GENDER ACTION PLAN

GENDER MAINSTREAMING IN THE JLMP

15 December 2021

CONTENTS

ACRONYMS AND ABBREVIATIONS

AfCFTA	African Continental Free Trade
AU	African Union
AUC	African Union Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COMESA	Common Market for Eastern and Southern Africa
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
FOPREL	Forum of Presiding Officer of Legislative Assemblies of Central America and the Caribbean Basin
GBV	Gender-based violence
GCM	Global Compact for Safe, Orderly and Regular Migration
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Organisation
IOM	International Organisation for Migration
JLMP	Joint Labour Migration Programme
LMAC	Labour Migration Advisory Committee
M&E	Monitoring and Evaluation
MIDCAS	The Migration Dialogue for Central African States
MIDCOM	The Migration Dialogue from the Common Market for Eastern and Southern Africa Member States
MINAS	Ministry of Social Affairs (Cameroon)
MPFA	African Union Migration Policy Framework for Africa
MS	Member State(s)
NSIA	Moroccan National Strategy for Immigration and Asylum
REC	Regional Economic Community
PTIS	African Continental Free Trade (AfCFTA) Protocol on Trade in Services
SADC	Southern African Development Community
SAMM	The Southern African Migration Management Project
SDGs	Sustainable Development Goals
SO	Strategic Objective (of the JLMP Strategic Framework 2020-2030)
UN	United Nations
UNECA	United Nations Economic Commission for Africa
UNGA	United Nations General Assembly
UNHCR	UN High Commissioner for Refugees
UNRISD	United Nations Research Institute for Social Development
WEF	World Economic Forum

GLOSSARY

Asylum seeker	An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.
Border officials	A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State. Also termed "border guards", "border police" or "aliens police".
Capacity building	Building capacity of governments and civil society through strengthening their knowledge, skills, and attitudes. Capacity building can take the form of substantive direct project design and implementation with a partner government, or in other circumstances can take the form of facilitating a bilateral or multilateral agenda for dialogue development put in place by concerned authorities. In all cases, capacity building aims to build towards generally acceptable benchmarks of management practices.
Country of destination	In the migration context, a country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly. Note: In the context of movements of internally displaced persons (IDPs) the term "place of destination" should be used. See also host country, receiving country.
Country of origin	In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly.
Gender and sexual minorities	Sexual minorities are groups of people whose sexual orientation, gender identity, gender expression, or sexual characteristics are different from the presumed majority of the population, which are heterosexual, cisgender, and non-intersex individuals.
Domestic workers	Domestic workers generally work for private households. They may not always have clear terms of employment and are often excluded from the scope of labour legislation. Their work may include tasks such as cleaning the house, cooking, washing, and ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, or driving the family.
Gender	The culturally shaped expression of sexual difference, and the social attributes and opportunities associated with those expressions along with the relationships between women and men and girls and boys.
Gender equality	A situation of equal rights, responsibilities and opportunities for women and men and girls and boys.
Gender mainstreaming	The process and practice of giving attention to gender perspectives as an integral part of all activities across all programmes.

Host country	See country of destination. Note: In the context of returns, the term is used as opposed to country of origin and as an alternative to country of destination or sending country to provide clarity in the identification of the various countries involved. In other contexts, the term "host country" is generally best avoided, as it may imply a particular relationship between migrants ("guests") and natives ("hosts") which may be misleading and could undermine the integration of migrants.
Human rights	Those liberties and benefits which, by accepted contemporary values, all human beings should be able to claim "as of right" in the society in which they live. These rights are contained in the International Bill of Rights, comprising the Universal Declaration of Human Rights, 1948 and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights, 1966 and have been developed by other treaties from this core (e.g., The Convention on the Elimination of All Forms of Discrimination against Women, 1979; International Convention on the Elimination of All Forms of Racial Discrimination, 1965).
Irregular migrant	See migrant in an irregular situation.
Labour force participation rate	The proportion of a country's working-age population that actively engages in the labour market, either by working or looking for work.
Labour migration	Movement of persons from their home State to another State for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.
Migrant	An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. At the international level, no universally accepted definition of migrant exists.
Migrants in an irregular situation	A person who moves or has moved across an international border and is not authorized to enter or to stay in a State pursuant to the law of that State and to international agreements to which that State is a party.
Migration	A process of moving, either across an international border or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people, and economic migrants.
Migration management	The management and implementation of the whole set of activities primarily by States within national systems or through bilateral and multilateral cooperation, concerning all aspects of migration and the mainstreaming of migration considerations into public policies. The term refers to planned approaches to the implementation and

	operationalization of policy, legislative and administrative frameworks, developed by the institutions in charge of migration.
Receiving country	Usually, the country of destination of a migrant. In the case of return or repatriation, also the country of origin or, in the context of resettlement, a country that has accepted to receive a certain number of migrants, including refugees, on a yearly basis by presidential, ministerial, or parliamentary decision. See also country of destination, country of origin.
Irregular migration	Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit, or destination. Although a universally accepted definition of irregular migration does not exist, the term is generally used to identify persons moving outside regular migration channels. The fact that they use irregular migration channels does not imply that States are not, in some circumstances, obliged to provide them with some forms of protection under international law, including access to international protection for asylum seekers fleeing persecution, conflicts, or generalized violence. Moreover, categories of migrants who may not have any other choice but to use irregular migration channels can also include refugees, victims of trafficking, or unaccompanied migrant children.
Refugee (recognized)	A person, who "owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."[1]
Regular migration	Migration that occurs in compliance with the laws of the country of origin, transit, and destination. See also clandestine migration, irregular migration.
Sex worker	The term "sex worker" recognises that sex work is work. Sex workers earn an income through sex work by sell sexual services.
Trafficking in persons	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.[2]
Working-age population	People aged 15 years and above who are able to account for their involvement in any economic activity.

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[1] Convention relating to the Status of Refugees, Art. 1A (2), 1951 as modified by the 1967 Protocol.
[2] Art. 3(a), UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000.

EXECUTIVE SUMMARY

The AU/ILO/IOM/UNECA Joint Programme on Labour Migration Governance for Development and Integration in Africa (JLMP) is a long-term joint undertaking among four organizations in coordination with other relevant partners which seeks to implement the 5th Key Priority Area of the Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development which was adopted by the Assembly of Heads of States and Governments (AU/Assembly/AU/20(XXIV)/Annex 3, January 2015) in Addis Ababa, Ethiopia.

As part of achieving the JLMP Strategic Framework, the JLMP is conducting a Gender Mainstreaming Project in order to understand the structural and societal variables that affect the role of gender in labour migration and to fully integrate a gender-equality perspective into the work of the JLMP. This document serves as a follow-on to the in-depth Gender Analysis, completed in early November 2021, in order to translate the findings into actionable and specific interventions that will best respond to the gendered nature of migration in the world today.

This Gender Action Plan sets out the following specific recommendations through which a gender equality perspective can be more explicitly and impactfully integrated into the labour migration policies of the JLMP, its members, and Member States and Regional Economic Communities (RECs) in Africa.

1.   Recommendations related to Priority Countries and Target RECs

All recommendations for priority countries fall within the following four key areas:

1.   Ratify key conventions.
2.   Improve national frameworks to harmonise domestic law with international standards and infuse gender equality into labour migration policy, with country-specific recommendations dependent on the particular gaps identified in the national framework.
3.   Integrate gender-responsive and human rights-based approaches at the policy level, with country-specific recommendations dependent on the particular gaps identified in the national framework.
4.   Collect and utilise accurate and sex-disaggregated data as a basis for evidence-based policies, and law reform.

Recommendations for the target RECs speak to the role of RECs in encouraging and supporting progress in these same four areas.

It is further recommended that the JLMP support the implementation of the priority country and target REC recommendations to the extent possible, and where appropriate.

1.   Recommendations related to the JLMP Strategic Framework

- ***Strategic Objective 1: Effective Governance and Regulation***

    1.   Support states to ratify and implement relevant international treaties and conventions by providing technical support on the justification for doing so.

2.   Support the development of rights-respecting bilateral labour agreements amongst Member States.

3.   Advocate for the removal of gender-based barriers to regular labour migration and that discourage women migrants from accessing appropriate support and legal recourse such as gender-based migration bans, policies preventing family reunification, and custodial sentences for immigration offences.

4.   Include gender-specific elements in the JLMP Capacity-Building and Training Strategy.

5.   Support the development and adoption of gender-sensitive remittance policies at the national, regional, and continental level

- ***Strategic Objective 2: Safe and Secure Working Environments, Social Protection, and Mutual Recognition of Skills***

1.   Support processes to enable independent documentation for women migrant workers

2.   Ensure social protections are extended to women migrant workers by continuing to support the development and implementation of regional instruments on the portability of social security benefits for migrant workers and investing in further research in this area

3.   Provide best practices to enable the separation of immigration enforcement from access to services

4.   Provide accessible, targeted information for women migrant workers

5.   Support the development of targeted economic opportunity programs for women migrant workers

6.   Support the provision of adequate protection for migrant women from trafficking, labour exploitation, and discrimination through the provision of trainings for immigration officials, advocating for the removal of gender-based restrictions on labour migration, and increasing the capacity for gender-responsive labour inspections

7.   Recommendation 7: Develop harmonised accreditation standards that facilitate the employment of migrant women

- ***Strategic Objective 3: Collection and Utilisation of Sex-Disaggregated Data***

1.   Maximise the gender-related insights that can be drawn from existing resources

2.   Plug the gaps with regard to sex-disaggregated migration data, notably on employment status and occupation of migrant workers, data on abuses and violence experienced by women migrant workers, social protection, and sex-disaggregated data on remittances

3.   Ensure current practices and uses of data avoid gender bias and protect human rights by protecting data and providing training on gender-sensitive data use

- ***Strategic Objective 4: Strengthening Governance and Accountability of the JLMP***

1.   Integrate gender mainstreaming into the Strategic Framework and Evaluation Framework of the JLMP through the development of a JLMP Gender Policy.
2.   Gender-mainstream the internal operations and culture of the JLMP by building a gender-aware internal culture and promoting gender-equitable programme implementation

The Summary of Recommendations below provides a more detailed overview of the recommendations along with designated parties responsible for their implementation and recommended timeframes.

These recommendations, if implemented, will address the gender dimensions of labour migration in a targeted way and will prioritise the most significant risks and harms currently faced by migrant workers. As the proportion of women migrants in Africa continues to grow, labour migration policy on the continent must keep pace with growing developments in this area. Despite the many risks and challenges faced, particularly by women migrant workers, several steps can and should be taken to mitigate them and to maximise the developmental potential of labour migration on the continent while simultaneously protecting and defending the rights of all who live and work in Africa.

1. INTRODUCTION

The AU/ILO/IOM/UNECA Joint Programme on Labour Migration Governance for Development and Integration in Africa (JLMP) is a long-term joint undertaking among the four organizations in coordination with other relevant partners operating in Africa, including development cooperation actors, private sector organizations and civil society representatives. It is the instrument dedicated to the implementation of the 5th Key Priority Area of the Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development which was adopted by the Assembly of Heads of States and Governments (AU/Assembly/AU/20(XXIV)/Annex 3, January 2015) in Addis Ababa, Ethiopia.

The JLMP is a collaborative project between the African Union (AU), the International Labour Organisation (ILO), the International Organisation for Migration (IOM) and the United Nations Economic Commission for Africa (UNECA). In line with the JLMP Strategic Framework, the Swiss Agency for Cooperation and Development (SDC)-funded project Catalytic Actions for the AU-ILO-IOM-UNECA Joint Programme on Labour Migration Governance for Development and Integration in Africa (JLMP Action) aims to contribute to the JLMP objective of strengthening the effective governance and regulation of labour migration and mobility for enhanced sustainable development for inclusive economic growth and regional integration of the African Continent. The German Federal Ministry for Economic Cooperation and Development, through the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), is also supporting the development of the JLMP Capacity Building Strategy. The ILO and IOM provide extensive and ongoing technical support and expertise to support the JLMP's operations.

As part of this initiative, the JLMP is conducting a Gender Analysis to present and understand relevant quantitative and qualitative information on structural and societal variables in the context of gender and labour migration, including women and men migrant workers' roles, needs, opportunities, challenges, access to resources and decision-making, and power dynamics, as well as gender dimensions of relevant frameworks such as laws, policies, bilateral labour agreements and multilateral cooperation mechanisms. The objective is to fully integrate a gender-equality perspective into the planning and programming of the JLMP in order to best respond to the gendered nature of labour migration in the world today.

Improved implementation of commitments to gender equality and women's empowerment in humanitarian action and migration constitutes one of the key objectives of the African Union(AU) Strategy for Gender Equality & Women's Empowerment 2018-2028[3] and is in line with the JLMP Strategic Framework's commitment to gender responsiveness as a guiding principle.[4]

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[3] Outcome 2.3. of the AU, 'Strategy for Gender Equality & Women's Empowerment 2018-2028', (2018) (accessible here).
[4] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 27 (accessible here).

This document serves as a follow-on to the in-depth Gender Analysis which was completed in early November 2021. Where the Gender Analysis provided a review of structural and societal variables in the context of gender and labour migration, this Gender Action Plan serves to translate those findings into actionable and specific interventions for the JLMP to take in order to fully integrate a gender-equality perspective into the planning and programming of the and to best respond to the gendered nature of labour migration in the world today.

We begin by providing an overview of the process through which this initiative has taken shape, including the methodology for research and scope of the analysis, and a summary of the findings from the Gender Analysis which preceded this Action Plan.

We then turn to address gender-mainstreaming in the target countries and priority RECs, highlighting primary recommendations for action in that domain. Finally, we elaborate on recommendations for action within the JLMP's Strategic Framework,[5] according to the four Strategic Objectives therein. The Summary of Recommendations, above, provides a summary of all recommendations made along with responsible parties and recommended timeframes for implementation.

1.1. Methodology and scope

The research for this project was conducted using a mixed-methods approach that included the following components:

- **Desk review:** conducting desktop, policy, and legal research, including reviewing key resources, researching societal and structural variables in the context of gender and labour migration, including the state of gender inclusion in labour migration policies in each of five priority countries (Cameroon, Cote d'Ivoire, Ethiopia, Malawi, and Morocco) and two target RECs (COMESA and ECCAS), and identifying the gender dimensions of relevant frameworks including laws, policies, bilateral labour agreements, and multilateral cooperation mechanisms;

- **Data collection:** collecting existing qualitative and quantitative data on the gender environment, particularly sex-disaggregated data on gender dimensions within labour migration, within each priority country and target REC, as well as international best practices on mainstreaming gender into international, regional, and domestic labour migration policy;

- **Stakeholder feedback:** collating written and verbal contributions from key stakeholders through the use of online surveys and an online data collection portal;

- **Assessment and analysis**: synthesising findings from the desk review and stakeholder feedback and assessing priority countries, target RECs, and the JLMP Strategic Framework through the lens of gender according to the Standard Assessment Framework, which

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[5] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 27 (accessible here).

comprised of an analysis of the macro (policies and laws), micro (institutions), metal (gender norms) and micro (socio-economic indicators) factors in the relevant domains.

The scope of this report mirrors that taken in the Gender Analysis, which is broad in order to give a comprehensive view of the experiences of women and migrant workers from gender and sexual minorities. It is focused primarily on labour migration in accordance with the scope of the JLMP, which is defined as the movement of persons from their home State to another State for the purpose of employment. The recommendations in this report relate to all of the following sub-sets of migration types:

- Forced and voluntary labour migration;
- Skilled and unskilled migrant workers;[6]
- Irregular and regular labour migration;
- Internal and cross-border labour migration., with a particular focus on cross-border labour migration[7]

Finally, it must be noted that the JLMP Handbook on Gender Dimensions of Labour Migration already contains various important recommendations for ways in which to address the particular challenges and risks faced by women migrants in Africa. This Action Plan should be read as an extension of and accompaniment to that document.

2. OVERVIEW OF FINDINGS OF THE GENDER ANALYSIS

The Gender Analysis highlighted several key findings that inform the recommendations made in this Gender Action Plan. First, there is a crucial need to recognise that men and women experience labour migration differently and that women migrants face particular challenges and risks throughout the labour migration process. Although labour migration is a highly gendered process, labour migration policy, as expressed through various international treaties and conventions as well as regional frameworks, remains largely gender-neutral. As a result, opportunities for promoting and protecting the rights of migrant workers as well as for capturing the economic benefits of labour migration are being missed.

Secondly, women migrant workers face particular challenges during the migration journey, such as the risk of gender-based violence, a greater likelihood of falling victim to trafficking, and a lack of access to information and resources that put them further at risk. Men migrant workers also face negative gender stereotypes relating to the need to provide for their families that may be a contributing factor to the higher rates of male migration on the continent. Further, negative stereotypes often prevent men from seeking the help and assistance that they need when experiencing violence during the migration journey.

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[6] Although unskilled workers make up the majority of African migrants on the continent, the number of higher-skilled workers has been increasing over recent years, according to the African Union, 'Report on Labour Migration Statistics in Africa Second Edition', (2017) at p. 5 (accessible here).

[7] Although the JLMP Strategic Framework 2020-2030 focuses primarily on intra-African labour migration since over 60% of migrant workers remain on the continent, we have taken a more flexible approach to the issue of labour migration in order to give a comprehensive view of the experiences of women and gender and sexual minorities migrant workers.

On arrival, women often continue to face discrimination that limits their economic opportunities and places them in particularly vulnerable working situations. They are more likely to face challenges accessing social protection and adequate healthcare, as well as barriers to remitting funds back home and exercising their rights to collective action. On return, the many challenges of reintegration can be amplified by a clash of gender norms and expectations.

The Gender Analysis highlighted that a balancing act must be done with regards to the need to respond to the particular needs of women without treating women migrant workers as a homogenous group, in other words, to understand the particular needs of skilled and unskilled migrant workers, employed and unemployed migrant workers, domestic workers, sex workers, mothers and wives, single mothers, and victims of trafficking, while building in an appreciation for intersecting forms of discrimination that can be based on multiple different facets of an individual, such as race, ethnicity, religion, age, marital status, class, country of origin, etc.

It also made the case for efforts to increase the labour force participation rate of migrant women, which currently sits below that of the non-migrant population of women in Africa, in order to ensure that women migrants are able to most impactfully contribute to sustainable development on the continent, as well as able to defend and protect their rights and live meaningful, dignified lives.[8]

Importantly, the integration of a gender perspective in labour migration policy should be careful to "[recognise] the agency of women in migration, [promote] their empowerment and leadership and [move] away from addressing women migrants primarily through the lens of victimhood."[9]

In implementing the following recommendations, the JLMP should therefore keep in mind the need to emphasise women's agency and not their victimisation, not to define them by their relationship to children or as an inherently vulnerable group, but rather to seek in all instances to maximise their agency and inherent ability to participate meaningfully in policymaking. The JLMP is therefore encouraged to use the recommendations below to create more opportunities for the participation of women migrant workers in decision-making. As emphasised in the JLMP Gender Handbook, "migrant women and relevant civil society organizations [must be involved] in the formulation, implementation and review of policies and regulations governing migration to ensure that their specific needs are addressed."[10]

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[8] JLMP, 'Strategic Framework 2020-2030 for the AU/ILO/IOM/UNECA Joint Programme on Labour Migration Governance for Development and Integration in Africa (JLMP)', (2020) at p. 10 (accessible here).
[9] African Union, 'The Revised Migration Policy Framework for Africa and Plan of Action (2018 – 2027)', (2018) at p. 51 (accessible here).
[10] JLMP, 'Handbook – Gender Dimensions of Labour Migration'.

3.   RECOMMENDATIONS: PRIORITY COUNTRIES AND TARGET RECS

Across the target countries and priority RECs of the JLMP, women and gender and sexual minorities continue to face discrimination and unequal opportunities that limit their economic and social opportunities, there are also unique factors that influence men's labour migration experiences. These gender-based constraints, disparities, and experiences can create a difficult environment for migrant workers entering these areas and may also contribute to efforts by some nationals to emigrate outside the country or region to find better economic and social opportunities. While there is a range of approaches and labour migration policies in force in the region, the countries and RECs under review did not appear to incorporate gender-specific factors into their labour migration planning or to account for the gendered dynamics of the labour migration experience in order to protect the rights migrant workers and maximise their ability to participate economically in both their countries of origin and destination.

As a point of departure, all countries and RECs should conduct **gender impact assessments** in relation to labour migration frameworks and processes. This will require critical engagement with questions around labour migration experiences, understanding the intersectional dimensions of labour migration, and evaluating the extent to which law, policies and processes are gender-sensitive. Developing and conducting gender impact assessments is already in many was envisaged in the JLPM strategic framework. Accordingly, the JLMP should assist the countries and RECs with these assessments in order to enable states to develop or enhance labour migration frameworks to ensure that the principle of equality, inclusion, safety, and dignity are meaningfully experienced by those living at the various intersections of gender and labour migration. On a practical level, the **JLMP should assist countries and RECs in developing appropriate gender impact assessments, and provide support to states in terms of analysing the assessments and mapping a way forward.**

In addition, there are four overarching areas in which these countries and RECs can improve their gender responsiveness in the context of labour migration. First, by ratifying and incorporating key conventions (it is anticipated that the JLMP's LMAC – the Labour Migration Advisory Committee – can play a key role in this regard). Second, by improving the national framework for labour migration from a gender perspective. Third, by integrating gender-responsive and human rights-based processes into national development and labour migration planning, including strengthening the capacity of those who are responsible for development planning on the linkages between gender and labour migration. This also includes engendering an enabling and empowering environment for women by eradicating pervasive and harmful perceptions of gender norms that are informed by structural and systemic discrimination. Fourth, by collecting and utilising accurate and sex-disaggregated data as a basis for evidence-based policies. These will be dealt with in turn below in relation to the specific contexts of the countries and RECs.

The JLMP can play a role in each of the areas. Accordingly, it is recommended that JLMP support in the following ways:

- Set up stakeholder engagements with the priority countries to discuss the value and utility of ratifying key conventions. While the JLMP should not unduly influence states' decisions in this regard, sharing useful information about relevant conventions may assist the countries in establishing informed views which in turn may lead to ratification.

- Aligned with the gender impact assessments above, the JLMP can assist priority countries with conducting analysis of existing laws and policies, and, where appropriate and where public participatory opportunities exist, the JLMP may wish to contribute to such processes.

- The JLMP can further assist priority countries and RECs that need to develop and implement labour migration policies, by setting up workshops, engagements, and strategy sessions with key role players to encourage the facilitation of the policy process.

- In terms of data, the JLMP should encourage and support priority countries and RECs to embark on data gathering exercises, per the priority areas discussed under section 4.3. below, as soon as reasonably possible by providing capacity-building and training support.

3.1. Cameroon

3.1.1. Recommendation 1: Ratify key conventions

Action Required:

Cameroon is a state party to several important international legal instruments that provide a sound basis for its labour migration framework. However, in order to ensure more meaningful gender mainstreaming and to grant constitutional status to international legal instruments,[11] Cameroon must ratify the following:

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;[12]
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography;[13]
- Convention C-181, the Private Employment Agencies Convention;[14] and
- Convention C-189, the Domestic Workers Convention.[15]

Responsible Stakeholder: The Minister of External Relations.

Supporting stakeholders: the JLMP and RECs can play a role in providing technical support regarding the content and justification of these conventions and drumming up support and momentum for their ratification amongst Member States.

Timeframe: 1-2 years.

3.1.2. Recommendation 2: Improve national frameworks

Action Required:

First, and in line with the above recommendation, Cameroon must domesticate all relevant ILO Conventions on Labour Migration and harmonise national laws and regulations with international labour standards. This must be coupled with law reform efforts that focus on ensuring that Cameroon's labour migration framework incorporates a gender perspective that is responsive to the different challenges faced by those in the labour migration process and ensures that everyone can migrate for employment through safe and regular channels.

Second, Cameroon's national legal framework governing migration and employment could benefit from revisions in order to achieve gender equality in the context of labour migration. The

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[11] Article 45 of the Constitution grants constitutional status to all international legal instruments ratified by Cameroon. See also United Nations General Assembly, 'National report submitted in accordance with paragraph 15A of the Annex to Human Rights Council Resolution 5/1: Cameroon' (2008) (accessible here).
[12] UN Treaty Body Database, 'Ratification Status for Cameroon' (accessible here).
[13] *Ibid*.
[14] ILO, 'Ratifications of C181 - Private Employment Agencies Convention, 1997 (No. 181)' (2021) (accessible here).
[15] ILO, Ratifications of C189 - Domestic Workers Convention, 2011 (No. 189)' (2021) (accessible here).

current framework does not appear to recognise "unskilled" workers. As recorded in the Gender Analysis, women are more likely to be unskilled migrants and may take up work, for example, as domestic workers. This gap in the current framework may lead to more women joining the informal economy which in turn places them in a vulnerable position. Further, the cumbersome requirements concerning the employment of foreign workers make it highly implausible for an unskilled worker to obtain "legally recognised" work. This too places women in a precarious position. Accordingly, legal frameworks that pertain to labour migration must enable regular migration pathways and options for both skilled and low skilled women migrant workers. Further, the Labour Code's provisions around night work,[16] and the employment of women, young persons, and children,[17] should be reconsidered and any gender-based barriers are removed.   National laws must provide women migrant workers with the same rights and protections that are extended to all workers.

Third, gender-based violence is a key concern in Cameroon. Accordingly, Cameroon must commit to preventing and ending gender-based violence. This commitment requires adopting legislation and policies guaranteeing the right to equality and non-discrimination in employment and occupation, in particular for women workers, as well as for workers and other persons belonging to one or more vulnerable groups who are disproportionately affected by violence and harassment in the world of work.[18] In this regard, the Labour Code should be amended to address gender-based violence and harassment in the workplace. This should include provisions for appropriate complaints mechanisms, redress options, and support structures. More generally, and notwithstanding the provisions of the Penal Code, legislation specifically aimed at protecting and supporting victims and survivors of gender-based violence would be welcomed. This could include adopting legislation that enables victims, survivors and affected persons to see assistance – for example through the court system, by obtaining a court order that order can prevent an abuser from committing an act of gender-based violence or harassment. This should be inclusive to afford equal protection to migrant labourers – regardless of whether their migration journey has been regular or irregular.

Finally, and owing to systemic discrimination against gender and sexual minorities, Cameroon should decriminalise same-sex relations. Labour migrants who are members of gender and sexual minorities are vulnerable to unfair discrimination and harassment. Decriminalisation could occur through amendments to the Penal Code along with amendments to the Labour Code. For example, the Labour Code could benefit from the inclusion of clear non-discrimination provisions that promote equality and eliminate unfair discrimination on the grounds of sex, gender, gender identity, sexual orientation, in the context of labour relations.

Responsible stakeholder: Ministry of Foreign Affairs, Ministry of Labour, Ministry of Social Affairs, Parliament.

Target groups: women migrant workers, particularly those in the informal economic and unskilled workers, survivors of GBV, migrant workers from gender and sexual minorities.

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[16] Labour Code at chapter II.
[17] *Ibid* at chapter III
[18] Adapted ILO, EU and UN Women, 'Empowering Women at Work: Government Laws and Polices for Gender Equality' (2021) (accessible here) at p. 30.

Timeframe: 3-5 years.

3.1.3. Recommendation 3: Integrating gender-responsive and human rights-based approaches at the policy level

Action required:

While Cameroon has made some key strides toward gender equality and women's empowerment, and while the legal framework provides some guidance on matters relating to labour and migration, Cameroon should develop and implement a gender-sensitive labour migration policy. Further, the gender-sensitive labour migration policy must be developed in a manner that recognises the agency of women in migration and labour. Moreover, this policy must promote a general environment of zero tolerance to violence and harassment and provide a clear framework for addressing and preventing violence and harassment in the world of work and in the context of migration processes. This should coincide with the setting up of appropriate and responsive structures including the creation of focal points within the Ministry of Foreign Affairs, Ministry of Labour, and the Ministry of Social Affairs.

Further, Cameroon must promote national informational and educational campaigns on the gender dimension of migration among migrants, those affected by migration, and policymakers and personnel involved in migration, especially in the managing of the migration process. This must include mandatory gender-sensitivity training for all those involved in the migration process such as immigration officials, law enforcement, embassy officials, etc.

Responsible stakeholder: Ministry of Women's Affairs, Ministry of Foreign Affairs, Ministry of Labour, Ministry of Social Affairs, Ministry of Basic Education, Ministry of Higher Education.

Target groups: women migrant workers, particularly those in the informal economic and unskilled workers, survivors of GBV, migrant workers from gender and sexual minorities.

Timeframe: 3-5 years.

3.1.4. Recommendation 4: Collect and utilise accurate and disaggregated data as a basis for evidence-based policies

Action required:

There is limited available data and sex-disaggregated data on labour migration in Cameroon, particularly with regards to the nature of employment of migrant workers such as occupations, pay, etc., and the experiences of migrant workers during the migration journey. Sex-disaggregated data and gender-responsive evidence and analysis on current migratory trends will enhance knowledge generation and awareness on the gendered dimensions of migration in Cameroon and in turn will better inform the development of strategic legislative, policy and other measures. Accordingly, Cameroon must enhance national and regional labour migration data collection and analysis. This may require strengthening the capacity of the national statistics office, ministries responsible for labour migration and immigration, and other relevant

stakeholders to collect, use and disseminate sex-and gender-disaggregated data and gender statistics on migration, including labour migration.

Responsible stakeholders: National Institute of Statistics, Ministry of Foreign Affairs, Ministry of Labour.

Supporting stakeholders: statistical experts within the JLMP and its members, notably the ILO and IOM.

Target groups: National Institute of Statistics, Ministry of Labour.

Timeframe: 1-2 years.

3.2. Cote d'Ivoire

3.2.1. Recommendation 1: Ratify key conventions

Action required:

Côte d'Ivoire is a state party to several key international instruments and has enacted domestic legislation that addresses migration matters; however, further steps must be taken to ratify key conventions and protocols, most notably, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. [19] Côte d'Ivoire has ratified 40 International Labour Organisation conventions, thirty-six of which are in force,[20] but it is crucial that the remaining International Labour Organisation (ILO) conventions also be ratified. Côte d'Ivoire must therefore ratify the following:

- Convention C-97, the Migration for Employment Convention;
- Convention C-143, the Migrant Workers (Supplementary Provisions) Convention;
- Convention C-181, the Private Employment Agencies Convention;
- Convention C-189, the Domestic Workers Convention;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and, in particular, implement the provisions in General Comment No. 1 on Migrant Domestic Workers.

Responsible Stakeholder: Minister for Foreign Affairs.

Supporting stakeholders: the JLMP and RECs can play a role in providing technical support regarding the content and justification of these conventions and drumming up support and momentum for their ratification amongst Member States.

Timeframe: 1-2 years.

3.2.2. Recommendation 2: Improve national frameworks

Action Required:

It appears that the legal framework for labour migration does cater for unskilled workers: this is based on the assumption that the large majority of foreigners, although working in the informal sector, are in a regular situation.[21] It further appears that the labour law framework provides for equality and inclusion. Despite this, and as noted in the Gender Analysis, the gender roles that inform labour priorities result in a "disproportionate burden of unpaid care work [resulting] in pressures on time and a lack of flexible working hours which constrains women's opportunities and access to labour networks in agriculture."[22] There may, therefore, be some gaps in the labour

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[19] UN Treaty Body Database, 'Ratification Status for Côte d'Ivoire' (accessible here).

[20] IOL, ' Ratifications for Côte d'Ivoire' (accessible here).

[21] United Nations, 'A survey on Migration Policies in West Africa' (2015) at p. 134 (accessible here and here).

[22] Work and Opportunities for Women, 'Women's Economic Empowerment in Côte d'Ivoire' (2020) (accessible here) at p. 9.

migration legal frameworks. In particular, these frameworks may not adequately incorporate a gender perspective that is responsive to the different challenges faced by women in the labour migration process and ensure that women can migrate for employment through safe and regular channels. It is therefore recommended that the laws relating to labour and migration be considered through a gender lens and be adapted where necessary. Examples of possible amendments would include revisions to the Labour Code to strengthen the non-discrimination provisions and ensure equality in relation to opportunity and wages. Additionally, consideration should be given to the laws that regulate entry and stay of foreigners in Côte d'Ivoire – notably, the provisions that spouses are exempt from the production of certain documents — a gender analysis of this at the legislative level should be conducted to determine what the benefits or consequence of this provisions are and whether it enables agency and empowerment or if it engenders dependence and dominance.

In addition to the above, two areas of concern warrant legislative action in Côte d'Ivoire. First, human trafficking, particularly the trafficking of adults, remains under-addressed, and despite the lack of reliable data, it is "probable that Côte d'Ivoire is also one of the main countries of destination for victims of trafficking in West Africa."[23] Côte d'Ivoire should enact legislation that is responsive to this concern, taking into account the specific gender dynamics of human trafficking. Lawmakers must be mindful of the multiple and intersecting forms of discrimination faced by persons who are victims of trafficking for sex, labour, or other purposes, and of the potential losses to the labour force and economic contributions of workers who are lost to forced labour.

Finally, Côte d'Ivoire must also embark on law reform efforts geared towards land, marriage, gender-based violence, rape, abortion, and harmful cultural practices. Revisions to the criminal code in relation to "unnatural acts" and or acting contrary to "moral sensitivity" is necessary in order to curb societal prejudice and incidents of discrimination and physical assault against gender and sexual minorities. Further, a clearer legal position regarding sex work is necessary to enable sex workers to work legally.

Responsible Stakeholders: Ministry of Territorial Administration and Decentralization, Ministry of Security and Social Protection, Ministry of Employment, Social Affairs, and Vocational Training; the Ministry of Foreign Affairs; the Ministry of Solidarity, Family, Women, and Children, Parliament.

Target groups: unskilled women and men migrant workers and those in the informal economy, women generally, and migrant sex-workers.

Timeframe: 3-5 years.

3.2.3.   Recommendation 3: Integrate gender-responsive and human rights-based approaches at the policy level

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[23] United Nations, 'A survey on Migration Policies in West Africa' (2015) at p. 134 (accessible here and here) ("UN Survey on Migration") and Maastricht Graduate School of Governance ("MGSoG"), 'Côte d'Ivoire: Migration Profile) (2017) at p. 18 (accessible here).

Action Required:

Côte d'Ivoire must adopt a clear policy position on questions of the intersection of gender and labour migration. The policy position and initiatives and programs that flow from the adopted position must be informed by a gender analysis at the policy level and be implemented in a gender-responsive manner. The recent changes to the various ministries provide a good opportunity for Côte d'Ivoire to focus on developing and implementing such a policy. The policy should be informed by the nuanced understandings of the common forms of labour migration in the country, as well as the gender dynamics that impact migration flows. For instance, the policy should take into account both formal and informal forms of labour. It should further recognise and make provisions for certain forms of work that may place migrants in vulnerable positions, such as sex work. Moreover, the policy should adopt a position of zero tolerance to violence, harassment, and discrimination.

Similarly, to Cameroon, Côte d'Ivoire must promote national informational and educational campaigns on the gender dimensions of migration among migrants themselves, those affected by migration, and policymakers and personnel involved in migration, especially in the management of the migration process. This should include mandatory gender-sensitivity training for all those involved in the migration process, such as immigration officials, law enforcement, embassy officials, etc.

Responsible Stakeholders: Ministry of Territorial Administration and Decentralization, Ministry of Security and Social Protection Ministry of Solidarity, Family, Women, and Children, Ministry of National Education and Technical Education.

Target groups: women and men informal migrant workers, migrant sex-workers, migration officials, and labour migration policymakers.

Timeframe: 3-5 years.

3.2.4. Recommendation 4: Collect and utilise accurate and disaggregated data as a basis for evidence-based policies, particularly on occupations and working conditions of migrant workers

Action required:

As noted in the Gender Analysis, a lack of available data hinders the assessment of socio-economic gender indicators. Accordingly, Côte d'Ivoire must enable the collection and analysis of sex-disaggregated data and gender-responsive evidence, particularly with regards to the nature of employment of migrant workers such as occupations, pay, etc., and the experiences of migrant workers during the migration journey. Moreover, further research is needed to determine the number of refugees, asylum seekers, stateless persons, and internally displaced persons in the country. The existing data gaps could negatively impact the prospects of evidence-based policymaking for the country.[24]

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[24] Maastricht Graduate School of Governance ("MGSoG"), 'Côte d'Ivoire: Migration Profile) (2017) at p. 18 (accessible here).

Responsible Stakeholders: National Statistics Institute, Ministry of Territorial Administration and Decentralization, Ministry of Security and Social Protection.

Supporting stakeholders: statistical experts within the JLMP and its members, notably the ILO and IOM.

Target groups: National Statistics Institute.

Timeframe: 1-2 years.

3.3. Ethiopia

3.3.1. Recommendation 1: Ratify key conventions

Ethiopia has ratified various international conventions and instruments related to migration but has not yet ratified key UN and ILO Conventions. Ethiopia must therefore ratify the following:

- Convention C-97 on Migration for Employment;[25]
- Convention C-143, the Migrant Workers (Supplementary Provisions) Convention;[26]
- International Convention on the Protection of the Rights of All Migrant Workers;[27]
- Convention on the Reduction of Statelessness;[28]
- Convention relating to the Status of Stateless Persons.[29]

In addition, and although the country has acceded to the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Ethiopia must be encouraged to fully ratify it.

Responsible Stakeholder: Ministry of Foreign Affairs.

Supporting stakeholders: the JLMP and RECs can play a role in providing technical support regarding the content and justification of these conventions and drumming up support and momentum for their ratification amongst Member States.

Timeframe: 1-2 years.

3.3.2. Recommendation 2: Improve national frameworks

Action Required:

The fairly recent reforms to the labour migration framework in Ethiopia appear to be a step in the right direction. However, the overall labour migration legal framework does require further attention.[30] It appears that the prevailing position in Ethiopia with regard to labour migration favours skilled workers. Law reform efforts may be needed in order to extend labour and social

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[25] ILO, 'Ratifications of C097 - Migration for Employment Convention (Revised), 1949 (No. 97)', (2021) (accessible here).

[26] ILO, 'C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)', (2021) (accessible here).

[27] UN Treaty Collection, 'International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: Status as at 09-11-2021', (2021) (accessible here).

[28] UN Treaty Collection, 'Convention on the Reduction of Statelessness: Status as at 09-11-2021', (2021) (accessible here)

[29] UN Treaty Collection, 'Convention relating to the Status of Stateless Persons: Status as at 09-11-2021', (2021) (accessible h   ere).

[30] Relief Web, 'Ethiopia's new migration policy: A positive step but continued scrutiny needed' (2019) (accessible here). See also Federal Democratic Republic of Ethiopia, 'National Voluntary Report on the Implementation of the Global Compact on Migration for the United Nations Economic Commission for Africa' National Partnership Coalition (NPC) on Migration (2020) (accessible here).

protection to unskilled or informal workers, for example, migrant domestic workers.[31]   In addition, gender considerations appear to be lacking in the labour migration framework. More specifically, the labour migration laws must be responsive to the specific abuses faced by women, incorporate safe and accessible processes for low-skilled labour migration, and prevent human trafficking and the exploitation of women migrants. The labour migration laws can be expanded to ensure that Ethiopian migrants in an irregular situation are also given protection.[32] Ethiopia should also consider embarking on a gender audit and gender analysis of the existing legal frameworks and to the extent necessary, revise relevant proclamations.

In relation to labour, concerns have arisen that the rules and procedures for regulating migration and employment are contained in several laws and documents, with the effect that it is difficult to know what they are and how to implement them harmoniously.[33] Accordingly, Ethiopia should reflect on its labour law framework to ensure there are no gaps and inconsistencies and to ensure that the framework is accessible to migrant workers. Additionally, considerations around labour laws must be informed by relevant gender dynamics prevalent in the context of labour migration.

The Labor Proclamation, Federal Revised Family Code, and the Criminal Code should be reviewed in line with the objective of addressing legal and policy gaps in the context of gender-based violence and harassment. Further, article 629 of the Criminal Code on homosexual and other indecent acts should be revisited and ultimately repealed to promote dignity and equality and to ensure the safety and protection of gender and sexual minorities and eliminate discrimination, particularly in labour-related contexts. While sex work is not criminalised in the country, the associated activities are criminalised, which creates significant barriers to sex workers in Ethiopia. The associated activities should therefore be decriminalised.

Responsible Stakeholders: Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Administration for Refugee and Returnee Affairs, Ministry of Women and Children Affairs.

Target groups: unskilled migrant workers, migrant workers in an irregular situation, migrant workers from gender and sexual minorities, migrant sex-workers.

Timeframe: 3-5 years.

3.3.3.   Recommendation 3: Integrating gender-responsive and human rights-based approaches at the policy level

Action required:

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[31] ILO, 'Improving Social Protection for Ethiopian Domestic Workers (MDWs) (2017) (accessible here).

[32] See ILO & others, 'An assessment of labour migration and mobility governance in the IGAD region: Country report for Ethiopia' Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility (2020) (accessible here) for further assessments of Ethiopia's labour migration governance.

[33] ILO & others, 'An assessment of labour migration and mobility governance in the IGAD region: Country report for Ethiopia' Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility (2020) (accessible here).

According to the ILO, Ethiopia does not have a labour migration policy or a migration policy, and labour migration policy objectives are spread across different laws and policy frameworks.[34] This, the ILO explains, renders the policy position "unclear, inaccessible, and difficult to work towards and to assess progress against."[35]

In line with the ILO's assessment, it is recommended that Ethiopia develop a labour migration policy and develop a single policy document that details the rules and regulations regarding the employment of migrant workers, which will help to address policy implementation challenges. The policy should have actionable items, clear roles, and responsibilities as well as timeframes and targets. In addition, the policy must reflect specific vulnerabilities faced by certain groups of migrant workers, including women and workers in irregular situations. The policy must be gender-sensitive and address the problems and particular abuses associated with the labour migration process. Moreover, the policy should focus on the concerns around sex and labour trafficking.

Building capacity and awareness around gender, gender-based violence, agency and empowerment in schools through initiatives like the Gender Directorate's manual on Gender Equality and Life Skills of Students in Ethiopia, and projects aimed at improving sexual reproductive health rights, gender clubs, and safe spaces are all welcomed, and efforts in this regard should persist.[36] Ongoing forms of education and initiatives of this nature should inform Ethiopia's policy response to labour migration. In addition, and as with other countries, Ethiopia must promote national informational and educational campaigns on the gender dimensions of migration among migrants, those affected by migration, and policymakers and personnel involved in migration, especially in the managing of the migration process. The ILO's recommendation geared towards promoting and protecting the rights of Ethiopian migrant domestic workers in transit should be acted on as soon as possible.[37] This includes realisable recommendations such as the provision of vocational training with a focus on migration prone areas and instituting and monitoring fair recruitment processes.

Responsible Stakeholders: Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Administration for Refugee and Returnee Affairs, Ministry of Women and Children Affairs, Ministry of Education.

Target groups: men and women migrant workers, migration officials and labour migration policymakers.

Timeframe: 3-5 years.

3.3.4. Recommendation 4: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies

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[34] *Ibid* at p. 31
[35] *Ibid*.
[36] See Parks et al, 'Addressing SRGBV in Ethiopia: A scoping study of policy and practice to reduce gender-based violence in and around schools' (2017) (accessible here).
[37] ILO, Promoting and protecting the rights of migrant domestic workers in transit: The case of Ethiopian women migrants' (2016) (accessible here).

<u>Action required</u>:

It appears that a lack of adequate data impedes the abilities of the national administration to determine appropriate strategies — this appears to be a key concern particularly in the context of migrant domestic workers, and with regards to the nature of employment of migrant workers such as occupations, pay, etc., and the experiences of migrant workers during the migration journey.[38] Collecting and analysing sex-disaggregated data on migration flows and conducting research on the gender implications of migration and the different contributions and priorities of migrant women is necessary to inform meaningful legislative and policy interventions. Ethiopia must ensure that it produces accurate, relevant, and timely immigration statistics, disaggregated by gender, age and other relevant characteristics.

<u>Responsible Stakeholders</u>: Central Statistics Agency of Ethiopia, Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Administration for Refugee and Returnee Affairs.

<u>Supporting stakeholders</u>: statistical experts within the JLMP and its members, notably the ILO and IOM.

<u>Target groups:</u> Central Statistics Agency.

<u>Timeframe:</u> 1-2 years.

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[38] ILO, 'Improving Social Protection for Ethiopian Domestic Workers (MDWs) (2017) (accessible <u>here</u>).

3.4. Malawi

3.4.1. Recommendation 1: Ratify key conventions

Action required:

Malawi has been an ILO member since 1965 and has ratified all the fundamental ILO conventions,[39] however, and for present purposes, must still ratify certain key technical conventions.[40] Malawi has not signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[41] Accordingly, Malawi must take steps to ratify the following:

- Convention C-143, the Migrant Workers (Supplementary Provisions) Convention;
- Convention C-181, the private employment agencies convention;
- Convention C-189, the Domestic Workers Convention;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and, in particular, implement the provisions in General Comment No. 1 on Migrant Domestic Workers.

In addition, Malawi must accede to and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Responsible Stakeholder: Ministry of Foreign Affairs and International Cooperation.

Supporting stakeholders: the JLMP and RECs can play a role in providing technical support regarding the content and justification of these conventions and drumming up support and momentum for their ratification amongst Member States.

Timeframe: 1-2 years.

3.4.2. Recommendation 2: Improve national frameworks

Action Required:

Malawi's labour migration framework requires urgent and substantive revisions. The entire Immigration Act would benefit from reconsideration, as it does not take into consideration structural gender inequalities and does not consider the complexities and nuances of migration. Some of the more problematic elements of the Act include the definition of "prohibited immigrant". Clauses — such as the repatriation of alien women — that entrench gender disparities should be reconsidered and possibly removed. The process for Temporary Employment Permits should also be reconsidered as it does not consider various practical realities associated with different forms of unskilled or informal labour. While the Employment

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[39] IOL, 'Ratifications for Malawi' (accessible here).
[40] IOL, 'Up-to-date Conventions and Protocols not ratified by Malawi' (accessible here).
[41] UN Treaty Body Database, 'Ratification Status for Malawi ' (accessible here).

Act seeks to eliminate discrimination on the basis of nationality and sex, it too could benefit from potential revisions. This should include a gender assessment of the schedule on the Employment of Women, Young Persons, and Children.[42] Malawi's labour migration framework should undergo a gender assessment and necessary amendments must be made as soon as reasonably possible.

In addition, Malawi must decriminalise consensual same-sex relations and provide clarity around sex workers to mitigate physical, psychological, and economic abuse against sex workers.

Responsible Stakeholders: Parliament, Ministry of Home Affairs and Internal Security, Immigration Department, Malawi Police and Prisons Services, and Ministry of Gender, Children, Disability and Social Welfare.

Target groups: various groups of migrants, notably women migrant workers and migrant workers from sexual and gender minorities.

Timeframe: 3-5 years.

3.4.3. Recommendation 3: Integrate gender-responsive and human rights-based approaches at the policy level

Action required:

As a point of priority, the draft National Migration Policy and the draft, Labour Migration Policy should be implemented as soon as reasonably possible. However, an intersectional, and gender-sensitive approach to these policies is needed before they are implemented. This is due to concerns that while there is a wide range of policies and plans in place that promote gender equality and resilience in Malawi, policy incoherence and a lack of coordination impede success at the policy level.[43] Consistency in relation to the implementation of the various policies also appears to be a concern. Accordingly, these policies should go through a gender review to ensure that they are reflective of the particular gendered contexts within which labour migration occurs in Malawi, for example, sex and labour trafficking, the gendered migration flows, and the common forms of employment and work that Malawian labour migrants tend towards. The policy framework should also include clear processes for monitoring and evaluation to adequately assess implementation. This process should coincide with developing suitable and responsive structures with key focal points within relevant ministries to handle gender and labour migration issues.

Malawi must also promote national informational and educational campaigns on the gender dimension of migration among migrants, those affected by migration, and policymakers and personnel involved in migration, especially in the managing of the migration process. This should include mandatory gender-sensitivity training for all those involved in the migration process, such as immigration officials, law enforcement, embassy officials, etc.

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[42] Second Schedule: Employment of Women, Young Persons, and Children Act 47 of 1956 (accessible here).
[43] Lovel, 'Gender Equality, Social Inclusion and Resilience in Malawi' (2021) (accessible here).

Responsible stakeholder: Ministry of Education, Ministry of Home Affairs and Internal Security, Immigration Department, Malawi Police and Prisons Services, and Ministry of Gender, Children, Disability and Social Welfare.

Supporting stakeholders: labour migration policymakers, immigration officials.

Target groups: men and women migrant workers, immigration officials.

Timeframe: 3-5 years.

3.4.4. Recommendation 4: Collect and utilise accurate and disaggregated data as a basis for evidence-based policies

Action required:

Malawi must ensure that it develops and implements a national gender labour migration monitoring and evaluation system. The evidence and data collected through this system should be reliable data that is disaggregated by sex, age, ability, socio-economic status, and other relevant factors. In particular, data regarding the nature of employment of migrant workers such as occupations, industries, pay, etc., and the experiences of migrant workers during the migration journey, are lacking. Ameliorating this will assist law and policymakers to understand the challenges and vulnerabilities prevalent in the context of labour migration and will in turn help aid the implementation of appropriate and inclusive policies and programmes.

Responsible stakeholders: National Statistical Office of Malawi, Ministry of Home Affairs and Internal Security, Immigration Department, Malawi Police and Prisons Services, and Ministry of Gender, Children, Disability and Social Welfare.

Supporting stakeholders: statistical experts within the JLMP and its members, notably the ILO and IOM.

Target groups: National Statistics Office.

Timeframe: 1-2 years.

3.5. Morocco

3.5.1. Recommendation 1: Ratify key conventions

Action Required:

Morocco has ratified a number of relevant international instruments related to migration,[44] and while it has ratified 65 ILO conventions,[45] there are some additional conventions for present purposes that should also be ratified.[46] These include:

- Convention C-143, the Migrant Workers (Supplementary Provisions) Convention;
- Convention C-141, the Rural Workers' Organisations Convention;
- Convention C-189, the Domestic Workers Convention;
- Convention C-190, the Violence and Harassment Convention;

In addition, Morocco must accede to and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Responsible Stakeholder: Ministry for Foreign Affairs.

Supporting stakeholders: the JLMP and RECs can play a role in providing technical support regarding the content and justification of these conventions and drumming up support and momentum for their ratification amongst Member States.

Timeframe: 1-2 years.

3.5.2. Recommendation 2: Improve national frameworks

Action Required:

While Morocco's framework has some useful elements relevant to migration and labour,[47] and while there are a clear and transparent set of rules and regulations relating to migration, the legal labour migration framework could benefit from a gender impact assessment. This is to ensure that it is gender-responsive and enables migration for employment through safe and regular channels. To the extent that revisions are necessary, these revisions should take into account the practicalities associated with both skilled/formal and unskilled/informal labour opportunities. All migration and labour related laws should be subject to a gender review. Further, laws that impose barriers to the employment of foreign workers should be reconsidered in line with international standards and best practices.

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[44] UN Treaty Body Database, 'Ratification Status for Morocco' (accessible here).
[45] IOL, 'Ratifications for Morocco' (accessible here).
[46] IOL, 'Up-to-date Conventions and Protocols not ratified by Morocco' (accessible here).
[47] IOM, 'Migration Governance Profile: Kingdom of Morocco', (2017) (accessible here).

To the extent that gender-based violence and sexual harassment are not addressed, efforts should be made to enable law reform in this regard with a focus on violence and harassment in both employment and migration contexts. Alongside these processes, and to achieve meaningful equality and inclusion, Morocco's Penal Code should be revisited to decriminalise homosexual acts and to ensure that provisions about sexual relations are informed by the eradication of gender discrimination and the protection of the dignity and bodily integrity of all persons. Revisions to the Penal Code should provide sufficient certainty and clarity to enable sex workers to conduct their work free from risks of persecution.

Responsible stakeholder: Ministry Delegate to the Minister for Foreign Affairs and International Cooperation, Ministry of the Interior, Ministry of Employment.

Target groups: unskilled migrant workers and those in the informal economy, survivors of GBV, migrant workers from gender and sexual minorities, migrant sex-workers.

Timeframe: 3-5 years.

3.5.3. Recommendation 3: Integrate gender-responsive and human rights-based approaches at the policy level

Action required:

Morocco still retains concerns around gender discrimination and inequality which warrants further attention at the policy level. At a minimum, Morocco must ensure that the implementation of labour migration policies and processes is conducted from a gender perspective. All policies and programmes must be developed in a manner that recognises the agency of women in migration. Additionally, relevant policies must promote zero tolerance for violence and harassment. Similarly, to the recommendations in relation to improving Morocco's legal frameworks, efforts should be geared towards revisions that ensure the policy landscape recognises the different challenges and realities of women engaged in the labour migration process. Morocco must also promote national informational and educational campaigns on the gender dimensions of migration among migrants, those affected by migration, and policymakers and personnel involved in migration, especially in the managing of the migration process. This should include mandatory gender-sensitivity training for all those involved in the migration process, such as immigration officials, law enforcement, embassy officials, etc., and should include training to overcome hesitancy to report violence, particularly sexual violence, among men migrants.

Responsible stakeholder: Ministry Delegate to the Minister for Foreign Affairs and International Cooperation, Ministry of the Interior, Ministry of Employment, Ministry of National Education and Vocational Training Minister for Higher Education, Scientific Research and Executive Training.

Target groups: women migrant workers, immigration officials, labour migration policymakers.

Timeframe: 3-5 years.

3.5.4. Recommendation 4: Collect and utilise accurate and disaggregated data as a basis for evidence-based policies, particularly on occupations and working conditions of migrant workers

<u>Action required:</u>

The IOM has observed that data collection in relation to labour migration is an area in which there is room for improvement.[48] It appears that the collection of sex-disaggregated data could also be improved, particularly with regards to the nature of employment of migrant workers such as occupations, pay, etc., and the experiences of migrant workers during the migration journey, such as incidence of GBV and sexual violence. Morocco must enhance national and regional labour migration data collection and analysis. This includes collecting and analysing sex-disaggregated data on migration flows and conducting research on the gender implications of migration and the different contributions and priorities of migrant women. This is necessary to inform meaningful legislative and policy interventions. To the extent necessary, this may require strengthening the capacity of national statistics offices and relevant ministries that play key roles in the labour migration landscape.

<u>Responsible stakeholder</u>: High Commission for Planning, National Statistical Office, Ministry Delegate to the Minister for Foreign Affairs and International Cooperation, Ministry of the Interior, Ministry of Employment.

<u>Supporting stakeholders</u>: statistical experts within the JLMP and its members, notably the ILO and IOM.

<u>Target groups:</u> National Statistics Office.

<u>Timeframe:</u> 1-2 years.

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[48] *Ibid* at p. 4.

3.6. Regional Economic Communities (RECs)

Given the many overlapping recommendations related to the two priority RECs, COMESA and ECCAS, which are in turn due to similarities in the migration context as well as the necessarily high-level policy approach taken for regional efforts that cover a range of different countries, we present here a combined set of recommendations for these two RECs (which may also, to some extent, be relevant to other RECs on the continent).

3.6.1. Recommendation 1: Encourage ratification of key conventions by providing technical support on the justification for doing so

Action required:

This recommendation differs slightly from the country recommendations, but if implemented will have a similar effect: the ratification of key conventions. The RECs should encourage Member States who have not yet ratified key international instruments to do so as soon as possible in order to provide a solid foundation for the advancement of women migrants rights in these regions. The JLMP, particularly through the LMAC, has an important role to play in advocating for this to be achieved and in building public support and political will within the RECs to encourage them to take up the mantle with regard to their respective Member States. Taking the angle of gender quality may serve as a new entry point into an existing and long-standing discussion on some specific conventions.

Responsible stakeholders: COMESA and ECCAS.

Supporting stakeholders: JLMP to provide technical advice on the content of and justification for various conventions.

Timeframe: 1-2 years.

3.6.2. Recommendation 2: Improve regional frameworks

Action Required:

As recorded in the Gender Analysis, COMESA's framework has some notable inclusions around gender equality and labour migration. However, concerns around unskilled/informal labour and clarity in relation to principles of non-discrimination, as well as considerations around family members, need to be addressed.

With regard to ECCAS, the Gender Analysis noted the challenges faced in implementing the objectives of the bloc's founding treaty, and the limited information available regarding its migration policies. This creates an opportunity for ECCAS to build gender into the development of new and future labour migration policymaking. Such efforts would be an impactful way to implement the commitments made in the N'Djamena Declaration and to fully take advantage of the demographic dividend afforded by improvements in the general gender equality landscape in the region in recent years. The JLMP can serve as technical experts to advise ECCAS on how to

incorporate gender into revived efforts to implement the future labour migration policies based on the lessons learned throughout this Gender Analysis process.

It is recommended that both COMESA and ECCAS consider conducting their own gender analysis at the policy level on their frameworks, protocols, and treaties to determine if there is scope to improve them in line with the core principles of gender mainstreaming and ensure they are reflective of the gender dynamics of migration. This may include the development of new protocols that guide Member States on this particular topic. The JLMP could consider sharing their experience of conducting this Gender Analysis as a way to inspire and encourage COMESA and ECCAS to conduct a similar process of their own that would delve deeper into the gender implications of their existing frameworks, protocols, and treaties.

Finally, COMESA and ECCAS are encouraged to pass and implement mobility and social security instruments that allow the portability of social security and of accrued benefits. For example, the Economic Community of West African States (ECOWAS) has developed a Convention on Social Security[49] while the Southern African Development Community (SADC) has developed a Portability of Social Security Framework,[50] which can both serve as guides in this endeavour.

The African Continental Free Trade (AfCFTA) Protocol on Trade in Services (PTIS) is also an instrument calling for mutual recognition of education, experience, licenses, or certifications obtained or requirements met. It urges State Parties to ensure non-discrimination in such systems and the need to afford other State Parties the opportunity to become party to Mutual Recognition Agreements that recognise the procedures and results of assessment done by one Member State as sufficient and therefore provide that there is no need to undergo assessment in the receiving jurisdiction or demonstrate that the education, experience, licenses, or certifications obtained or requirements met in that that territory should be recognised by the receiving country.[51] Also, it states that wherever appropriate, recognition should be based on AfCFTA-agreed criteria. Lastly, PTIS requires State Parties, within 12 months of entry into force of the PTIS, to inform the Secretariat of their existing recognition arrangements.

In this regard, it is clear that progress is being made in parts of the continent towards more comprehensive and harmonised recognition of skills and qualifications, and these efforts should be further supported and advanced. The JLMP should consider conducting or supporting research into the state of social protection and the portability of qualifications in COMESA and ECCAS in order to be able to more clearly identify entry points for action in this regard.

Responsible stakeholders: JLMP, COMESA, and ECCAS.

Supporting stakeholders: Member States to work with RECs on implementing these changes.

Timeframe: 3-5 years.

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[49] Accessible here.
[50] Accessible here.
[51] TRALAC, 'AfCFTA Trade in Services – A general guide and issues for negotiations on Mutual Recognition Agreements', (2019) (accessible here).

3.6.3. Recommendation 3: Integrate gender-responsive and human rights-based approaches at the policy level

Action required:

Overall, existing efforts to encourage gender equality in the regional blocks must persist. COMESA must finalise its processes in terms of implementing a number of migration-related institutional processes that are of relevance to the discussion on mainstreaming gender in migration policy. This should be done as soon as reasonably possible. ECCAS must also continue its focus on combatting human trafficking and smuggling, as well as the protection of migrants' rights, and expand the scope of gender-related initiatives to other aspects of labour migration policy such as considering a policy for cross-border women traders and domestic migrant workers. ECCAS's unit tasked with coordinating human trafficking activities under the Human Security Directorate in Central Africa must become operational as soon as possible. In addition, ECCAS must ensure that gender mainstreaming principles are infused in the ECCAS Border Programme: promoting border governance and regional cooperation.

The RECs should also play a leading role in encouraging member states to integrate gender-responsive and human rights-based approaches at the policy level, by assisting states to tackle the multiple and intersecting forms of discrimination through education and awareness. The JLMP can play an advisory and technical role in supporting RECs to develop this kind of training and awareness as it relates to migrant workers. Support of this nature could be provided through regional training and workshops, or through providing financial and administrative support for domestic or regional initiatives and campaigns.

Responsible stakeholders: JLMP, COMESA and ECCAS.

Supporting stakeholders: Member States to assist with implementation.

Timeframe: 3-5 years.

3.6.4. Recommendation 4: Collect and utilise accurate and disaggregated data as a basis for evidence-based policies

Action required:

There is a lack of available data and sex-disaggregated data on labour migration in the RECs. Accordingly, and in partnership with other regional bodies, and national statistics institutions, the RECs must embark on data and evidence gathering in order to collect and utilise accurate and disaggregated data as a basis for evidence-based policies. The RECs have an important role to play in providing administrative and technical support to member states as they conduct regional data collection, such as best practice guides and connections to experts.

We note that the JLMP has already worked with ECCAS to pilot new methods of administrative data collection, and such efforts should be commended, continued, and expanded.

Responsible stakeholder: JLMP, AUC, COMESA and ECCAS.

Supporting stakeholders: statistical experts within RECs and the JLMP.

Target groups: national statistics offices within Member States

Timeframe: 1-2 years.

4. RECOMMENDATIONS: JLMP STRATEGIC FRAMEWORK

4.1. Objective 1: Effective Governance and Regulation

International instruments are slowly beginning to take cognisance of the gender-specific needs of women migrants. For example, the UN Global Compact for Safe, Orderly and Regular Migration sets a high bar with regard to properly addressing the specific needs of women and girls.[52] The JLMP is therefore encouraged to identify opportunities to further the integration of gender inequality in the national and regional migration policies of its Member States and Regional Economic Communities.

4.1.1. Recommendation 1: Support states to ratify and implement relevant international treaties and conventions by providing technical support on the justification for doing so

Action Required:

There are various relevant international treaties and conventions that, if ratified and implemented domestically, could contribute significantly to advancing gender equality in the domain of labour migration. Perhaps one of the highest priorities of these is the Revised Migration Policy Framework for Africa and Plan of Action (MPFA), which is a potentially powerful tool for advancing gender-responsive migration policy on the continent. Member states should be encouraged to domesticate its provisions with urgency, which will, amongst other things, ensure efforts to address the root causes of irregular migration take a gender-responsive approach and support associations of migrant women and men to enhance their voice in policy dialogue processes.[53]

Similarly, all Member States must develop appropriate responses for implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) and set up regular processes to review implementation of the GCM at the national and regional level. It provides strong and relevant guidance with regard to gender-sensitive migration policy and should therefore be leveraged to advance this imperative. The JLMP, through its Steering Committee, Programme Technical Committee, and the implementing partners through their various tools and processes, can play a role in providing technical advice and support to Member States to set up implementation plans for the GCM. This could be implemented either directly through Member States or by working with RECs to establish model policies/implementation plans for the GCM that leverage off the lessons of countries who have already made progress in this regard, both in Africa and other regions. It is expected that the LMAC could take this up within its mandate to ensure follow-up on the implementation, promotion, and protection of the rights of migrant workers and members of their families enshrined in the appropriate AU and International Charters and protocols.

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[52] UN, 'Global Compact for Safe, Orderly and Regular Migration', (2018) (accessible here).
[53] African Union, 'The Revised Migration Policy Framework for Africa and Plan of Action (2018 – 2027)', (2018) (accessible here).

Members of the JLMP should also consider the mechanisms and prospects for seeking amendments to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (the Protocol on Free Movement of Persons) to more specifically address the gender-dimensions of migration.[54] For example, amendments that would better respond to the need for gender-sensitive migration regulations on the continent could include barring gender-specific migration laws that deny single women or occupations dominated by women working rights in countries of destination, and mandating the decoupling of immigration and vital health and social protection services so that women migrants can access services without fear of arrest or deportation. Similarly, migration laws that require a certain minimum income or prior proof of employment discriminate against women who are employed at higher rates in informal and low-paying industries.[55]

There are ongoing efforts to push for the wider ratification of the United Nations (UN) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). In addition to this, it would also be impactful to advocate for the drafting of a third General Comment which could elaborate on other gender-specific dimensions of labour migration policy, in addition to those already mentioned in General Comments 1 and 2 (in summary, protecting the rights of migrant domestic workers and protecting civil, political, economic, social, and cultural rights of migrant workers in an irregular situation).

In addition, UN Security Council Resolution 1325 on Women, Peace and Security is a powerful tool to expose the gender-specific impact of armed conflicts and better acknowledge women's voices in international peace and security. Countries that have not already done so should be encouraged to adopt National Action Plans. Notably, of the target countries, Ethiopia, Malawi, and Morocco do not appear to have thus far developed National Action Plans for the Resolution.[56] The JLMP may wish to consider to what extent it may or should play a role in this regard, or whether it is best placed to make recommendations to other bodies for their further action. Regardless, Resolution 1325 can serve as a lesson for the JLMP in terms of the guidelines it sets out for meaningful gender engagement, regardless of the arena to issue at hand, particularly with regard to the meaningful consultation and inclusion of affected women in decision-making.

Finally, there are various ILO Conventions which states should also be encouraged to sign and ratify which would contribute to shoring up gender protections in Member States. These include:

- C-190 – the Violence and Harassment Convention, which none of the target countries have yet ratified;[57]
- C-183 – the Maternity Protection Convention, which only Morocco has thus far ratified;[58]

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[54] Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (2018) (accessible here).
[55] JLMP, 'Handbook – Gender Dimensions of Labour Migration'.
[56] Peace Women, '1325 National Actions Plans (NAPs),' 2021 (accessible here). Cameroon's NAP can be accessed here and Cote d'Ivoire's here.
[57] The only African countries to have done so are Mauritius, Namibia and Somalia. ILO, 'Ratifications of C190 - Violence and Harassment Convention, 2019 (No. 190)', (2021) (accessible here).
[58] ILO, 'Ratifications of C183 - Maternity Protection Convention, 2000 (No. 183)', (2021) (accessible here).

- C-156 – the Workers with Family Responsibilities Convention, which only Ethiopia has so far ratified;[59]
- C-111 – the Discrimination (Employment and Occupation) Convention, and C-100 – the Equal Remuneration Convention, both of which all target countries have ratified.[60]

The ILO could also consider developing a convention specifically on the gender dimensions of migration, such as access to legal recourse and health services for migrant women affected by sexual violence, addressing the right of migrant women and men to freely associate, and overcoming the lack of mobility and societal constraints often imposed on domestic and care migrant workers. The JLMP could play a leading role in pushing for this at the global level, which would provide the opportunity to prove itself a leading voice on issues of gender in migration.

Responsible Stakeholder: the JLMP (LMAC)

Supporting stakeholders: Member States.

Timeframe: 1-2 years.

4.1.2. Recommendation 2: Support the development of rights-respecting and gender-sensitive bilateral labour agreements amongst Member States

Action Required:

Bilateral labour agreements must include stipulations on social protection being extended to all workers, including migrants, returnees, dependents on migrants, etc.[61] This should address access to healthcare, education, parental protections, sick leave, etc, as well as proactive efforts to ensure information about these provisions is widely and easily accessible by migrant women. The JLMP has already played a role with the development of guidelines on signing and negotiating bilateral labour agreements, but is encouraged to continue the process of revising and updating these guidelines in line with the gender-specific recommendations here-in, such as by targeting bilateral labour agreements at industries with high proportions of women migrant workers (such as domestic work, healthcare, and agriculture), by incorporating provisions on the protection of migrants from sexual violence and access to justice, and requiring the abolition of gender-based restrictions on migration.

In this regard, it is notable that under Outcome 2 of the JLMP Strategic Framework model bilateral labour agreements for AU Member States have also been developed,[62] which provides an apt opportunity for the JLMP to influence these model agreements to include gender-sensitive

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[59] ILO, 'C156 - Workers with Family Responsibilities Convention, 1981 (No. 156)', (2021) (accessible here).
[60] ILO, 'Ratifications of C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)', (2021) (accessible here) and ILO, 'Ratifications of C100 - Equal Remuneration Convention, 1951 (No. 100)', (2021) (accessible here).
[61] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 39 (accessible here).
[62] See here.

provisions such as the portability and extension of social protection to all migrant workers.[63] Further developments in this regard could include, for example, consultations with women migrant workers from a range of different regions on the continent in order to ensure that the resulting agreements (or guidelines) adequately address the needs of the affected population. The teams working on developing these guidelines must also be gender diverse.

Other recommendations for bilateral labour agreements (or guidelines thereon) include:
- To use gender-sensitive and non-demeaning language at all times;
- Ensure that the scope covers women migrant workers and the sectors in which they commonly work;
- Provisions on access to social protection include access to reproductive healthcare, parental benefits and support for survivors of gender-based violence, etc.

Responsible Stakeholder: the JLMP (LMAC).

Supporting stakeholders: Member States, RECs.

Timeframe: 1 year.

4.1.3. Recommendation 3: Advocate for the removal of gender-based barriers to regular labour migration and that discourage women migrants from accessing appropriate support and legal recourse

Action Required:

Member States must abolish gender-based barriers to migration and travel that force women into irregular migration channels and make them vulnerable to trafficking, such as bans or additional requirements for the migration of women (such as consent from a male guardian or travel limitations based on pregnancy or marital status). These restrictions are not only a violation of the right under international law to equality before the law and non-discrimination, but also have the negative consequences of leaving women with no regular or safe routes to migrate. The JLMP can play a role in setting a new standard against these types of law and strongly advising against them in its role as technical advisor and capacity-builder to RECs and MSs. This will likely also involve playing an educational role with MSs in order to enable them to understand the negative consequences of such policies, as many are likely under the impression that they are intended to support and protect women.

A related issue is the need to eliminate discriminatory laws or policies relating to family reunification schemes, ensuring that all migrants can exercise their rights to have their immediate family members join them in a country of destination.[64] Such laws discriminate against all migrant workers, including men and women, and have negative downstream impacts in terms of social, educational, and other effects on children and on spouses or partners left behind. Again,

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[63] Further guidance on how best to design and implement rights-sensitive bilateral labour agreements, particularly with regard to social protection is accessible here.

[64] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 13 (accessible here).

this is an issue that the JLMP may want to consider taking up as a priority in its capacity-building programs with RECs and MSs in order to educate on the negative social and economic consequences of these laws and to set a new bets practice across the continent. This is potentially something that the LMAC can take up in the context of its responsibilities within the JLMP to prepare recommendations to Member States and RECs

Similarly, law and policy must protect family life by keeping families together and prioritising non-custodial alternatives to detention for immigration-related offences wherever possible along with providing oversight and care by women of women and girls who are detained.[65] Although this issue goes beyond the pure focus of labour migration, it is nevertheless still relevant for migrant workers in an irregular situation.

At a bare minimum, Member States must repeal laws that prevent migrant women from accessing the legal system to obtain remedies for discrimination, abuse, or GBV and take proactive steps to create complaint mechanisms for these rights violations. Police and prosecutors must be trained not only to investigate and prosecute gender-based crimes, but also to be sensitive to the plight of migrant women reporting such abuses. For example, migrant women may have concerns around communications to their employer or may be lacking family support. Better support from law enforcement is therefore crucial to overcome the low reporting rates of gender-based violence in many countries.[66] This may also require finding ways to facilitate reporting for workers who lack mobility due to the nature of their work (such as mobile clinics) or maintaining confidentiality in novel ways and setting up specific complaints mechanisms for harassment and discrimination to assist women to seek redress.[67]

Member States could also achieve this recommendation by providing free legal assistance targeted at women migrant workers and which is provided in culturally-appropriate and gender-sensitive ways or providing temporary shelters for women and men making complaints of violence. The JLMP could play a role in providing resources and research to Member States that could be used to kick off free legal assistance programmes.

Making progress against GBV is crucial for achieving Outcome 2.2. of the AU Strategy for Gender Equality & Women's Empowerment, which speaks to the need to reduce, criminalise, and condemn all forms of violence against women and girls.[68]

Responsible Stakeholder: the JLMP (LMAC)

Target groups: Member States.

Timeframe: immediate, 1-2 years.

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[65] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 27 (accessible here).
[66] UN Women, 'Strengthening police responses to gender-based violence crucial in lead up to Generation Equality Forum in Paris', (2021) (accessible here).
[67] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 13 (accessible here) and UN Women, 'Policy Brief No. 14: Leaving No-One Behind: Access to Social Protection for All Migrant Women', (2021) (accessible here).
[68] AU, 'Strategy for Gender Equality & Women's Empowerment 2018-2028', (2018) (accessible here).

4.1.4. Recommendation 4: Include gender-specific elements in the JLMP Capacity-Building and Training Strategy

Action Required:

The JLMP should more explicitly include gender in its Capacity Building and Training Strategy, which has already, for example, included training on international labour standards. Immigration and border officials, police, consular staff, social workers, etc must be trained on gender-responsive programming, such as how to enable migrant women, including irregular migrants, to report human rights abuses and how to avoid re-victimisation in the process. This training should broadly cover all staff who frequently come in contact with migrant women and should cover the gender-specific risks of migration and how to enable access to recourse options for migrant women. For example, these officials must "[pay] particular attention to women and adolescent girls who are pregnant, older persons, those of diverse sexual orientations and gender identities, and those with medical conditions and disabilities."[69] Further, trauma and emotional distress counselling and healthcare services should be available at ports of entry in order to treat women and girls who have experienced violence during the journey, or who have been trafficked.[70]

More broadly, the Capacity Building and Training Strategy should include training for all member states and RECs on the gender dimensions of migration to build greater awareness of the need for gender-responsive policymaking and potential strategies for doing so.

As the entity responsible for providing strategic guidance and ensuring the effective implementation of the Programme, it is envisaged that the Programme Steering Committee might take the lead in initiating such efforts, which could then be taken up the LMAC and other partner organisations.

Responsible Stakeholder: the JLMP (Programme Steering Committee).

Supporting stakeholders: the ILO and Member States.

Timeframe: 1-2 years.

4.1.5. Recommendation 5: Support the development and adoption of gender-sensitive remittance policies at the national, regional, and continental level

Action Required:

The JLMP should support the adoption of policies at a national and regional level that encourage states to systematically provide accessible information on remitting funds back home, including

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[69] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 13 (accessible here).

[70] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 13 (accessible here).

in languages dominant among migrant populations, in order to maximise the development potential of migration and to minimise information asymmetries faced by migrant women. This information must be provided regardless of immigration status.

Policies easing the sending of remittances between countries with high migration flows should also be considered. Remittance policies must take into account the varying practices of women with regards to remittances, and the higher costs they tend to pay as a result.[71] Therefore, policies should focus on reducing transfer fees and making different transfer options accessible to women.[72] It could also include digital literacy and financial literacy training programs, as well as financial inclusion initiatives, targeted at migrant women in order to facilitate their use of transfer options and to prevent them from being exploited. Financial inclusion efforts will be beneficial to ensure that women own and control their own bank accounts and are able to be paid directly and manage their own funds.

The JLMP could consider kicking off the operationalisation of this recommendation through the drafting and publication of a policy brief on the gender dynamics of remittances in Africa, for example. The LMAC could also take up the mantle on this topic through its efforts preparing recommendations for Member States and RECs on labour migration management policies and principles.

Responsible Stakeholder**:** the JLMP (LMAC).

Supporting stakeholders: RECs and Member States.

Timeframe: 2-3 years.

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[71] UN Women, 'Explainer: How Migration is a Gender Equality Issue', (2020) (accessible here).
[72] African Union, 'The Revised Migration Policy Framework for Africa and Plan of Action (2018 – 2027)', (2018) at p. 20 (accessible here).

4.2. Objective 2: Safe and Secure Working Environments, Social Protection and Mutual Recognition of Skills and Educational Levels

The Gender Analysis highlighted various gender-specific challenges and risks faced by women migrants in the domain of the second Strategic Objective. This includes, for example, the need for independent documentation, adequate access to social protection, generally providing a more conducive environment for women workers by ensuring safe workplaces free from discrimination and violence, that women are able to freely remit funds back to their families, and to access and benefit from funds remitted back to them by migrated family members, and to ensure that women migrant workers are able to fully participate in public life and exercise their civil and political rights.

4.2.1. Recommendation 1: Support enabling independent documentation for women migrant workers

Action Required:

Women migrant workers should be enabled and assisted to obtain documentation individually and independently, without others' consent. Legislation and policies that limit the ability of spouses to obtain working rights should be limited as far as possible, and practices such as the retention or destruction of travel or identity documents and forced seclusion must be prohibited. [73]. As is the case with Malawi's immigration laws that provide for the "repatriation of alien women", Cameroon's outdated Civil Status Registration law which allows husbands to object to his wife's trade, and in Morocco where passports are seized in the context of trafficked domestic works.[74] reprivatisation provision relating to exclusively to women, processes for obtaining documentation must also be revised to adopt a gender-sensitive approach, through, for example, reviewing the methods of application, ways in which information is communicated, etc. Gender-specific restrictions on documentation are a burden not only on women, for whom they may limit agency, but also for men who must bear the burden of managing administrative processes on behalf of female relatives.

Information must be freely provided to migrants about identification or regularisation schemes, and the provision of this information must be gender- and culture-sensitive. Immigration-related communication must be done directly with women, and not through others such as employers or male relatives.[75] It is also of utmost importance that a lack of documentation should not serve to exclude women and girls from accessing services such as healthcare, particularly reproductive healthcare, treatment for survivors of gender-based or sexual violence, and education. See Recommendation 2 below for further detail on how this can be achieved.

The JLMP could consider providing training and capacity-building support for Member States on the topic of documentation and could consider conducting further research into the barriers faced

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[73] Of the target countries, Ethiopia's recent ban on the migration of domestic workers to Saudi Arabia could be considered such a policy given the high proportion of domestic workers that are women.
[74] See Gender Analysis for further details on these provisions and practices.
[75] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 24 (accessible here).

by migrants in Africa in this regard in order to determine policy options going forward. Further, the LMAC should also incorporate this issue in its recommendations for Member States and RECs on labour migration management policies and principles.

Responsible Stakeholder: the JLMP (LMAC) and Member States.

Timeframe: immediate, 1-2 years.

4.2.2. Recommendation 2: Ensure social protections are extended to women migrant workers by continuing to support the development and implementation of regional instruments on the portability of social security benefits for migrant workers and investing in further research

Action Required:

Social security systems are already prone to excluding women due to the history of their development when they were designed around the male breadwinner model,[76] but migrant women are particularly likely to be excluded from such protections. First and foremost, social protection systems need to be reformed to adapt to the changing make-up of the labour force with regard to gender and must further be extended to migrant workers as well, in line with the JLMP Strategic Framework Strategic Objective (SO) 2.[77] This is necessary both for men and women migrants to have their fundamental rights protected.

We note that the JLMP has already made significant progress in supporting the development and implementation of regional instruments on the portability of social security benefits for migrant workers and their families. The JLMP is encouraged to continue advocating towards improvements in the social protections afforded by law for professions dominated by women and with large numbers of migrant workers, such as domestic work and sex work. For example, countries must extend social protections like maternity and sick leave, unemployment insurance, and other measures to domestic workers, inclusive of migrants. Such efforts should also include supporting the establishment of social support systems among these workers such as rights-based associations and running information campaigns targeted at these workers about their rights and options, in line with the ILO Social Protection Floors Recommendation No. 212 of 2021.[78] The ILO has previously highlighted that collective bargaining is a key means for ensuring the systematic integration of gender dimensions into labour market policy, and for tackling issues such as the gender pay gap and discrimination at work.[79] Collective bargaining must therefore be protected and supported.

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[76] ILO, 'ILO 2009 Resolution concerning gender equality at the heart at decent work', (2009) at p. 6 (accessible here).
[77] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 31 (accessible here).
[78] ILO, 'The ILO Social Protection Floors Recommendation, 2012 (No. 202)', (2012) (accessible here).
[79] ILO, 'ILO 2009 Resolution concerning gender equality at the heart at decent work', (2009) at p. 8 (accessible here).

Even in countries where social protections are in theory or law afforded to migrant women, the experience in practice may be very different.[80] Research must therefore be done in each specific context to understand the practical barriers for migrant women to accessing social protections, and appropriate policies must be adopted to overcome those barriers. Cash benefit schemes, for example, may be easier to implement and more effective in reaching migrant women, depending on the context. In places where migrants do already have legal access to social protections such as healthcare, these policies must be bolstered by awareness campaigns that ensure that migrants know how to access these services and that healthcare providers do not erroneously ask for immigration documentation before providing services. Service providers must be properly trained on the appropriate information to request to avoid migrants being discouraged from pursuing seeking services because of fears of how the information will be used, and information must be freely accessible that explains to them how it will be used. In addition, COVID-19 recovery efforts must include components that specifically target migrant women workers who disproportionately work in the informal economy and in precarious work.[81]

Member States must also ensure that access to healthcare is not contingent on legal status and provide protections such as outlawing mandatory pregnancy tests and shoring up consent procedures for reproductive healthcare services. Relatedly, laws or practices requiring pregnancy or HIV tests either pre-departure, post-arrival, readmission, or for employment must be strongly condemned.

Finally, and in line with the existing objective in the JLMP Strategic Framework, Member States must be encouraged to ratify ILO Conventions C-102 and C-118 (on social security minimum standards and the portability of social security) as soon as possible.[82]

Responsible Stakeholder: the JLMP (LMAC) and Member States.

Timeframe: 3-5 years.

4.2.3. Recommendation 3: Separate immigration enforcement from access to services

Action Required:

It is vital that clear firewalls are established between public service providers and immigration authorities to allow undocumented migrant workers to access the justice system and social services such as healthcare without fear of being reported, detained, or deported. It must be stressed that such measures are not only necessary to protect the rights of migrant women

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[80] For example, in South Africa domestic workers are entitled to at least four months of maternity leave, paid by the Unemployment Insurance Fund, a compulsory contributory social security system introduced by the Basic Conditions of Employment Act (2002). Legally, the scheme covers migrant domestic workers who hold a work permit. However, even among those who are legally entitled, important gaps in effective coverage remain because employment relationships are not always registered. UN Women, 'Policy Brief No. 14: Leaving No-One Behind: Access to Social Protection for All Migrant Women', (2021) (accessible here).

[81] UN Women, 'Explainer: How Migration is a Gender Equality Issue', (2020) (accessible here).

[82] Note that only Morocco has so far ratified C-102 and none of the target countries have ratified C-118 (see here and here).

themselves, but the COVID-19 pandemic has also demonstrated that adequate access to healthcare services is a public health issue that affects the health of all members of a community as well.[83]

The JLMP could consider providing training and capacity-building to Member States on how such firewalls can be implemented in practice, including taking inspiration from other countries and regions which have done so. This topic may also warrant further research or a policy paper on the practical methodologies for achieving this objective.

Given that this recommendations speaks to advice and guidance to Member States as well as potential for research, is it seen to be within the scope of the LMAC.

Responsible Stakeholder: the JLMP (LMAC) and Member States.

Supporting stakeholders: members of the JLMP, particularly the ILO and IOM.

Timeframe: 2-3 years.

4.2.4. Recommendation 4: Provide accessible, targeted information for women migrant workers

Action Required:

More extensive efforts must be made to provide accessible, culturally-appropriate, and gender-responsive information to women migrants that enables them to be informed about safe migration pathways prior to departure, as well as on arrival. Pre-departure information must inform them of potential risks and mitigation strategies, and post-arrival information about cultural and social practices in the country of destination, accessing employment opportunities, healthcare, social protection, or education services, how to regularise their status or apply for asylum, and how to gain recourse through the law for human rights abuses they may experience.

This is in line with the GCM which calls for the establishment of "accessible information points along relevant migration routes that can refer migrants to child-sensitive and gender-responsive support and counselling, offer opportunities to communicate with consular representatives of the country of origin, and make available relevant information, including on human rights and fundamental freedoms, appropriate protection and assistance, options and pathways for regular migration, and possibilities for return, in a language that the person concerned understands."[84]

Gender-responsive information campaigns could include, for example, events and public campaigns informing migrants of their rights in countries of origin, transit, and destination, and well as where and how to seek redress, in addition to contributing to a more positive perception of women migrants by dispelling misleading and negative narratives. It is crucial that information is conveyed in accessible languages throughout countries of origin, transit, and destination and

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[83] UN Women, 'Policy Brief No. 14: Leaving No-One Behind: Access to Social Protection for All Migrant Women', (2021) (accessible here).

[84] UN, 'Global Compact for Safe, Orderly and Regular Migration', (2018) at p. 11 (accessible here).

in various channels and formats. Information can be circulated through the media, social media, and in popular culture and may include strategies such as "airing women's and girls' voices and stories, portraying migrant women as actors rather than victims, and gender balance on editorial boards."[85]

These efforts should be complemented by the implementation of community awareness-raising campaigns that provide accurate information about the contributions of migrants, particularly women, to countries of destination, highlight the particular vulnerabilities they face, and that seek to change stereotypical narratives about migrant women in the countries in which they reside.[86] This should also be coupled with strong legal protections against hate speech and hate crimes for migrants, particularly women and girls. Likewise, efforts to tackle xenophobia must incorporate an intersectional lens recognising the multiple, intersecting ways in which women and gender and sexual minorities experience discrimination. The JLMP has targeted the development of national action plans against discrimination and xenophobia in select countries under Outcome 2.1.5. of the Strategic Framework.[87] These national action plans should strongly include a gender element.

As the administrative engine of the JLMP, it is foreseen that the Programme Support Unit could initiate the scoping and creation of relevant awareness-raising campaigns and initiatives within the JLMP.

Responsible Stakeholder: the JLMP (Programme Support Unit) and RECs.

Target groups: women migrant workers.

Timeframe: 1-2 years.

4.2.5. Recommendation 5: Support the development of targeted economic opportunity programs for women migrant workers

Action Required:

In order to take advantage of the opportunities that migration may provide for women that were unavailable in their places of origin, such as more liberal gender roles and responsibilities and educational opportunities, policies should be put in place that encourage language training and other integration programmes to enable migrant girls or daughters of migrant workers to access educational opportunities, as well as other gender-sensitive support mechanisms to keep them in school.[88] In order to overcome the general and persistent gender gap in education across the continent, access to education must not be contingent on or connected to legal status in a country.

Frequent countries of destination must be encouraged to invest in improving the general working environment for women, including implementing education efforts to overcome gender

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[85] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 32 (accessible here).
[86] *Ibid*.
[87] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 31 (accessible here).
[88] JLMP, 'Handbook – Gender Dimensions of Labour Migration'.

stereotypes, providing safer working environments for women, and improving access to reproductive healthcare for women in general.

The JLMP could play a leading role in encouraging and supporting Member States to implement targeted economic opportunity programs, drawing on experiences in other countries and regions both within and outside Africa.

Again, as an administrative programme of the JLMP, this is seen to be within the scope of the Programme Support Unit and/or the LMAC.

Responsible Stakeholder: the JLMP (Programme Support Unit and/or LMAC) and RECs.

Target groups: women migrant workers.

Timeframe: 2-3 years.

4.2.6. Recommendation 6: Support the provision of adequate protections for migrant women from trafficking, exploitation, and discrimination by providing trainings for immigration officials, advocating for the removal of gender-based restrictions on labour migration, and increasing the capacity for gender-responsive labour inspections

Action Required:

The JLMP and Member States must ensure that appropriate policies are in place to protect migrant women from the frequent physical, discriminatory, and exploitative risks that they face. The JLMP could take action in this regard by providing resources that can be used to implement adequate training for police, immigration and border officials to identify victims of trafficking — including both women and gender and sexual minorities, both of whom are at higher risks of trafficking for sexual exploitation[89] — and to prevent their being treated as irregular migrants, including to avoid their revictimization.

It must be noted that laws that seek to prevent human trafficking by restricting the migration of women of a certain age or status are more likely to heighten the risk of being subjected to trafficking by forcing women into irregular and unsafe migration pathways and mechanisms.[90] These laws must therefore be repealed. This is another element that could be included amongst a set of 'best practices' to be advocated for and supported by the JLMP through its engagements with RECs and Member States.

Member States should also provide mechanisms to support better regulation of recruitment practices in vulnerable types of work, such as domestic work, to prevent fraudulent or exploitative practices that are more prevalent in low-skilled areas of work, including regulating recruitment agencies and providing improved, accessible, and gender-sensitive information to

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[89] UN Women, 'Explainer: How Migration is a Gender Equality Issue', (2020) (accessible here).
[90] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) (accessible here).

arriving migrants on recruitment practices in the country. Bilateral labour agreements should, for example, include provisions on ethical recruitment practices.[91] Countries may also consider setting up free telephone hotlines that provide information about standard recruitment and working practices, employment contracts, etc.[92]

As discussed above in Section 3 on the priority countries, Member States must generally work to ensure that national legal frameworks appropriately outlaw and punish gender-based discrimination in employment, occupational segregation, and sexual harassment in the workplace.[93]

The JLMP Strategic Framework targets increasing the capacity for labour inspection where migrants are concentrated under Strategic Objective (SO) 2 (Outcome 2.1.4.).[94] Labour inspections should include inspecting for gender-based violence or discrimination in the workplace and at home as well as for evidence of trafficking of women and girls. Labour inspection should also be separated entirely from migrants and trafficking victims' use of public services, in order to avoid discouraging their use of such services. The JLMP's efforts related to labour inspection, whether implemented through training, capacity-building, direct support, or other mechanisms, should include a gender-focused component in order to enhance the power of labour inspections to be used as a tool to advance gender equality for migrant populations.

As it requires advocacy and support for Member States, this recommendation is seen to be within the remit of the LMAC.

Responsible Stakeholder: the JLMP (LMAC) and Member States.

Target groups: women and girl migrant workers.

Timeframe: 2-3 years.

4.2.7.   Recommendation 7: Develop harmonised accreditation standards that facilitate the employment of migrant women

Action Required:

The JLMP and its members must continue to work towards the development of harmonised accreditation standards across the continent for low-skill forms of work that are predominantly filled by women — including considering incorporating this objective into social security cooperation frameworks that are developed under Strategic Objective (SO) 2 of the Strategic Framework.[95] Efforts such as the JLMP's 'Programs and Qualifications for Skills Recognition and

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[91] African Union, 'Thematic Area 4: Addressing Gaps in Migrant Protection: The Future of Human Mobility: Innovative Partnerships for Sustainable Development (Technical Paper)', (2020).
[92] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 13 (accessible here).
[93] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 15 (accessible here).
[94] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 31 (accessible here).
[95] Ibid.

Development in the Leather Sector in Africa,' conducted with the African Leather and Leather Products Institute, can be replicated and expanded in other sectors.

It must be recognised that inadequate cross-border recognition of skills and qualifications amplifies the disadvantages women migrants face in finding employment and the quality of that employment, but that it also creates significant barriers to finding quality and meaningful employment for men migrants as well. Efforts to overcome these barriers must take a gender-sensitive approach by, for example, prioritising industries in which women work at higher rates and evaluating the particular challenges faced by women in those industries in having their skills and qualifications recognised. This may be supplemented by targeted vocational training and skills development programs for women and could also include information and communications technology training and digital literacy programs.[96]

As noted in the ILO 2009 Resolution concerning gender equality at the heart at decent work:[97]

> "Traditional occupational segregation concentrates women into low-skilled, 'traditionally-female' economic activities, often characterised by low pay. It is therefore critical to appropriately recognise the importance and value of jobs, sectors, and activities where women are over-represented and to make these attractive employment options for both men and women. Provision should also be made for women to acquire the skills that are related to jobs, activities and sectors that are growing and offering decent work opportunities. To avoid the accumulation of disadvantages, education and skills enhancement policies should be oriented towards equality of opportunity for girls and women, and to encouraging men to assume care-giving responsibilities so that women can re-enter the labour market."

This is also in line with Outcome 1.1. of the Africa Union (AU) Strategy for Gender Equality and Women's Empowerment which calls for market-oriented vocational training and literacy programmes for youth and women, and Outcome 1.3. calling for the creation of opportunities for women and gender inclusion in the technology space.[98] It is therefore recommended that Outcome 2.3 of the JLMP Strategic Framework, particularly Outcomes 2 and 4, specifically target technical and vocational training and the harmonisation of qualifications that are most appropriate for women migrants.[99]

It is anticipated that this recommendation would fall within the remit of the LMAC given its mandate to "facilitate harmonization of labour, social security and fiscal legal frameworks that promote and protect the rights of migrant workers between countries, in close collaboration with RECs."[100]

Responsible Stakeholder: the JLMP (LMAC).

Supporting stakeholders: Member States and RECs.

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[96] SDC and UN Women, 'Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration', (2019) at p. 34 (accessible here).
[97] ILO, 'ILO 2009 Resolution concerning gender equality at the heart at decent work', (2009) at p. 5 (accessible here).
[98] AU, 'Strategy for Gender Equality & Women's Empowerment 2018-2028', (2018) (accessible here).
[99] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 33 (accessible here).
[100] *Ibid* at p. 61.

<u>Timeframe:</u> immediate, 1-2 years.

4.3. Objective 3: Collection and Utilisation of Sex-Disaggregated Data

Given the paucity of sex-disaggregated data to better understand the experiences of women migrants in Africa, it is commendable that the JLMP has explicitly included this objective in its Strategic Framework and has already made significant progress in enhancing national capacity in research and statistics and in the coordination and management of statistics. The Gender Analysis highlighted the fact that the release of the First and Second Report on Labour Migration Statistics in Africa significantly advanced efforts to address this paucity by centralising and making these statistics more easily accessible, but that important gaps remain in obtaining the information necessary for gender-sensitive and evidence-informed policymaking.

The particular dearth of data and information about irregular migration is likely to disproportionately affect women who are pushed into irregular migration routes due to an inability to access regular ones, and who are victims of human trafficking at higher rates.

4.3.1. Recommendation 1: Maximise the gender-related insights that can be drawn from existing resources

Action Required:

First, initiative must be taken to draw out gender-specific policy recommendations from the wealth of insight and knowledge that does already exist in the Report on Labour Migration Statistics in Africa in order to more meaningfully incorporate a gender lens in the final recommendations of the report.[101] This may be an activity that can be incorporated as a formative step into the development of a JLMP Gender Policy (to be discussed below in 4.4.1).

Although there is extensive existing sex-disaggregated data in the report, the findings and recommendations do not take a particularly gender-sensitive lens. In future versions of the report, this could be prioritised through the creation of dedicated chapter on gender-related findings or publish a separate Gender Migration profile in the same way as has been done for Regional Migration profiles.

As the implementing partner responsible for the AUC/STATAFRIC database, it is suggested that the AUC may take the lead in ensuring the implementation of this recommendation.

Responsible Stakeholder: the JLMP and the AUC.

Timeframe: immediate, 1-2 years.

4.3.2. Recommendation 2: Plug the gaps with regard to sex-disaggregated migration data

Action Required:

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[101] African Union, 'Report on Labour Migration Statistics in Africa Second Edition', (2017) at p. 54-55 onwards (accessible here).

The JLMP is encouraged to engage national statistics offices and other relevant partners to work towards improving the collection, aggregating, and quality of the following specific, sex-disaggregated datasets which are still deemed to be lacking on the continent:

- Country-level data for all Member States on the number of migrants in employment, including detail on employment status, economic activity, occupation, level of education, and wages (in order to ascertain the real gender wage gap);

- Detailed and regularly updated data on abuses and violence experienced by women migrant workers both in transit and on arrival in destination countries, including, for example, experiences of violence, discrimination, access to opportunities, access to information, and access to social protection. It may also include data on trafficking in persons. This must be sensitively collected and might perhaps require a separate collection mechanism (from other migration-related statistics) in order to adapt the procedures to be appropriate for a complex survey of this type.

    o Relatedly, the JLMP can more systematically incorporate other available statistics on gender and gender-related issues as GBV into its policymaking and publications in order to gain a deeper understanding of the experiences of women migrants. For example, even if migrant-specific data on gender-based violence is not available, statistics on the general population can be used to inform policymaking. Likewise, data on abuse and other experiences of gender and sexual minority migrants is notably absent from all currently available resources in Africa.

    o This should also include information about deaths or migrants who have gone missing on the migration routes.

- Data on the social protection afforded to women, including take-up rates of social protection services and common barriers faced in this regard. This recommendation is echoed in the 2017 Report on Labour Migration Statistics in Africa, which calls for the development of a detailed dedicated questionnaire on social protection for migrants.[102]

- Sex-disaggregated data on remittances, to better understand the quanta and mechanisms commonly in use by migrant women, barriers to accessing cheap and reliable services, remittances by migration status, and to better understand how remittances from migrant women workers contribute to economic development in both countries of origin and destination. Efforts to improve the provision of such data on remittances would create a solid basis for future gender-responsive policy action on remittances. Again, this recommendation is also mirrored in the 2017 Report on Labour Migration Statistics in Africa.[103]

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[102] African Union, '2017 Report on Labour Migration Statistics in Africa: Second Edition', (2017) at p. 56 (accessible here).
[103] *Ibid*.

- Improved quality data on the motivations for migration of women in particular, which will shed light on those in irregular situations and how to enable shifting those flows to more regular migration channels.

This will likely require engaging with national statistics offices, ministries responsible for labour migration and immigration, and other relevant stakeholders to improve the collection of use of the above-mentioned data either through capacity-building or additional funding, as well as provide training on best practices. Feedback received from statistical agencies within Member States highlighted that their efforts to provide further sex-disaggregated data were limited by the data currently collected. It will therefore necessarily involve a highly-collaborative and ongoing effort to build the capacity of all actors along the value-chain of data creation. The AUC, as the implementing partner responsible for facilitating communication and coordination with Member States as well as being responsible for the AUC/STATAFRIC database may take the lead in this regard.

Responsible Stakeholder: the JLMP and the AUC.

Supporting Stakeholders: national statistical offices within Member States.

Timeframe: 2-5 years.

4.3.3. Recommendation 3: Ensure current practices and uses of data avoid gender bias and protect human rights by protecting data and providing training on gender-sensitive data use

Action Required:

Finally, the JLMP is encouraged to review current practices regarding the collection and use of gender-specific and sex-disaggregated data that are commonly relied upon for decision-making to determine whether there is potential for gender bias to feature in the reporting or interpretation of the data, and therefore to distort it.

Further, efforts to improve the collection and use of sex-disaggregated data must be careful not to incentivise the inappropriate sharing of data, for example sharing personal data on healthcare access and use with immigration enforcement officials, which may, on an individual level, disincentivise migrants from accessing critical services, and on a collective level enable immigration officials to target points at which irregular migrants access services in order to enforce immigration laws.[104]

The 2017 Report on Labour Migration Statistics in Africa highlights several recommendations for ameliorating the constraints on data analysis with regard to labour migration statistics in Africa, including to continue to strengthen the capacity of Member States to provide thorough and

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[104] For example, in several European countries (Finland, Italy and the Netherlands) health and education authorities are explicitly exempt from immigration authorities' reporting requirements. UN Women, 'Policy Brief No. 14: Leaving No-One Behind: Access to Social Protection for All Migrant Women', (2021) (accessible here).

informative responses to the International Labour Migration Questionnaire, to encourage national authorities to engage more actively in the collection and processing of statistical data on labour migration, to strengthen the capacity of national focal points on labour migration, and to establish a mechanism for providing Member States with technical assistance in the collection of labour migration data.[105]   In combination with the above, these recommendations, if implemented, will contribute significantly to shoring up the ability to use rigorous and accurate sex-disaggregated data to inform gender-sensitive labour migration policymaking.

Responsible Stakeholder: the JLMP (Programme Steering Committee and Programme Support Unit).

Timeframe: immediate and ongoing.

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[105] African Union, '2017 Report on Labour Migration Statistics in Africa: Second Edition', (2017) at p. 56 (accessible here).

4.4. Objective 4: Strengthening Governance and Accountability of the JLMP

4.4.1. Recommendation 1: Integrate gender mainstreaming into the Strategic Framework and Evaluation Framework of the JLMP through the development of a JLMP Gender Policy

<u>Action Required:</u>

In order to ensure that gender is fully mainstreamed in the policymaking and programming of the JLMP, it is important to implement mechanisms for follow-through and accountability for meeting the recommendations mentioned above. It is recommended that this can be achieved in two parts. First, by integrating the recommendations made in this report into the Strategic Framework of the JLMP and into the implementing programming of that Framework.

For example, SO 1 includes "the comprehensive development of regional and national policy frameworks on labour migration and to implement such policies in law and practice, as the basis for better labour migration governance."[106] The development of these policy frameworks should include consultation with gender experts, women migrants, and representatives of vulnerable groups of women migrants such as sex workers, domestic workers, and healthcare workers, and the content of the frameworks should be gender-mainstreamed. In this regard, it is promising that Outcome 1.2.2. of the Strategic Framework includes the elaboration and strengthening of national and regional gender-sensitive labour migration policy frameworks. This should be prioritised, and more detailed objectives defined. Likewise, undertaking dialogue with RECs' counterparts in other regions (Outcome 1.2.4.) should include discussions on best practices and lessons learned with regard to integrating a gender equality perspective in regional labour migration policymaking.

Second, evaluation processes for measuring the progress made in achieving the recommendations in this Gender Action Plan must be incorporated into the JLMP's, Member States', and RECs' operations. Specifically, the implementation of a robust Monitoring and Evaluation (M&E) framework under SO 4 of the Strategic Framework must include evaluation mechanisms related to advancing gender equality in labour migration policymaking, in line with the recommendations in this Action Plan.[107] This evaluation of the gender policy could potentially be integrated into the mid-term evaluation of the JLMP planned for 2025 and the objectives of it should be incorporated into the Monitoring, Evaluation and Learning Framework that is to be developed with the SDC's support.

The development of a Gender Policy for the JLMP would assist in meeting both of these goals. A Gender Policy builds off the Analysis and Action Plan to set out specific targets for achieving gender equality in the work of the JLMP, detail the allocation of resources to meet those targets, as well as evaluation mechanisms such as gender audits. It will also provide greater detail on the stakeholders responsible for specific objectives and implementation plans. It can be thought of as a roadmap for the practical implementation of the recommendations in this Action Plan that manages the organisational change process to create sustainable and long-lasting change. It could

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[106] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 29 (accessible <u>here</u>).
[107] JLMP, 'Strategic Framework 2020-2030', (2020) at p. 36 (accessible <u>here</u>).

also serve the role of setting out best practices and standards on the gender-related dimensions of labour migration which the JLMP can then use in its advocacy and technical support efforts with RECs and MSs. For example, it could set out the state of knowledge with regards gender-based restrictions on labour migration and family reunification policies in order to create a clear recommended standard in its engagements with RECs and MSs. Finally, the Gender Policy is an important additional document in that it should be drafted and owned directly by the JLMP Members as opposed to independently developed.

The JLMP can consider other regional initiatives for inspiration in this regard, such as the "Guidelines for the Care and Protection of Women in the Context of Migration" prepared by the Regional Migration Conference,[108] the Regional Framework Law on Migration with a Human Rights Approach which was developed by the Forum of Presiding Officer of Legislative Assemblies of Central America and the Caribbean Basin (FOPREL),[109] and the various resolutions by the European Parliament relating to the rights of migrant, refugee and asylum seeker women as well as domestic workers and carers.[110]

A JLMP Gender Policy should include structural and sustainable mechanisms for engaging representatives and associations of women migrants from various industries, such as domestic workers, health and care workers, sex workers, and others. This will contribute not only to informing the development of responsive and appropriate policies but also to building strong civic engagement mechanisms for some of the most vulnerable migrant workers, enabling them to better exercise their rights. Policies must also ensure that legal restrictions on women's participation in such entities do not exist, such as employment contracts limiting union participation, etc. This is also in line with the MPFA which calls for states to "support associations and networks of migrant women and enhance their voices in policy dialogue processes at national, regional, continental, and global level."[111]

Responsible Stakeholder: the JLMP (Programme Steering Committee).

Timeframe: 1-3 years.

4.4.2. Recommendation 2: Gender-mainstream the internal operations and culture of the JLMP by building a gender-aware internal culture and promoting gender-equitable programme implementation

It should be noted that the scope of this enquiry could not fully incorporate a gender analysis of the internal functioning of the JLMP in the manner of a diversity, equity and inclusion review or audit. Such an effort would require a much deeper immersion into the daily workings of the JLMP and the internal power dynamics within the Steering Committee, the Programme Technical

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[108] IOM, 'Guidelines for the care and protection of women in the context of migration', (2017) (accessible here).

[109] IOM, 'Model of Migration Law Approved for Central America and the Caribbean', (2019) (accessible here).

[110] European Institute for Gender Equality, 'Migration', (accessible here).

[111] African Union, 'The Revised Migration Policy Framework for Africa and Plan of Action (2018 – 2027)', (2018) at p. 51 (accessible here).

Committee, and the LMAC, including understanding the organisational culture, staff make-up, etc. of the JLMP.

However, it is of utmost importance that the operations of the JLMP, including its intervention logic and methodological approach, do not inadvertently reinforce dynamics of patriarchy and gender discrimination. We therefore make the following recommendations for how the design and methodology of operation of the JLMP can be gender-mainstreamed in order to best facilitate the successful implementation of the above-mentioned recommendations and to engender a more foundational shift in the programme's operations that better enables gender-sensitive programming:

- Consider ways to enhance gender diversity in decision-making within its internal operations. For example, it might consider implementing gender quotas for the participation of women's rights experts in the regional mechanisms for tripartite policy consultation or in the Labour Migration Advisory Committee (LMAC). We note that the establishment of the LMAC has greatly advanced the opportunities for dialogue and cooperation on labour migration law, policy and practice across Africa and engagement with civil society, social partners, and other stakeholders. We note also that women cross-border traders and other employers' and workers' organisation are already represented in the LMAC, and this could be expanded to include other stakeholders such as domestic workers organisations, sex workers organisations, refugee women, etc. This could also include analysing the gender composition of the LMAC and of the social partners under the JLMP both in terms of the composition of representatives in meetings and events of the JLMP as well as the thematic focus of the social partners, ensuring that there is adequate representation from gender-focused groups as well as historically marginalised groups such as domestic workers, sex workers, gender and sexual minorities, etc.

- Incorporate gender-specific elements into the JLMP's theory of change. As discussed in the Gender Analysis, a failure to acknowledge the gender-specific risks and barriers faced by migrants will serve only to perpetuate gender inequality and contribute to the ongoing violation of the rights of migrant workers, particularly women and gender and sexual minorities, but also men in some instances. For example, while the current theory of change does speak specifically to the need to collect and use sex-disaggregated data, it does not explicitly acknowledge the many other actions that need to be taken to mitigate rights-violations against women migrant workers and to maximise their contributions to economic development in Africa.

- Integrate gender as a central lens in the implementation of JLMP events, training, and capacity-building efforts by, for example, ensuring gender equity in the organising teams of these activities, ensuring representatives of social partners are consulted in the design of these activities, and seeking gender parity amongst participants to ensure diverse perspectives (for example, in trainings held for immigration officials it will be important to work with Member States to encourage them to have women officials present who bring a different perspective in terms of how they engage with migrant workers).

- Consider developing a gender-specific research stream that can feed into the JLMP's other programmes, for example carving out a more extensive gender-specific section within

future versions of the Labour Migration Statistics Report (or publishing a Gender Labour Profile in line with the Regional Migration Profiles that have previously been done). Another example could be investing in further research on gender mainstreaming labour inspections or a policy brief series on how to better enable and maximise remittances from women migrant workers. Resources could be specifically mobilised to fund this new stream of research which would further encourage and enable work to be done in this area. This recommendation would likely fall within the remit of the LMAC.

- Understand and unpack the current extent of gender-mainstreaming within the JLMP by holding internal workshops within the various structures of the JLMP to interrogate existing perspectives on complex and/or contentious gender-related issues. For example, it may be worthwhile to unpack organisational and individual perspectives on the relative importance of gender-sensitive policies catering specifically to men as opposed to women migrant workers, or to discuss the most effective ways to overcome the informational deficit currently experienced by women migrant workers prior to departing their country of origin. It is only by intentionally working through these issues collectively that the organisational culture and inherent operations of the JLMP will be sustainably shifted to one in which gender is more explicitly and comprehensively mainstreamed in the programme's operations. It is imagined that the Programme Steering Committee could take the lead in initiating such discussions, which could then be taken over and further implemented by other entities within the JLMP.

- Finally, the two documents produced in this project, the Gender Analysis and Gender Action Plan, should be thoroughly reviewed, edited, and revised where necessary, and adopted by the JLMP Programme Steering Committee in order to be distributed to all relevant partners and structures within the Programme. This will enable information about the need for gender mainstreaming in the work of the JLMP and labour migration policymaking more broadly to be widely disseminated, along with details about how gender shows up in labour migration and ideas for how the gender-specific risks and challenges in labour migration can be mitigated and minimised. This could potentially form the starting point for the more formal and organic Gender Policy to be developed and adopted by the JLMP.

Responsible Stakeholder: the JLMP (various).

Timeframe: 1-3 years.

5. CONCLUSION

This report seeks to synthesise the findings of the research done so far on gender mainstreaming within the JLMP. The process for developing the report included desktop research, stakeholder engagement, and a Gender Analysis that evaluated the gender dynamics of labour migration in Africa, including women migrant workers' roles, needs, opportunities, challenges, access to resources and decision-making, and power dynamics, as well as the gender dimensions of relevant frameworks such as laws, policies, bilateral labour agreements and multilateral cooperation mechanisms. The findings from the Gender Analysis have been translated into a set of practical recommendations to be incorporated into the work of the JLMP, its members, and Member States and RECs on the continent.

With regard to the priority countries and target RECs, it was found that there is great opportunity to advance gender-responsive labour migration policy by making reforms in four inter-related areas. First, a number of critical, rights-affirming international conventions remain unsigned, unratified, and unimplemented, creating a notable gap between national legislation/policy and internationally recognised best practices. Second, several common deficiencies have been identified within the national frameworks of each country, for example, the failure to recognise unskilled workers, which is significantly to the detriment of women migrant workers, complicated and unclear migration frameworks that make compliance extremely difficult, even for the best-intentioned. In addition, there are insufficient legal and social initiatives to address gender-based discrimination, violence and abuse, including for gender and sexual minorities as well as women.

Third, there is significant room for further initiatives at the policy level to address the persistent harms faced by women and particularly migrant women workers, such as challenging harmful gender norms and stereotypes and creating a labour migration environment that takes a zero-tolerance approach to gender-based violence and harassment. Fourth, building on existing initiatives by the JLMO, there is an opportunity for further improved collection and use of accurate and sex-disaggregated data within the sphere of labour migration in order to inform responsive and effective policymaking.

RECs also have an important role to play in encouraging and supporting the implementation of these recommendations at the national level through their ability to set regional policy and standards and to provide technical and administrative support to Member States. RECs can serve as the impetus and leading light for more nuanced and effective gender-sensitive labour migration policy within their regions.

While many of the existing objectives within the JLMP Strategic Framework are relevant for the goals of advancing gender equality in labour migration policy, and gender is admirably one of the guiding principles of the JLMO Strategic Framework, there are additional ways in which gender could be made a more explicit factor in the elaboration of the objectives and their associated targets. The goal of making progress in advancing gender equality in labour migration policy in Africa would therefore benefit from a more intentional and explicit integration of gender, in line with the recommendations above, into the JLMP's Strategic Framework and programming more broadly.

This can be done by continuing efforts to improve the governance and regulation of labour migration on the continent by incorporating a gender-sensitive lens, including by prioritising the ratification of treaties and conventions that provide strong protections for women migrant workers, supporting the development of gender-responsive bilateral labour agreements between Member States, and acknowledging gender-specific determinants in refugee and asylum processes. We also recommend the removal of all gender-specific restrictions on travel and labour migration, the thorough incorporation of gender elements into the JLMP's Capacity-Building and Training Strategy and supporting the development of gender-sensitive remittance policies in Member States.

With regard to the achievement of safe and secure working conditions for women migrant workers, the JLMP has already conducted significant work in this regard that can serve as a solid base for further efforts. For example, there is a need to ensure independent documentation for women and the extension of social security protections to all women migrant workers, something on which the JLMP has been working for some time, as well as to separate immigration enforcement from the accessing of vital public services and providing accessible, targeted information to enable them to be fully informed throughout the labour migration experience. In order to overcome the differential barriers to quality employment and compensation faced by women migrants, it is necessary to provide targeted economic opportunity programs to them, to significantly bolster protections against discrimination, exploitation and violence against women in the workplace, and to develop harmonised accreditation standards that specifically speak to sector and industries in which women are dominant and that prioritise upskilling them to meet the needs of the modern market.

Addressing the dearth of sex-disaggregated data to enable informed policy-making on the continent requires first taking full advantage of existing information to extract gender-relevant insights, in order to leverage the significant progress that has already made in this regard through the publication of the first to third editions of the Labour Migration Statistics in Africa Report. This can be done while also targeting key data gaps which include statistics on the violence and discrimination faced by women migrant workers as well as more detailed information on migrant workers' ability to access social protection services.

Finally, we propose ways to more formally and explicitly integrate gender considerations into the internal operations of the JLMP, based on our limited knowledge of its programming, which is primarily based on the 2020-2030 Strategic Framework.

These recommendations have been highlighted, amongst many potential options for action, because they address the gender dimensions of labour migration in a highly targeted way and because of the likelihood that they will address the most significant risks and harms currently faced by women migrant workers. Once again, we commend the JLMP for taking this important step to more intentionally integrate a gender equality lens into its decision-making and programming. We recommend that the further development of a dedicated JLMP Gender Policy that sets out the targets, resources, and evaluation mechanisms for addressing the needs identified herein will be a valuable next step in this journey.

SUMMARY OF RECOMMENDATIONS

SECTION	RESPONSIBLE STAKEHOLDER	RECOMMENDATION	IMPLEMENTATION TIMEFRAME				
			YR 1	YR 2	YR 3	YR 4	YR 5
Priority Countries and RECs	JLMP	1. Assist countries and RECs in developing appropriate gender impact assessments, as well as support states to analyse the assessments and mapping a way forward	✓	✓			
		2. Set up stakeholder engagements with the priority countries to discuss the value and utility in ratifying key conventions	✓	✓			
		3. Assist priorities countries and RECs who need to develop and implement labour migration policies, by setting up workshops, engagements, and strategy sessions with key role players to encourage the advancement of the policy process	✓	✓			
		4. Encourage priority countries and RECs to embark on data gathering exercises as soon as reasonably possible by providing capacity-building and funding support	✓	✓			
1. Cameroon	Minister of External Relations	1. Ratify key conventions, notably the ICRMW and ILO Conventions C-181 and C-189	✓	✓			
	Ministry of Foreign Affairs, Ministry of Labour, Ministry of Social Affairs Parliament	2. Improve national frameworks through possible revisions to the Labour Code, the Penal Code, introducing further protection from gender-based violence and harassment, recognising unskilled workers in the national labour migration framework, easing employment requirement of foreign workers, decriminalise same-sex relations			✓	✓	✓
	Ministry of Women's Affairs, Ministry of Foreign Affairs, Ministry of Labour, Ministry of Social Affairs, Ministry of Basic Education, Ministry of Higher Education	3. Develop and implement a gender-sensitive labour migration policy, including by introducing mandatory gender-sensitivity training for all those involved in the labour migration process			✓	✓	✓

	Responsible institutions	Action					
	National Institute of Statistics, Ministry of Foreign Affairs, Ministry of Labour	4. Collect and utilise accurate and sex-disaggregated data as a basis for evidence-based policies by strengthening the capacity of the national statistics office and relevant ministries to collect sex-disaggregated data on labour migration	✓	✓			
2. Cote d'Ivoire	Minister for Foreign Affairs	1. Ratify key conventions, notably the ICRMW and ILO Conventions C-97, C-143, C-181, and C-189	✓	✓			
	Ministry of Territorial Administration and Decentralization, Ministry of Security and Social Protection, Ministry of Employment, Social Affairs, and Vocational Training; the Ministry of Foreign Affairs; the Ministry of Solidarity, Family, Women, and Children, and Parliament	2. Improve national frameworks by strengthening the non-discrimination provisions in the Labour Code, enacting legislation to address trafficking, and amending the criminal code in relation to harmful gender practices, including clarifying the position of sex work			✓	✓	✓
	Ministry of Territorial Administration and Decentralization, Ministry of Security and Social Protection Ministry of Solidarity, Family, Women, and Children, Ministry of National Education and Technical Education	3. Adopt a clear policy position on questions of the intersection of gender and labour migration, taking into account both formal and informal forms of labour, including certain forms of work that may place migrants in vulnerable positions, such as sex work			✓	✓	✓
	National Statistics Institute, Ministry of Territorial Administration and Decentralization, Ministry of Security and Social Protection	4. Collect and utilise accurate sex-disaggregated data and gender-responsive evidence, particularly on occupations and working conditions of migrant workers	✓	✓			
3. Ethiopia	Ministry of Foreign Affairs	1. Ratify key conventions, notably the ICRMW, ILO Conventions C-97 and C-143, and UN Conventions on Statelessness	✓	✓			
	Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Administration for Refugee and Returnee Affairs, Ministry of Women and Children Affairs	2. Improve national frameworks, including by extending labour and social protection to unskilled or informal workers, amending the Labor Proclamation, Federal Revised Family Code and the Criminal Code to better address and respond to gender-based violence and harassment, repealing the Criminal Code on homosexual and other indecent acts, and the associated activities of sex work, and simplifying the legal framework on labour migration			✓	✓	✓
	Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Administration for Refugee	3. Integrate gender-responsive and human rights-based approaches at the policy level, including by clarifying the policy framework related to labour migration by developing a new			✓	✓	✓

	and Returnee Affairs, Ministry of Women and Children Affairs, Ministry of Education	policy and building greater awareness of gender and gender-based violence					
	Central Statistics Agency of Ethiopia, Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Administration for Refugee and Returnee Affairs	4. Collect and utilise accurate and sex-disaggregated data as a basis for evidence-based policies, particularly by improving the collection of information about domestic workers in Ethiopia and Ethiopians working abroad	✓	✓			
4. Malawi	Ministry of Foreign Affairs and International Cooperation	1. Ratify key conventions, notably the ILO Conventions C-143, C-181 and C-189 and the ICRMW	✓	✓			
	Parliament, Ministry of Home Affairs and Internal Security, Immigration Department, Malawi Police and Prisons Services, and Ministry of Gender, Children, Disability and Social Welfare	2. Improve national frameworks by revising the Immigration Act to be more inclusive particularly regarding women migrants, re-assessing the Employment Act through a gender lens, decriminalising same-sex relations, and clarifying the legal position of sex workers			✓	✓	✓
	Ministry of Education, Ministry of Home Affairs and Internal Security, Immigration Department, Malawi Police and Prisons Services, and Ministry of Gender, Children, Disability and Social Welfare	3. Undertake a gender analysis at the policy level of the draft National Migration Policy and the draft Labour Migration Policy and implement them as soon as reasonably possible			✓	✓	✓
	National Statistical Office of Malawi, Ministry of Home Affairs and Internal Security, Immigration Department, Malawi Police and Prisons Services, and Ministry of Gender, Children, Disability and Social Welfare	4. Collect and utilise accurate and sex-disaggregated data as a basis for evidence-based policies, including by implementing a national gender labour migration monitoring and evaluation system	✓	✓			
5. Morocco	Ministry for Foreign Affairs	1. Ratify key conventions, notably ILO Conventions C-143, C-141, C-189 and C-190 and the UN Convention on Transnational Organised Crime	✓	✓			
	Ministry Delegate to the Minister for Foreign Affairs and International Cooperation, Ministry of the Interior, Ministry of Employment	2. Improve national frameworks by revising the gender-related practicalities of unskilled and informal labour, finalising law reform processes relating to immigration or asylum and gender-based violence, decriminalising homosexual acts, and clarifying the legal status of sex work			✓	✓	✓
	Ministry Delegate to the Minister for Foreign Affairs and International Cooperation, Ministry of the Interior, Ministry of Employment, Ministry of National Education and Vocational	3. Integrate gender-responsive and human rights-based approaches at the policy level by developing policies with the participation of women migrant workers, raising awareness			✓	✓	✓

	Training Minister for Higher Education, Scientific Research and Executive Training	about the gender dimensions of labour migration, and conducting gender sensitivity training for migration officials					
	High Commission for Planning, National Statistical Offices, Ministry Delegate to the Minister for Foreign Affairs and International Cooperation, Ministry of the Interior, Ministry of Employment	4. Collect and utilise accurate and sex-disaggregated data as a basis for evidence-based policies by improving the collection and analysis of sex-disaggregated data, particularly on occupations and working conditions of migrant workers	✓	✓			
6. COMESA	COMESA	1. Encourage member states who have not yet ratified key conventions and treaties to do so by providing technical support on the justification for doing so	✓	✓			
	JLMP and COMESA	2. Improve regional frameworks, including by protecting against discrimination of unskilled/informal workers and encouraging families be kept together	✓	✓			
	JLMP and COMESA	3. Integrate gender-responsive and human rights-based approaches at the policy level, including by finalising implementation of migration-related institutional processes through a gender lens	✓	✓			
	JLMP, AUC and COMESA	4. Collect and utilise accurate and disaggregated data as a basis for evidence-based policies, including by providing administrative and technical support to Member States to improve the collection and use of gender-related data	✓	✓			
7. ECCAS	ECCAS	1. Encourage member states who have not yet ratified key conventions and treaties to do so by providing technical support on the justification for doing so	✓	✓			
	JLMP and ECCAS	2. Improve regional frameworks by advancing implementation of the founding treaty and prioritising the development of new regional frameworks on labour migration	✓	✓			
	JLMP and ECCAS	3. Integrate gender-responsive and human rights-based approaches at the policy level by advancing existing efforts to combat human trafficking and smuggling, expanding the scope of existing gender-related initiatives to cross-border women traders and domestic migrant workers, and ensuring gender principles are infused in the ECCAS Border Programme	✓	✓			
	JLMP, AUC and ECCAS	4. Collect and utilise accurate and disaggregated data as a basis for evidence-based policies, including by providing administrative	✓	✓			

	Responsible Party	Action					
		and technical support to Member States to improve the collection and use of gender-related data and expanding the existing administrative data programme under the JLMP					
Strategic Objective 1	JLMP (LMAC) and Member States	1. Support states to ratify and implement relevant international treaties and conventions by providing technical support on the justification for doing so	✓	✓			
	JLMP (LMAC)	2. Support the development of rights-respecting bilateral labour agreements amongst Member States	✓				
	JLMP (LMAC) and Member States	3. Advocate for the removal of gender-based barriers to regular labour migration and that discourage women migrants from accessing appropriate support and legal recourse such as gender-based migration bans, policies preventing family reunification, and custodial sentences for immigration offences	✓	✓			
	JLMP (Programme Steering Committee), ILO[112] and Member States	4. Include gender-specific elements in the JLMP Capacity-Building and Training Strategy	✓	✓			
	JLMP (LMAC)	5. Support the development and adoption of gender-sensitive remittance policies at the national, regional, and continental level		✓	✓		
Strategic Objective 2	JLMP (LMAC) and Member States	1. Support processes to enable independent documentation for women migrant workers	✓	✓			
	JLMP (LMAC) and Member States	2. Ensure social protections are extended to women migrant workers by continuing to support the development and implementation of regional instruments on the portability of social security benefits for migrant workers and investing in further research in this area			✓	✓	✓
	JLMP (LMAC) and Member States	3. Provide best practices to enable the separation of immigration enforcement from access to services		✓	✓		
	JLMP (Programme Support Unit) and RECs	4. Provide accessible, targeted information for women migrant workers	✓	✓			
	JLMP (Programme Support Unit and/or LMAC) and Member States	5. Support the development of targeted economic opportunity programs for women migrant workers		✓	✓		
	JLMP (LMAC) and RECs	6. Support the provision of adequate protection for migrant women from trafficking, labour exploitation, and discrimination through		✓	✓		

[112] The ILO is specifically referenced here due to the recommendation made in the report to consider developing a convention on the gender dimensions of migration, for which the ILO has extensive experience and would be the relevant partner to assist if the JLMP wishes to action this recommendation.

Strategic Objective	Implementing body	Action					
		the provision of trainings for immigration officials, advocating for the removal of gender-based restrictions on labour migration, and increasing the capacity for gender-responsive labour inspections					
	JLMP (LMAC)	7. Develop harmonised accreditation standards that facilitate the employment of migrant women	✓	✓			
Strategic Objective 3	JLMP and the AUC	1. Maximise the gender-related insights that can be drawn from existing resources	✓	✓			
	JLMP and the AUC[113]	2. Plug the gaps with regard to sex-disaggregated migration data, notably employment status and occupation of migrant workers, data on abuses and violence experienced by women migrant workers, social protection, and sex-disaggregated data on remittances		✓	✓	✓	✓
	JLMP (Programme Steering Committee and Programme Support Unit)	3. Ensure current practices and uses of data avoid gender bias and protect human rights by protecting data and providing training on gender-sensitive data use	✓	✓	✓	✓	✓
Strategic Objective 4	JLMP (Programme Steering Committee)	1. Integrate gender mainstreaming into the Strategic Framework and Evaluation Framework of the JLMP through the development of a JLMP Gender Policy	✓	✓	✓		
	JLMP (various)	2. Gender-mainstream the internal operations and culture of the JLMP by building a gender-aware internal culture and promoting gender-equitable programme implementation.	✓	✓	✓		

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[113] The AUC, as the implementing partner responsible for facilitating communication and coordination with Member States as well as being responsible for the AUC/STATAFRIC database may take the lead in this regard.