSOs), NGOs and international organizations.

From the legal and policy perspectives, the regulatory frameworks in place are Labour or Employment Acts/Regulations, Trafficking in Persons Acts and National Migration Policies. It was however evident from the study that most of the countries including Ghana, Uganda, and Kenya labour migration policies have gaps militating against effective labour employment abroad. What exist in these countries are the Labour/Employment Regulations and Trafficking in Persons Acts with specific provisions addressing labour migration. The only exception is Nigeria which has, in addition, a National Migration Policy and Labour Migration Policy. Ghana has also adopted a National Migration Policy.

It must be emphasized that, at the time of the study, Uganda and Ghana are in the process of drafting comprehensive national migration policy and labour migration policy respectively while Kenya has draft policies yet to be adopted. In terms of ratification of regional and international migration related instruments, there are discrepancies among the four countries. For instance, while Ghana, Nigeria and Uganda have ratified the UN Migrant Workers' Convention, 2003, Kenya is yet to. Further, in the case of ILO Conventions, only Kenya and Nigeria have ratified the Migration for Employment Convention (Revised), 1949 (No.97) whereas the Migrant Workers (Supplementary Provisions) Convention, 1975(No.143) is ratified by Kenya and Uganda alone. This is just a reflection of the general low ratification (i.e.less than 18%) of the two conventions in Africa.

The biggest challenge for all is having the institutions to implement and enforce these frameworks. For instance, while the legislations have gaps allowing for exploitations, the policies lack the institutional mechanism or structures for their implementation. There also appear to be lack of coordination and collaboration between and among state actors. What the study also found out is the fact that, in all the countries, the IOM is working mainly with Governments, through various projects, especially in the development of a plans for regulating labour migration to the Gulf and other destinations. What appears to be weak is an effective partnership with trade unions and CSOs working in the sector to build support and capacity for effective advocacy, sensitization and awareness creation within the industry. In all the countries, some non-state actors also have recognised the importance of labour emigration and are playing diverse roles. Key among these are the trade unions, return migrants networks/association and pro-migration NGOs. Nevertheless, their capacities to play active roles in addressing and achieving fair recruitment remain low.

Kenya has a number of institutions, legislations and policies to regulate and manage migration. However, in the context of current and practical initiatives and with specific reference to labour emigration and related issues of recruitment, it was revealed that the established National Employment Authority (NEA) under the National Employment Authority Act, 2016 (No.3 of 2016) is given a direct and immediate mandate to regulate. For instance, the Labour Ministry with Kenya Revenue Authority (KRA) and NEA among others have to do annual inspection of recruitment licenses to ensure compliance with legal requirements. Again, the NEA has a related function “to facilitate the employment and placement of Kenyans for jobs outside the country.

With regards to policy responses, in 2014, a Diaspora Policy was formulated with the aim to, for instance, engage and facilitate Kenyans abroad and improve consular services to address issues of citizens. There are also drafts policies on national migration and labour migration though yet to be passed. However, it reflects the commitment of government to find solutions to the problem. The interviews with key informants suggest that the problem with Kenya is not about the laws but about how they implemented and the relative impunity under which recruitment firms are allowed to operate. The trade unions expressed worry with such developments.

There are good labour laws in Kenya, but the issue had to do with implementation. The employment Act has a provision on foreign employment and regulates recruitment agencies too. The Act demands that a contract must be witnessed by government, and the agencies have to account for the worker’s medical, air ticket and coming back to Kenya. Infact, the migrants are not told by the agents and nobody enforces that [interview with Khiza, union official, an affiliate of COTU]

Regarding practical strategies, the study found that Kenya has undertaken various steps in the management of labour migration, especially domestic workers to the GCC states. The government of Kenya, in 2014, imposed a total ban on the export of labour to the Gulf following reports of deplorable working conditions, human rights violations, exploitation and abuse of Kenyans. The licenses of 930 recruitment agencies in Kenya were also revoked. A task force was subsequently established to review the framework of foreign employment and labour migration and recommend interventions to address the challenges in the sector. A key intervention is the setup of an Inter-Ministerial Vetting Committee to vet the registration of private recruitment agencies (PEAs) of which 65 PEAs have so far been accredited and authorized to place labour for employment abroad. A key informant at the NEA said that all labor contracts for those who will work abroad will be attested by labor authorities to ensure that Kenyans do not face exploitation abroad.

In addition, before workers depart, they will undergo a mandatory pre-departure training under a skills curriculum developed and executed by NITA. This initiative specifically, empower and facilitate the integration of domestic workers intending to travel to the Gulf countries. Kenya is also party to some bilateral labour agreements, for instance, with Saudi Arabia (2017), Qatar (2017) and UAE (2017) to ensure the protection of the human and labour rights of especially Kenyan domestic workers in the GCC States. Other bilateral labour agreements have also been initiated with Kuwait, Oman, Lebanon and Jordan. Kenya has also stationed labour attchees or officials in the GGC states to monitor the living and working conditions of their migrants.

In spite of these initiatives, there are reservations as to the actual impact. Interview with both the unions and migrants showed that the challenge had to do with how migrants become aware of these initiatives and accessing them and not their mere existence. An official from TK indicated that something is happening in Kenya but is not enough. He lamented that though there are labor attachés, but this is not known to most migrants out in the GCC States. Those who move must be aware before travel. For instance, Zainab noted

I stayed for one year in Saudi Arabia and return. I did not know of any embassy of Kenya in Saudi Arabia let alone labour attachees that help Kenyan workers over there.

A key informant from KEPAWU observed that BLAs between Kenya and the GCC States concerned benefits to both but creates a loop hole which does not address the abuses of migrants. He added that BLAs are more business oriented and do not ensure the safety of our people, but thinks they should have a clauses on labour migration and all aspects of migrants lives.

Trade Unions and NGO/CSO Responses

Beyond the state responses, non state institutions also play key roles in Kenya. In particular, the Central Organization of Trade Unions (COTU) of Kenya with some of its affiliates and Trace Kenya, a pro-migrant NGO have been directly involved with various strategies in response to labour migration to the GCC States. The interviews with COTU and KUDHIAHA officials highlighted a number of initiatives. The interview revealed that COTU is pushing for the implementation of labour laws to the letter to give adequate protection to migrants and domestic workers by engaging in dialogue with state agencies, media conferences and public sensitization one of this being its public fora during Labour days. It was also indicated that COTU has undertaken a number of campaigns to create public awareness and also push Government to ratify the Domestic Workers' Convention C189 to improve domestic workers pay and address conditions of work. Indeed, it uncovered the labour attachees were sent to some GCC states because of pressure on Government especially from the unions. Collectively, the unions have worked closely with Parliament on the Domestic Workers' Bill and Migrant Workers' Bill yet to be passed.

On the part of KUDHIAHA, the interview gathered that the union has a partnership with some media houses such as KTN and NTV and a feature on migrant workers from the level of recruitment is ongoing. Through, the media, the sector union has made itself known to the public and there is a toll free line for workers to call in. Union has conducted 3 public fora in Mombasa the main exit point on proper processes and channels to migrate. Since labour migration is not an individual problem but a family and community problem, this is done by involving parents, the grassroots, community leaders and local administrative leaders. This is because in Kenya, especially Mombasa, local leaders are playing a part in people getting passports but do not know. Lobby Churches, Mosques and human rights groups, especially Moslems for Human Rights in Mombasa to assist unions because of the religion and trust. This is in addition to some collaboration it had built with Trace Kenya and Kenya Human Rights Commission to improve advocacy on migration. The union is also looking at skills deficit of most of labour migrants, and is therefore engaging the ministry of labour and employment in developing skills curricular as well as how return migrants can be reintegrated into their families and society. This is to prepare people skill wise to improve their value and protection

On the part of Trace Kenya (TK), the core mandate is to fight human trafficking and rescue victims especially children involved in forced labour and sex trade, but realized the need to fight the human abuses in labour migration. As at December, 2017, Trace Kenya has rescued 670 adults, with a greater majority (about 99.4 percent) being women mostly from the coastal region of Kenya, but others from Uganda, Rwanda, Burundi and Tanzania. The interview showed that TK initiatives and support to labour migration are directed at prospective migrants or migrants and returnees or those rescued.

On the former, basically TK offer advisory services for safe travel based on key ingredients such as sign contract by lawyers and labour department, copy of passport and visa issues. Also in cases of concerns in host GCC country, TK link up with employers directly and liaise with agents to help address the problems and/or bring a migrant back to Kenya because government does not act on time. On the latter—returnees, TK engages in a number of things including: psychosocial counseling, peer group link up with previous travelers, resource assistance to start economic activities, and in cases of re-emigration, migrants are taken through proper channels.

Regarding resource support, a key informant of TK said they work with partners to extend business startups in the form of Motor bikes transport, Freezers for fish selling among others in place of money. In all they have extended direct support to 95 (4 men) returnees. He noted

“We have done an assessment, and some are doing well and happy while others have expanded their businesses”.

Ghana

State Responses

In Ghana, there is an Inter –Ministerial Steering Committee (IMSCM)⁹⁶ that manages migration, including international labour migration. Other relevant state and public institutions/agencies with focus on international labour migration include the Labour Department, Department of Social Welfare, Diaspora Affairs Bureau, and the Ghana Immigration Service, Anti–Human Trafficking Unit of the Ghana Police Service. The Labour Department as part of its mandate is to license and monitor private recruitment agencies, for both local and international job market. However, the department is currently not in the best of shapes, financial, logistics and human resource wise, to properly execute this important assignment. There are also a number of non–state actors both local and international identified to play key roles on labour migration. The Trades Union Congress (TUC) Ghana, the Centre for Migration Studies (CMS), migrant networks /associations while International organizations include FES, the ILO and IOM.

Regarding the legal and policy frameworks, a number of them exist. Relevant laws and regulations on migration, especially with focus on labour emigration include the Labour Act, 2003 (Act 651), Labour Regulations, 2007 (L.I. 1833), Immigration Act 573, 2007 and its adjoining regulations Immigration Regulations, 2001 (L.I 1691), and the Human Trafficking Act, 2005 (694) and the Human Trafficking Prohibition Regulations L.I. 2219. With regard to international commitments, Ghana is signatory to a number of treaties and conventions relevant to migration. Key ones yet to be ratified include C97 and C143.

96 Comprising of Ministries of: Employment and Labour Relations; Interior; Defense; Foreign Affairs & Regional Integration; Ministry of Finance; Planning; Gender, Children & Social Protection; Health; Education and Justice

The Labour Act of 2003, (Act 651) and its supported regulations (Labour Regulations, 2007; L.I. 1833) that provides guidelines especially on foreign employment cover issues of who or what entity can become a legitimate private recruiter/firm, how much prospective firms must pay to the Ministry of Labour as license and security bond, criteria for granting of license and the processes and arrangement of foreign employment contracts among others. However, an important loop hole of the law is its silence on how much recruiters can charge to migrants. Immigration Act 573, 2007 and its regulations Immigration Regulations, 2001 (L.I 1691) gives the mandate to the GLS to grant exit permits upon proper checks. However, according to a key informant from the service this mmm has been abused. Through officials of the service and influential people send our girls to the GCC. The Human Trafficking Prohibitions Regulations, L.I. 2219, provides guidelines for the effective implementation of the Human Trafficking Act, 2005 (Act 694) which aims to prevent and combat human trafficking, protect and assist victims of trafficking, investigate and prosecute offenders of human trafficking.

In terms of the policies, there are three key policy documents identified and relevant to migration: Ghana seven-year Coordinated Programme of Economic and Social Development (GCPESD) agenda, the National Migration Policy and the National Diaspora Policy. The GCPESD is the President vision for development through job creation, prosperity and equal opportunity for all. The agenda took cognisance of SDGs and the AU Agenda 2063 its formulation. Therefore, the pillars of decent work for inclusiveness are captured and to mainstream migration into national development. The National Migration Policy was adopted in 2015 and launched in 2016. Though, the policy calls for the establishment of a National Commission on Migration (i.e. Ghana National Commission on Migration), GNCM for short, to oversee its implementation, this is yet to be done almost 3 years after its adoption. The National Diaspora Policy which was formulated in 2015 remains in a draft form, while a national Labour Migration Policy is also being formulated. As a result, the study observed that responses to labour migration issues are dhoc and largely uncoordinated.

In terms of practical initiatives, Ghana appears not to have done much, and if there are any they remained unnoticed to many. However, in 2017 the government of Ghana placed a ban on recruitment of workers to the Gulf. The suspension was in response to alleged abuse of some Ghanaian migrant workers by the employers in some Gulf countries including Kuwait, Saudi Arabia, and Lebanon. A committee has been established to look into the issue and recommend the way forward but is yet to come out with its report. The ban raises a lot of concerns from some sections of the stakeholders. For instance, the Ghana Association of Private Employment Agencies (GHAPEA) has appealed to government to lift the ban because of its implications on their business. Interview with one of the PEAs in Accra suggests the GHAPEA was not consulted by the Ministry of Labour before placing the ban. The official claimed:

“We were not consulted in any way before the the ban on recruitment, so you can see that it is not working. Things are not done this way when there are structures in place”

It was gathered from the interview with other stakeholders that, most PEAs have closed businesses and/or relocating to neighbouring countries.

Non-State Actors' Responses

Another key initiative by government, though with the support of international donors, is the national platform on migration⁹⁷ which was established in May 2017 with a pledge by government to pursue a clearly defined and holistic policy direction on migration. Though this is an opportunity to make use of the collective efforts of all stakeholders both state and non-state actors to address the course of migration, it appears not to be inclusive. Key state informants and union officials indicated that since the launch only one meeting was held with their involvement, and they seem not to know what is going on.

While Ghana has a number of migrant rights groups and returnee's associations, quantifying their responses can be difficult. The desk review showed that, most of them lack working structures and clear policy while it was also not clear what concrete support they provide to migrants. They admitted their assistance is limited to collaboration with the IOM and Ghana Immigration Service (GIS) due to lack of sponsorship. They include Migrants Watch and Sahara Hostliers. For instance, the interview with Eric of Sahara Hostliers, an NGO formed in 2012 by return migrants, showed that their focus is on sensitization and education campaigns through the support of IOM and GIS. He noted that, while there is a documentary on GTV on the dangers of migration, in 2015 a nationwide campaign was carried out in Senior High Schools, Churches and Mosques in Ghana.

Other two key entities that deal with migrants in their work and were interviewed by this project include the Centre for Migration Studies (CMS) of the University of Ghana and the TUC (Ghana). The CSM focus although is on teaching and research, it has been directly involved and spearheaded the development of a number of policy documents including the National Migration Policy of Ghana and the Migration Profile of Ghana as well as the draft Diaspora Policy. Currently, it is leading and facilitating the formulation of a labour migration policy for Ghana. With specific to the issue of labour emigration to the Gulf, a senior official of Centre stated that if for nothing at all, they build the capacity of other stakeholders in area of migration. It was indicated that beyond conferences, policy discussions and publications, the Centre does advocacy. For instance, they cited collaborating with the TUC on number of activities including sensitization and awareness creation in Senior High Schools on migration.

Typically, the TUC and its affiliates' responses have been in the areas of advocacy, research and attempts at organizing as well as strengthen collaboration with other actors. A key informant from one of the affiliates of TUC sounded that the key role unions can play is advocating and sensitization of the public and migrants on the dos and don'ts of leaving the borders of Ghana to GCC and elsewhere for work. To him, this will reduce exploitation and rights violation. From the interview, it was clear TUC has also undertaken some practical initiatives though. For instance, around the question of labour migration to the GCC, and the union response, an official of the

97 The platform has among others the objectives to support the ECOWAS Technical Management Team [TMT] in identifying proposals and assessment as well as monitoring and control of Spain-ECOWAS Fund for Migration Policy projects. The Platform which is the brain child of a Memorandum of Understanding [MOU] between key fund managers – the Spanish Ministry of Foreign Affairs and Cooperation and ECOWAS, is to ensure a steady flow of information between the TMT and the beneficiaries as pertains to implementation of all selected projects

TUC indicated that, the right to migrate is a fundamental right, but must be informed by adequate information while sensitization of the public to make the right decisions before moving is also key. As a result, he indicated the TUC with the support of FES has produced a Pre-Decision Kit to guide prospective emigrants and returnees. The kit is an outcome of a comprehensive research on Emigration, Return and Reintegration in Ghana. In 2017, the TUC also carried out sensitization campaigns in Kintampo and Nkronza, two of the emigration prone areas in Ghana.

TUC has also taken advantage of the policy space. Regarding policy formulation, the TUC was part of the National Migration Policy and the Migration Profile while it is also currently part of the Technical Working Group (TWG) to formulate a labour migration policy for Ghana. Beyond advocating for ratification and domestication of migration related conventions including the Domestic Workers' Convention, No.189, TUC has also on several platforms drawn the attention of Government to resourced the Labour Department and roll out the implementation plan of the National Migration Policy to help address the specific issues with Gulf migration and Africa-Mediterranean-EU migration.

An international organization that some aspects of its work deal with migrants in Ghana and was interviewed is the German Development Cooperation (GIZ). GIZ is implementing the Migration and Employment Promotion (MEP) Project. GIZ indicated that MEP is being implemented on behalf of the BMZ within the framework of the Programme for Sustainable Economic Development (PSED). It was indicated that PSED is new and being piloted in three regions (Greater Accra, Ashanti and Brong Ahafo) in Ghana before full implementation. PSED target group includes returnees and those with migration intentions as well as employment promotion generally for all Ghanaians. In 2017, 800 Ghanaians, 30% women, were trained under the pilot programme made up of mechanics, barbers, hairdressers etc. GIZ noted that, on return and reintegration, the focus is on voluntary returnees and those facilitated by their scouts to return from Germany, but added that they accept any returnee who avail him/herself to be assisted. The challenge though is lack of data on returnees. GIZ has established Migration Advisory Center that does career guidance and psychosocial counseling. They also support in the form of start-ups, vocational training, entrepreneurship training, outreach programmes and collaboration. GIZ indicated that in future they want expand their scope and collaborate with relevant potential stakeholders that can offer something on migration and employment creation.

Nigeria

For Nigeria, the availability of migration and labour migration policies and the conscious approach of the government to engage social partners and other critical stakeholders represent resources for an effective migration governance. Nigeria also has laws to prevent human trafficking and to punish offenders. The recent organisation of the coordination of the country's migration governance now led by the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) is a positive development that has brought different government ministries and parastatals and also non-state actors together so they perform their different mandates around migration. The coordination is done around thematic working groups led by different and relevant agencies. For instance, the Nigeria National Volunteer Services (NNVS) is the lead agency on diaspora mobilisation. The country has a Diaspora policy, but still in draft form.

The Nigeria's Assisted Voluntary Return and Reintegration (AVRR) programme is coordinated by the NCFRMI. A Strategic Document has been developed, but yet to be validated by the collaborating institutions and stakeholders.

A similar arrangement obtains for Uganda, much of which have been identified in earlier section of this study. The challenge, however, is that coordination is weak and policy formulation processes and application take rather long. For instance, Uganda suspended BLMA with Saudi Arabia with the aim to improve her practices and engagements for the better protection of the human and labour rights of Ugandan migrant workers. However, the report (May 2018) of slavery and trafficking of Ugandan girls in the UAE⁹⁸ points to non-effectiveness of the temporal ban.

98 <http://www.monitor.co.ug/News/National/Slavery-Uganda-UAE-diplomat-Nimisha-Madhvani-Isaac-Sebulime/688334-4560182-95aj42z/index.html>

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CONCLUSION AND RECOMMENDATION

Labour migration from Africa as shown in the country cases of Ghana, Kenya, Nigeria and Uganda to the GCC States has been on the increase. This is largely perceived but less captured statistically. Even though data collected is scanty, the perception is supported by increasing reported cases of abuses and maltreatment of African labour migrants. The abuses have led to labour migration ban to the GCC states, notably Saudi Arabia and United Arab Emirates, by some of the case study countries at one time. While this phenomenon is largely undocumented, the majority of those who end up in the GCC states are mostly young, unskilled and less educated Africans.

The composition of labour migrants is also becoming more feminized due to the nature of jobs and demands in the GCC states. Domestic services sector appear to engage most of the migrant workers while sectors such as construction and security are also notable areas.

A number of factors are behind the recent increase in GCC States migration Africa. Though they may be country specific, they are multiple and overlapping. The main push factors however, in spite of the abuses and exploitation, are high unemployment, the lack of decent jobs and the life style of successful return migrants. Further, the local communities and leaders also play a part in facilitating migration.

The reported challenges labour migrants face appear to emanate from both the host countries and recruitment practices of the source or sending countries. The hardship and abuse labour migrants go through in the GCC States include: exploitation through exorbitant fees and charges payment; delayed, denied and reduced salary payment; sexual and physical abuse, contract substitution and reduction in already agreed pay; seizure of passports upon arrival and long hours of work with less rest; health and safety concerns; multiple work place engagement without consultation, consent and excess work payment to the migrant worker. The other worrisome challenges are the instances of forced labour, child labour, human trafficking, and the growing cases of violence, killings and deaths of African migrant workers without recourse to accountability.

While labour migrants use normal travel documents and flights, the recruitment process is flawed coupled with weak enforcement of regulations, as well as poor investigation and prosecution of human trafficking gangs. As a result, the pre-departure problems include lack of training or pre-departure orientation, mismatch between contract details/terms including type of job and pay as “sold” to the potential migrants on paper compared to the reality. Other challenges include the inadequate or lack of proper systems for reintegration upon return. Where they do exist, they are adhoc, poorly funded and managed and unsustainable or cannot be accessed due to lack of publicity on such initiatives.

The general perception is that African governments seem not to care about the plight of their labour migrants to the GCC states and elsewhere. This perception is hinged on the fact that there are no stringent enforcement measures to drive fair recruitment; institutions with mandate are under-resourced; the lack of collaboration between stakeholders.

These notwithstanding, a range of state and non-governmental organisations' responses to migration were unearthed, even as other initiatives are yet to come to fruition including direct policies and programmes. In particular, trade unions, migrants, academia and NGO organizations such as ITUC/Africa, TUC Ghana, COTU Kenya, KUDHIAHA, NLC-Nigeria, ATUMNET, Trace Kenya, CMS Legon, Sahara Hostliers, and Migrants Watch are playing various important roles in responding to the needs and protection of both migrants and returnees.

Further, international agencies composed of the ILO, IOM, FES, and GIZ have been key in meeting the immediate needs of migrants as well as supporting and assisting social partners in carrying out capacity building and sensitization efforts. Indeed, in recent times, the interest in labour migration has increased but African States' focus and commitment remain low.

The very weak support and protection from African embassies in the GCC states came out repeatedly and decried. It was, however, interesting and exciting to see the migrants, especially the domestic workers, who the study has identified as women dominated, are organising themselves into solidarity supportive groups such as "Strong Nigerian Ladies", even when most of them were unaware of the growing #MeToo feminist movement speaking out against discrimination and abuses against women at work and home.

Responses to migration occur at various levels and involved different actors.

Collective efforts are needed and positive steps must be taken for progress to be made. The needs of migrants are diverse, the scope and scale of migration may increase, but with adequate funding, capacities and collaboration between and among stakeholders, the challenges can be managed, reduced and in some cases, eliminated.

Recommendations

This study prescribes a number of recommendations to be led by different actors – state and non-state alike.

Government

- * Clearly identify an agency to lead on the holistic coordination of the issues of migration and labour migration. Such bodies should be well resourced to regulate and monitor.
- * A lot needs to be done on the risks of migration and the general insecurity labour migration faced. For instance, vigorous sensitization and awareness creation must be mounted to wipe out the element of illiteracy on migration just as was the issue with HIV/AIDs. Awareness especially on the fact that laws in the GCC countries are not the same, available jobs and skills needed, rights of workers, culture and dress code.

- * Private Employment Agencies (PEAs) should be regulated with some agreed criteria and laws reviewed if need be, while harsher penalties are handed down to defaulting agencies including close down to deter others.
- * States should make it mandatory for recruitment agencies to undertake pre-departure orientation for prospective labour migrants. Recruitment agencies must also be mandated, compulsorily to effectively document recruited labour migrants and to share such information before the departure of the prospective migrant with the relevant supervisory government agency. The nature of the prospective migrants' information to be collected and collated will include: name; home address; name and address of next of kin; name and address of employer in the GCC states; nature of employment to be engaged in the host/receiving countries; salary to be paid, etc.
- * In the areas of integration of migrants and reintegration of return migrants, need for migrants' resource centers (MRC) and other active labour market programmes.
- * The ratification, application and implementation of standards enabling instruments such as the African Union Free Movement protocol, ILO Conventions 98,143,181,189 and P29 (forced labour) should be prioritised and achieved.
- * African governments must demand statutory representation in the Abu Dhabi Dialogue process. This space must be accessible to African non-state actors as well.
- * It is critical and urgent for African governments to devise means of providing support and protection to migrants in the GCC states. Where embassies are present, a Labour Attache equipped with the appropriate capacity and mandate should be deployed to cater for the needs of migrants.

Non-State Stakeholders

- * Trade unions are advised to strategically work with progressive CSOs, as well as the media in their economies so as to scale up non-state actors' voices and spheres of influence necessary for engaging state actors and complementing their efforts at improving migration governance.
- * Opportunities to improve and deepen trade union capacities and competences on migration and labour migration, especially on advancing fair recruitment practices and governance should be sourced and consciously maximized.
- * Advocacy campaign on the protection of the rights of migrants and migrant workers, as well as the rights of members of their families must be developed and consistently implemented by trade unions and their civil society allies. Such advocacy campaign should touch on creating, improving and consolidating public sensitization and awareness on migration and how to migrate safely. Importantly, the campaign will include issues of governance deficits that contribute to push factors of migration. In essence, trade unions and CSOs must continue to demand that government make real and pragmatic efforts to address unemployment, low wages, women disempowerment and climate change effects. ITUC-Africa will continue to engage the African Union with the view to adopt minimum wage application for the continent as a means to stem the growing working poor phenomenon.

- * Unions need to do more in the area of engaging African governments to review and/or renegotiate BLAs. Such review processes must consciously involve the social partners and other relevant stakeholders.
- * There is a sense of urgency to scale up the campaign to combat and defeat human trafficking. Trade unions and their CSO allies should advocate for pragmatic efforts at prevention, as well as on investigation, prosecution and sanction of offenders.
- * Organising of workers is critical to improving the chances for the protection of the rights of workers. Trade unions must continue to prioritise organising.
- * Non-state actors must work with their governments to collaborate with internet social media outfits and operators on ways to curb and rein in the use of the internet and social media platforms for perpetrating deceptive labour migration recruitment activities, which exacerbate human trafficking, slavery and other human rights abuses.
- * It is equally important that CSOs together with state actors work with media outfits to improve the mainstream media narrative concerning Africa's migration and migration from Africa. Similar efforts should be made to use media outfits to contribute to the advocacy to reduce and stem desperate journeys.

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ANNEXES

Table 6: Major Destinations for Ghanaian Migrant Workers in the GCC and Gulf countries from 2015 – 2017

Year	2015		2016		2017*	
	Male	Female	Male	Female	Male	Female
Country of Destination						
Saudi Arabia	746	221	345	1,261	262	883
UAE	219	126	265	0	117	0
Qatar	392	0	441	15	307	0
Kuwait	0	51	18	2	0	0
Oman	0	0	0	0	0	0
Bahrain	0	0	0	0	0	0
Jordan	0	0	0	25	0	20
Total	1,357	398	1,069	1,303	686	903

Source: Labour Department, Ghana 2018. *refers to Data before the Ban on Recruitment

Table 7: Economic Sectors or Occupations of Ghanaian Migrants Workers in GCC countries, 2017

Occupation	S.Arabia	UAE	Qatar	Kuwait	Oman	Bahrain	Total	
							Male	Female
Construction (carpenter, mason, tiler, scaffold etc)	7	0	122	0	0	0	129	0
Domestic Work/Helpers	914	3	20	0	0	0	36	901
Drivers (taxi, long haul etc)	22	2	2	0	0	0	25	1
Factory/industrial work	10	0	7	0	0	0	17	0
Farmer	1	0	0	0	0	0	1	0
Labourer/Industrial cleaners	114	0	84	0	0	0	198	0
Operators (warehouse, machine	11	27	0	0	0	0	38	0
Security/Guard	2	38	0	0	0	0	40	0
Sales	53	0	7	0	0	0	60	0
Technician, steel fixer, aluminum furnace	8	22	62	0	0	0	92	0
Waiter/waitress	10	0	10	0	0	0	19	1
Total								

Source: Labour Department, Ghana 2018

Country	Destination								
	2010								
Source	Bahrain	Kuwait	Oman	Qatar	S Arabia	UAE	Bahrain	Kuwait	Oman
Chad	401	1136	–	663	–	4493	430	1305	–
Egypt	67374	168272	30361	136060	603000	755158	80889	387993	78630
Eritrea	1448	4114	–	2401		16231	1550	4725	–
Ethiopia	826	2897	–	1846	102910	9276	678	3595	–
Morocco	669	2083	–	1431	–	7508	648	2795	–
Nigeria	1179	1515	–	2347	–	13178	1952	4441	–
Somalia	727	2758	–	1609	–	8173	519	3168	–
S. Sudan	1190	0	–	2632	–	13368	849	1726	–
Sudan	9955	41140	6978	22272	301500	111835	7522	45525	15775
Tunisia	440	1256	–	910	–	4932	468	1784	–

References

Kenya

	2011	2012	2013	Total
SA	5713	5147	382	11,242
Q	303	670	1043	2,016
UAE	193	410	478	1,081
Bahrain	160	12	21	193
Kuwait	61	2	21	84
Oman	–	–	–	–
All	6,430	6,241	1,942	14,616

Source: Author estimation from 2015 Kenya Migration Profile

2015			2017					
Qatar	S Arabia	UAE	Bahrain	Kuwait	Oman	Qatar	S. Arabia	UAE
512	–	4967						
163569	728608	935308						
1854	–	17916						
1667	124347	7836						
1437	–	7492						
4071	–	22572						
1243	–	6000						
2033	–	9817						
18583	364304	86981						
978	–	5416						

Country	1990	1995	2000	2005	2010	2015	2017
Bahrain	28,609	31,109	33,705	53,092	84,209	95,505	98,011
Kuwait	177,443	140,756	158,746	170,672	225,171	457,057	498,082
Oman	23,721	36,169	38,453	35,065	37,339	94,405	94,843
Qatar	18,064	17,469	14,280	66,320	172,171	195,947	199,861
S Arabia	597,326	612,177	628,991	776,989	1,007,410	1,217,259	1,456,184
UAE	216,754	274,120	347,271	433,992	944,152	1,104,305	1,072,657
All GCC	1,061,917	1,111,800	1,221,446	1,536,130	2,470,452	3,164,478	3,419,638

Country	1990		2000		2010
	Migrants	% of Pop	Migrants	% of Pop	Migrants
Bahrain	28,609	5.8	33,705	5.1	84,209
Kuwait	177,443	8.5	158,746	7.7	225,171
Oman	23,721	1.3	38,453	1.7	37,339
Qatar	18,064	3.8	14,280	2.4	172,171
S Arabia	597,326	3.7	628,991	3.0	1007410
UAE	216,754	11.7	347,271	11.0	944,152
All GCC	1,061,917	4.6	1,221,446	4.1	2,470,452

Table 8: The Trend of Global and African migrants stock in the GCC countries 1990–2017

Country	1990	1995	2000
BAHRAIN			
Global	173,212	205,979	239,361
Africans	28,609	31,109	33,705
KUWAIT			
Global	1,074,391	921,954	1,127,640
Africans	177,443	140,756	158,746
OMAN			
Global	304,000	539,643	623,608
Africans	23,721	36,169	38,453
QATAR			
Global	309,753	361,673	359,697
Africans	18,064	17,469	14,280
S. ARABIA			
Global	4,998,445	5,122,702	5,263,387
Africans	597,326	612,177	628,991
UAE			
Global	1,306,574	1,824,118	2,446,675
Africans	216,754	274,120	347,271
ALL GCCs			
Global	8,166,375	8,976,069	10,060,368
Africans	1,061,917	1,111,800	1,221,446

Source: UN DESA, 2018 [Data for 2017]

<http://gulfmigration.eu/glmm-database/demographic-and-economic-module/>

% of Pop	2015		2017	
	Migrants	% of Pop	Migrants	% of Pop
6.8	95,505	7.0	98,011	6.6
7.5	457,057	11.6	498,082	12.0
1.2	94,405	2.2	94,843	2.0
9.7	195,947	7.9	199,861	7.6
3.7	1,217,259	3.9	1,456,184	4.4
11.4	1,104,305	12.1	1,072,657	11.4
5.5	3,164,478	6.0	3,419,638	6.2

2005	2010	2015	2017
404,018	657,856	704,137	722,649
53,092	84,209	95,505	98,011
1,333,327	1,871,537	2,866,136	3,123,431
170,672	225,171	457,057	498,082
666,160	816,221	1,844,978	2,073,292
35,065	37,339	94,405	94,843
646,026	1,456,413	1,687,640	1,721,392
66,320	172,171	195,947	199,861
6,501,819	8,429,956	10,185,945	12,185,284
776,989	1,007,410	1,217,259	1,456,184
3,281,036	7,316,611	8,095,126	8,312,524
433,992	944,152	1,104,305	1,072,657
12,832,386	20,548,594	25,383,962	28,138,572
1,536,130	2,470,452	3,164,478	3,419,638

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