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AU Holds Consultative Discussions on Access to Justice and Gender-Responsive Reporting Mechanisms for Migrant Workers



The African Union Commission's (AUC) *AU-ILO-IOM-UNECA* Joint Programme on Labour Migration Governance for Development and Regional Integration in Africa (JLMP) convened a virtual consultative meeting today to discuss the Draft Study on Access to Justice and the Draft Practical Guide for State Authorities on Gender-Responsive Reporting Mechanisms for Migrant Workers. The meeting was organized by the Department of Health, Humanitarian Affairs, and Social Development (HSS) of the AUC in collaboration with the International Organization for Migration (IOM) and the International Labour Organization (ILO).

The discussion brought together delegates from the Governments of Cameroon, Cote d'Ivoire, Ethiopia, Malawi, and Morocco, representing the five pilot Member States of the Swiss Agency for Development and Cooperation (SDC)-funded *Catalytic Actions for the JLMP* (JLMP Action) which is implemented as part of the JLMP programme. The Member States reviewed the aforementioned documents, which were developed based on extensive research conducted by the African Union Commission on the state of access to justice in the above pilot countries.

Addressing the delegates, Mr. Sabelo Mbokazi, Head of Division, Labour, Employment and Migration of the Department of HHS, highlighted the challenges faced by migrant workers, including discrimination, limited access to justice which may be attributed to a number of factors including language barriers, limited legal knowledge and access to information, and vulnerability to exploitation and abuse. "Such challenges are often compounded for women migrant workers, who may be discouraged from accessing justice mechanisms due to gender stereotypes, stigmatization or mobility constraints, in particular in the case of domestic workers" he said. He further emphasized the importance of gender-responsiveness in addressing the unique needs and vulnerabilities of male and female migrant workers, ensuring their rights are protected and promoting equality.

Well governed labour migration can have a positive impact for countries of origin and destination as well as for migrant workers and their families, providing opportunities for economic growth, social and financial remittances, market development and skills exchange. At the same time, migrant workers may experience stigmatization and abuse at all stages of their migration journey. The gravity of such violations is compounded by the fact that migrant workers often face significant barriers to accessing justice mechanisms.

To ensure that the benefits of migration are realized, effective mechanisms to ensure access to justice are critical instruments to ensure the respect, protection and fulfillment of migrant workers' human rights. They help identify instances of labour exploitation, hold perpetrators accountable, provide protection to migrant workers and provide avenues to remediation for rights violations.

The key findings of the Draft Study on Access to Justice highlighted common barriers and needs identified among Member States. These barriers include limited access to information and awareness of reporting mechanisms, inadequate institutional support, fear of reprisals and adverse consequences, difficulties in accessing reporting channels, isolation and privacy concerns, lack of incentives and remedies, distrust towards government agencies, and impractical complaint processes.

On the other hand, the Draft Practical Guide for State Authorities on Gender-Responsive Reporting Mechanisms for Migrant Workers provided comprehensive framework for establishing effective reporting mechanisms that address the specific gender-related challenges faced by migrant workers. It recognizes the unique vulnerabilities and discrimination faced by migrant workers, particularly women, during the migration process.

During the address to the delegates, Ms. Odette Bolly, the AUC JLMP Coordinator, expressed her appreciation to member states for their valuable contributions in sharing best practices regarding step-by-step procedures and protocols for reporting incidents and seeking redress. She acknowledged the significance of outlining the roles and responsibilities of diverse stakeholders, including government agencies, law enforcement, consular services, labour inspectors, and civil society organizations, in effectively and efficiently handling reports.

The consultative meeting concluded with the expectation that the finalization of the documents will lead to improved access to justice for migrant workers and contribute to the creation of more inclusive and just societies. "The JLMP partners remain committed to supporting the participating countries in their efforts towards effective labour migration governance," Ms. Odette added.

From this stage, the two documents will be validated by the five JLMP Pilot Member States through a validation meeting which will be organised by the AUC on a date that will be determined.

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