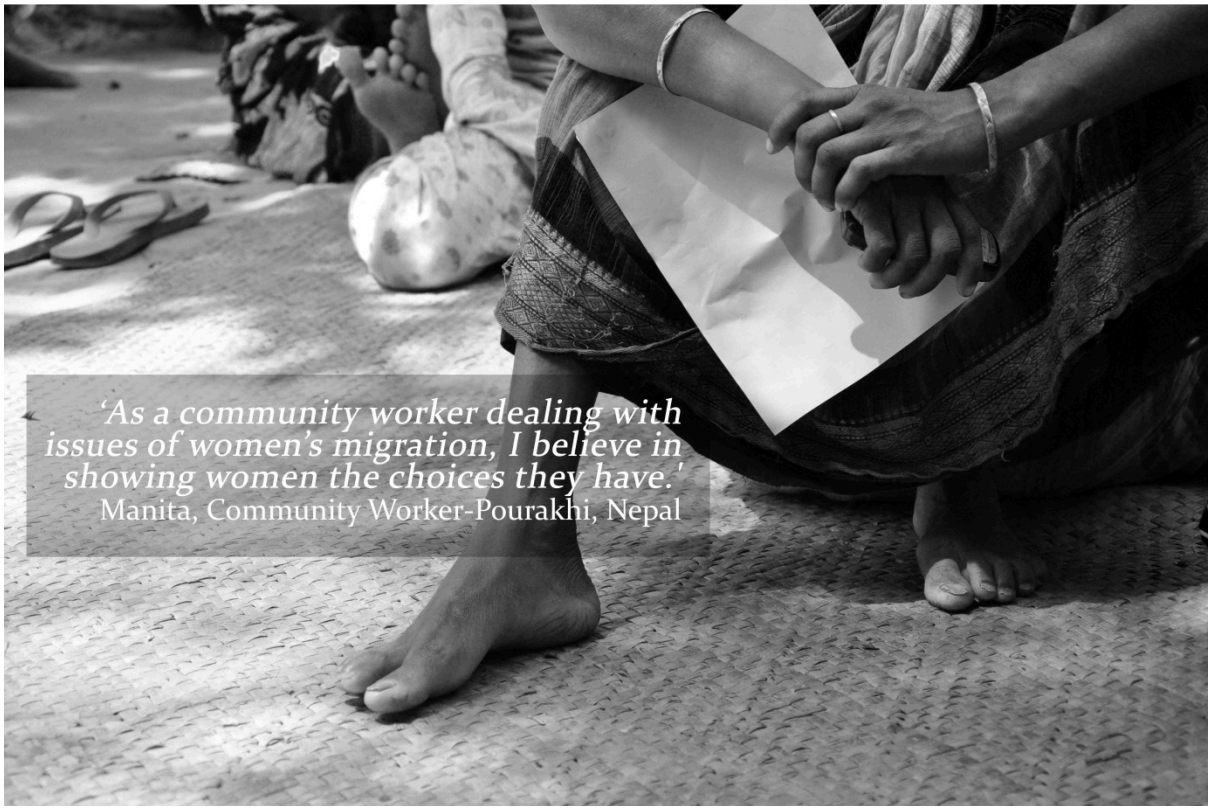
Vulnerability and Commodification: The Challenges of Finding Paths for the Humanisation and Protection of Female Migrant Workers in the Middle East and South Asia

Evaluability Assessment of Work in Freedom Programme, Phase II

Final Report



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Abbreviations

ARM	Anti-Racist Movement (Lebanon)
DFID	Department for International Development
DWU	Domestic Workers Union (Lebanon)
FCDO	Foreign, Commonwealth and Development Office
FENASOL	National Federation of Trade Unions in Lebanon
EA	Evaluability Assessment
GAATW	Global Alliance Against Traffic in Women
GBV	Gender based violence
GS	General Security (Lebanon)
IDWF	International Domestic Workers Federation
ILO	International Labour Organisation
ISF	Internal Security Forces (Lebanon)
JGATE	Jordan Garments, Textiles and Accessories Exporters Association
JGKU	Jharkhand Gharelu Kamgar Union (India)
KAFA	Kafa (enough) Violence and Exploitation (Lebanon)
LBP	Lebanese Pound/ Lira
MCC	Migrant Community Centre (Lebanon)
MDW	Migrant domestic worker
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MoL	Ministry of Labour (Lebanon/ Jordan)
NGO	Non-Governmental Organisation
NWWT	National Workers Welfare Trust (India)
OBC	Other Backward Classes
OKUP	Ovibashi Karmi Unnayan Program (Bangladesh)
PTS	Penn Thozhilalargal Sangam**,** Chennai, India
QIZ	Qualifying Industrial Zone (Jordan)
RA	Recruitment Agent
RAA	Recruitment Agencies Association (Jordan)
SC	Scheduled Caste (India)
SEWA	Self-Employed Women's Association (India)
SMS	Shramjeevi Mahila Samity (Jharkhand, India)
SUC	Standard Unified Contract (Lebanon)
ToR	Terms of Reference
VAWG	Violence against women and girls
VFM	Value for Money
VLCPC	Village level child protection committee (India)
WIF	Work in Freedom
WOREC	Women's Rehabilitation Centre (Nepal)

0. Summary

This Evaluability Assessment (EA) takes place at a difficult and inauspicious time globally. At a moment of global health and economic crisis, the issues around migrant women's safety and wellbeing in the Middle East have been exacerbated. This in turn makes the work of Work in Freedom 2 (WIF2) in both sending and receiving countries even more critical. Yet it also raises a variety of questions about the flexibility and adaptability of the design and focus of the current phase of the programme, since its present design took place pre-Covid-19 pandemic, and pre the economic collapse in countries like Lebanon, and the recession now being experienced almost universally globally.

A key focus of this EA has been to investigate the current nature and causes of vulnerability for women migrant workers in Lebanon and Jordan in the Middle East, as well as potential, existing and returnee migrant workers in India, Nepal and Bangladesh in South Asia. We will use this analysis to lay the basis for discussions on how to review the design, theory of change and results framework for the project, and thus the implications for any shifts in its focus for the remainder of WIF2.

The overall **aim** of the Evaluability Assessment as provided in the ToR is to address the overarching question, '*to what extent does the Work in Freedom (WIF) programme have the technical and strategic elements to achieve intended results, and to demonstrate credibly such results in future evaluations*?'

As such, the main task for the EA is to r**eview measurability**: determine whether interventions are designed such that, once they are complete, they will be able to demonstrate their effectiveness in achieving established results and whether they are replicable. Recommendations will be provided on (1) the logical framework, (2) the theory of change, (3) options for evaluation design, (4) value for money indicators and (5) adaptive learning. An additional requirement in reviewing measurability is to **review the WIF strategy and results framework in the light of the current global Covid-19 pandemic and interrelated global economic crisis.** As noted, the global Covid-19 pandemic has had a massive impact on the job availability and situations of migrant workers, and with the associated economic crisis will continue to do so for the likely remainder of the WIF2 programme.

The **methodology** carried out for the EA was almost entirely virtual. We had colleagues based in Lebanon and India focusing on the Middle East and South Asia respectively, and a UK based team leader. The majority of interviews and FGDs were undertaking over zoom, notwithstanding some of the challenges involved. After speaking with most of the major actors involved in the implementation of the programme, we decided upon a four-stage process framework for conducting the EA:

- Understanding the nature of vulnerability.
- Identifying areas within migration pathways where specific types of vulnerability are taking place, requiring appropriate adapted interventions.

- Reviewing the DFID (now FCDO) business case activity summary and the results framework.
- Reviewing the implementation activity strategy, indicators and the means of assessing these.

Analysis: Reviewing Vulnerability and the Commodification of Migrant Workers

The three key adverse trends that we have picked up from our discussions in both sending and receiving countries are:

1) *The decline in migrant employment that is taking place as a combination of the deterioration of economic conditions in receiving countries or destinations, coupled with the effects of the pandemic.*

Employment levels of migrant workers in the Middle East have fallen variously since the start of the global pandemic, depending on how much the national economy and household incomes have been affected. In Lebanon, where the economy has been in freefall for some time, and the devaluation of the Lebanese Lira has adversely affected incomes hugely, this trend is highly pronounced with respect to domestic workers. Whereas there were once 200,000 migrant domestic workers in employment there, these numbers could fall to 30-50,000 in some predictions.[1] Trends towards reduced migrant employment have been significant across the region, and indeed globally. At least 30% of all Filipino migrant workers were projected to return to the Philippines by the end of 2020.

2) *The increasing vulnerability and commodification of women migrant workers, as employers look to escape conditionalities and worker rights and either exploit or eject workers more*.

Deteriorating economic trends have played a big role in this, as has the Covid-19 pandemic. These factors in turn have created a growing 'informalisation' within the migrant labour system. This causes potential migrant workers to take more risks as their need for employment grows, perversely, they may also greater flexibility and choice in where they work this way then the formal regulatory system allows.

3) *The negative actions of particular governments, whose reactions to the growing economic distress has been to remove or dilute rather than enforce the rights of women migrant workers*.

This owes to a focus on protecting jobs for their own citizens in an era of declining employment, and to intersectional factors of caste/ class, race and gender that result in women in lower status forms of employment being valued less.

South Asia and the Countering of Vulnerabilities

For South Asia, there are a range of vulnerabilities being encountered by partner organisations that they are seeking to address in their programming activities. These include:

- Age – especially from tribal areas, under-age girls are often expected to migrate for domestic and garment factory work.

[1] Interview with Nizar Saghieh, Legal Agenda, 9 November 2020.

- Marital status and commodification – Young girls are often married off young in many South Asian communities since dowry is lower then. However if they can earn an income this may encourage families to send them off with recruitment agents, who like young girls as they are easier to exploit on all fronts.
- Community perception of women migrants - Many girls and women often face stigma while migrating for and returning from work in cities, and ironically they can have aspersions cast on them for earning too much or too little. Stigmatization stems from a patriarchal control over women's and girls' sexuality and if women and girls have the freedom of movement or mobility, it often comes at the price of her character being attacked, and sometimes, entire families being boycotted.
- Distress migration and uninformed migration - Economic and agrarian crises in India, Nepal and Bangladesh have decreased work and livelihood opportunities for women. This has exacerbated a situation of distress migration, where women and girls feel compelled to migrate due to a lack of choices, and sudden decision making around this means that they may leave before having received much information.
- Violence against women and girls - Situations of violence that women and girls face are very strong reasons for distress and uninformed migration.
- Intersectionality of class, caste, religion and gender - These are extremely crucial intersections to consider when unpacking vulnerabilities in women's migration.
- Urban areas – In urban areas, while men work at construction sites, hotels and other places, women often work as domestic workers. WIF's partners in India have observed that vulnerabilities in urban settings are highlighted in different ways. Living conditions in urban slums are poor, risk of sexual violence is higher, and the religious divide is also very stark, which can create huge areas of vulnerability.[2]
- Education system – Access to higher education (Class 9 and beyond) is often difficult and challenging for girls, in part because of distance to schools. At the same time if education standards at government schools are seen as poor, families may well believe that earning an income until a girl gets married is the best way forward.
- Lack of work options – The lack of work options and choices available to a largely unskilled set of women workers has been further exacerbated during Covid-19 lockdowns. This has created greater vulnerabilities in women, in terms of their felt need for distress migration under unsafe and exploitative conditions.[3]
- Policy and systemic changes - The new labour codes (2020) in India, have further made the situation of migrant workers and workers from the unorganized sector, more vulnerable.

The Middle East: The Growing Informalisation of the System

For receiving countries in the Middle East regarding women domestic and in Jordon garment factory workers, the focus on stages or different intervention areas has helped reveal more about the dysfunctionality of the existing kafala and contract system for both migrant employee and Lebanese or Jordanian employers. The existing status quo serves the interests well of neither. Those that benefit most are the RAs and their political backers, who are the only actors in the migration system that prefer a situation where one job = one recruited migrant worker, and where the formal system makes it as difficult as possible to

[2] Interview with Nalini Nayak, SEWA, 10th November 2020

[3] Rajim Ketwas, Dalit Adivasi Manch, Presentation during a webinar organized by GAATW, 3rd September 2020, "Returning Home, Resuming Work: Covid 19 and the inter-state migrant workers in India"

allow migrant workers already within the country to transition easily to another job, without a re-recruitment from overseas being necessary. The biggest block to the reform or abolition of the kafala system is the tying of each worker to a kafeel, with the associated costs and drawbacks for employer and employee. And in Jordan in fact, RAs are now charging employers as much (US$7,000) to recruit a migrant domestic worker from within the country as they would to bring a woman from her country of origin.[4]

For the Middle East we explored the areas within the migration process where vulnerabilities have been heightened in the current context. These areas are:

- Pre-arrival – Recruitment agents at source and destination work in tandem; for most migrants, they will sign a contract at source and pay recruitment fees too, so they arrive at their destination in debt, and thus usually forced to accept the abusive conditions they may encounter.
- Arrival in country – On arrival employers have to obtain work permits and residency visas for the migrant, and the migrant worker has to sign their actual contract, which for instance in Lebanon will only be in Arabic. New migrants cannot influence any of these processes.
- Management of contract – Work permits often have to be renewed annually and can only feasibly be done by the employer. Yet if not carried out it is the worker who becomes irregular and could potentially suffer. The keeping of contract conditions is also dependent on the relationship between worker and kafeel, there is limited options for redress for the worker if conditions are not met.
- Breaking/ termination of contract – Many migrants have been made redundant during the pandemic, and have not necessarily been paid their flight costs home as entitled, even if with borders closed travel is possible. In addition, many workers remain with debts and don't wish to travel home early.
- Finding/ transitioning to new employment – The legal means for doing this remain limited, and thus migrant workers often are forced to become irregular if they wish to remain in the country.
- Being irregular – If a worker is let go by an employer and finds herself on the streets as many have during the pandemic, they are defacto irregular. Some seek to return home, but for more experienced workers, being irregular may offer more flexibility and control over their employment situation if they can find part time work. This may also depend on how cooperative their kafeel is, since some permit it in order to defray the cost of the worker to themself. There are a range of issues affecting irregular workers however, and they need organised support.
- Garment workers in Jordan – In Jordan many of the migrant women that WIF is working with are garment factory workers. A problem for them is that during the pandemic there is no monitoring taking place of the conditions they are experiencing in the garment factories and hostels, with a range of problems occurring including being locked in and non-payment of wages.

Commodification

A key element in the way that vulnerabilities have played out with the pandemic and the economic deterioration in the countries of focus is the repeated efforts by formal actors in

[4] Discussion with Suha Labadi, WIF National Project Coordinator, Jordan, 8 December 2020.

the migration process, especially recruitment agents (RAs), but even government themselves, to dehumanise women migrant workers and treat them as commodities. It's easier to deny a group of people their rights if you don't regard them as fully human in the first place. The language of commodification, as noted by ILO's Jordan WIF coordinator, permeates the whole discourse around migrant workers, and in particular the language of RAs, and even the state.

Government Policies and Attitudes

Given the growing economic distress that has preceded the Covid-19 pandemic, but been accelerated by it, governments have talked about the need to reduce the numbers of migrant workers arriving from abroad, and replacing them with nationals, even if the latter would not be prepared to accept such work under the working conditions that migrants are forced to accept. As such governments have also sought to remove or dilute the rather than enforce the rights of women migrant workers.

WIF 2 Achievements and Opportunities: Choice and the desire for more informal systems of regulation

There is a major paradox at the heart of the WIF 2 work. As noted by the Advisory Group, 'the unstated goal of WIF appears to be to come up with meaningful models of regulation'. This is indeed the broad aim of the ILO and of FCDO. Yet, 'it is clear that migrants themselves desire some level of informality in work so that they can hedge against exploitative working conditions.'[5] This theme has reverberated throughout this EA, that migrant workers are seeking options that allow them more freedom of choice with respect to whom they work with, how many hours and under what conditions they work, and for what wage. These choices are not available under the strict regulations of the kafala system, but they can be with either a more informal arrangement with a kafeel (the registered employer), or by working illegally. It is by having this relative 'freedom' that migrants are able to find some way of being treated as a worker with rights, rather than as a commoditised migrant.

The main constraint is that current labour regulations in Lebanon and Jordan allow for abusive work (eg poverty wages below a minimum wage, a lack of freedom of association and collective bargaining, no maternity leave, and limited health care that rests entirely on the employer) and hence this prompts workers to desire informal work where they have a greater freedom. That said, informal work has its own challenges, such as the lack of documentation and potentially being irregular, the unpredictability of work, and having to live in fear of detention and deportation.

To ameliorate this situation, formal working and living conditions have to be improved. Research shows that improvements in formal working conditions have a positive influence on the informal sector. Fixing migrant wages at the minimum wage of Jordanians would lift the bar for the informal sector as well. The dilemma for the project is if there is little chance that the governments of Lebanon and Jordan will follow such regulatory reforms, it will then make it harder for the project to support migrant paths towards informality if this becomes the only option to support greater migrant freedoms. A middle path is therefore needed

[5] International Labour Organization, "Work in Freedom" Programme, Phase 2, Annual and Final Report of the Advisory Board: 18 July 2019.

that bridges this paradox. And this path has to push for greater advocacy and activism, including supporting more innovative initiatives, such as student involvement and more encouragement of all forms of migrant worker association. as will be outlined more later.

In our review of this phase of the WIF programme, there has been a major change of approach that has been effective particularly in source countries in South Asia. Some of the shifts and achievements that have taken place in terms of its strategy as well as opportunities that can be built on more in both the Middle East and South Asia are as follows.

- *Major shift in South Asia focus of the program towards an approach that is more genuinely empowering rather than passively imparting information*.

Key to this has been a shift in the key local partners WIF is working with, particularly in India and Nepal. Partners such as GAATW, who were already involved during WIF 1, now play a more central role, as do other organisations such as SEWA, National Workers Welfare Trust (NWWT), PTS, Chennai, and Jharkhand Gharelu Kamgar Union (JGKU) in India. These organisations all work to organise and unionise women workers, or in source communities to form women's associations or groups. In Nepal, WOREC and Pourakhi are both women's rights and movement based organisations that work on organising women and addressing gender issues at local level. Collectively, all these partners work with either unions or types of women's associations, and they actively seek to identify and address underlying gender issues that create broad vulnerability for women, as well as the specific manifestations that exacerbate risks for potential migrant workers.

- *Encouraging associational forms in the Middle East*.

In Lebanon and Jordan, conditions are more challenging, but initiatives like the Workers Centre in Amman, and the work with the Anti-Racism Movement and its Migrant Community Centre (MCC) and other worker associations in Lebanon to encourage associational mechanisms needs further encouragement. The Workers Centre in Jordan stands out in particular, since as almost the sole body seeking at times to represent the interests of migrant women garment workers it serves as a lightning rod for both garment factory employers and the government

- *Growing 'informalisation' within the migrant labour system and the flexibility this offers*.

The effects of the pandemic and concurrent economic crisis, especially as experienced in the Middle East, has caused a significant loss of jobs for migrant workers, and led to many being simply expelled onto the streets. It has created much misery, but at the same time expanded opportunities for migrant workers to work more informally have also arisen. It's important for WIF to strengthen further its agency focused approach, the shift it adopted during the first phase. Further support should be provided to organisations that currently work or could work for instance with informal migrant associations, in ways that are designed to promote the agency and empowerment of migrant workers, rather than treating them as victims of abuse by a range of actors within the system.

- *Depth of knowledge and experience accrued by the Work in Freedom Programme*.

Having been involved in the first phase EA, we have been struck by the depth of knowledge and experience that has been accrued within WIF on issues, trends and relationships with

key actors across the migration pathways within and between South Asia and the Middle East. This experience and knowledge is unique and forms an important repository that needs to be more widely available to others to draw from, as we subsequently recommend.

Recommendations – Intervention Activities

This section highlights some of the key intervention areas that we recommend the programme strengthens in the remaining years of its operation, in order to strengthen both its current impact as well as the future sustainability and legacy of its activities and the relationships that have been developed.

- *Enhance focus on improving the agency of potential, existing and returnee women migrant workers*.

One component of the intervention strategy that stands out in terms of its importance is the effort to increase the agency and choices that migrant workers have, and hence to support their overall empowerment. This is the first outcome area of the results framework, and it remains of crucial importance. Whilst there has been an improved strategy to advance the agency of potential, returnee and internal migrants in South Asia – India and Nepal, in particular – this strategy is still limited in nature in the receiving contexts in the Middle East that WIF is focusing on, Jordan and Lebanon, owing to the governmental bans on formal associations.

As Renu Adhikari (Nepali consultant) put it, and what others have articulated as well, 'empowerment' is not something that can be 'given' to any woman; rather an enabling and supportive, conducive environment has to be built at all levels in order for a woman to feel empowered. At the heart of this is combating patriarchal thinking around women's work and mobility, which organisations are trying to discuss with women and community groups to raise awareness on the issue. Holistic empowerment that identifies interlinkages matters too, according to most groups. Some of these linkages and key areas that groups feel the need to concentrate on are: building a women's leadership, understanding and dismantling patriarchal control over women's work and movement, right to choice, control over income and assets, enabling women's empowerment at the source or sending communities, following through on knowledge and information.

- *Build further coherence around work on collectivisation and unionisation in South Asia and leverage work more effectively*.

All the South Asia partners emphasize the need for unionization for women workers to claim rights and entitlements. The unions that these organizations have promoted and nurtured help in providing women workers with the support that they need, although there isn't always a formal law and policy in place. They work together with other unions to determine how domestic workers and other informal workers can get some benefits. JGKU ensures that workers have the security of a tripartite contract, between the employer, worker and the union. Unionization is especially important in collectively providing support to survivors of VAW and those whose rights have been violated.

- *Maintain and strengthen focus on enhancing women migrant workers' conditions and choices in Middle East destination locations.*

The need here is to keep pushing the case for women migrants to be treated as workers first rather than migrants first. This is a key requirement for them to be treated as more fully human rather than just commodities, as they are in so much of official bureaucratic discourse on migrant workers. The paradox involved here has already been noted, that the formal systems and contracts are often seen as more responsible for imprisoning and constraining the migrant worker, often denying her, her basic rights and freedoms, than more informal arrangements that are often extra-legal in nature. What needs to be done is to pressure the governments more in Lebanon especially, but also Jordan to recognise these arrangements as more efficient and fair for workers and employers, and more in line with the government's ability to uphold international standards for migrant worker rights. Measures can include: Continuing to encourage implementation and adherence to the Standard Uniform Contract (SUC) finalised in 2019 in Lebanon, but recently put on hold by the High Court; extension of rights in SUC to allow workers more freedom in negotiating alternative or additional working arrangements, and to permit kafeels to allow this; to continue to support initiatives for migrant workers' centres and meeting places for women migrant workers where they can meet socially and raise and discuss issues they are facing; find additional and encourage existing partners in Lebanon to focus more on advocacy and lobbying work, and to promote more official respect for migrant workers as people contributing to the economy and society; encouragement of the further development of informal associations and social networks for women migrant workers in Lebanon, as well as Jordan; seek more involvement of student organisations to be of issues affecting migrant women workers and to support the promotion of migrant women workers rights, as other workers in Lebanon.

- *Incremental, multi-level advocacy.*

Advocacy and networking are also very strong tools for promoting workers' rights. Since advocacy at the centre can be difficult, the partner organizations in India suggest that workers' rights issues are taken up at the local governance and administrative levels. Networking with other platforms and unions, as well as NGOs, help in making the issues of informal workers visible at community to state levels. This type of advocacy needs extending to Lebanon and Jordan, as much as is feasible too.

- *Increase focus on documentation allied to experiential and advocacy communications during the remaining lifespan of WIF to consolidate the programme's legacy.*

The WIF programme has built up deep levels of understanding of the nature and pitfalls for women's migration from South Asia to the Middle East, as well as internally within India. This understanding of the complex issues involved is invaluable and unlikely to be replicated within another programme in the near future, given this is the last phase of WIF. There is urgent need to record and communicate this understanding, to leave a record which is accessible whenever circumstances allow such programming to be picked up and built upon further. There is also a need to step up advocacy related work, including for instance with the production of policy briefs, and improve the visibility of media coverage.

Recommendations – Evaluability

There are a number of points that need to be made regards the evaluability of WIF2. Firstly, the value of the programme lies not in the numbers that have been reached, even though

this were a key metric emphasised in DIFD's original business case. However, the current economic and health crises have entirely changed these dynamics, making most important the role of the project in identifying and addressing the changing dynamics of migration and vulnerability.

Issues that DFID (now FCDO) have raised that they require to see how they programme is addressing them are those of value for money and effectiveness. With respect to effectiveness, we believe that with the shift in focus undertaken in South Asia since the first EA that there has been a significant improvement in this metric. Effectiveness is tied to the ability of women to exercise greater agency and choice in their educational, livelihood and life style options, and in the support they receive to achieve this through networks of women's unions, associations and networks. WIF is attacking a whole range of factors that serve to accentuate the vulnerability of poor women in patriarchal cultures. Its effectiveness is in the way through its partners it is attacking the whole edifice to make women in safer. The strategy is now more holistic than it was previously, and the current theory of change, more robust.

In the accompanying recommendations in the project Results Framework, we have suggested changes in outcome indicators, in the wording of some outputs, and in revisions to the sets of indicators for every output. Currently, although the theory of change has evolved since the first phase of WIF as guide to the shift in strategy, the indicators themselves remain more attuned to the previous more didactic and training oriented approach that did not grapple with broader underlying issues of gender inequality that cause poor women migrants to be especially vulnerable to forms of exploitation and servitude.

On the Value for Money (VFM) indicators, we have sought to look at this issue in a holistic way, focusing on the three 'Es' – economy, efficiency and effectiveness. The issue of economy is addressed by the ILO's own expertise and reach, and the ways this has been strengthened in the current phase of WIF. Second, is the enhancement of WIF's partnerships, so that the programme is now working with partners capable of greater reach and empowerment of potential and existing migrant workers, through the organisational forms they have established.

Efficiency is addressed by the manner of these partners operations, and their ability to undertake activities which do improve the information awareness and support to a range of women who fall within the programme's remit. In addition, it is through the ability of the ILO itself to continue to use the programme resources to seek innovative ways of addressing ongoing problems and constraints it faces, and to build on the successes that do occur.

Effectiveness lies in the greater empowerment of all the women involved – the existence of wider choices for them, and their ability to make more informed decisions, and receive appropriate support for these that helps promote and safeguard their rights and protections. It also lies in WIF's ability to address the more negative policy and systems actions governments have taken during the economic downturn that the pandemic has exacerbated, and the restrictions the pandemic itself has placed on people's freedoms, especially that of movement. Finally, effectiveness lies in the ability of WIF to spread

awareness of its programmatic and research work and for there to be various adoptions of elements of this work by other programmes and institutions, including within the ILO itself as well as other UN organisations, governments, unions, and civil society.

In **conclusion**, we note that we have conducted this Evaluability Assessment in much greater depth than that we undertook for the first phase of the WIF programme. This is a reflection of both how far WIF has evolved since it was first initiated, and of the more complex nature of the programme given the greater economic, political and pandemic related challenges now being faced. At the outset of the EA one of the cautions we received was on the ability of WIF to make forward progress especially on policy related changes, given the reluctance or sheer obstructive nature of some of the participating governments.

Yet little progress is unilinear, and despite the backward steps that do occur, we have been impressed by the way WIF has evolved. Given the level of professionalism and experience of the WIF programme staff we have worked with, the programme has developed good habits in falling forwards. It is a programme that naturally encounters constraints and various forms of resistance from actors with entrenched interests in preserving both patriarchal social systems, and their financial stakes in the commoditising nature of the kafala system. Poor migrants sadly, and especially poor women migrants, tend to be dehumanised the world over, but systems such as the kafala system are particularly iniquitous because they start from the assumption that the worker is a commodity rather than a human, and thus cannot have the same entitlement to rights as the employer. In our EA we have sought to explore more fully the current vulnerabilities to which these women migrants are subject.

In South Asia, WIF has made particular progress in its shift to an approach which values and seeks to encourage further the agency of the woman, whether she is a potential, existing, or returnee migrant. What WIF has helped achieve is to put a process in place that can allow all these women to make better informed decisions, and if they do leave, to do so with their eyes more fully open.

One of the important practical aims of WIF has been to break the stranglehold effects of the notorious kafala system in its denial of migrant workers, especially women, the rights, conditions and humanity they should be entitled too as workers. There is no law that enshrines the system, but its effects are insidious, and the language of class, patriarchy and commodification, defended by the political and economic interests of those that back it, sustain it. What is important is that in its remaining life span WIF continues to be stubborn, as well as seeking additional ways to undertake the undermining of this edifice. The SUC needs to be implemented in Lebanon, more associational forms for migrant workers need to be encouraged, more opposition to the stale culture of commodification needs to be engendered amongst a younger, activist generation, tired of the broader stagnation in Lebanese political life. WIF needs too to document its experiences more effectively for advocacy purposes and to preserve its legacy. But its task is as yet unfinished and it has more to achieve in furtherance of the shift in approach undertaken in South Asia, especially in Bangladesh, and to clear more of a path for change in the Middle East.

1. Introduction

This Evaluability Assessment (EA) takes place at a difficult and inauspicious time globally. At a moment of global health and economic crisis, the issues around migrant women's safety and wellbeing in the Middle East have been exacerbated. This in turn makes the work of Work in Freedom 2 (WIF2) in both sending and receiving countries even more critical. Yet it also raises a variety of questions about the flexibility and adaptability of the design and focus of the current phase of the programme, since its present design took place pre-Covid-19 pandemic, and pre the economic collapse in countries like Lebanon, and the recession now being experienced almost universally globally.

A key focus of this EA has been to investigate the current nature and causes of vulnerability for women migrant workers in Lebanon and Jordan in the Middle East, as well as potential, existing and returnee migrant workers in India, Nepal and Bangladesh in South Asia. These are the countries now being covered by the WIF project, with the budget cuts that have happened in 2020. We will use this analysis to lay the basis for discussions on how to review the design, theory of change and results framework for the project, and thus the implications for any shifts in its focus for the remainder of WIF2.

Owing to the current global coronavirus crisis, the EA has had to be conducted as a mostly virtual exercise, except for a few interviews in Lebanon. With international travel not currently feasible, our approach has been to have team members in India and Lebanon. The India team member, who is familiar with WIF from the first phase EA, has had the role of undertaking the virtual review exercise in India, Nepal and Bangladesh. Our second team member based in Lebanon has conducted a limited number of meetings physically but in most cases meetings with migrant workers and ILO partner organisation staff have been conducted online. Meetings with government officials proved difficult to organise in the circumstances. Finally, the overall team leader and coordinating consultant, who will be responsible for the production of the EA report, is based in the UK and working entirely virtually.

This WIF2 Evaluability Assessment is considerably more complex than was the comparable process during WIF1. The programme staff involved now have considerably more experience, and there have been significant positive adjustments to the strategy in the second phase. Nevertheless, the fact that the global, regional and local contexts have all deteriorated makes any notion of unilinear programme progress inappropriate. This makes more challenging *the question of how the project can show the contribution it's making to reducing the vulnerability of migrant women to trafficking across the migration pathway*. The WIF Advisory Board has also commented on the wide scope of the results framework, and although this provides for flexibility, whether it will also ensure the greatest effectiveness,[6] especially given the current circumstances. For us, as we shall show in the

[6] International Labour Organization, "Work in Freedom" Programme, Phase 2, 'Annual and Final Report of the Advisory Board', 18 July 2019

process framework that is outlined subsequently, this is the central analytical question we have sought to answer in the EA.

2. Aims and Scope of Evaluability Assessment

The overall aim of the Evaluability Assessment as provided in the ToR is to address the overarching question, '*to what extent does the Work in Freedom (WIF) programme have the technical and strategic elements to achieve intended results, and to demonstrate credibly such results in future evaluations*?'

More specifically, prior to the mid-term evaluation it is important 'to determine the evaluability of the programme so that adjustments can be made that may enable and or improve the effectiveness of the mid-term and final evaluations of the programme'.

Given the current context and the effects this has had on increasing the vulnerability and indeed as we also argue, the commodification of migrant workers, the WIF programme faces an acute challenge. Whilst the programme is vitally needed, its room for manoeuvre in these difficult circumstances has been curtailed in all countries it operates in except Nepal, as government attitudes in sending and receiving contexts have hardened.

The main task for the EA is subsequently set out in the ToR as follow:

Review measurability: determine whether interventions are designed such that, once they are complete, they will be able to demonstrate their effectiveness in achieving established results and whether they are replicable. Recommendations, if and when needed, will be provided on (1) the logical framework, (2) the theory of change, (3) options for evaluation design, (4) value for money indicators and (5) adaptive learning. In addition, the exercise will:

a) **Clarify data availability and adequacy** of data in reflecting progress towards results. The assessment will identify information needs and possible sources of information for the mid-term evaluation and the final evaluation.
b) **Raise awareness among the users of the project on what WIF intends to achieve** during the projects' period, and how they need to ensure the availability of adequate evidence to demonstrate such achievements. This includes orientating key staff on monitoring systems that should be developed and/or put in place to measure results, and evaluation questions of concern to stakeholders.

An additional requirement in reviewing measurability is already highlighted is to **review the WIF strategy and results framework in the light of the current global Covid-19 pandemic and interrelated global economic crisis.** As noted, the global Covid-19 pandemic has had a massive impact on the situations of migrant workers, and with the associated economic crisis will continue to do so for the likely remainder of the WIF2 programme.

3. Methodology and Framework

In order to review the evaluability of WIF 2, it is necessary first to look at the appropriateness of the programme's current strategy, especially in the light of the current economic and health crises. A framework for the work related to this is presented below.

Given the need for an almost entirely virtual methodology during this EA it presents some special challenges. We have used video discussions and interviews rather than just skype interviews, as much as possible, since it will remove some of the distancing that will otherwise be inevitable in the process. In Lebanon a limited number of physical meetings has been possible. Our consultant there has nevertheless been able to conduct a range of interviews with organisations working with migrants, an ex-Minister of Labour, domestic migrant workers themselves and some with employers and recruitment agents.

In South Asia a wide range of interviews has also been conducted virtually by video and skype. Our Mumbai based team member was part of the WIF1 EA and thus is familiar with the context and many of the actors, including in Nepal and to some extent Bangladesh too. She has spoken with all the NGO partners that WIF is working with in the three countries, as well as the ILO programme staff.

The UK based team leader, who is also familiar with the Lebanese context having covered that during the WIF 1 EA, has also participated in the interviews and discussions in Lebanon and Jordan that have been conducted in English. He has also covered the wider group of advisors and researchers supporting the programme.

Framework

With the changes occurring this year in the global, regional and national contexts there have been shifts in the nature of vulnerability experienced by migrant workers, particularly the factors relating to economic deterioration and the global Covid-19 pandemic. The economic decline in contexts like Lebanon and India notably started prior to the pandemic and thus have been only exacerbated and not created by it.

One consequence of these additional challenges – which need to be added to the list in the results framework – is that as the formal costs of migration and recruitment have become comparatively more unaffordable for employers and employees, there is a fall back on more informal and less regulated practices. In our view this undoubtedly calls for some shift in emphasis of the project too.

The results framework for WIF2 is considerably more robust and appropriate than was the original WIF1 framework. This is one positive factor for the project. It means we believe that there are shifts in emphasis rather than substance that are required in this phase.

After speaking with most of the major actors involved in the implementation of the programme, we decided upon a four-stage process framework for conducting the EA.

- *Understanding the nature of vulnerability.* This was our focus during the inception phase of the EA. One of the outcomes of this analysis was that the

ways in which vulnerability is currently being experienced is often outside the formal migration pathway. Some of the shifts in the project strategy, especially with respect to the more empowerment oriented approach being employed in sending communities, is supporting the use of more appropriate strategies, but there are ways in which the emphasis and focus could shift further.

- *Identifying areas within migration pathways where specific types of vulnerability are taking place, requiring appropriate adapted interventions*. The second part of the process has involved developing a set of stages, or areas of intervention that bring into focus more clearly the areas where potential, existing or returnee migrants are currently more exposed to risk. These are helpful to frame the areas more clearly where the project needs to focus its strategic efforts, including to improve workers' conditions, as migration pathways are reconfigured during this crisis period. All are critical to mitigating the potential for forced labour and trafficking. 'In each context, it's important to forecast new types of vulnerabilities that will dominate labour relations among women workers.'[7]

- *Reviewing the DFID (now FCDO) business case activity summary and the results framework*. The original Department for International Development (DFID) business case for WIF2 highlights five intervention areas to help prevent forced labour and trafficking. Accepting that these areas are seen as justification for the WIF2 project, we look at the relevance of current activities within these five areas, and whether any shifts in emphasis is justified.

For the results framework, the impact statement is a given, and we have not suggested any changes to the outcomes, though a shift in strategic emphasis with elements of the outcomes may be warranted, and as such we have suggested changes to the indicators.

At the output level, since the existing outputs do not address adequately the additional underlying challenges that need to be added related to the current context, we have recommended some adjustment.

- *Reviewing the implementation activity strategy, indicators and the means of assessing these*. The final area of review will be with respect to project activities, indicators and the methods being used to assess these. This stage of the review will be undertaken once agreement has been reached on suggested adjustments to the results framework.

[7] Igor Bosc, Chief Technical Advisor, WIF, comment on discussion piece October 2020.

4. Context: An Economic Crisis and Global Pandemic and the Effect on Migration Trends

Employment levels of migrant workers in the Arab world have fallen variously since the start of the global pandemic, depending on how much the national economy and household incomes have been affected. In Lebanon, where the economy has been in freefall for some time, and the devaluation of the Lebanese Lira has adversely affected incomes hugely, this trend is highly pronounced with respect to domestic workers. Whereas there were once 200,000 migrant domestic workers in employment there, these numbers could fall to 30-50,000 in some predictions.[8] It is not just migrants becoming unemployed as their employers' incomes fall, but in other cases, the workers themselves are leaving to seek US$ salaries elsewhere. One estimate for instance is that 6,000 Ethiopian domestic workers have already relocated from Lebanon to Dubai, a process facilitated by Recruitment Agencies seeking new opportunities to buttress their falling incomes.[9]

Trends towards reduced migrant employment have been significant across the region, and indeed globally. At least 30% of all Filipino migrant workers were projected to return to the Philippines by the end of 2020, with so far already 500,000 of a total of 2.3 million overseas workers having returned since the start of the pandemic.[10]

In Jordan, whilst figures on numbers since the start of the pandemic are not clear, Ministry of Labour records of 2019 indicated that there were 348,736 documented migrant workers in the country pre-pandemic, of whom around 60,000 are migrant domestic workers, mostly women from the Philippines, Bangladesh and Uganda.[11] There were also about 55,000 migrant garment factory workers in Jordan, of whom half are Bangladeshi. The Government of Jordan also estimated that there were 20,000 undocumented migrant domestic workers in the country, but other estimates have put the figure as high as anywhere between 150,000 and 250,000.[12] Due to widespread disruption of garment supply chains triggered by the COVID 19 pandemic and its economic aftermath, factories in Jordan's Qualifying Industrial Zones (QIZs) are cutting costs and closing. Out of 230 workers who were asked about job security concerns by the Better Work Jordan team in May 2020, 95 workers (41%) reported having job security concerns. Workers also reported being forced to resign from their jobs, sign new contracts to agree on half of their wage payments, and accept inconsistent criteria for layoffs.[13]

Tamkeen, a local NGO in Jordan, also confirmed that most complaints received by live-in domestic workers during the pandemic were on long working hours that reached up to 16 hours a day without breaks or days off. Non-payment of wages was a growing issue, in some

[8] Interview with Nizar Saghieh, Legal Agenda, 9 November 2020.
[9] Interview with Nizar Saghieh, 9 November 2020, in which he attributed the source of this information to General Security.
[10] https://www.philstar.com/business/2020/09/03/2039866/pandemic-now-seen-destroying-jobs-700k-migrant-workers
[11] Jordan, Ministry of Labour Annual Report, 2019.
[12] *Jordan National Employment Strategy*, 2012, in 'Migrant Domestic and Garment Workers in Jordan: A Baseline Analysis of Trafficking in Persons and Related Laws and Policies', ILO, 2017.
[13] Shikha Silliman Bhattacharjee, 2020, 'Locked-in - COVID 19 Impacts on Bangladeshi Migrant Garment Workers in Jordan', University of California.

cases employers had not paid wages as a result of not being paid themselves. Complaints also included verbal abuse. Domestic workers who contracted the virus during the pandemic, got it either from their employers or from a member of the family as they were unable to practice social distancing. As for live-out domestic workers, their complaints were mainly on their loss of income because of the lockdown the government put in place. A number of live-out domestic workers were unable to buy daily needs, including milk for their children and medicine.[14]

In South Asia, along with the ongoing economic and agrarian crises, Covid-19 further intensified the vulnerabilities and problems of women workers. During the lockdowns in South Asian countries, governments failed to provide income, social security or health care support to migrants who were stranded or forced to leave their work and return home.[15] In the South Asian context, the pandemic made disparities very clear, especially gendered disparities among migrant workers where societal prejudice and the digital divide were starkly exposed. Women's access to and usage of mobile phones and digital communication systems were much less than that of men's; their access to health services was also severely affected.[16]

In India, a lot of attention was given to men migrants whereas the women's situations were relatively unfocused or unknown. It was as though women were invisible in the migration data.[17] In Chhattisgarh, India, the availability of jobs and work for women was observed to be drastically reduced. Therefore, women in the villages and returnee migrant women were unable to earn income from brick kiln, agriculture and construction work, as well as from domestic work.[18] The women and girls who remained in factories such as garment factories, were paid low wages and forced to work on weekends as well. The gravity of the situation lay in the fact that a large number of informal workers, both men and women, had lost their jobs due to Covid-19 and that the governments were not prioritizing their needs.

In South Asia (Bangladesh, India and Nepal), it was noted by the ILO WIF partners that women and girls faced more violence at home, shouldered greater burdens of household and care work, due to the return of men migrants. Girls, who were forced to stay at home due to the closure of schools, found themselves more involved in household and care work, which are largely unpaid and unrecognized. The pandemic has also created trends of girls leaving school and there have been instances of early and forced marriages. (partners in Nepal, Bangladesh and India).

[14] Tamkeen, 2020, 'Domestic workers in light of the Corona crisis: The beginning of the crisis until now', document in Arabic.
[15] https://indianexpress.com/article/opinion/columns/labour-migration-in-south-asia-women-migration-coronavirus-6589719/
[16] Bandana Pattanaik, GAATW webinar entitled "Returning Home, Resuming Work: COVID-19 and the inter-state migrant workers in India" 3rd September 2020
[17] Interview with Purabi Paul, Shramjeevi Mahila Samity, Jharkhand, India, on 6th November 2020
[18] Rajim Ketwas. Dalit Adivasi Manch, GAATW webinar entitled "Returning Home, Resuming Work: COVID-19 and the inter-state migrant workers in India" 3rd September 2020

5. Analysis: Reviewing Vulnerability and the Commodification of Migrant Workers

The three key adverse trends that we have picked up from our discussions in both sending and receiving countries are:

4) The decline in migrant employment that is taking place as a combination of the deterioration of economic conditions in receiving countries or destinations, coupled with the effects of the pandemic.
5) The increasing vulnerability and commodification of women migrant workers, as employers look to escape conditionalities and worker rights and either exploit or eject workers more. Deteriorating economic trends have played a big role in this, as has the Covid-19 pandemic. These factors in turn have created a growing 'informalisation' within the migrant labour system. This causes potential migrant workers to take more risks as their need for employment grows, perversely, they may also greater flexibility and choice in where they work this way then the formal regulatory system allows.
6) The negative actions of particular governments, whose reactions to the growing economic distress has been to remove or dilute rather than enforce the rights of women migrant workers. This owes to a focus on protecting jobs for their own citizens in an era of declining employment, and to intersectional factors of caste/ class, race and gender that result in women in lower status forms of employment being valued less.

The first of these trends is discussed in the context section above. In the analytical discussion below we shall focus on the second trend, and in particular the ways in which vulnerabilities have been experienced in the two different regions. We shall look briefly at the third trend too.

5.1 Vulnerability

There is considerable focus within the WIF programme on the formal migration pathway and the associated laws, policies, practices and systems. What the pandemic and economic deterioration has highlighted is the need to focus on the interstices in these systems where things fall apart. At the formal level, despite the efforts of the ILO and other advocacy agencies, there has been little progressive in recent government agendas. This has failed to improve or even worsened the legal protection framework for migrant workers.
In this sense, India is a good case in point, where recent legislation has removed housework from the recent Wage Code, and thus potentially weakened minimum wages and other worker protections for domestic workers. It is undoubted that this trend towards disregarding the rights and working conditions of women migrant workers more broadly has both gender and racial dimensions to it, which is why, especially with regard to migrant women, understanding intersectional factors related to gender, ethnicity, class, caste and religion is important. The aggravation of intersectional tensions by current populist policies and attitudes have exacerbated this, with for example, Bengali Muslim women in Delhi

being far more vulnerable than before, being suspected too of being illegal Bangladeshi immigrants even if their family roots are in West Bengal.

Overall, the increased vulnerability of migrant workers has played out in a variety of ways as the migrant pathway has been reconfigured during the current economic and health crises. Increasingly employers are looking for cheaper options and better 'value for money', so exert pressure to informalize the system as much as possible, to reduce or avoid the formal costs of recruitment, and regular residency visa and work permit renewals. In Lebanon, with the severe economic contraction and ongoing devaluation of the Lebanese Lira, employers are desperate to cut costs, or simply to turf their workers out. This exacerbates the vulnerability of women domestic workers, negatively affecting their rights and freedoms in multiple ways. Workers have also lost now their hard fought rights to have a day off each week and to meet collectively, owing to movement restrictions with the pandemic. Many migrant workers have also been left unemployed struggling to be repatriated to their home countries, where quarantine restrictions and further problems await, owing to their loss of livelihood. Embassies make a difference. For example, the more consistent support of the Philippines embassy makes their migrant workers, less vulnerable and more empowered, with the embassy facilitating their social networking even when the host state fails to do so. In Lebanon, however, even the Philippines embassy fails to provide support to their undocumented nationals, who arguably are the most vulnerable.

In 2019 in Lebanon, after a lengthy process of dialogue and consultation which WIF coordinated, and involving some eight iterations of the text,[19] the Ministry of Labour agreed to a new Standard Unified Contract (SUC) for domestic women workers that did guarantee rights such as a restriction on the hours they could be asked to work, their right to a day off, have freedom of movement, and to receive regular pay. However, in October 2020, the Lebanese High Court, struck down the implementation of this new unified contract, returning the situation back to where the contract provides the migrant domestic worker with far fewer rights as a worker, including with respect to regulated working hours, time off and so on. Influential in this reversal have been the RAs and their political backers, who have most to lose if working conditions are set according to higher standards and if the kafala system is broken up. Migrant workers, and especially women domestic workers, are also not considered a priority by the government.

Within Jordan too, the vulnerability of both women domestic and garment workers has been hugely increased during the pandemic, and the accompanying more straitened economic circumstances, with similar affects. Workers being forced to work longer hours, but often with irregular pay and accumulating back wages, and whilst working being subject to a variety of forms of abuse, for instance in the garment sector related to the abuse by supervisors for failing to meet impossibly high target quotas.

As a result of the lockdown and travel restrictions the government put in place early March, employers of a number of domestic workers who arrived to Jordan prior to the lockdown and were subject to compulsory quarantine, were then not allowed to start work over fear of Covid-19 transmission. As a result, the domestic workers stayed in different shelters and

[19] Discussion with Zeina Mezher, 13 August 2020.

places managed by the Recruitment Agencies Association (RAA). Many domestic workers whose contracts ended during the pandemic were then not permitted to travel back to their home countries by their employers due to the high cost of air tickets and the high recruitment fees they had been charged by the recruitment agencies (reaching up to US$7,000).

In both Lebanon and Jordan so called complaints systems for migrant workers are inoperable for the workers themselves, officials are not likely to act on them and would only increase the worker's likelihood of being abused. Workers in interviews in Lebanon state this is not something they would unlikely contemplate doing.[20] Usually it would be one of a small number of trade unions or NGO that would register complaints with the government on behalf of women migrant workers, especially in significant cases of abuse and rights denial, such as cases of huge wage payment backlogs or of severe violence and abuse. In Jordan, however, some garment factory workers have been vocal in their complaints.[21] Such actions, though, have led to the Workers' Centre that has started to take on such responsibilities facing increasing threats from garment factory owners, and directly from some authorities in the government, which is more concerned with embarrassing headlines than migrant worker welfare and rights.

One of the conceptual problems being encountered in the EA is how to look at the different types of vulnerability as actually encountered by current, potential or returnee migrant workers, whether in sending or receiving contexts. Slightly different approaches have been used in the two different South Asia and Middle East context. We started with the idea of using a stages or intervention areas framework in order to find a way to capture the different ways in which vulnerability is experienced during the migration process, and thus the areas where interventions are needed to address these. This categorisation deliberately goes beyond the more conventional formal way of looking at the migration recruitment, transit and hosting process. We have found it very helpful especially in understanding the ways in which vulnerabilities have been exacerbated during the current global economic and health pandemics. At the same time, we have also found the approach helpful in identifying potential opportunities for intervention for the WIF programme too.

In South Asia though this approach was perhaps less helpful and so the analysis has focused on specific types of vulnerability, or situations that create them (which is more similar to the Middle East approach), as noted below.

5.1.1 South Asia (India, Bangladesh and Nepal) and the Countering of Vulnerabilities

This section details the types of vulnerabilities being encountered by partner organisations in South Asia, and their efforts to address these.

[20] Gulnar Wakim interviews with migrant workers, Lebanon, 18 August 2020.
[21] Interview with Suneetha Eluri, Technical Officer, Workers' Centre, Jordan, 24 August.

Vulnerabilities or situations that create vulnerabilities and how organizations counter/ address them

The situations, described below, that create vulnerabilities in migrant women, are intersectional and nuanced. One factor cannot be seen in isolation from the other, with caste, class, religion, gender, ethnicity, political and economic contexts, and the current pandemic, interacting with each other and affecting the various conditions of women's work, their lives, the way they seek employment and a livelihood, and the systems that support and impede them.

Age: in India, if a girl is underage and expected to earn a living, which is often the case in the tribal belt, she is more vulnerable to exploitation at the family, community and systems levels. She does not have control over her own decision making; families decide if she should migrate. Usually young girls go to other states for domestic work and to garment factories, with girls as young as 13 years being sent for domestic work. If they leave home before the age of 18 this renders them illegible for an ID card thereby exacerbating their vulnerability, since they travel and work mostly as undocumented migrants.

Young girls are vulnerable to exploitation, especially when they work without knowledge or awareness of fair wages and employment conditions. In Jharkhand some underage girls work as domestic workers for very poor wages, to earn pocket money. They usually do not negotiate better wages and are therefore exploited by employers, who prefer underage or young girls so that they do not have to pay them proper wages.[22]

In Bangladesh, many underage girls do migrate; agents deliberately falsify their age, so they are able to circumvent the law on age restrictions for women migrating abroad. However, underage girls' migration is not formally documented and it is difficult to assess exactly how prevalent it is.[23]

There are also many cases of underage girls migrating in Nepal too, often connected with child marriage and distress migration. There are cases where underage girls are married, and then if the marriage does not work the girl is abandoned. She then migrates for work for a way to support her family. Often for the young girl if the family is poor she may face the choice of getting married or migrating to look for work.[24]

Marital status and commodification of girls:

At the family level, girls are considered burdens who need to be married off. Usually, that happens when a girl is very young and child marriage rates are very high in India, Nepal and Bangladesh. According to Girls Not Brides, 42% of girls in South Asia are married before the age of 18.[25] Since the dowry demanded increases with the age of the girl, it is also an important contributing factor to the early marriage of girls.

[22] Interview with Lix and Poonam, Jhakhand Gharelu Kamgar Union (JGKU), 17 November 2020

[23] Interview with Mamun and Sharmin, OKUP, Bangladesh, 11 November 2020

[24] Interview with Shristi, Deepak; WOREC Nepal, 9 November 2020

[25] March 2016, Girls Not Brides, Ending Child Marriage in South Asia, A Regional Action Plan; https://www.girlsnotbrides.org/child-marriage-south-asia-regional-plan

If a girl can earn an income, then communities (tribal communities mainly) perceive her as being useful. Recruiters and agents also push this narrative of young girls being able to earn a lot in the cities and help their families and usually, they prefer underage girls since they are more vulnerable to exploitation. Single women and widows are also vulnerable and susceptible to exploitation.

Factories and industries (garment, food packaging etc) perceive young girls and women as low-paid workers to be used for their benefit, to increase production while exploiting them on all fronts (wages, leave, health benefits, working hours). There is a great deal of commodification of young women workers; agents and recruiters are informed by the industries that they require X number of girls and women, and they are then rounded up in villages, recruited, and taken to the factories.[26] Very little importance is given to the human rights and gender dimensions of the process. This patriarchal attitude of commodifying women's labour increases women's and girls' vulnerabilities in the migration process and is very disempowering.

In Bangladesh, it is interesting to note that women are seen as useful tools by their husbands and families as income earners who are able to migrate to countries like Saudi Arabia, since government policies allow free migration for women and not for men. Men then make the decision to send women to work there while controlling their income. In this entire process, women's opinions are not taken into account, they usually abide by their families' diktats.[27]

Community perception of women migrants

Many girls and women often face stigma while migrating for and returning from work in cities. Communities stigmatize returnee women migrants as well and loosely refer to them as 'that Delhi woman who has earned a lot of money'.[28] While the level of stigmatization varies between different castes, tribes and communities, it is experienced amongst tribal women as well, although most tribal women and girls have greater control over their mobility than those from other castes and communities. Stigmatization stems from a patriarchal control over women's and girls' sexuality and if women and girls have the freedom of movement or mobility, it often comes at the price of her character being attacked, and sometimes, entire families being boycotted.[29] Domestic work is especially stigmatized since it is perceived as something that unskilled, uneducated women do in households. Men migrants do not have the same problems.

In Bangladesh, many returnee migrant women, with variations in intensity across regions and class, face taunts from their families and communities for earning money abroad and also if they have to return in an emergency, for not earning sufficient money.[30] (Awaj Foundation). Families worry that their honour (*maan shamman*) is lost when women migrate for work. The notion of honour and respect being linked with women's sexuality is a

[26] Interview with Sujata Mody, PTS Chennai, 10th November 2020
[27] Interview with Anis Khan, Project Coordinator, Awaz Foundation,Bangladesh, 22nd November 2020
[28] Interview with Purabi Paul, Shramjeevi Mahila Samity, 6th November 2020
[29] Interview with Purabi Paul, Shramjeevi Mahila Samity, 6th November 2020
[30] Interview with Anis Khan, Project Coordinator, Awaz Foundation, Bangladesh, 22nd November 2020

patriarchal construct and very difficult to dismantle. Once a woman, if she is single, returns from migrating abroad, getting married becomes very difficult.[31] As noted by GAATW, women migrants are unfairly discriminated against compared with their male counterparts. 'If a woman comes back without money, she must have done something bad, otherwise why didn't she get paid? If she comes back with money, she must have done something bad, otherwise how did she get all that money?'[32]

Distress Migration and Uninformed Migration

Economic and agrarian crises in India, Nepal and Bangladesh have decreased work and livelihood opportunities for women. This has exacerbated a situation of distress migration, where women and girls feel compelled to migrate due to a lack of choices. The reasons for distress migration include debt, landlessness and lack of assets (especially among Dalits), sexual and other forms of abuse. Irregular, low and non-payment of wages in government schemes (such as MNREGA in India), or lack of access to these schemes, push women and girls into situations where they perceive migration for work as their only choice for survival.[33] Women and girls are then in a situation where they have limited choice, decision making, and for first time migrants, information about the migration process.

Violence Against Women and Girls (VAWG)

Situations of violence that women and girls face are very strong reasons for distress and uninformed migration. Forms of violence includes domestic violence, intimate partner violence, and pressure to marry. Tribal women, especially single and widowed women, can be subject to witch-hunting which is a horrific form of socially sanctioned violence. These forms of violence, which have their roots in patriarchal control and unequal gender relations, often cause distress migration.[34] In such instances, women will be much less prepared for the challenges involved in safe migration, will be more likely to lack knowledge, and thus be in situations of tremendous vulnerability.

The organizations in Bangladesh highlighted the way in which women have limited control over their income. If the women migrate to garment factories internally, what they earn is often controlled by the husband or male members of their family. If they try to squirrel some away and exert some agency over it, she may also face threats of violence over this control.[35] Together with restrictions on her mobility, her choices in terms of livelihood and economic independence are limited. If she migrates abroad, she won't have any control over what she remits, and since Bangladeshi women typically earn lower salaries than other women migrants, it can be hard for them to save separately too.[36] Nevertheless what financial independence they can achieve by working abroad and simply the ability to earn their own money and have some control over it, is seen by women migrants as one of the few positive elements of migrating abroad.[37]

[31] Interview with Therese Blanchett, independent researcher, 20th November 2020

[32] GAATW, 2019, '"I wish I would never have to wake up again": Material conditions and psychological well-being of Bangladeshi women garment factory workers in Jordan,' Feminist Participatory Action Research.

[33] Interview with Namrata Daniel, GAATW, 9th November, 2020

[34] Interview with Purabi Paul, Shramjeevi Mahila Samity, Jharkhand, India, on 6th November 2020

[35] Interview with Anis Khan, Project Coordinator, Awaz Foundation, Bangladesh, on 22nd November 2020

[36] Interview with Sunzida and Morsheda, Karmojibi Nari, Bangladesh, on 19 November 2020

[37] GAATW, 2019, '"I wish I would never have to wake up again": Material conditions and psychological well-being of Bangladeshi women garment factory workers in Jordan,' Feminist Participatory Action Research

In Nepal, as noted by WOREC and Pourakhi, domestic and familial violence, amongst reasons such as lack of access to work and poverty at home,[38] cause women and girls to leave their homes and migrate for work. This increases their vulnerability to exploitation, since they often leave in an unplanned and uninformed manner. [39] Further, caste violence (in many parts of Nepal, women are sexually abused by higher caste men and landlords), push women to escape through migration to other countries.[40]

During migration and at the destination areas, women and girls often face different forms of violence and exploitation, such as sexual harassment, physical violence, economic violence (withdrawal of pay and non or delayed payment).[41]

Intersectionality of class, caste, religion and gender

These are extremely crucial intersections to consider when unpacking vulnerabilities in women's migration. In India and in Nepal, caste, class and religion play a very important role in the hierarchy of work. For example, sanitary workers in Chennai are Dalits from the lowest rung of the caste hierarchy. In Jharkhand, tribal or indigenous girls and women travel to other states for work, mainly as domestic workers or factory workers. Migration patterns of the scheduled castes and OBC (Other Backward Classes)[42] are very different from that of scheduled tribes; families usually migrate inter-state for agricultural work, work in brick kilns and other kinds of work.

Domestic workers face a lot of discrimination by their employers due to their class, caste, religion and gender, and are not allowed access to basic amenities such as toilets and elevators. Many face sexual harassment at the workplace, although they are reluctant to report the same.[43] There is a clear class and caste bias that underlines this discrimination and violence.

According to a study by Praveena Kodoth, the women migrant population in South India is usually from the oppressed OBCs and Scheduled Castes (SCs). Different states in South India (Andhra Pradesh and Kerala) showed distinctive patterns in the caste and religion of migrant women domestic workers to the Gulf countries. In Andhra Pradesh, the profile of the women migrants was mostly Hindus from SC and OBC castes, while in Kerala, there was a mix of Hindu, Muslims and Christian women. [44] Muslim women from Mallapuram in Kerala tend to migrate to the Gulf countries for domestic work. Within India, Muslim women are usually a part of families who migrate to cities and work as domestic workers in cities while their spouses work at construction sites and provide manual labour.

[38] Final draft report: 'A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers;', ILO Nepal country office, October 2020
[39] Interview with Shristi, WOREC Nepal, on 9th November 2020, interview with Manju Gurung, Pourakhi Nepal, on 7th November 2020
[40] Interview with Shristi, WOREC Nepal, on 9th November 2020
[41] Rakhi Sehgal, Industrial Relations in Gurugram, Haryana, Background paper, Work In Freedom, ILO, 2017
[42] OBC = Other Backward Classes. Just the language that is used in an everyday way to describe castes in India would be seen as hugely discriminatory and offensive in almost any other country. The same goes for the word 'tribal', which if you used it in Africa would also be seen as offensive.
[43] Kiran Moghe, Domestic Workers, Working Paper 9, ILO's Work In Freedom Project, Centre for Women's Development Studies (CWDS), 2017-2018
[44] Praveena Kodoth, In the Shadow of the state: Recruitment and Migration of South Indian Women As Domestic Workers to the Middle East, 2020

In Bangladesh, it is mostly women with very little education and skills who migrate to the gulf countries for domestic work. They are usually from poor and disadvantaged social economic backgrounds, and as such will often repeat migrate too. It is clear that class and religion play a role in the kind of work that they migrate for; it is mostly poor and unskilled Muslim women who migrate to Saudi Arabia, for instance, while those migrating to Hong Kong are more educated.[45]

In Nepal, it has been found that most migrant domestic workers are from the lower social economic strata. [46] According to Pourakhi, a partner of WIF in Nepal, the poorer women migrate as domestic workers to the Gulf, while the poorest of the poor migrate to India." [47] There are, however, regional differences that need to be taken into account as well; for example, Madhesi women are less likely to migrate internationally.[48]

Urban areas

There are a large number of women migrants from other states in India who come to the cities with their families and get into informal work. Families and single women and girls migrate intra-state as well. While men work at construction sites, hotels and other places, women often work as domestic workers. In urban areas, WIF's partners in India have observed that vulnerabilities are highlighted in different ways. Living conditions in urban slums are poor, with mostly limited infrastructure, sanitation or clean water. These conditions create tremendous health risks for women and girls. The religious divide is also very stark in urban areas, which can create huge areas of vulnerability.[49]

A study by CWDS also highlights the vulnerabilities of women workers living in slums, who live in poor and sub-standard conditions. According to the study, 'The disproportionate burden of their unpaid reproductive labour in their own households is exacerbated by lack of water, sanitation and other civic facilities'.[50]

Education system

Access to higher education (Class 9 and beyond) is often difficult and challenging for girls. High schools are often at a significant enough distance that girls are not allowed to travel, despite many of them having bicycles. The fear is sexual harassment, along with a patriarchal need to keep girls home after a particular age and help in household work.

Standards of education are usually below par at most government schools and families believe that earning an income until a girl gets married is usually the best way forward. Therefore, many communities, especially tribal communities, send girls as young as 15 or 16 to work in factories and homes, in different states and cities. Lack of technical education opportunities for girls also lead to them being unskilled workers, many of them very young, and vulnerable to exploitation, since agents and certain factories such as garment factories,

[45] Interview with Anis Khan, Awaz Foundation, Bangladesh, 22nd November 2020
[46] Final draft report: A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers; ILO Nepal country office, October 2020
[47] South Asia Women's Fund, Gender and the Right to Mobility in South Asia, 2016
[48] Final draft report: A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers; ILO Nepal country office, October 2020
[49] Interview with Nalini Nayak, SEWA, 10th November 2020
[50] Kiran Moghe, Domestic Workers, Working Paper 9, ILO's Work In Freedom Project, Centre for Women's Development Studies (CWDS), 2017-2018

prefer hiring such unskilled, young girls who are easier to commodify and be exploited by being paid low wages, and are also more likely to be subjected to forms of gender based violence (GBV).

When young girls leave to migrate for work, (with families or alone, seasonal or longer term migration) the chances are that they will drop out of the formal school system, work for a time and then return to their village and get married. Therefore, underage migration, with extended gaps in education, has an extremely detrimental impact on the ability of girls to complete their schooling and training, and thus on their life options and chances as a whole.[51]

Lack of work options/choices

The problem of the lack of work options and choices available to a largely unskilled set of women workers has been further exacerbated, during the lockdown due to Covid-19. This has created greater vulnerabilities in women, in terms of their felt need for distress migration under unsafe and exploitative conditions.[52] Young girls are also being engaged in domestic and factory work, at the cost of their education. Issues here include the lack of access to social security measures that women have, including for example to the national MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act) cash for work scheme.

Policy and systemic changes

The new labour codes (2020) in India, have further made the situation of migrant workers and workers from the unorganized sector, more vulnerable. The aim of the labour reforms was to provide protection to all workers, including those from the unorganized sector, and to ease the 'complex' labour legislation earlier in place. 'The reality is that the codes miserably fail to extend any form of social protection to the vast majority of informal sector workers including migrant workers, self-employed workers, home-based workers and other vulnerable groups.'[53] Domestic workers have also been conspicuously left out of the Wage Code and IR codes. The occupational safety, health and working conditions code is ambiguous and difficult to understand clearly its benefits for domestic workers.[54]

Policies that have age restrictions for women going abroad, especially to gulf countries, are ostensibly in place to 'protect' women; however, they contribute towards and exacerbate their marginalization and vulnerability. They also push women migrants to migrate informally, which means that they do not access information and training sessions that are conducted. This further increases their vulnerability.[55] This idea is embedded in gender-blind and gender-biased attitudes that are reflected in government policies. All three countries have age restrictions and bans that restrict women's choices and decisions.

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[51] Ratna Gill, Kaushiki Saraswat, What It Takes To Re-Enroll School Dropouts From vulnerable Communities: Lessons from Jharkhand, Outlook India , 29th July 2019

[52] Rajim Ketwas, Dalit Adivasi Manch, Presentation during a webinar organized by GAATW, 3rd September 2020, "Returning Home, Resuming Work: Covid 19 and the inter-state migrant workers in India"

[53] "Why the new labour codes leave India's workers even more precariously poised than before", Scroll, Sept 23rd 2020,

[54] Interview with Nalini Nayak, SEWA, 10th November 2020

[55] Final draft report: A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers; ILO Nepal country office, October 2020

5.1.2 The Middle East: The Growing Informalisation of the System

For receiving countries in the Middle East regarding women domestic and in Jordon garment factory workers, the focus on stages or different intervention areas has helped reveal more about the dysfunctionality of the existing kafala and contract system for both migrant employee and Lebanese or Jordanian employers. The existing status quo serves the interests well of neither. Those that benefit most are the RAs and their political backers, who are the only actors in the migration system that prefer a situation where one job = one recruited migrant worker, and where the formal system makes it as difficult as possible to allow migrant workers already within the country to transition easily to another job, without a re-recruitment from overseas being necessary. The biggest block to the reform or abolition of the kafala system is the tying of each worker to a kafeel, with the associated costs and drawbacks for employer and employee. And in Jordan in fact, RAs are now charging employers as much (US$7,000) to recruit a migrant domestic worker from within the country as they would to bring a woman from her country of origin.[56]

The below sets out the areas within the migration process in the Middle East where vulnerabilities have been heightened in the current context.

- *Pre-arrival*

As was emphasised by a former Minister of Labour in Lebanon, the vulnerability of the migrant worker in Lebanon commences pre-arrival. This is particularly the case for a country such as Bangladesh though the practice is common across South Asia. Women migrant recruitment involves agents both at source and destination. Destination agents deal with prospective employers and collect fees off them, source agents recruit women from villages to fulfil the quotas they are given by the destination recruitment agents (RAs). The fees paid by the employer helps to commodify the work and can be an incentive to undermine working conditions in the Standard Unified Contract, especially limits on working hours and paying wages on time.[57] At the same time the women domestic worker arrives usually having accumulated a debt from the fees paid to the recruitment agent in the country of origin, and often her plane fare too, even though this cost should be covered by the employer. Thus the new migrant is terrified of having to return to her home country early, whilst her debt remains outstanding, and is forced to tolerate abusive conditions because of this. Through obtaining her passport on arrival, the employer effectively keeps the new migrant worker hostage.[58]

- *Arrival in country*

When migrants arrive in Lebanon, with their sponsor already having paid a substantial fee for them, there is an obvious predisposition for the sponsor to recover as much labour as possible from the migrant worker for as little in return in terms of wages and adequate

[56] Discussion with Suha Labadi, WIF National Project Coordinator, Jordan, 8 December 2020.
[57] Interview with Nermine Sebai, Migrant Community Centre Lawyer, 22 October 2020.
[58] Interview with Charbel Nahas, former Lebanon Minister of Labour (2011-12), 22 August 2020.

working conditions, to recoup the cost. Yet further issues occur on arrival, however, for instance:

- Process of acquiring a work permit and residency visa, and the additional costs charged to the employer for this, which exacerbate the sense of a worker as commodity. Some more experienced women domestic migrants in Lebanon, especially those that have worked 'freelance', often prefer to cover these costs themselves, to remove the sense of obligation and increase their own freedom.[59]
- Nature of contract actually signed. In Lebanon, contracts are only in Arabic so that the migrant worker does not necessarily understand the wage and conditions they are agreeing to. Common issues are the wage currency (in Lebanon it is legally stipulated in Lebanese Pounds instead of the US$), the wage level, working hours and time off (neither might be stipulated fairly), working conditions (and whether the migrant employee has their own room).
- In Jordan the migrant worker contract is at least in their language of origin, but outside this the incoming worker has no agency in the arrival process, including losing their passport on arrival to the RA and not seeing it again thereafter, with it then being passed to the employer.
- Contracting issues should really have been sorted out before the migrant worker arrives, since on arrival she has very limited ability to negotiate, but since the effective contract is only signed on arrival, this limits her scope.

- *Management of contract*.

Work permits are usually renewed annually, and this leads to further issues, since in Jordan, for instance, legally the garment factory employees are responsible for the work permit, but in fact have little control over the process. There are also the problems related to employers not keeping to the terms of the contract, which in the present stressed economic times is happening increasingly. As noted, there is no effective official complaints procedure for workers. Even workers forced out of homes onto the street with wages still being owed, are not going to initiate complaints directly; these will only happen if a third party organisation is involved, with the Philippines embassy the only embassy to run its own hotline for its nationals.

- Management of annual contract renewals. Who is responsible for this and how is this done? The process can only feasibly be done by the employer, but if this is not carried out, then the residency status of the employee becomes irregular, so they can conceivably be detained and deported. In Jordan too, as per the Jordanian Labour Code, it is the responsibility of the employer to renew the work permit but it is the worker who is penalized in case the employer fails to do so. It would therefore be preferable to have a system in both countries where the employee is permitted to assume greater responsibility for this.
- Keeping contract conditions – hours, wage payments, days off, passport, forms of abuse. Essentially the level of wellbeing of the migrant worker depends on their relationship with their employer (kafeel), and the extent to which the employer is committed to treating them fairly or not. Often

[59] Discussion with Zeina Mezher, WIF National Project Coordinator, Lebanon, 7 December 2020.

domestic workers are expected to serve other members of the family too, who may not be living in the same household, a situation which is happening more as economic conditions deteriorate, and in these instances, regular working areas and contract conditions for the worker are more easily disregarded.

- Grievance issues. As noted, complaints systems in Lebanon and Jordan are little used, and domestic and garment workers themselves expressed both ignorance and fear of using any such mechanism. Caritas attempted to support the Ministry of Labour in establishing a hotline for migrant workers, in addition to the line they had for Lebanese employers, but it did not become operative.[60] WIF has since engaged with MoL to support the activation of the ministry's hotline and is in the process of developing the standard operating procedures. Yet MoL launched the hotline before it was ready as a result of pressure, 'which puts in question the seriousness of resolving the complaints and assisting the MDWs who may directly or indirectly approach MoL'.[61]

- *Breaking/ termination of contract*
  - What happens to employee if wages are not paid up and return travel fare not paid? A lot of migrant workers have been laid off from employment in the last year, exacerbated by the effects of the pandemic and the 4 August explosion in Beirut. When it happens, they are often owed wage arrears and the return travel fare they are owed as part of their contract conditions is then likely to be unpaid as well. This leaves the workers effectively on the streets, as documented stories have illustrated, often without significant support from their own embassies.
  - Role of RAs. Even though the fees that RAs are paid by employers are meant to help safeguard this situation, it does not mean that RAs will provide a sum sufficient for the return fare. The RAs are interested in extracting income from employers, not to hold them accountable for maintaining the conditions of their worker's contracts.

- *Finding/ transitioning to new employment*
  - The legal means for doing this remain limited, even when the original employer is willing. For example, in Lebanon for the contract to be changed or switched, the process goes through General Security, but their processes and options are geared to their being problems with the employee rather than simply the employee wanting to change employment. If an employer wants to be rid of their responsibility as a kafeel so that their employee can work for another employer, they are often pressured by the GS to file a complaint against the employee, as being the simplest way to get their existing contract terminated or nullified, rather than there being a simple option of a release clause.
  - Attitude and role of RAs (who want the employee to leave the country unless they are involved in finding a new placement). RAs earn their income through

[60] Interview with Hessen Sayah, Caritas, 21 August 2020.
[61] Zeina Mezher, WIF National Project Coordinator, Lebanon, comment on draft text, 9 December 2020.

placing workers in employment, largely by bringing new migrant workers into the country and the fees they charge employers and employees around this process. They will not earn further fees by the migrant worker simply finding a new job in the country; if they do broker a new work placement they try and charge full costs still, so the migrant worker would herself prefer to find a new arrangement. Thus, the practical solution to the current situation, where it is harder for new migrants to travel to the Middle East because of Covid-19 restrictions but there is already a pool of unemployed migrants in countries like Lebanon (and Jordan) who would like to find new employment, is blocked by the RAs as much as they can. They would prefer to obstruct any freer movement of labour from which they could not earn a fee. It is notable that as the pandemic has drawn out and international travel restrictions are still preventing new migrant workers from arriving easily, RAs have been forced to draw upon migrant workers already in the country – and are still trying to charge employers the same high fee in both Jordan and Lebanon as they would a worker coming from overseas.

- Since there are limited legal avenues for migrant workers to switch employment more easily, domestic migrant workers who want new jobs are often forced to become illegal workers to do so, unless their former employer allows the original contract to continue to exist. This carries risks for the employer, if there are any complaints about the worker, since they are legally responsible for the person. It's an unwanted situation for employers and employees. In other instances, therefore employers are now permitting employees to work for other clients for a specified number of days per week, to defuse the expense they are incurring themselves for wages, even if this is not currently legal. In both countries there are also cases whereby live-out domestic workers pay an amount - between US$700-1,000 in Jordan - for a fake sponsor to issue a work permit under the employer name.[62]
- In Jordan a flexi permit was produced, but eligible only for male migrants in the construction, agricultural, and warehouse sectors. These employees are mainly Syrian or Egyptian, and they don't fall within the kafala system, in the same way that other migrant workers do. Most Egyptian workers for example, will pay their own permit fees, they are not tied to a kafeel. Outside the flexi permit system, Egyptians must have a sponsor. However, their entry, stay and exit are regulated by the MoU signed between both countries, so, for instance, they are not allowed to leave the country (even for their annual leave) without prior written approval from their employers. For women migrant workers in the garment and domestic sectors such choice remains unavailable.

- *Being irregular*
  - Once workers are on the streets having been let go by an employer and thus losing their accommodation too, or perhaps having left of their own accord, they have a series of decisions to make. If they have a return fare, or if their

[62] Information in comment provided by Suha Labadi, WIF National Project Coordinator, Jordan.

embassy is prepared to cover this (less likely in the case of South Asia), then they have the option to return home, if they wish. Ethiopian domestic workers were camped outside their embassy early on in the pandemic to seek such support. If the migrant worker has a loan to repay they may not wish to return home prematurely, but if their kafeel still retains their passport it is an obstacle to them seeking alternative work. Employers in such instances are often encouraged to file false theft claims – with the police in Lebanon and in Jordan – which can then in the worker being detained (in Lebanon by General Security) with a view to deportation. During the pandemic the Ethiopian women workers were on the streets owing to the lack of flights, and the high cost of any options that were available

- If the migrant worker remains in the country, and the kafeel has severed their link with the employee, then if the worker wishes to find alternative employment, they become effectively 'irregular.' Risks involved partly depend on whether the kafeel files a complaint or not. If the employer has breached contract conditions in terminating the employee, they are less likely to do so.
- The advantage for the irregular worker is that they have more flexibility and choice in whom they now work with (even if inadvertently through losing their job in the first place and as long as their former employer does not report them), including being able to freelance with multiple employers. They also have more power to negotiate. More experienced migrant workers might therefore choose to do this, in spite of the risks involved.
- A significant issue for the worker is their place of resident, if they have lost their previous kafeel provided accommodation. For this reason, irregular workers may have or acquire partners who provide a level of security and protection. This has many reputational implications, both within their destination country, as well as their country of origin.[63]
- The Internal Security Forces (ISF) and the General Security as well as the Ministry of Labour are aware of the irregular workers in the country, and they often know where they gather and where they go. For migrants this can be a source of abuse, if picked up by authorities, and it is certainly a source of risk. Similar used to happen with Syrian refugees, until more organisations took up this issue. Migrants feel they are the most vulnerable group and are not convinced if harm befalls them that they can get justice. Indeed, most typically they would be merely detained and subsequently deported to their country of origin if they did come to official attention.

- *Garment workers in Jordan*

In Jordan many of the women migrant workers that WIF is working with are in the garment sector, where around half the employees are Bangladeshi. The sector has faced substantial challenges since the advent of the pandemic owing to falling or deferred global orders, but the situation has also been a recipe for the greater exploitation of migrant workers. During the March to May 2020 strict lockdown workers were often confined to dormitories where social distancing was hard to practice. Some firms were also looking to lay off workers at

[63] Therese Blanchet, 2019, 'Exploratory research on women's migration pathways from Bangladesh to Lebanon and Jordan', Drishti Research Centre, Dhaka (research funded by the ILO).

this time, in breach of government regulations and supposed protections during the pandemic, but using the renewal of their contracts as a reason to lay them off.[64] An ILO report on the effects of the Covid-19 pandemic in Jordan noted that in the garment, textile and apparel sector and the 25,000 Jordanian blue-collar workers and 50,000 migrant workers involved in it, about 30% of staff were at risk of losing their jobs in May-June 2020, according to the Jordan Garments, Textiles and Accessories Exporters Association (JGATE). About 70% of these staff are women. JGATE estimates a decline in exports of around US$ 500m this year.[65]

A problem for migrant workers during the pandemic is that there is no monitoring taking place of the conditions they are experiencing in the garment factories and hostels. In some cases the workers were simply locked in the dorms and not allowed to leave.[66] There have been regular problems of non-payment of wages during the pandemic and lockdowns. Some workers have been looking to switch jobs, but since factories undertake their own recruitment, they are extremely reluctant to let 'their' workers undertake such switches.

Currently what is happening in Jordan, especially since Covid-19, is that even the current law is not being implemented, with factories seeking to self-regulate in ways that enable more profits and are more coercive against workers. With the government generally defending Jordanian enterprises rather than migrant worker rights, with its focus on defending Jordanian employment at the expense of migrant workers if necessary (and even though migrant workers in the garment sector work for lower wages and suffer worse working and living conditions than Jordanians would accept). On 10 November 2020, migrant workers in one exporting garment factory in Al Hassan Industrial Zone organised a strike against their factory management. Their demands included a salary raise and resumption of overtime work. This resulted in factory production being suspended pending the outcome of negotiations involving the Ministry of Labour, the government appointed Trade Union and Better Work Jordan.[67] Thus the garment factory labour conditions have become a site of struggle, which can be expected to continue. The government will however continue to prioritise Jordanian businesses and employment, and so it can be expected that the further erosion of migrant labour rights and the reduction in migrant worker numbers – though factory owners would still prefer to employ migrants to Jordanians – will also continue.

Overall, it should be noted that there are two types of informal pathways. The first exists within the formal; hidden practices as it were (and even if not very covertly) to make the process move. Thus, the RAs are well connected to officials within the Ministry of Labour as well as General Security, and they have the power to influence the priorities regulating labour migration. However, it is noted that at General Security the processes of issuing and renewing yearly residency permits are usually more organised than processes at MoL, enabling GS to take over MoL's mandate on issues related to labour conditions. For instance, as a result of the economic crisis and devaluation of the LBP, work permits pre-

[64] https://www.business-humanrights.org/en/latest-news/jordan-rich-pine-garment-factory-dismisses-200-workers-amid-covid-19-co-did-not-respond/
[65] Tewodros Aragie Kebede, Svein Erik Stave, Maha Kattaa, and Michaela Prokop, 2020, 'Impact of the COVID-19 pandemic on enterprises in Jordan', ILO/FAFO/UNDP.
[66] Discussion with Suha Labadi, WIF National Project Coordinator, Jordan, 24 August 2020.
[67] https://betterwork.org/2020/11/22/jordan-updates/

requisite did not change while residency permits require proof of income and residence of the employer. In Jordan this process is under the Ministry of Labour.

The second type is the informal pathways which relate to people working outside the formally regulated kafala system. The status of migrants within this type varies from those who are self employed, that is, they have a kafeel but they pay for all their fees and are free to work outside their place of designated employment. This has risks because it is an illegal practice and has consequences on employers and workers. Employers face the risk of becoming blacklisted, while workers face the risk of detention and deportation. Experienced migrant workers who know the system and are empowered enough feel comfortable with this arrangement since they are documented and thus considered regular according to migration rules, and have the power of freedom of choice with whom they work. At the other extreme are those undocumented, that is, working without current papers who are wholly irregular. These workers are more hidden, and for obvious reasons less willing to provide information about their working and living circumstances; they are thus more open to abuse.[68]

In respect of bringing about broader reform – and humanisation – of the kafala system in both Lebanon and Jordan, the increased attention through international and national organisations and the media has been met with a timid response by some authorities but not enough to bring in significant change. For instance, the protracted adoption in Lebanon by the MoL of the standard unified contract for migrant domestic workers was met with resistance from the judiciary, and timid endorsement from GS. The broader economic and health calamities may be used as an excuse but it is the lack of political will to comprehensive reform aided by the stakes that major political families have in RAs, that is the cause behind this reluctance.

5.2 Commodification

A key element in the way that vulnerabilities have played out with the pandemic and the economic deterioration in the countries of focus is the repeated efforts by formal actors in the migration process, especially RAs, but even government themselves, to dehumanise women migrant workers and treat them as commodities. It's easier to deny a group of people their rights if you don't regard them as fully human in the first place.

The language of commodification, as noted by ILO's Jordan WIF coordinator, permeates the whole discourse around migrant workers, and in particular the language of RAs, and even the state. For example, RAs will 'guarantee satisfaction' to potential employers, in respect of the recruitment fees they are paying, and allow them to 'return the worker' if indeed they are not satisfied. Employers are advised by the agencies not to 'spoil' the worker, and hence to deny them basic rights – not give them a day off, take away their access to a mobile phone, not restrict their duties to given working hours.[69] Employers post too adverts in

[68] Our Lebanese based colleague talked with migrant workers, but in this area found workers least willing to discuss what happens, for obvious reasons.
[69] Discussion with Suha Labadi, ILO WIF Coordinator, Jordan, 2 November 2020.

social media in Arabic 'selling domestic workers' for not being able to pay her wages.[70] In March 2020, when a series of migrant workers were brought in by the RAs immediately before the country's lockdown for Covid-19, many employers then refused to accept the migrants labelling them as 'virus carriers'. The government itself in its own documentation easily recourses too to this language of commodification.

This attitude permeates every facet of the workers' employment. In the garment sector for instance, as GAATW noted, with migrant workers being given work quotas higher than local Jordanian workers, so that often they have to forego meal and toilet breaks (so they do not drink water all day too). 'The repetitive, fast-paced nature of this work, coupled with the constant supervision, produce an environment in which workers are meant to function like pieces of the machinery they are required to handle, their working routine geared towards maximum efficiency'.[71]

Workers of course understand this commodification. In June 2020, more than 100 Ethiopian domestic workers were camped on the street outside their country's embassy after being discarded by their employers. "They are dumping us like trash," one worker who had been in Lebanon for seven years told the *Associated Press*. "We are human. Would they accept it if their children were treated this way?"[72]

The domestic care sector is the worst for this commodification attitude, owing to historical reasons too. In Lebanon for example, 'before we were bringing domestic workers from Asia and Africa we were bringing children from poor families from Lebanon and Syria and raising them until they got married.' These poorer families loaned a daughter effectively for domestic servitude, who would be used and abused, and should not have 'any other individuality' until she reached marriageable age and could escape back into the wider community.[73] There is no history in any of the focus countries of treating domestic workers as fully human, with all the rights that any other wage worker – including the employer – would be entitled to as a worker. Factors of 'racism and classism,' and caste and religion in India, of course play a role. 'Poor people in Lebanon won't undertake domestic work now because of the stigma', based on the fear of exploitation. [74]

5.3 Government Policies and Attitudes

Given the growing economic distress that has preceded the Covid-19 pandemic, but been accelerated by it, governments have talked about the need to reduce the numbers of migrant workers arriving from abroad, and replacing them with nationals, even if the latter would not be prepared to accept such work under the working conditions that migrants are forced to accept. As such governments have also sought to remove or dilute the rather than enforce the rights of women migrant workers. In India, intersectional factors of caste/ class,

[70] An Arabic example from October 2020 was provided by Suha Labadi.
[71] GAATW, 2019, '"I wish I would never have to wake up again": Material conditions and psychological well-being of Bangladeshi women garment factory workers in Jordan,' Feminist Participatory Action Research
[72] https://english.alaraby.co.uk/english/indepth/2020/6/18/ethiopian-domestic-workers-abandoned-as-lebanons-economy-flatlines
[73] Discussion with Nizar Saghieh, Legal Agenda, 9 November 2020
[74] Discussion with Nizar Saghieh, Legal Agenda, 9 November 2020

race and gender continue to play a role in devaluing the work of women in lower status forms of employment.

Some of the changes that have taken place include, in India, the removal of housework from the new Wage Code. This puts into question the validity and applicability of minimum wage notifications for domestic workers that have been the outcome of previous long struggles in several states. The Government has recently clarified that it intends to uphold those wage notifications, but it remains to be seen whether this will be implemented.

Other setbacks have included the suspension of the SUC in Lebanon and lost collective bargaining rights in Jordan, owing to even further strictures on the operation of strictly government controlled trade unions there, following a teacher's strike that led to the dismissal and imprisonment of the union leaders involved.[75]

6. WIF2 Achievements and Opportunities: Choice and the desire for more informal systems of regulation

There is a major paradox at the heart of the WIF 2 work. As noted by the Advisory Group, 'the unstated goal of WIF appears to be to come up with meaningful models of regulation'. This is indeed the broad aim of the ILO and of FCDO. Yet, as the Advisory Group also note, 'the research on informality (induced by illegality) in Jordan and Lebanon problematises the feasibility of achieving this goal. Moreover, it is clear that migrants themselves desire some level of informality in work so that they can hedge against exploitative working conditions.' [76]

This theme has reverberated throughout this EA, that migrant workers are seeking options that allow them more freedom of choice with respect to whom they work with, how many hours and under what conditions they work, and for what wage. These choices are not available under the strict regulations of the kafala system, but they can be with either a more informal arrangement with a kafeel (the registered employer), or by working illegally. It is by having this relative 'freedom' that migrants are able to find some way of being treated as a worker with rights, rather than as a commoditised migrant.

The main constraint is that current labour regulations allow for abusive work (eg poverty wages below a minimum wage, a lack of freedom of association and collective bargaining, no maternity leave, and limited health care that rests entirely on the employer) and hence this prompts workers to desire informal work where they have a greater freedom. That said, informal work has other challenges, such as the lack of documentation and potentially being irregular, the unpredictability of work, and having to live in fear of detention and deportation. Thus it can both be better but also in some cases very exploitative, for example if kafeels seek huge payments for allowing a migrant women worker to do 'freelance' work for others.

[75] Interview with Suha Labadi, WIF National Project Coordinator, Jordan, 24 August 2020.
[76] International Labour Organization, "Work in Freedom" Programme, Phase 2, Annual and Final Report of the Advisory Board: 18 July 2019.

To ameliorate this situation, formal working and living conditions have to be improved. Research shows that improvements in formal working conditions have a positive influence on the informal sector. Fixing migrant wages at the minimum wage of Jordanians would lift the bar for the informal sector as well. The dilemma for the project is if there is little chance that the governments of Lebanon and Jordan will follow such regulatory reforms, it will then make it harder for the project to support migrant paths towards informality if this becomes the only option to support greater migrant freedoms.

A middle path is therefore needed that bridges this paradox. And this path has to push for greater advocacy and activism, including supporting more innovative initiatives, such as student involvement and more encouragement of all forms of migrant worker association, as will be outlined more later. If governments are reluctant to implement migrant labour legislation that is already law, or simply to persist in the commodification of migrants and refuse to treat them as the workers there are, then ongoing mechanisms to shame them and highlight the unacceptability of this from a rights perspective need to continue to be pursued. This is not to say that the ILO should be involved in such initiatives directly, but they can support their initiation and nurturing. In Lebanon, WIF is playing an important role through bilateral and virtual meetings and publishing statements to align advocacy messages on dismantling kafala so the issue is picked up by the next government, once one is eventually installed.

Governments are still too comfortable turning a blind eye too and therefore permitting the continued abuse of women migrant workers, and continue to sanction and harass the worker rather than the abusive employer, whether a business or an individual. Work with the formal institutions needs to continue to exert pressure to make it harder for them to permit such practices and maintain the system that perpetuates them. One method that can contribute is to deconstruct what formality actually means, in order to create and leverage tensions within the institution. At the same time, there is a need to work with others to improve protections, call abuses, and illustrate examples and opportunities for improving migrant worker rights and freedoms, even if some of these examples are demonstrated initially through more informal means. It is by having this relative 'freedom' that migrants are able to find some way of being treated as a worker with rights, rather than as a commoditised migrant.

In our review of this phase of the WIF programme, there has been a major change of approach that has been effective particularly in source countries in South Asia. The rest of this section reviews some of the shifts and achievements that have taken place in terms of its strategy as well as opportunities that can be built on more in both the Middle East and South Asia.

- *Major shift in South Asia focus of the program towards an approach that is more genuinely empowering rather than passively imparting information*.

In the first phase evaluability assessment we were taken aback by the type of awareness training being conducted in Jharkhand that typified an old fashioned, didactic approach that

reinforced rather than mitigated the commodification of migrant women. Thankfully, WIF has come a long way since then, already putting in place the building blocks for a much more empowering approach in WIF 1 and building upon and consolidating this in WIF 2. Key to this has been a shift in the key local partners WIF is working with, particularly in India and Nepal. Partners such as GAATW, who were already involved during WIF 1, now play a more central role, as do other organisations such as SEWA, National Workers Welfare Trust (NWWT), PTS, Chennai, and Jharkhand Gharelu Kamgar Union (JGKU) in India. These organisations all work to organise and unionise women workers, or in source communities to form women's associations or groups. In Nepal, WOREC and Pourakhi are both women's rights and movement based organisations that work on organising women and addressing gender issues at local level. WOREC for example focuses on women workers at the community/ village level, potential migrant women, returnee migrant women and those seeking employment and livelihood options within their village or block.

Collectively, all these partners work with either unions or types of women's associations, and they actively seek to identify and address underlying gender issues that create broad vulnerability for women, as well as the specific manifestations that exacerbate risks for potential migrant workers. WOREC and Pourakhi in Nepal have both been active in involving returnee migrant workers as community workers, and their experience is important to helping potential migrants think through their choices, as well as making them more aware of not just their rights but also the potential challenges and pitfalls they will face. The overall philosophy of all these organisations is captured in the following statement.

> *"We need a holistic approach to women's empowerment and women workers' rights. It is not just about door to door visits or information dissemination. It is about nurturing women's leadership, upholding women's right to work and mobility and using advocacy to strengthen government gender policies at the village and palika levels." Shrishti, WOREC*

Collectively, some elements that these groups work on include:

- For women already in the work force, in both sending and destination communities with respect to internal migration.
- There are a range of unions spread across the political spectrum. ILO generally works with those more leftist and apolitical, that are more rights and empowerment focused.
- At community level a lot of women's groups organise around savings and credit. These groups form an initial point of communication and access to women. They provide a locus for other organisations to talk more about livelihood options. However, these groups don't always have adolescent girls in them and accessing them can be a further issue.
- Addressing situations of young girls and women working in brick kiln industries in highly exploitative conditions.
- Work on fair wages and minimum wages, as well as access to the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA).
- Unions in sending communities advocating for more work for women including with regard to the opportunities MGNREGA provides.

- Forest access rights in tribal areas (Chhattisgarh and Jharkhand) is also a further issue affecting women's livelihoods which local groups pursue.
- Collectives that can be informal, especially at community level, and which look at forest access rights and other women's rights - and unions that are formal – trying to access different schemes of government.

Bangladesh is the one country where the overall strategy remains more incoherent, with different organisations working in disjointed ways on different topics. The activities involved tend to be more tactical than strategic, and the organisations are working separately with different groups in different ways. Much of the work in Bangladesh is still service delivery and welfare oriented, focusing on services to potential, returnee and other migrant workers, such as legal aid, case intervention, and rescues. A large part of the work is still information dissemination. A more connected strategy might help the groups address underlying gender issues more effectively and improve the empowering nature of their work.

- *Encouraging associational forms in the Middle East*

In Lebanon and Jordan, conditions are more challenging, but initiatives like the Workers Centre in Amman, and the work with the Anti-Racism Movement and its Migrant Community Centre (MCC) and other worker associations in Lebanon to encourage associational mechanisms needs further encouragement. The Workers Centre in Jordan stands out in particular, since as almost the sole body seeking at times to represent the interests of migrant women garment workers it serves as a lightning rod for both garment factory employers and the government. The former would much rather their exploitative abuses are kept out of the public eye, and the government sees any implied criticism of working conditions and the treatment of migrant workers there as an embarrassment. The degree of attention the centre attracts is directly proportional to its importance. The ILO needs to continue to fight for it to stay open, since these workers would fail to have a safe outlet to meet, share experiences and raise concerns about their abuse otherwise. As noted earlier, there is a strong culture of commodifying and dehumanising women migrant workers in Jordan, which should neither be tolerated nor a blind eye turned towards it. Given the repressive nature of the government, trying to challenge this culture is clearly extremely difficult, but it is essential that WIF and the ILO continue to do so. The ways in which the migrant workers themselves still seek to express their agency, as described in the next point, highlight how essential is the need to create safe spaces for them.

The Lebanese government is also disappointing in its ongoing refusal to countenance official association forms for migrant workers, whether unions or otherwise. As noted too, this is rooted not just in the current dysfunctionality of the state and the interests that powerful political backers have in maintaining the inhumanities of the kafala system, but also in the historical class legacy of the mistreatment of girl domestic workers coming from poor families. Notwithstanding the complex power sharing and balancing mechanisms within the Lebanese political economy, the sheer injustices of the system that continue to be perpetuated are a growing source of anger, discontent and activism by a range of Lebanese, in particular the younger generation in Beirut. And unofficially too, migrant workers do form informal associations. The Alliance of Migrant Domestic Workers was formed in 2016, with

members from six nationalities. Pre-pandemic the association had about 150 members, but some have now returned home. An Ethiopian Migrant Workers Network had about 500 men and women numbers, though many were undocumented and have now left, leaving around 200. Both groups use mainly social media to communicate, mainly WhatsApp or Facebook.[77]

In addition, WIF also facilitated the involvement of migrant domestic workers (MDWs) in the drafting of the Standard Unified Contract based on their practical knowledge and experience. Different focus group were organised with the MDWs and the draft SUC was read through word by word. The insights provided by the workers were then largely reflected in the adopted contract. They also participated in the National Consultation on dismantling Kafala organized by ILO and MoL in March 2019 through the International Domestic Workers Federation (IDWF), MCC, and the Domestic Workers Union within Fenasol.[78]

Some of the current main WIF partners in Lebanon have become mostly service oriented in light of the current economic and health crisis, limiting their advocacy and activism, except for Legal Agenda, which is an advocacy organisation. Others like ARM/MCC or KAFA have shifted their approach from advocacy to some extent and focused more on case management and direct service provision. However, there is a key shift in attitudes required for people to see women migrant workers foremostly as workers rather than migrants, and to be entitled to the same labour protections under the law as Lebanese citizens are (and which under Lebanese law they should be entitled to). There is an opportunity here for the ILO to strengthen some of these more advocacy focused relationships as well as seek further collaborations and partnerships. These may also build on the advocacy work of the kafala working group, such as the work done by Amnesty International and Human Rights Watch.

- *Growing 'informalisation' within the migrant labour system and the flexibility this offers*

The effects of the pandemic and concurrent economic crisis, especially as experienced in the Middle East, has caused a significant loss of jobs for migrant workers, and led to many being simply expelled onto the streets. It has created much misery, but at the same time expanded opportunities for migrant workers to work more informally have also arisen. Thus whilst unemployment or reduced employment/ wages has caused migrant workers to be more vulnerable and exposed to greater risk, it also offers greater flexibility and choice in where and how they work and for what wage than the formal regulatory system allows.

This issue for us is an important marker of why it's important for WIF to strengthen further its agency focused approach, the shift it adopted during the first phase. A further question we have is regarding the extent to which there are organisations that currently work or could work for instance with informal migrant associations, in ways that are designed to promote the agency and empowerment of migrant workers, rather than treating them as victims of abuse by a range of actors within the system.

[77] Interview with ARM migrant case workers, 7 December 2020.
[78] Comment on draft text by Zeina Mezher, WIF National Project Coordinator, Lebanon, 9 December 2020.

This is now being done more effectively in India and Nepal, but is more challenging in Bangladesh and in the receiving contexts of Lebanon and Jordan. There are examples, the aforementioned Alliance of Migrant Domestic workers, Egna Legna, an Ethiopian group who is leading emergency assistance to Ethiopians and other migrant workers, that was also incubated by MCC. Mesawat is an advocacy group who base their messages on Convention 189, something they learned through the empowerment sessions at MCC.

In Jordan in particular, any support to women migrant workers carries significant risks, and so most organisations simply focus on Syrian refugees and integration programmes, which are much easier to fund and be supported by the government. As noted above, the role played by the Workers Centre in Amman is critical, but with so many restrictions on the operation of civil society in Lebanon, apart from one or two organisations like Tamkeen, it often appears to lack allies to support the vital role it undertakes.

- *Depth of knowledge and experience accrued by the Work in Freedom Programme*

Having been involved in the first phase EA, we have been struck by the depth of knowledge and experience that has been accrued within WIF on issues, trends and relationships with key actors across the migration pathways within and between South Asia and the Middle East. This experience and knowledge is unique and forms an important repository that needs to be more widely available to others to draw from, as we subsequently recommend.

The current political climate in almost all the operational countries, except Nepal, is not conducive to the rights based project of humanising women migrant workers. In Nepal itself patriarchal attitudes have only just resulted in the sanctioning of women migrants to countries like Lebanon, so institutional challenges remain there too. This is all the more reason why the efforts and experience of WIF are vital, and need to be captured and leveraged more effectively, including for current and future advocacy work.

7. Reviewing the DFID Summary Business Case and Results Framework

This section reviews the key elements of DFID's original business case for the second phase of WIF. It serves both as a reminder and a commentary on some of the original priorities for DFID and either ways in which strategy shifts have taken place, or we would recommend they do.

7.1 DFID Summary Business Case

Ending modern day slavery is a top priority for the UK government. … This Business Case proposes to extend DFID's support to the established, high-performing Work in Freedom programme in partnership with the International Labour Organisation (ILO). Work in Freedom is helping to prevent trafficking and forced labour among women migrant workers from South

Asia. The £10.5m programme started in 2013 and finishes in early 2018, and has been DFID's flagship modern slavery programme. The final independent evaluation from the first phase found it was innovative, highly relevant and delivering results. This Business Case proposes a second phase from 2018 to 2023, with scaled up funding of £13m to achieve greater results.

The second phase focuses on interventions that help prevent forced labour and trafficking, and will build on progress, lessons, partnerships and momentum generated from Work in Freedom. Activities will include:

- Pre-departure training and skills development for women in their communities;
- Improving standards of recruitment agents, and employers;
- Supporting women at their destination, e.g. through local unions and support groups;
- Working with governments to improve laws and policies; and
- Research and evaluation, to build stronger evidence in this field.

This work continues the focus in Phase 1 on the priority sectors of domestic work and garment manufacturing. It will reach over 350,000 women in Bangladesh, India, Nepal, Jordan, Lebanon, Oman and Bahrain [now Kuwait][79] – countries where trafficking routes are concentrated and where ILO has sufficient entry points.

DFID Strategy elements – Additions and shifts in emphasis

In looking at these five activity areas outlined in the DFID summary business case, the following comments can be made on current activities and areas of focus.

1. Pre-departure training and skills development for women in their communities;

Training and skills development was conducted in WIF1, in WIF2 the focus has shifted more on empowerment and agency development to increase options and choices for potential and returnee migrant women, including working through groups. There is an issue of how to incorporate younger girls better in tribal communities, but overall the shift in focus here has led to a far more appropriate strategy.

2. Improving standards of recruitment agents, and employers;

Efforts to improve the practices of RAs are hampered by the falling demand for migrant workers, and thus the loss of revenue for the agents. Improving recruitment is much easier in a context of rising migrant labour demand, but in the current situation, with RAs cutting jobs and some going out of business[80] they are blocking any further reform and steps to abolish the kafala system. The RAs are the primary actors with vested interests in maintaining the system, aided by powerful political backers who have ownership in the biggest RAs in Lebanon.[81] In any case, unless recruitment is linked to better working conditions there is little progress that can be achieved in improving fair recruitment practices. The case of RAs objection to the conditions of work in the Lebanon Standard Unified Contract is a clear example.

[79] With the budget cuts that have now occurred in 2020, Oman and Kuwait will no longer be included in the programme.
[80] Interview with Nizar Saghieh, Legal Agenda, 9 November 2020.
[81] Interview with Zeina Ammar, Anti-Racism Movement, 14 September 2020.

With the shifts in demand and supply taking place – the demand for labour that is less costly to recruit and workers that will accept lower wages, and the difficulties in labour migration with the pandemic, many potential employers would rather recruit migrant workers that are already in destination countries but have lost employment or are seeking improved conditions. Given the current constraints on international travel, RAs are now trying to take over even such transfers, and still charge would be employers the same high recruitment fees as if the worker was being brought in from her country of origin. As such it is the RAs, with their backers, that are playing a powerful role in blocking any loosening of the obligations of the kafeel or employer for the formal documentation for the employee. This includes the ability of the employer to transfer easily the employee's registration to another employer. The net result is to constrain the formal options for the migrant worker, and employer, which has led to a flourishing instead of informal or irregular mechanisms, such as kafeels allowing employees to seek alternative employment for a given number of days per week. There may be tacit acceptance of such arrangements by authorities, but they always have the option of clamping down if they wish, and thus to be regularise these types of greater flexibility which allow migrant workers to negotiate better working conditions, is a primary issue to be tackled.

As recommended by Advisory Group in 2019 and Chief Technical Advisor, this stream of activities should focus on improving working and living conditions, and thus on seeing the women migrant worker more as a worker than a migrant. In Lebanon this would include pursuing the implementation of the 2020 revised Standard Unified Contract, since this does look to regulate working conditions more effectively. At the same time the issue of enabling more ability for the migrant worker to switch employment remains an issue, with the RAs and their political backers as the main obstacle to reform, unless they can command a fee again, as in the redeployment of Ethiopian domestic workers from Lebanon to Dubai.

In Jordan, it may be less the RAs and more the (garment) businesses, since the factories recruit more directly. Nevertheless, for similar reasons, freedom of migrant worker movement is not in their interests, and the government is also not inclined to support this. Rather, the Jordanian government has been talking of simply reducing the numbers of migrants in the textile factories and replacing them with Jordanian (or Syrian) workers. The employers might be less keen – they would have to be paid higher wages and would demand better conditions – but it remains an issue how to insert an interest in improving working and living conditions for women migrant workers, including the ability to switch employment to other garment factories offering better wages and more humane conditions.

3. Supporting women at their destination, e.g. through local unions and support groups;

This is a challenging aim owing to constraints on migrant workers unionising in destination countries (across the Middle East) and even in India now too. Certainly, the ability of women migrant workers to be permitted minimal forms of freedom of association is a pre-condition to any type of empowerment at destination. Yet in Jordan, for example, most forms of migrant worker solidarity are tightly clamped down upon, as are even the actions of NGOs and other groups trying to support them, whose visibility is relatively limited at the moment.

In Lebanon, there is a strong debate amongst local NGOs about treating symptoms and causes. There is no doubt that all would like to see the end of the kafala system, but there are

debates about strategy, and the extent to which certain types of support (covering basic needs such as feeding unemployed workers, provision of shelters for homeless MDWs), enable the system to continue rather than put pressure on its removal. With no easy options, what seems important is to find ways that do help to strengthen the agency and choices of migrant workers, and thus support them in being able to associate and have a collective voice. Workers associations and NGOs in Lebanon thus face the risk of becoming too focused on the humanitarian assistance while the advocacy to address the root problems is as vital as ever.

It is not always clear that the existing NGO organisations will necessarily facilitate this process, and as such we have sought to identify what some of the potential options might be.

In India as well the new Industrial Relation Code also severely restricts collective bargaining. One of the problems of the Covid-19 pandemic and the need for measures to ensure social distancing is that it becomes easy to use it as a pretext to prevent or retract the ability of women domestic and garment workers to meet or have any freedom of association.

4. Working with governments to improve laws and policies;

There has been much focus in Lebanon on the new SUC, which seeks to enhance working conditions by regulating payment of wages, working hours, and allow easier ease of movement of workers within the labour market to address all existing practices that lead to forced labour. However, the dilemma here for WIF is that the Ministry of Labour is not the sole decision maker nor the strongest. Nor is the institutional structure of the MoL always supportive of change. There is an incentive for influential people at MoL to use the formal discussion processes as a way of detracting attention from the informal practices and corruption that perpetuate the kafala system. WIF's proactive engagement on dismantling kafala and its diverse network contributed to the adoption of the SUC in a form that is relatively advanced for what has existed before in Lebanon, which is why now its implementation is being resisted. Yet it is not clear how any potential progress in laws and policies can be sustained when in the absence of political will to reform. The example of Nepal shows how progress is possible when a far more receptive government exists.

Given the number of policy setbacks which the programme has not been able to control (labour codes in India, suspension of the SUC in Lebanon, lost collective bargaining rights in Jordan), and given the inhibiting role of particular actors in these, it would be of value that in the different contexts where the policy reforms are being derailed that some more detailed political economy analysis is undertaken. This analysis should highlight the actors involved and their interests and roles, in order to understand a) the balance of power between those who support the rights of migrant workers and those who support the stripping of such rights, including under any pretext of simplification or reform, and b) how the framing of the policy reform agenda can be done in a way that creates space for rights to be upheld and not the reverse. If the odds are against migrant workers, it may be better not to engage in the policy discussion, otherwise the ILO's involvement can be used to legitimise poor policy decisions that further dismantle the rights of migrant workers.

5. Research and evaluation, to build stronger evidence in this field.

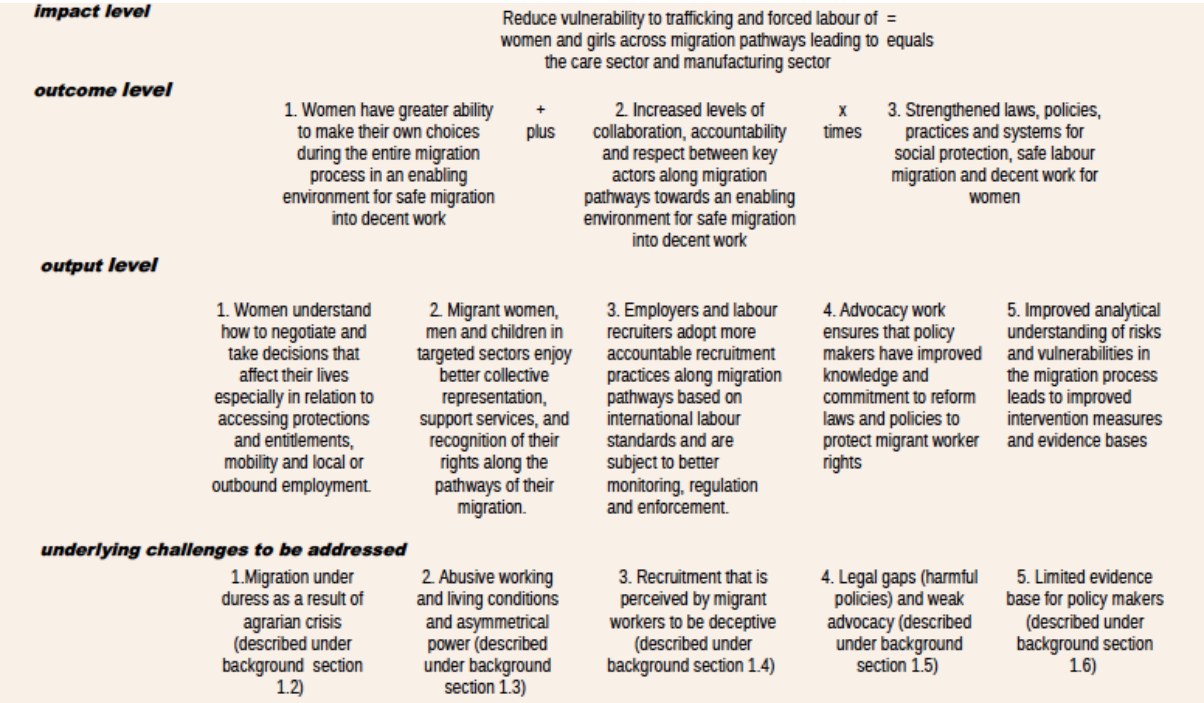
The research should include the political economic analyses, which are not currently included in the research plan of the IFPRI consortium. However some of the research intended, for

example on migrant worker social networks in Lebanon, should directly support the types of recommendations we are making (and consolidate in the Recommendations section). Part of its importance is to understand the relative contribution the project is making, even in preventing adverse conditions from regressing further. It's important that key principles around migrant worker's rights and conditions continue to be upheld by the ILO and to humanise them as people. The language of commodification, which is extremely handy for governments that do not want to support reforms, needs to be continuously challenged, and it is part of the role of sensitive research to unpack this further and how an alternative discourse towards humanisation and promoting the agency of workers can be pursued.

7.2 Results Framework

The below is a short discussion around the results framework, and areas where potential changes will be considered.

Fig 1: Work in Freedom 2 Theory of Change



Impact and Outcomes Statements

The impact statement, signed off at Ministerial level, will remain as it is. It contains an emphasis on vulnerability that can be worked with and potentially expanded upon in the remainder of the Results Framework.

The three outcomes represent Agency + Relational x Structural Outcome areas. There is room to manoeuvre with each of these.

Outcome 1 is important and current activities to achieve it need further strengthening. This works at collective as well as individual levels, with the much more specific focus in WIF2 on empowerment approaches that promote agency. The skills training and information

provision in WIF1 undertaken within sending communities largely adopted a passive, didactic approach that did nothing to advance women's choices. The approach within the second phase is much more appropriate, owing in large part to the shift in partners that WIF2 has made, and to allowing these partners more flexibility in pursuing their own approaches.

Outcome 2 is more challenging. Its focus is on the relational elements between different actors along migration pathways and in sending and receiving communities. In sending communities there is an issue around cultural factors, especially regarding the intersection of gender, caste, class and religion. With more straitened economic circumstances the pressures on younger women to get married or go out to earn an income are greater, with cultural expectations being mediated by these factors.

The other key relational issue is with respect to the role of recruitment agents, and the nexus of relations around them in receiving contexts, as already highlighted. They are under pressure with the decline in jobs and the pressure on those still employing migrant workers to cut corners and costs. RAs are losing income and retrenching staff, and consequently wish to forestall any further reform of the kafala system that they benefit from more than any other actor in the migration process. In particular in a context like Lebanon they will wish to prevent any changes to the unified contract that would make it easier for migrant workers to switch sponsors/ employers, and indeed for these sponsors to be released from their contractual obligations for the migrant worker under the present system. In discussions with a range of NGO actors they still see the nexus between RAs, politicians and those benefiting within the Ministry of Labour, as being extremely hard to break. It may be beyond WIF to shift much, but to find potential pressure points and use these needs to be done, and hence the need for specific political economic analysis to detail the issues and relations involved. The fact that the Lebanon High Court has just frozen implementation of the recent revised standard unified contract is an illustration of the political pressure to maintain the kafala system and the relational tensions involved. It's a difficult situation for the ILO when the government proves to be not an ally in increasing accountability and respect between actors. A similar situation currently applies in Jordan, where garment companies are also sided with in issues concerning the lack of respect to maintaining the legal conditions of women garment workers.

We will look at whether there is more potential within the strategy to focus more on migrant workers as workers rather than migrants, and the issues being around labour rights, rather than just safe migration. This might help to shift the accountability debate, since with the debate as it is at present, RAs and factory employers are escaping accountability.

Outcome 3 activities have had an emphasis on 'strengthened laws and policies' whereas it is more the 'practices and systems' that appear to need the greater attention. This is the multiplier outcome area, so the progress achieved in this outcome area is important for the scale of the overall contribution to change achieved by the project. Work towards the new, unified contract for example in Lebanon, is a good example of the type of policy change envisaged. Yet it's implementation, and not just based on this week's High Court judgement, is far from certain, since the spirit of change envisaged in it is being resisted, including from

within the Ministry of Labour. So what are levers here, towards (vastly) improved practices and systems?

Within India there is also a challenge to reverse existing trends towards removing domestic labour from definitions of work, and thus eliminating protections for domestic migrant workers. Work with women's groups and unions is critical to the confrontation of these negative trends, and halting the slide in protections for internal migrants. In Bangladesh, the intersectionality of gender and class is leading to a worsening in the conditions of women who have lost work in garment factories in the country and whose risk to abusive conditions and forms of forced labour has therefore increased.

Output level
The current set of outputs reflect prior trends rather than some of the more current trends and conditions. We have agreed not to add to the number of existing outputs, in large part for budgetary reasons since the project is already operating off a reduced budget, but we have suggested changes in the wording of some outputs, and a series of changes to indicators.

Additional challenge
One additional challenge needs to be added to the ToC, recommended as follows:

- Effects of global economic and health crises (economic recession and Covid-19 pandemic) on employment rates, migration channels, employers, migrants and working conditions.

8. Recommendations: Intervention Activities

Our aim in this section is to highlight some of the key intervention areas that we recommend the programme strengthens in the remaining years of its operation, in order to strengthen both its current impact as well as the future sustainability and legacy of its activities and the relationships that have been developed.

- *Enhance focus on improving the agency of potential, existing and returnee women migrant workers*.

One component of the intervention strategy that stands out in terms of its importance is the effort to increase the agency and choices that migrant workers have, and hence to support their overall empowerment. This is the first outcome area of the results framework, and it remains of crucial importance. Whilst there has been an improved strategy to advance the agency of potential, returnee and internal migrants in South Asia – India and Nepal, in particular – this strategy is still limited in nature in the receiving contexts in the Middle East that WIF is focusing on, Jordan and Lebanon, owing to the governmental bans on formal associations. This is a result of the combination of the limiting policies of government in both contexts, coupled with the exercise of power by those with most interest in retaining the kafala system, hence limiting the scope and opportunities for formal system reform. WIF has however contributed support to ARM, MCC and the Domestic Workers Union (DWU) in Lebanon that has led to the creation of workers led associations that are now

operational, such as the aforementioned examples in Section 6. More focus on this, and the articulation of women migrant workers' voice, would be desirable.

As Renu Adhikari (Nepali consultant) put it, and what others have articulated as well, 'empowerment' is not something that can be 'given' to any woman; rather an enabling and supportive, conducive environment has to be built at all levels in order for a woman to feel empowered. At the heart of this is combating patriarchal thinking around women's work and mobility, which organisations are trying to discuss with women and community groups, and raise awareness on the issue. Holistic empowerment that identifies interlinkages matters too, according to most groups. Some of the linkages and key areas of empowerment that groups feel the need to concentrate on are:

1) Building women's leadership: Many organizations, through returnee migrants, have built a conducive atmosphere for women's leadership in their peer leaders, community workers or social workers. The training given to social workers is quite rigorous in Nepal, on gender, rights, economic independence and other topics. Leadership building through unions is also effective, according to SEWA, PTS and NWWT. Women's leadership is honed and they are able to take up various issues related to work, rights and VAW.
2) Understanding and dismantling patriarchal control over women's work and movement.
3) Right to choice: knowledge about the environment and its opportunities: Many groups are now positioning migration as a right to choice and helping women explore other possibilities before they make a decision regarding migration. In the current context of falling jobs for women migrant workers, this is critical to mitigating the risks of women leaving for forms of employment that remain uncertain, or with a high chance that contract conditions will not be fulfilled.
4) Control over income and assets: Women workers that migrate usually have no or limited assets and for many they have little or no control over their remitted income subsequently. That creates situations of immense vulnerability. Bangladesh groups observed that in some cases, women have remitted their salaries from abroad, to relatives' accounts. They never saw the money again. Organisations help women with financial literacy, to open bank accounts in their names, and tell them about the processes of remittance.
5) Building leadership and enabling women's empowerment at the source or sending communities, is very important (SEWA). This will enable a continuum of rights enablers, the portability of rights, with chains and links between different migrant women groups in various places. Filipino women migrants usually have excellent networks and this helps reduce their vulnerability to forms of trafficking and forced labour hugely.
6) Following through on knowledge and information: Just providing knowledge and information is not enough. How this will be used is very important. Women may know about fair wages but how will they negotiate and bargain for them? This is a very crucial link that the organisations feel the need to follow up on.

- *Build further coherence around work on collectivisation and unionisation in South Asia and leverage work more effectively.*

SEWA, JGKU, PTS and NWWT emphasize the need for unionization for women workers to claim rights and entitlements.

The unions that these organizations have promoted and nurtured help in providing women workers with the support that they need, although there isn't always a formal law and policy in place. They work together with other unions to determine how domestic workers and other informal workers can get some benefits. JGKU ensures that workers have the security of a tripartite contract, between the employer, worker and the union. This contract and its terms are notarized in court. Similarly, SEWA and PTS also help with contracts for workers and having union membership cards for workers which provide some amount of credibility and security.

Unionization is especially important in collectively providing support to survivors of VAW and those whose rights have been violated. Union members help each other in protesting violence and claiming their rights. This solidarity and support go a long way in creating an environment that is conducive to women's empowerment. Unions (SEWA, PTS), have also prevented underage girls from tribal areas in Orissa from entering the workforce and have helped many girls to return to school.

- *Maintain and strengthen focus on enhancing women migrant workers' conditions and choices in Middle East destination locations.*

The need here is to keep pushing the case for women migrants to be treated as workers first rather than migrants first. This is a key requirement for them to be treated as more fully human rather than just commodities, as they are in so much of official bureaucratic discourse on migrant workers. The paradox involved here has already been noted, that the formal systems and contracts are often seen as more responsible for imprisoning and constraining the migrant worker, often denying her, her basic rights and freedoms, than more informal arrangements that are often extra-legal in nature. One result of the pandemic is that many employers (kafeels) are more willing to let their employee work for several days with other employers, giving her more control over who she works for and how.

What needs to be done is to pressure the governments more in Lebanon especially, but also Jordan to recognise these arrangements as more efficient and fair for workers and employers, and more in line with the government's ability to uphold international standards for migrant worker rights. An important potential source of change is that as noted by our Lebanese colleague in the EA, the situation of migrant workers in Lebanon is seen as part of the broader set of injustices experienced by citizens and migrants alike that especially younger generation Lebanese do not wish to accept any more.[82]

[82] The demonstrations that started on the 17 October 2020 were to seek an end to all forms of injustice in the country. The new generation displayed banners and flags against all exclusive practices, among them the issue of migrant exploitation and discrimination (Gulnar Wakim, eye-witness account).

Specific actions building on current activities and workers' desires to improve workers conditions and choices might include:

1) Continuing to encourage implementation and adherence to the Standard Uniform Contract finalised in 2019, but recently put on hold by the High Court. This contract still enshrines the rights and protections for women migrant workers they should expect and are entitled to and the government itself should defend the contract.
2) Extension of rights in SUC to allow workers more freedom in negotiating alternative or additional working arrangements, and to permit kafeel's to allow this.
3) To continue to support initiatives for migrant workers' centres and meeting places for women migrant workers where they can meet socially and raise and discuss issues they are facing, and in serious cases be able to receive support for redress. The latter is the most controversial area of the role provided by the Workers Centre in Amman, supported by ILO, which serves largely migrant garment factory workers. The need at least to be able to articulate collectively major working condition contractual and rights abuses is critical however.
4) Find additional and encourage existing partners in Lebanon to focus more on advocacy and lobbying work, and to promote more official respect for migrant workers as people contributing to the economy and society. Link migrant worker rights to those of national workers, hence allowing them to meet and organise more easily and for their contributions to be recognised.
5) Encouragement of the further development of informal associations and social networks for women migrant workers in Lebanon, as well as Jordan. For the last few years there have been informal migrant worker associations using social media such as WhatsApp, which WIF has played a role in helping to foster. Some of these became more visible following the loss of jobs and migrant workers being made homeless and being forced onto the streets, eg of Ethiopian domestic workers in Beirut. The collective face of Ethiopian (and other migrant domestic) workers supporting the clean-up in Beirut after the 7 August bomb blast was important symbolically. More space for migrant women to be visible collectively is important.
6) Seek more involvement of student organisations to be of issues affecting migrant women workers and to support the promotion of migrant women workers rights, as other workers in Lebanon. Support inclusion of components on migration in Sociology and Gender curricula in universities.

- *Incremental, multi-level advocacy*

Advocacy and networking are also very strong tools for promoting workers' rights. Since advocacy at the centre can be difficult, the partner organizations in India suggest that workers' rights issues are taken up at the local governance and administrative levels. Networking with other platforms and unions, as well as NGOs, help in making the issues of informal workers visible at the village, block and state levels. There is a need to engage village and block level government leaders and workers and have dialogues with them to emphasize the importance of women workers' rights and migrant women's rights. Nepal

NGOs have also stressed the importance of advocacy at the local level and women's participation in advocacy. A key mantra for this phase of WIF is that '*Workers' rights are women's rights'*. Migrants are hired as workers, and therefore should have the same rights that other workers have. They should thus be understood primarily as workers, rather than as migrants, and (migrant) women should have access to the same rights that men do.

Shramjeevi Mahila Samity (SMS) in Jharkand tries to deal with the greater vulnerabilities of underage girls by advocating their rights at various levels: at the level of the family, the parents and family members are encouraged not to send their daughters at a very young age for work. Education of the girl is encouraged and older women in the family are asked to consider migration, instead of young girls. SEWA has also recounted instances where union members have prevented underage girls in Orissa from migrating and have motivated some of them to continue their education.

At the administrative level, SMS and women's groups, engage with the village level child protection committees (VLCPC) to explain the importance of preventing underage girls from migrating for work and to promote education instead. This is a challenging task since village level committees are often not invested in bringing change and it takes perseverance on the part of the organization and women's groups to enable an understanding of the issues at stake. Some specific issues in India and Nepal are:

1) Women should also have a right to access social security measures that men do.
2) Access to fair and equal labour rights.
3) Need common platforms for many of these advocacy issues, for example, collectives and unions working on access to justice issues at different levels.
4) Informal workers are frequently kept out of workers' rights legislation, eg domestic workers, as is presently occurring in India. There is no central legislation at the moment recognising domestic workers rights.
5) Vulnerable communities need forms of safe (and green) employment and how to stimulate this.
6) Difficulty to have a universal perspective of workers and women's rights because of intersectionality of caste, class, ethnicity and religion. Gender disparities differ across castes and classes – not all castes/ classes/ ethnicities recognise women's rights to work.
7) Issues around the Citizenship Amendment Act in India that makes eg Muslim women from Bengal more vulnerable, since it creates an environment of mistrust and suspicion along religious lines.
8) Expanding choices is critical so that young girls currently forced to work that come from tribal communities or scheduled castes have improved access to and choices with respect to education and work options.

Conducting research studies on women domestic workers' conditions, of conditions in the informal sector are part of these organizations' work since they believe that having evidence-based research is a powerful advocacy tool.

- *Increase focus on documentation allied to experiential and advocacy communications during the remaining lifespan of WIF to consolidate the programme's legacy.*

The WIF programme has built up deep levels of understanding of the nature and pitfalls for women's migration from South Asia to the Middle East, as well as internally within India. This understanding of the complex issues involved is invaluable and unlikely to be replicated within another programme in the near future, given this is the last phase of WIF. There is urgent need to record and communicate this understanding, to leave a record which is accessible whenever circumstances allow such programming to be picked up and built upon further.

There is also a need to step up advocacy related work, including for instance with the production of policy briefs, and improve the visibility of media coverage.

9. Recommendations: Evaluability

There are a number of points that need to be made regards the evaluability of WIF2. Firstly, the value of the programme lies not in the numbers that have been reached, even though this were a key metric emphasised in DIFD's original business case. However, the current economic and health crises have entirely changed these dynamics, making most important the role of the project in identifying and addressing the changing dynamics of migration and vulnerability.

Issues that DFID (now FCDO) have raised that they require to see how they programme is addressing them are those of value for money and effectiveness. With respect to effectiveness, we believe that with the shift in focus undertaken in South Asia since the first EA that there has been a significant improvement in this metric. Effectiveness is tied to the ability of women to exercise greater agency and choice in their educational, livelihood and life style options, and in the support they receive to achieve this through networks of women's unions, associations and networks. WIF is attacking a whole range of factors that serve to accentuate the vulnerability of poor women in patriarchal cultures. Its effectiveness is in the way through its partners it is attacking the whole edifice to make women in safer. The strategy is now more holistic than it was previously, and the current theory of change, more robust.

In the Results Framework, there is a strong focus on working with formal organisations in migration pathways – recruitment and government agencies – with civil society partners often as trainers, given the ILO's tripartite mandate. However, in India and Nepal, the advantage of many of the partners that ILO works with is that they foster and work with women's unions or associations, and even in the Middle East there is potential to work more fully with informally organised women's associations. This now needs to be reflected more in the project indicators.

In the accompanying recommendations in the project Results Framework, we have suggested changes in outcome indicators, in the wording of some outputs, and in revisions

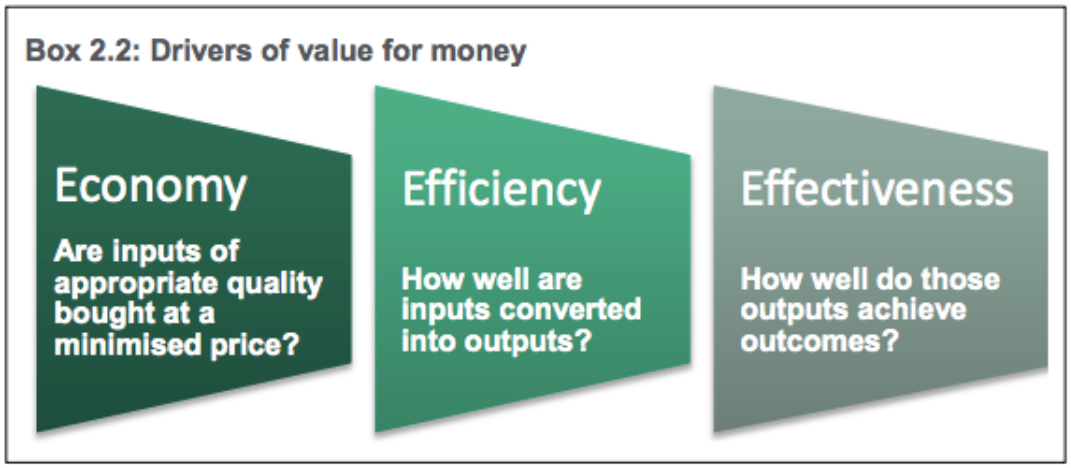
to the sets of indicators for every output. Currently, although the theory of change has evolved since the first phase of WIF as guide to the shift in strategy, the indicators themselves remain more attuned to the previous more didactic and training oriented approach that did not grapple with broader underlying issues of gender inequality that cause poor women migrants to be especially vulnerable to forms of exploitation and servitude. A summary of this indicator changes is provided as follows.

- Empowerment orientation – Changes in Output 1 phrasing and indicators and Outcome 1.1 indicator
- Unionisation and association work – Changes in Outcome indicator 1.3 and Output 1 and 2 indicators
- Enhancing opportunities for improving working conditions and women's freedom of choice in the Middle East – Originally a new output was suggested, but after discussion, and given budgetary constraint considerations, we have instead revised Output 4 phrasing and changed all indicators.
- Incremental, multi-level advocacy – Added Outcome Indicator 3.3, Changed Output indicators 1.3, 2.3 and Output 4 indicators
- Legacy building – Output indicator 5.3 added.

Value for Money Indicators

The ILO has also been asked to develop and report on a set of value for money (VFM) indicators. The three Es as indicated below are a common set of parameters for guiding ways to look at VFM, and are used by the UK government. It is intended that VFM acts as an indicator to show quality and sustainability, for the best cost that is feasible.

Fig 2: The Three Es as Value for Money Drivers[83]



An issue with development projects is that the assessments conducted for a results framework should already provide a good indication of VFM, since they provide information on how well a project is achieving its anticipated outcomes. For WIF, as has been done in the project text on VFM, statements have been written on each of these topics. To demonstrate VFM in a coherent way, what is needed effectively is a way of demonstrating the program's value proposition, covering the three Es.

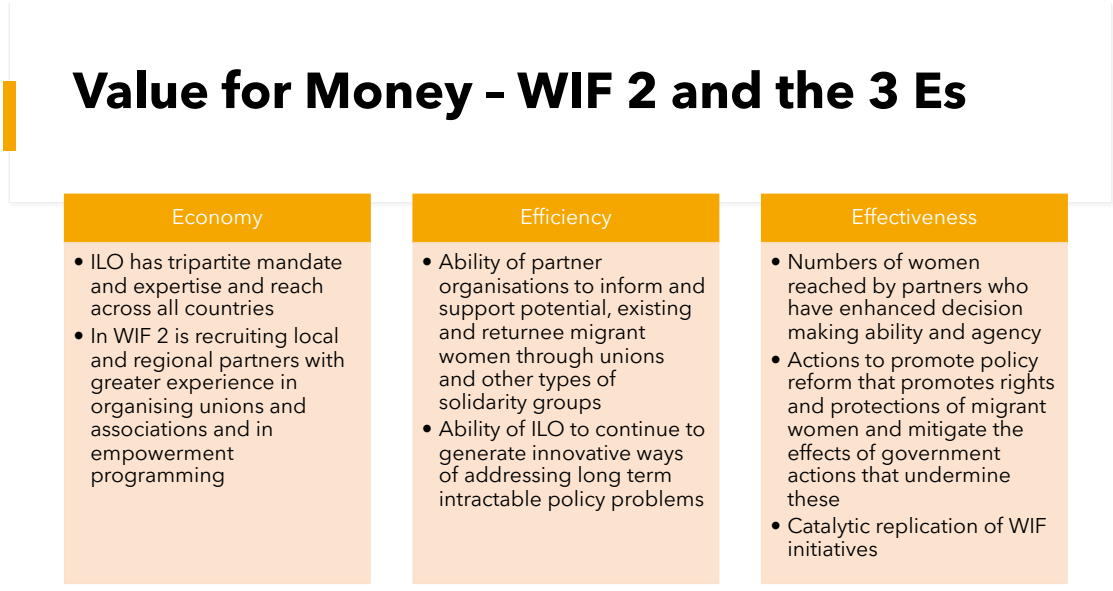
[83] Department of Transport (UK), 2015, 'Value for Money Framework: Moving Britain Ahead'

For WIF, the value proposition needs to be cast as a positive not a negative. It would be hard for the project to assess the number of women and girls potentially being prevented from being trafficked, but it is much easier to assess women and girls that have been empowered through the project and are supported in being able to make more informed decisions with respect to their lives. This will involve potential, existing and returnee migrant women who have been involved in training events and are part of organisations or associations supported by partners of the project in the different countries, and whose capacity development has also been supported by the project.

The Covid-19 pandemic has challenged WIF's value proposition in two main ways. Firstly, by reducing the number of jobs for women migrants in the middle east for both economic and health reasons, which has cut down flows of new women migrants. And secondly, because government policy making in sending and receiving countries has become preoccupied with other issues, and interest in protecting women migrants is seen currently as a low priority, when those employing them, whether individuals or companies, are struggling economically. This is making it tougher for WIF to achieve the kinds of policy reforms that were aimed for at the project's onset; yet with risks for migrant women being exacerbated the need for the program and its initiatives to reduce these is greater than ever.

In the following diagram, our aim is to look at the issue of VFM as holistically and coherently as possible, considering the current circumstances, and to suggest a way of focusing measures to assess it..

Fig 3: Value for Money Focus for WIF



The issue of economy is addressed by the ILO's own expertise and reach, and the ways this has been strengthened in the current phase of WIF. Second, is the enhancement of WIF's partnerships, so that the programme is now working with partners capable of greater reach

and empowerment of potential and existing migrant workers, through the organisational forms they have established.

Efficiency is addressed by the manner of these partners operations, and their ability to undertake activities which do improve the information awareness and support to a range of women who fall within the programme's remit. In addition, it is through the ability of the ILO itself to continue to use the programme resources to seek innovative ways of addressing ongoing problems and constraints it faces, and to build on the successes that do occur.

Effectiveness lies in the greater empowerment of all the women involved – the existence of wider choices for them, and their ability to make more informed decisions, and receive appropriate support for these that helps promote and safeguard their rights and protections. It also lies in WIF's ability to address the more negative policy and systems actions governments have taken during the economic downturn that the pandemic has exacerbated, and the restrictions the pandemic itself has placed on people's freedoms, especially that of movement. Finally, effectiveness lies in the ability of WIF to spread awareness of its programmatic and research work and for there to be various adoptions of elements of this work by other programmes and institutions, including within the ILO itself as well as other UN organisations, governments, unions, and civil society.

10. Conclusion

We have conducted this Evaluability Assessment in much greater depth than that we undertook for the first phase of the WIF programme. This is a reflection of both how far WIF has evolved since it was first initiated, and of the more complex nature of the programme given the greater economic, political and pandemic related challenges now being faced. At the outset of the EA one of the cautions we received was on the ability of WIF to make forward progress especially on policy related changes, given the reluctance or sheer obstructive nature of some of the participating governments.

Yet little progress is unilinear, and despite the backward steps that do occur, we have been impressed by the way WIF has evolved. Given the level of professionalism and experience of the WIF programme staff we have worked with, the programme has developed good habits in falling forwards. It is a programme that naturally encounters constraints and various forms of resistance from actors with entrenched interests in preserving both patriarchal social systems, and their financial stakes in the commoditising nature of the kafala system. Poor migrants sadly, and especially poor women migrants, tend to be dehumanised the world over, but systems such as the kafala system are particularly iniquitous because they start from the assumption that the worker is a commodity rather than a human, and thus cannot have the same entitlement to rights as the employer. In our EA we have sought to explore more fully the current vulnerabilities to which these women migrants are subject.

In South Asia, WIF has made particular progress in its shift to an approach which values and seeks to encourage further the agency of the woman, whether she is a potential, existing, or returnee migrant. Some of the partners involved, such as SEWA, GAATW, WOREC, Pourkahi, NWWT and others, recognise that this agency has two fundamental attributes. One is

seeking to advance the choices a woman has, with respect to education and training, livelihood option, and indeed, social options within the family. Two, these partners also recognise that given the intersectionality of factors of class, caste, ethnicity, religion and gender that will push these women down, that their individual empowerment has to have a collective dimension too. They cannot survive or thrive alone, and hence unions, associations and groups are central to their strategies of helping free these women from the various forms of social servitude to which they are subject.

The role of migration in the lives of workers is multiple. For many it is a dream and a form of escapism, which the reality is unlikely to match. For this reason alone, the involvement of returnee migrants plays an important role in helping women make choices based on real rather than imagined information. As discussed for South Asia, there is a social and economic push factor that leads to many woman having little choice but to migrate, since their families demand it of them. What WIF has helped achieve is to put a process in place that can allow these women to make better informed decisions, and if they do leave, to do so with their eyes more fully open. Migration can and does provide an avenue to improving the lives of women migrants, including for their families if they have children. If subject to family pressures from male relatives, they are more likely to earn and retain some of their income that will grant them a chance to improve their status and have a better life. If these women are exposed to the women's organisations that WIF is presently working with, they should now have an improved chance of migrating safely and successfully. Our recommendations are designed to support WIF in being able to demonstrate this.

One of the important practical aims of WIF has been to break the stranglehold effects of the notorious kafala system in its denial of migrant workers, especially women, the rights, conditions and humanity they should be entitled too as workers. There is no law that enshrines the system, but its effects are insidious, and the language of class, patriarchy and commodification, defended by the political and economic interests of those that back it, sustain it. It suits authoritarian control instincts, but even the governments that still use it as a means of control cannot defend it morally. Women migrant workers subject to this system have made it clear they want greater respect, improved working and living conditions, and greater freedom to choose who they work with and how. There are cracks in the façade and the constant knocking of the ILO, WIF and its partners have played vital roles in achieving this. But the façade has yet to come down.

What is important is that in its remaining life span WIF continues to be stubborn, as well as seeking additional ways to undertake the knocking. The SUC needs to be implemented in Lebanon, more associational forms for migrant workers need to be encouraged, more opposition to the stale culture of commodification needs to be engendered amongst a younger, activist generation, tired of the broader stagnation in Lebanese political life. WIF needs too to document its experiences more effectively for advocacy purposes and to preserve its legacy. But its task is as yet unfinished and it has more to achieve in furtherance of the shift in approach undertaken in South Asia, especially in Bangladesh, and to clear more of a path for change in the Middle East.

Annex 1: Interviews

A. South Asia

Organization	Persons Interviewed	State and Country	Interview date
National Workers Welfare Trust (NWWT)	Sr. Lissy Joseph, Founder and Coordinator, Shruti, Assistant Coordinator	South India	24 November 2020
Self Employed Women's Association (SEWA)	Nalini Nayak, Sonia George and Sheena	India	10 November 2020
Jharkhand Gharelu Kamgar Union	Lix and Poonam Horo	Jharkhand, India	17 November 2020
Penn Thozhilalargal Sangam (PTS)	Sujata Mody, Founder and Palanibharati, Coordinator	Tamil Nadu, India	10 November 2020
WOREC	Shristi, Deepak and Saraswati	Nepal	9 November 2020
Pourakhi	Manju Gurung, Founder and Subhash Khatri, Project Planning and Monitoring	Nepal	7 November 2020
OKUP	Mamun, Program Manager, Sharmin, Trainer	Bangladesh	11 November 2020
Karmojibi Nari	Sunzida, Morsheda, Israt and Dipa	Bangladesh	19 November 2020
AWAZ Foundation	Anis Khan, Project Coordinator and Emran, Case Manager	Bangladesh	22 November 2020
Dalit Adivasi Manch	Rajim Ketwas, through a webinar organized by GAATW, where she was a speaker.	Chhatisgarh, India	3 September 2020
Shramjeevi Mahila Samity	Purabi Paul, Founder and Secretary	Jharkhand, India	6 November 2020
NAWO (partners with SEWA)	Bishakha Bhanja, through a webinar organized by GAATW, where she was a speaker	Orissa, India	3 November 2020
GAATW Spoke to Bandana together with Michael	Bandana Pattanaik and Namrata Daniel	Bangkok, Thailand and in India	Namrata on 9/11/2020 and Bandana on 18/8/2020
Therese Blanchett With Michael	Therese, Researcher	Bangladesh	20 November 2020
Renu Adhikari	Renu Adhikari, Consultant and resource person	Nepal	24 November 2020
Suraia	Country Coordinator, Bangladesh	Bangladesh	3 November 2020
Sandhya Sitoula	Nepal Country Coordinator, ILO	Nepal	18 August 2020
Neha Wadhawan	India Country Coordinator, ILO	India	21 August 2020
Narendra Bollepalli		Nepal	14 August 2020
Igor Bosc			19 and 20 August 2020

B. Lebanon and Jordan

Organization	Persons Interviewed	Interview Type	Interview date
Tahseen Khayyat Company	Shattenje	Tahseen Khayyat company, Beirut, Lebanon	Wednesday 19 August 2020
Tahseen Khayyat Company	Shohan	Tahseen Khayyat company, Beirut, Lebanon	Wednesday 19 August 2020
Volunteers without Borders Organization	Mahmoud Zelho	Volunteers without Borders tent, Mar Mikhael	Wednesday 19 August 2020
Volunteers without Borders Organization	Nashat	Volunteers without Borders tent, Mar Mikhael	Wednesday 19 August 2020
Caritas	Dr. Rita Rhayem	Caritas, Headquarter, Sin el Fil. ITW conducted online	Thursday 20 August 2020
Caritas/Migrant center	Hessen Sayah	Caritas, Headquarter, Sin el Fil. ITW conducted online	Friday 21 August 2020
Head of SORL (the syndicate for recruiting agencies)	Ali el Amine	Agency, South. ITW conducted online	Friday 21 August 2020
Ex Minister of Labor	Dr. Charbel Nahas	Charbel Nahas summer house, al Akoura, Mount Lebanon	Saturday 22 August 2020
Advocacy and Communications Manager at Anti-Racism Movement (ARM)	Zeina Ammar	Zoom	Monday 14 September 2020
Founder of Legal Agenda	Nizar Saghieh	Zoom	Monday 9 November 2020
Focal person at Anti-Racism Movement (ARM)	Jamil Oueini	Zoom	Friday 13 November 2020
Lawyer at Anti-Racism Movement (ARM)	Nermine Sibai	Zoom	Thursday 22 October 2020
Focal person for migrants at KAFA organization	Mohanad Ishak	Zoom	Monday 19 October 2020
Sponsor/Kafeel	Ramez Nader	Zoom	Friday 23 October 2020
Sponsor/Kafeel	Helene Nader	Zoom	Friday 23 October 2020

Organization	Persons Interviewed	Interview Type	Interview date
Sponsor/Kafeel	Ralph Nader	Zoom	Saturday 24 October 2020
Egyptian Worker	Mohammad HASSAN	Zoom	Monday 26 October 2020
Ethiopian Worker	Hasnaa	Zoom	Monday 26 October 2020
Ethiopian Worker	Mimi	Zoom	Monday 26 October 2020
Executive director at Tamkeen, Amman	Linda el Kalash	Zoom	Monday 16 November 2020
	FGD with migrants representatives	Zoom	Monday 23 November 2020

C. ILO Staff and WIF Advisory Group Members

Organization	Persons Interviewed	Country	Interview date
Chief Technical Advisor, ILO - WIF	Igor Bosc	Lebanon	Multiple Conversations
MEL Technical Advisor, ILO-WIF	Narendra Bollepalli	Nepal	Multiple Conversations
Lebanon Project Coordinator, ILO-WIF	Zeina Mezher	Lebanon	Multiple Conversations
Jordan Project Coordinator, ILO-WIF	Suha Labadi	Jordan	Multiple Conversations
Technical Officer, Workers' Center, ILO-WIF	Suneetha Eluri	Jordan	Monday 24 August 2020
Principal Investigator, IFPRI	Claudia Ringler	Germany	Thursday 26 November 2020
WIF Advisory Group	Prabha Kotiswaran	UK	Monday 23 November 2020
WIF Advisory Group	Mike Dottridge	UK	Thursday 26 November 2020
Social Development Advisor, Asia, FCDO	Andrew Clayton	UK	Monday 30 November 2020

Annex 2: Terms of Reference

ILO/Work in Freedom Programme
Revised Terms of Reference

To Lead Evaluability Assessment of Work in Freedom Programme, Phase II
August 2020

Background and rationale

Context, Challenge and Proposed Response:

1. For millions of poor or socially marginalized people in South Asia, migration is an important alternative to the realities of home. People move long distances in pursuit of jobs for varying reasons ranging from economic aspirations or loss of habitat resulting from processes of economic transformation, poverty, climate change, gender based violence or conflict. While some migrate internally, many also migrate abroad. For women and girls, especially of indigenous, *Dalit* or low-income backgrounds, the experience of further impoverishment and discrimination makes migration a viable option. While many are able to improve their livelihoods in cities at home or abroad, many also face exploitation by employers– practices that amount to forced labour.

2. Domestic work and the garment sectors in West Asia and India employ women and girls from South Asia. Reports of abuse from these workplaces include unpaid wages, confiscation of identity documents, long working hours without days off, restrictions on movement, deception about terms and conditions of work, sexual violence and intimidation – all indicative of instances of forced labour and trafficking. ILO estimates that 12.3 million of the nearly 21 million women, men and children in forced labour globally are found in the Asia and Pacific and Middle East regions. The majority are exploited in economic activities outside the sex industry, such as domestic work or the textile and garment sector. Some 55 per cent of all victims of forced labour are women and girls.

   Key factors contributing to situations of forced labour include weak labour protections for migrant garment and domestic workers, ineffective recruitment and contracting policies and practices, poor access to basic services in source communities, and information asymmetries shaping labour markets.

3. To address these challenges, the Work in Freedom Programme has set up a series of interventions engaging migrants, civil groups, businesses and regulators in a collaborative effort to begin addressing the multiple facets of forced labour in source and destination areas of migrant domestic and garment workers. Interventions are designed to reduce vulnerability to forced labour along those pathways and shape fairer labour markets. Activities focus on promoting mobility by choice, fair recruitment to decent jobs and safety and dignity for migrant workers.

The Project

4. The Work in Freedom (WiF) programme is a ten year regional programme which aims to reduce vulnerability to forced labour. It started with a first phase from 2013 to 2018 and is followed by a second phase from 2018 to 2023. The programme has adopted an integrated and targeted

approach supporting mobility by choice among women and girls from South Asian countries of origin (e.g. India, Bangladesh and Nepal), more accountable recruitment pathways and better jobs with safety and dignity of workers in destination countries (e.g. India, Lebanon, Jordan, Kuwait, Oman) through multi-sectorial policy measures. In the first phase, the programme reached out to 380,000 women at risk of trafficking and forced labour in South and West Asia. If policy recommendations are implemented, the programme could indirectly reach over one million.

5. Key stakeholders include governments, social partners, the private sector, NGOs and importantly, the voice and participation of women migrant workers themselves. The programme is consistent with the ILO Decent Work Country Programme of the targeted countries, and contributes to the national development frameworks by addressing key drivers and vulnerabilities of forced labour, and in particular Sustainable Development Goal (SDG) target 8.7.

6. The **Development Objective** of the programme is to reduce vulnerability to trafficking and forced labour of women and girls across migration pathways leading to the care sector and textiles, clothing, leather and footwear industries of South Asia and Arab States.

7. **Immediate Objective**: WiF addresses key drivers and vulnerabilities of human trafficking, such as (a) gender and other forms of discrimination, distress migration and poor working and living conditions, through an integrated prevention strategy of (1) targeted social protection and empowerment, (2) fair recruitment practices and (3) and evidence based policy advocacy for decent work options.

8. The WiF Programme has the following five **Outputs**:
   Output 1: Women understand how to negotiate and take decisions that affect their lives especially in relation to accessing protections and entitlements, mobility and local or outbound employment.
   Output 2: Migrant women, men and children in targeted sectors enjoy better collective representation, support services, and recognition of their rights along the pathways of their migration.
   Output 3: Employers and labour recruiters adopt more accountable recruitment practices along migration pathways based on international labour standards and are subject to better monitoring and enforcement.
   Output 4: Advocacy work ensures that policy makers have improved knowledge and commitment to reform laws and policies to protect migrant worker rights.
   Output 5: Improved analytical understanding of risks and vulnerabilities in the migration process leads to improved intervention measures and evidence bases.

9. The Project Document, logical framework, theory of change and WiF first phase reports will be made available to the Evaluability Assessment team.

Evaluation Process in ILO

10. ILO considers evaluation as an integral part of the implementation of technical cooperation activities. Provisions are made in all projects in accordance with ILO evaluation policy and based on the nature of the project and the specific requirements agreed upon at the time of the project design and during the project as per established procedures.

11. Evaluations of ILO projects have a strong focus on utility for the purpose of organisational learning and planning for all stakeholders and partners in the project.

12. ILO Evaluation policy considers that all projects with budget over 5 million dollars should be subjected to an Evaluability Assessment (EA) during the first year of its implementation for the quality and completeness of the monitoring and evaluation plan and two independent evaluation (midterm and final).

13. The EA is implemented by the project, while the independent evaluations are managed independently from the project by EVAL, the Evaluation Office of ILO.

14. The EA will be guided by an overarching question, namely, to what extent does the Work in Freedom (WiF) programme has the technical and strategic elements to achieve intended results, and to credibly demonstrate such results in future evaluations?

1. Scope of Assignment:

Purpose

15. As the programme nears the timing for a mid-term evaluation, it is important, before undertaking the mid-term evaluation, to determine the evaluability of the programme so that adjustments can be made that may enable and or improve the effectiveness of the mid-term and final evaluations of the programme.

The purpose of the evaluability assessment is to:
Review measurability: determine whether interventions are designed such that, once they are complete, they will be able to demonstrate their effectiveness in achieving established results and whether they are replicable. Recommendations, if and when needed, will be provided on (1) the logical framework, (2) the theory of change, (3) options for evaluation design, (4) value for money indicators and (5) adaptive learning. In addition the exercise will:

c) **Clarify data availability and adequacy** of data in reflecting progress towards results. The assessment will identify information needs and possible sources of information for the mid-term evaluation and the final evaluation.
d) **Raise awareness among the users of the project on what WIF intends to achieve** during the projects' period, and how they need to ensure the availability of adequate evidence to demonstrate such achievements. This includes orientating key staff on monitoring systems that should be developed and/or put in place to measure results, and evaluation questions of concern to stakeholders.

The following table illustrates how the evaluability assessment will be used:

Primary Users of Evaluability Assessment	Role
Mid-term evaluation team	Use of means provided by evaluability assessment to measure progress
IFPRI evaluators	Further define quantitative and qualitative analytical inputs that facilitate measurement of progress within the programme
ILO evaluation department	Monitor and vet quality of evaluability assessment. Provide technical guidance to CTA

ILO CTA, TA and NPCs	Liaise with partners and make necessary adjustments in work-plans
Secondary Users of the Evaluability Assessment	**Role**
UK Aid and Advisory Board	Suggest best practices to modify programme as necessary to enable a better evaluation
Project Steering Committee (National Level)	Review proposed modifications to work-plan modifications that may arise as a result of the findings of the evaluability assessment

Scope

16. The evaluator may adapt the evaluation criteria and questions, but fundamental changes should be agreed between the evaluation manager and the evaluator, and reflected in the inception report.

    The evaluator will ask questions on whether expected impact, outcome and output of the programme is (1) measurable, (2) whether information is reliable. Criteria including *relevance*, *effectiveness, efficiency, impact and sustainability* will be used in relation to respective outcomes measurability of interventions in the fields of migrant women (a) empowerment (enhancing agency), (b) fair recruitment and (c) governance; and three cross-cutting dimensions including (i) poverty and gender, and (ii) political and environmental context and (iii) labour markets. (3) Does the WiF programme of work (interventions and activities) have clear objectives and whether programme has a coherent, feasible and relevant logical framework and theory of change?

Technical questions

17. **Impact**. Impact statement, impact indicators, baseline, targets and milestones
    The impact indicator posits that the project will reduce of vulnerability of women through systemic policy changes and direct project interventions. Is the programme documenting structural vulnerabilities to forced labour in each relevant context? Is there a clear political economy analysis of the structural factors underpinning vulnerability to forced labour in each context? How is the project keeping track of fluid policy environments so that changes that are not influenced by the programme are visibilized and regularly compared with those influenced by the programme? Are there SMART indicators at impact level which can measure the reduced vulnerability and can be tracked over time?

18. **Outcomes**. Outcome indicators, baseline, targets and milestones

    Outcome 1: **Women have greater ability to make their own choices during the entire migration process in an enabling environment for safe migration into decent work**. List drivers that both enable and prevent women from having choices (in relation to mobility and working/living conditions) and suggest how to account for progress generated by the programme in contrast with adverse trends that should be highlighted. More specifically review how women being able to choose is affected by the programme but also by the agrarian crisis, patriarchal and other discriminatory trends tied with caste, class and religion (e.g. politics of identity), trends in access to social protection and the absence/existence of decent work jobs. Are programme interventions sufficient to offset adverse trends?

    Outcome indicator 1.1: In view of the above, how can changes in women's decision making ability be assessed (negotiating power/ shifts in power relations) within the family, in the choice

to migrate and the method of migration and finally at destination? Review current baseline and targets or propose changes as needed.
Outcome indicator 1.2: Review past occurrence of replication processes of successful empowerment by the WIF programme and define possible scope of replications.
Outcome indicator 1.3 and 1.4: Suggest methods and practices to systematically document cases of targeted women being able to collectively negotiate fair and equal wages and better working conditions and having faced violations.

Outcome 2: **Increased levels of collaboration, accountability and respect between key actors along migration pathways towards an enabling environment for safe migration into decent work.** Describe how cooperation is happening in support of the enabling environment and how cooperation is happening in a way that undermines the enabling environment for safe migration and decent work. For example, are efforts to promote non-binding commitments on safe, orderly and regular migration (or ethical recruitment) intended or sufficient to offset efforts to promote bilateral agreements between source and destination countries that pit migrants against each other and enable a racialized race to the bottom in terms of wages and working conditions? Is the fight against modern slavery focusing or deflecting attention away from decent work and how do efforts of the programme compare with them? What is the political economy of cooperation on migration and decent work and to whom is it benefiting? What is the programme doing about it? Are the programme's interventions sufficient to offset adverse cooperation trends?

Outcome indicator 2.1: Given the above, describe the status of the discourse on women's right to migration and safe mobility in two destination countries/states and two source areas, and provide recommendations. Suggest outcome targets for future years.
Outcome indicator 2.2: List current recruitment regulations in each country including recent changes and review targets.
Outcome indicator 2.3: List recruitment practices that WIF has assessed with potential for replication and suggest/review targets.

Outcome 3: **Strengthened laws, policies, practices and systems for social protection, safe labour migration and decent work for women.** List these laws and policies and describe positive and negative trends of what is happening to them in each country. Offer insights to apply a political economy analysis regarding such trends for each country. In view of adverse trends, suggest alternative wording that would enable better measurement of policy outcomes of the programme.

Outcome indicator 3.1: List categories of evidence that have been used to influence policy discussions and suggest possible targets.
Outcome indicator 3.2: Suggest way of documenting reforms/changes made at legislative and policy levels that address violation of migrant women worker rights and upholding of greater accountability levels.

Output 1: Women understand how to negotiate and take decisions that affect their lives especially in relation to accessing protections and entitlements, mobility and local or outbound employment.

Describe how WIF interventions under Output 1 are different of similar to other pre-departure or women empowerment interventions and institutional frameworks. How is the spectrum of such interventions and similar institutional frameworks framed by political economy

imperatives? In comparison with those other interventions and set ups, what makes the WIF's interventions more or less effective?

How do dynamics generating economic scarcity (caused by the agrarian and job crises) combined with gender and class segregation (triggered by politics of identity and structural discrimination caused by laws, policies and norms) concurrently disempower women in spite of programme interventions to empower women? How do these dynamics affect measurability of women empowerment interventions? How can women empowerment interventions be accounted for more effectively in the context of such trends? Explore other possible ways of measuring such an output (other than those listed as output indicators) and or confirm the current ones. Do staff need to invest more time and resources in making data available, analysing it and ensuring that lessons are documented for replicability?

Output indicator 1.1 – 1.5: Review output indicators and argue and suggest changes if needed including baselines, data sources and targets.

Output 2: Migrant women, men and children in targeted sectors enjoy better collective representation, support services, and recognition of their rights along the pathways of their migration.

Describe how WIF interventions under Output 2 are different of similar to other interventions or institutional set ups aiming to (1) build collective voice and representation of workers, (2) ensure that employers uphold fundamental principles and rights of workers. How is the spectrum of such interventions and similar institutional set-ups framed by political economy imperatives? In comparison with those other institutional frameworks and interventions, what makes the WIF's interventions more or less effective?

How do measures to prevent organizing and collective representation of migrant women workers, measures to prevent women from minority groups from accessing services and measures that block access to justice for migrant women influence the programme's interventions to improve collective representation and access to justice and remedies for migrant workers? Do programme interventions offset adverse trends within this Output? Analyse the political economy of organizing and collective bargaining by and for migrant workers in destination locations and alternative ways to measure programme interventions seeking to tilt the balance to reduce power asymmetries.
Output indicator 2.1 – 2.3: Review output indicators and argue and suggest changes if needed including baselines, data sources and targets.

Output 3: Employers and labour recruiters adopt more accountable recruitment practices along migration pathways based on international labour standards and are subject to better monitoring and enforcement.
Describe how WIF interventions under Output 3 are different of similar to other fair or ethical recruitment interventions and institutional frameworks. How is the spectrum of such interventions and similar institutional frameworks framed by political economy imperatives? In comparison with those other interventions and set ups, what makes the WIF's interventions more or less effective? How is labour intermediation being affected by the scale and quality of work that is available? Does it make sense to fix recruitment practices if decent work options are diminishing and labour intermediation processes are increasing? Would it be better to reformulate this output to make it focus on working and living conditions (Advisory Group recommendation) or add an output indicator on "initiatives to improve working conditions"?

Given the significant amount of research undertaken by WIF, would it make sense to document in more depth how poor working and living conditions affect labour intermediation?

Output indicator 3.1 – 3.3: Review output indicators and argue and suggest changes if needed including baselines, data sources and targets.

Output 4: Advocacy work ensures that policy makers have improved knowledge and commitment to reform laws and policies to protect migrant worker rights
How does the political economy of work affect possibilities of policy advocacy? What are adverse policy advocacy initiatives that co-exists with the WIF interventions on laws and policies? Who are the actors and how influential are they in contesting WIF positions even when they are known to be backed by solid evidence? How are other policy narratives undermining advocacy for labour rights and what is the programme doing about it? What else can the progamme do if its interventions are often insufficient to offset adverse policy trends? How should the programme keep track of these dynamics and strengthen its political economy analysis? Does staff need to invest more time and resources in analysing policy narratives?

Output indicator 4.1 – 4.3: Review output indicators and argue and suggest changes if needed including baselines, data sources and targets.

Output 5: Improved analytical understanding of risks and vulnerabilities in the migration process leads to improved intervention measures and evidence bases
Review research strategy and provide recommendations on it.
Output indicator 5.1 – 5.2: Review output indicators and argue and suggest changes if needed including baselines, data sources and targets.

Geography and timing

19. **Geographical coverage**: The EA will cover the national and sub-national level in the sampled programme countries, viz., at least four targeted countries.

20. **Period to be covered**: The Evaluability Assessment will cover the second phase of WiF and will include activities implemented during April 2018-May 2020. However, some lines of enquiry might require looking before the current phase and should include WiF lessons and the activities that were carried over from the first phase and/or similar activities that were reintroduced/improved under the current phase.

Suggested Aspects to be addressed:

21. The consultancy should be carried out in context of criteria and approaches of ILO policy guidelines for results-based evaluation and the technical and ethical standards and abide by the Code of Conduct for Evaluation on the UN System.

22. Gender concerns should be addressed in accordance with ILO Guidance note 4: "Considering gender in the monitoring and evaluation of projects". All data should be sex-disaggregated and different needs of women and men and of marginalized groups targeted by the programme should be considered throughout the evaluation process.

23. The consultancy should address specially to the ILO-EVAL guidelines in Evaluability Assessment. These are the Guidance Note 11 "Using the Evaluability assessment Tool", Guidance Note 12 "Dimensions of the Evaluability instrument" and the Guidance tool "Tool for Evaluability Review

of ILO Projects over US$5 million".

24. Guidance Note on Adapting Evaluation Methods to the ILO's Normative and Tripartite Mandate: https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_721381.pdf

25. The EA should include the following items:
    - Internal logic and assumptions
    - Indicators, baselines, targets and milestones
    - Data sources/means of verification and methods for data collection and reporting
    - Resources required
    - Partners' participation in the use of information
    - Project risk management
    - Outcomes sustainability

2. Expected outputs of the Evaluability Assessment

26. The EA should be completed within 3 months (August-October 2020) with a final report formatted for submission to ILO. Expected deliverables by the two member EA team are as follows:
    - A desk-based review and analysis of appropriate material.
    - Briefing meetings (in person and by Skype/phone) with the project team (CO-Beirut and other offices in targeted countries), the FUNDAMENTALS technical staff, the DFID and relevant national and regional level selected stakeholders.
    - An inception report based on the desk review and the briefing; centred on the work plan and deliverables. This report should include a succinct literature review chapter, methodology chapter or annex, data files from the desk review, and an updated data collection instruments and data analysis plan; an outline of the final report, including proposed annexes.
    - Informal feedback meetings with WiF/ILO staff as the outputs are being developed.
    - Validation workshop to present Zero version of deliverables, in Beirut or Delhi, with participation of other relevant stakeholders by VC or Skype to collect inputs for the preparation of the draft version.
    - The first draft of the EA report that includes a complete set of findings, overall assessments of the evaluability of the ILO/WiF supported interventions to achieve results, draft recommendations, draft TORs for a future evaluation, and all annexes. The contents of first draft should include, at the minimum:
        - ✓ Programme coherence
        - ✓ Comments and suggestions on Theory of Change including proposed alternative (graph and narrative)
        - ✓ Answers to Technical Questions within the report
        - ✓ Indicators matrix – output, outcome and impact levels (definitions, methodology of measurement, source, who and when)
        - ✓ Propose monitoring and evaluation methodology for data collection, processing, reporting and use, provide comments and suggestions on current Monitoring and Evaluation Operational Plan)
        - ✓ Targets indicators tables (baseline, milestones and targets)
        - ✓ Outline of next steps for implementing the proposed M&E methodology and tools
        - ✓ Conclusions and recommendations (with considerations on M&E and identification of which stakeholders are responsible for each action)
        - ✓ Appropriate Annexes including present TORs, schedule of the EA, individuals interviewed and documents reviewed.

- Upon considering the feedback and inputs on first draft, the second and penultimate draft of the EA report that includes all elements in discussed above, and the executive summary.
- Final report incorporating feedback from stakeholders. The final draft of the EA report, duly reviewed for quality, and conforming to the ILO publishing standards.

27. The draft final report will be circulated to key stakeholders for their review. Comments from stakeholders will be consolidated by the WiF M&E Officer and provided to the EA team following consultations with CTA. In preparing the final report, the consultants should consider these comments, incorporate them as needed, and provide a brief note explaining why any comments might not have been incorporated.

28. All drafts and final outputs will be in English.

29. All drafts and final outputs, including supporting documents and analytical reports should be provided in electronic version compatible for Word for Windows. Ownership of data from the EA rests jointly with ILO and the consultants. Key stakeholders can make appropriate use of the reports in line with the original purpose and with appropriate acknowledgement.

3. Methodology

30. In order to understand the various aspects of the programme, its direction of interventions and in order to elicit information of quality, the following is the proposed indicative methodology. The EA team to propose a variety of data collection approaches (e.g., semi-structured and informal interviews and discussions with stakeholders, focus group discussions with beneficiary groups, observation and listening to the narratives of women migrants etc.,) and other participatory methodologies. Appreciative inquiry based data collection approach is suggested. While the EA team can propose changes in the methodology, any such changes should be discussed with and approved by the ILO responsible officer, provided that the purpose is maintained and the expected outputs can be produced at the required quality.

31. The EA will be carried out using a desk review of appropriate materials, including the Project Documents, Logical framework, ToC, VFM and other M&E documents, Annual Technical Progress Reports (TPRs), WiF Phase I evaluation reports, other outputs of the programme (policy briefs, research reports, lessons learnt etc.,), Annual Review Reports by DFID, Advisory Board Meeting Reports, and relevant materials from secondary sources. WiF/ILO will provide the EA team with key programme documents for review and the documents should provide a sense of the intent of the programme as well as what is actually occurring. At the end of the desk review period and after having initial discussions with key project staff, it is expected that the EA team will prepare an Inception report indicating the methodological approach to the EA to be discussed and approved by the ILO responsible officer.

32. **Sampling strategy/criteria**: Based on criteria to be determined with inputs from the WiF Programme and considering status and breadth of implementation, the EA team to propose the sampling methodology of specific locations, stakeholders and partners for data collection. The assignment will focus on India and Lebanon. During the initial briefing meetings, ILO/WiF will ensure that the EA team gets as complete a picture as possible about the implementation status of WiF activities and prevailing context in different programme countries. Independent Purposive sampling with strong justification could be one of the options. This will enable careful selection of EA sites such that maximum learning can be derived from. The inception report by the EA team should identify the sites visits and it should elaborate on the selection criteria for those sites selected.

33. During the inception phase, the EA team will carry out a needs assessment through interviews

of key informants such as the project team in the various country offices, the DFID representatives and relevant ILO and country stakeholders identified during the inception phase through conference calls or face-to-face interviews.

34. Desk review and analysis, preparation of inception report and other deliverables will be home-based in close consultation with the WiF team.

35. Virtual data collection and if possible, plan for field visits (e.g., Lebanon, Jordan, India, Nepal) and discussions.

36. The EA team will also facilitate a stakeholders' workshop in Beirut or Delhi at the end of the work to validate a Zero draft of the outputs.

37. The stakeholders' workshop will be attended by the project staff, DFID and key stakeholders (i.e. partners, ILO constituents) by phone/Skype. This will be an opportunity for the EA team to gather further data, present the preliminary tools and obtain feedback.

38. The consultant will be responsible for organizing the methodology of the workshop. The identification of the number of participants of the workshop and logistics will be the responsibility of the project team in consultation with the EA team.

39. The EA team will be responsible for drafting and finalizing the evaluability assessment report. The draft report will be circulated to stakeholders in English for their feedback and comments. The team leader will further be responsible for finalizing the report incorporating any comments from stakeholders as appropriate.

40. It is expected that the EA team members will work to the highest evaluation standards and codes of conduct and follow the UN evaluation standards and norms.

4. Deliverables:

a. Inception Report
b. Periodic updates following regional and country-level consultations
c. Prepare draft reports and validation of findings
d. Finalized EA report with all annexures

5. Time Frame

The contract period will be from 03 August to 30 October 2020.

6. Work plan

The following table indicates the proposed work plan of Team Lead and assigned work days for different activities:

Table 2: Proposed work plan and tentative workdays

Phase and Activity title		Date	Location	# work days
Phase 1: Inception	Inception Meetings, Regional and Country	By 10 August 2020	Home based	2
	Document review		Home based	2
	Inception report		Home based	2
Phase 2: Regional and Country Consultations	Detailed document review and analysis	By 02 September 2020	Home based	3
	Interviews and FGDs with different actors		Home based	3
	Short summaries of all meetings		Home based	1
	Interim summary of progress		Home based	2

Phase 3: Analysis and Validation of Findings	Analysis of all findings	By 25 September 2020	Home based	3
	Debriefing and follow up discussions		Home based	1
	Deeper analysis and developing recommendations		Home based	3
	Drafting findings report and annexes		Home based	4
Phase 4: Finalisation of Outputs and Reports	Review of all feedback	By 30 October 2020	Home based	1
	Finalisation of reports and annexures		Home based	3
Total number of work days				**30**

7. Fees for the Assignment

The Consultant fees for the services will be per workday basis (not exceeding 30 days in total) during a period from 03 August to 30 October 2020. The Consultant will be paid daily fees for the actual contracted days of work. The rate of the daily fee has been determined based on a competitive process- through submissions of expressions of interest (EoI). In consideration of the same, the fee per workday for similar assignment(s) with the ILO or other UN and international agencies will be taken into account.