



FAIRWAY

ILO DC/SYMBOL: GLO/19/06/CHE

Type of Evaluation: Project

Evaluation timing: Mid-term

Evaluation nature: Independent

Project countries: Ethiopia, Kenya, Morocco, Nigeria, Uganda, Bahrain, Kuwait, Lebanon, Jordan

P&B Outcome(s): Outcome 7

SDG(s): SDG 10

Date when the evaluation was completed by the evaluator: 06 September 2022

Date when evaluation was approved by EVAL: [Click here to enter a date.](#)

ILO Administrative Office: MIGRANT

ILO Technical Office(s): MIGRANT, RO-Africa, RO-Arab States

Joint evaluation agencies:

Project duration: 1 December 2019 – 31 December 2023

Donor and budget: Swiss Agency for Development and Cooperation; US\$9,472,250

Name of consultant(s): Michael Drinkwater (Lead consultant), ~~Batul Sadliwala, Gulnar Wakim, Grace Isharaza, Gladela Idowu~~

Name of Evaluation Manager: Sudipta Bhadra

Evaluation Office oversight: Naomi Asukai

Evaluation budget: US\$32,985

Key Words: Migration, Fair Recruitment, Migrant workers, Corridor Approach

Mid-Term Evaluation of ILO's FAIRWAY Programme: Final Report



Michael Drinkwater (Team Leader)
Oladela Idowu
Grace Isharaza
Batul Sadliwala
Gulnar Wakim

August 2022

Photo Credit: Lebanon: Abandoned migrant domestic workers must be protected - Amnesty International: Creator: JOSEPH EID | Credit: AFP via Getty Images

Table of Contents

0. Summary	6
1. Background and Context	17
2. Purpose and Aims of the Evaluation	19
3. Project Description	19
4. Conceptual Framework and Methodology	21
4.1 Human Security Framework.....	21
4.2 Methodology	22
5. Review of Programme Approach, Achievements and Results	25
5.1 Arab States	25
5.1.1 Regional	25
5.1.2 Kuwait	28
5.1.3 Bahrain	30
5.1.4 Jordan	32
5.1.5 Lebanon	33
5.2 Africa.....	34
5.2.1 Regional Highlights	34
5.2.2 Uganda	36
5.2.3 Nigeria	38
6. Summary of Progress by Outcome Indicators.....	40
7. Issues Summary	44
7.1 Substantive.....	44
7.2 Procedural	47
8. Conclusions by Evaluation (OECD) Criteria	48
9. Lessons Learned and Recommendations.....	52
8.1 Lessons Learned and Emerging Good Practices	53
8.2 Recommendations for Next 18 Months	55
Theory of Change and Results Framework	55
Clarifying the Gender Strategy.....	57
Promoting the Principle of Solidarity	59
Strengthening the Inter-Regional Dimensions	59
Post-pandemic Recovery	60

Reinforcing and continuing the role of the Migration Advisory Group.....	60
Coordination and strengthening capacity building approaches across particularly African countries	60
Procedural Recommendations.....	60
8.3 Recommendations for Future FAIRWAY Phase.....	62
10. Conclusion	63
Annexes.....	64

Abbreviations

AU	African Union
AUC	African Union Commission
BLA	Bilateral Labour Agreement
BRMM	Better Migration Management Programme
BWI	Building and Wood Workers International
CoD	Country of Destination
CoO	Country of Origin
COTU-K	Kenyan Central Organisation of Trade Unions
CSO	Civil Society Organization(s)
CTA	Chief Technical Advisor
DMW	Domestic Migrant Worker(s)
DRC	Danish Refugee Council
DWD	Domestic Worker Department
EA	Evaluability Assessment
EDWA	Ethiopian Domestic Workers' Association
FCDO	Foreign, Commonwealth and Development Office
FENASOL	National Federation of Employees' and Workers' Unions in Lebanon
FGD	Focus Group Discussion
FMLE	Nigerian Federal Ministry of Labour and Employment
FUE	Federation of Uganda Employers
GBV	Gender Based Violence
GCC	Gulf Cooperation Council
GFBTU	General Federation of Bahraini Trade Unions
GoL	Government of Lebanon
HTS-Union	Uganda Hotels, Food, Tourism, Supermarkets and Allied Workers' Union
IDWF	International Domestic Worker Federation
IL	International Labour
ILMD	International Labour Migration Division
ILO	International Labour Organization
IOM	International Organization for Migration
KCCI	Kuwait Chamber of Commerce and Industry
KII	Key Informant Interview
KTUF	Kuwait Trade Union Federation
LMRA	Labour Market Regulatory Authority
M&E	Monitoring and Evaluation
MAG	Migration Advisory Group
MEL	Monitoring, Evaluation, and Learning
MGLSD	Ministry of Gender, Labour and Social Development
MOIA	Ministry of Internal Affairs

MoL	Ministry of Labour
MTE	Mid-Term Evaluation
MW	Migrant Worker(s)
MWC	Migrant Workers' Committee
MWF	Migrant Welfare Fund
NCFRMI	National Commission for Refugees, Migrants and internal Displaced Persons
NLC	Nigeria Labour Congress
NOTU	National Organization of Trade Unions
OECD-DAC	Organisation for Economic Co-operation and Development's Development Assistance Committee
OSH	Occupational Safety and Health
PAM	Public Authority for Manpower
PMP	Performance Management Plan
ROAF	Regional Office for Africa (ILO)
SDC	Swiss Agency for Development and Cooperation
SKDWA	Sandigan Kuwait Domestic Workers Association
SOP	Standard Operating Procedure
SORAL	The Syndicate of Owners of Recruitment Agencies in Lebanon
SRA	Syndicate of Recruitment Agencies
SUC	Standard Unified Contract
ToC	Theory of Change
ToR	Terms of Reference
TU	Trade Union
TUC	Nigerian Trade Union Congress
TUF	Trade Union Federation
UAE	United Arab Emirates
UAERA	Uganda Association of External Recruitment
UN	United Nations
WIF	World Investment Forum
WMW	Women Migrant Worker(s)

0. Summary

Purpose, scope and clients of the evaluation

This MTE serves two main purposes:

- 1) To provide an independent assessment of progress to date of the FAIRWAY Programme, assessing performance as per the projected targets and indicators of achievement at outcome and output level; strategies and implementation modalities chosen; partnership arrangements, constraints and opportunities.
- 2) To provide recommendations for the remaining period of the Programme in terms of strategies, institutional arrangements, partnership arrangements and any revisions to the results-based framework mid-course and other areas within which the evaluation team may wish to make recommendations.

An additional aim for the MTE is for it to contribute to organizational learning by identifying lessons learned and emerging good practices. These will inform the recommendations for the remaining period of the programme, and for the follow up phase for which planning is due to commence in the latter part of 2022.

Methodology of evaluation

The methodology used was qualitative in nature but made use of available data to illustrate and understand trends in order to throw more insight into the issues that the FAIRWAY programme is aiming to tackle, and its own contribution to address these substantial challenges.

Methods used have included: Literature and data review; exploratory key informant interviews (KIIs) (inception phase); analytical KIIs; use of regional and global KIIs to help triangulate = overall KIIs were conducted with 94 persons; focus group discussions (FGDs) – a limited number of FGDs (mainly 1 per country); 1-2 case studies per context; excel summaries; OECD DAC criteria review, using a modified set of questions drawn from the ToR and with a colour code to indicate current level of achievement; a review of the Performance Management Plan (PMP) by outcome area and indicator.

One limitation of the methodology was its limited face to face nature, with all project level meetings being held online.

Main findings and conclusions

Arab States: Challenges

The kafala system feeds into a number of deep seated cultural tropes regarding attitudes towards migrants that are resistant to change, and undoubtedly grounded in a fear of their numerical dominance in these societies. Social change of this nature goes beyond a discourse about human rights, since firstly migrant workers have to be de-commodified

and socially accepted as being actually human. As such, the tropes resistant to change are rooted in patriarchy, ethnicity, class and religion, and require patience and stamina to address.

With the negative effects of the pandemic on destination country economies, host country governments still tend to see the choices they face as zero-sum, the issue being either about protecting their own citizens, whose incomes are falling, or protecting migrant workers. This is unfortunate as well as erroneous. It led to a situation where governments during the pandemic backtracked on reforms, as was done in Lebanon by rejecting long negotiated reforms to the Standard Unified Contract, as well as in Bahrain, where the National Assembly proposed regressive kafala reforms, and sought to remove already fragile protections and rights for women migrant workers. The ILO has worked to mitigate these steps back in all the FAIRWAY countries of operation, but it arrests forward reform momentum.

Another challenge for the FAIRWAY project has been how to develop more constructive relationships with employers' organisations and trade unions in the countries of focus, and how to nudge them both towards more recognition of migrant workers, and their rights and protections. In Kuwait this has been especially challenging, but in Bahrain, with the focus more on the construction industry, whilst it was hard to make much progress during the pandemic, the General Federation of Bahrain Trade Unions (GFBTU) has followed a more constructive approach, and is more welcoming of FAIRWAY's engagement.

In this context, the challenge for FAIRWAY and the ILO's migration team, is to find points of traction that can help advance longer term change, understanding that these entry points do not always work out.

Programme Progress and Achievements

Outcome 1: Employers and workers' organisations actively support decent work for migrant workers.

Work undertaken with global trade unions to facilitate capacity building of local member organisations – International Domestic Workers Federation with Sandigan and migrant worker member organisations in Kuwait and Lebanon, and the Building and Wood Workers International (BWI) with occupational, safety and health (OSH) training to construction workers within private construction companies in Bahrain. Additionally, through the ILO's partnership with ITUC-Africa, SARTUC (South Asia Trade Union Confederation) and Migrant Forum in Asia (MFA), FAIRWAY mobilized more than 150 representatives of Asian and African trade unions and civil society organizations (CSOs) which support migrant workers in the Arab States in a three-part webinar series focused on solidarity between unions and CSOs in Asia and Africa, and promoting solutions to common struggles in advocating for migrant workers in the Arab States.

During the pandemic, when migrant workers were losing jobs and not being paid wages and their return tickets, organisations like Eгна Legna in Lebanon was one of the few organisations supporting migrant domestic workers who had been left on the streets with legal advice to return to their country of origin.

Outcome 2: Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.

The potential of energising the African – Arab States corridor is a huge opportunity for the Programme but an underlying issue is the relative lack of leverage of African governments with Arab States. As such, the African Union Commission (AUC) -ILO dialogue between African and Arab States tripartite actors in November 2021 was a major achievement for the project but is only a first step towards more sustained inter-regional dialogue. The online dialogue included one plenary and five thematic expert panels and allowed for exchanges on: recent trends in labour migration in the Africa-Arab States labour migration corridor, including the impact of the COVID-19 pandemic; opportunities for skills development and recognition; reforms to extend social protection for migrant workers; re-negotiation and implementation of bilateral labour agreements in light of the gaps exposed during the pandemic; innovations to advance fair recruitment, including use of technology; and significant recent reforms to promote internal labour market mobility of migrant workers in the Gulf States.¹ With the online nature of the meeting, however, the value of the meeting was in bringing together the range of tripartite actors from both regions and allowing for joint discussions between them.

With Qatar offering to host a follow-up physical meeting in 2022, the issue will be on how much the full tripartite representation can be sustained, and whether the discussions can serve as more than talking points. This is especially so with respect to the nature of any union representation from the Arab States or Africa and it is unlikely that it would incorporate specific migrant worker representation. For the ILO, an aim of the meeting will be to pave the way for an ongoing process of discussion that leads to improved relationships and labour agreements between the two regions.

One strength of FAIRWAY that complements also the work of inter-regional programmes such as Work in Freedom, is the research that has been undertaken on different topics. An important recent regional topic covered in a forthcoming thematic brief, produced with three other UN agencies, is that of absconding. Absconding has always been a major challenge for workers, and is currently being used as a means to undermine kafala reforms, including in Qatar and Saudi Arabia. Whilst it remains a tool employers can wield (or threaten to wield) in retaliation to a worker wanting to change employers, it is a block to achieving greater internal labour mobility for migrant workers.² The value of research like this is then how it can lead to policy influencing as well as creative thinking around potential activities – in this instance reducing the vulnerability of employers and not just employees has also to be taken into account. To tackle a subject like absconding will require a systemic approach across all levels of the programme.

Outcome 3: Diminished discriminatory attitudes towards women and men migrant workers.

Across the region, work with media has been undertaken to improve the quality and accuracy of reporting on labour migration issues, and to make journalists aware of ethical, legal and human rights issues with respect to the subject. Online training was conducted in Jordan in particular and was available to journalists from different countries. Whilst the training is unable to address restrictions on how the media reports across the region, it

¹ AUC/ILO, 2021, 'Africa-Arab States Inter-regional Tripartite Meeting on Labour Migration (15-16 November 2021, online).

² FAIRWAY Migration Advisory Group Meeting: 8 November 2021, ILO.

has improved journalists' awareness of the negative stereotyping of migrant workers, and more understanding of the rights issues involved.

Outcome 4: Migrant workers have improved access to information and support services throughout the migration cycle.

Funds allocated under this outcome were reallocated to Covid-19 response activities during the Covid-19 pandemic.

Africa: Challenges

In the context of FAIRWAY's inclusion of Africa and its growing linkages with the Middle East on migration issues, perhaps the most noteworthy starting point is the relative recent attention of most African governments towards this issue. Whilst irregular migration has been happening for some time, many governments have only officially permitted their citizens, especially women, to work in the Gulf relatively recently.

As a result, the process of working on Bilateral Labour Agreements (BLAs) between African and Arab States governments is still in its relative infancy, notwithstanding a few exceptions, for instance in the case of Ethiopia. Owing to the differential power relations those negotiated so far are often weak in their inclusion of basic rights protections and working conditions for migrant workers, as well as in setting of minimum wages. The attraction of African workers for Arab States countries is because they accept lower wages, and thus the need for improved collaboration between African governments to avoid this 'race to the bottom'. In the current economic climate where households in Arab States are looking for cheaper domestic labour options, there has been an uptick in demand for African workers, indicating the importance of improving legal protections and rights for these workers.

In this context, FAIRWAY's work with the AUC is very important, together with other ILO initiatives³ that are focusing on improving AUC capacity and knowledge in this area.

The risks and vulnerabilities faced by women migrant workers to the Arab States are extremely high, as shown in case studies that were collected. Much of the migration that has taken place thus far between Africa and Arab States has been unregulated and uncontrolled, with migrant workers travelling by unsafe routes with minimal knowledge of what to expect on the journey and upon arrival. As the first ILO initiative to look at these inter-regional linkages, this highlights the importance of FAIRWAY's role in starting to build the basis for more widespread awareness, regulation and protocols to protect migrant workers. This also requires the aligning of ILO's global and regional technical support to support programme initiatives.

In respect of FAIRWAY's Africa wide and inter-regional work, the effects of the Covid-19 pandemic means that all work undertaken until the last few months has been virtual. FAIRWAY has also been hampered in covering Morocco without the benefit of a full time French speaking national coordinator.

³ See Excel synergies table.

Progress and Achievements

Outcome 1: Employers and workers' organisations actively support decent work for migrant workers.

One area of progress has been that of pan-Africa TU cooperation. In countries of origin, initial consultations have been held with the Nigeria Labour Congress, HTS-Union in Uganda and KUDHEIHA in Kenya to agree on a joint programme of work to foster cross-union cooperation in Africa.⁴ The Central Organization of Trade Union Kenya has also held an initial discussion with National Federation of Worker and Employee Trade Unions in Lebanon FENASOL⁵, as has the Nigeria Labour Congress (NLC) with the GFBTU in Bahrain. The main overall objective is the improvement of trade union voices, representation and collaboration for promoting effective interregional labour migration governance processes between African origin and Arab States destination countries. To establish a commitment to common courses of action and shared learning to support potential, existing and returnee migrant workers would represent a significant breakthrough achievement for FAIRWAY. Joint actions are essential if African trade unions and governments wish to seek to exercise any form of leverage in the Middle East.

Outcome 2: Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance

The AUC-ILO dialogue that preceded the online inter-regional event in November 2021 has involved regional and global staff in the ILO beyond FAIRWAY, but represents also an achievement for the project. Questions remain for the follow up meeting in Qatar on how especially African tripartite partners will be engaged in this meeting, and the extent to which the AUC can start to claim a stronger voice in these discussions with Gulf States.

With respect to BLAs, if countries aim to negotiate individual agreements, it is unlikely that countries of origin will be very effective in securing any real change in the kafala system to protect the rights of their citizens as foreign workers. With FAIRWAY's encouragement of forms of cooperation between African nations, the gendered dimensions of the migration experience also require to be fully incorporated within these BLAs. There is a long way to go towards incorporating a clear focus on the specific risks and vulnerabilities that women migrant workers face within these dialogues, and within national policy framework within Africa too.

Outcome 3: Diminished discriminatory attitudes towards women and men migrant workers

The bulk of the work undertaken so far for this component of the programme in Africa is media-related. In Uganda and Kenya media training has been undertaken and radio programmes launched, including in one of the main local languages. The media work is designed to counter negative perceptions of migrants in countries of origin and destination, and to paint a more holistic and experiential picture of the migration process, including potential positives and negatives. This is designed to improve the quality and accuracy of reporting, and so that potential migrants are aware of both the opportunities

⁴ ILO, 2021, 'Progress Report, 1 July 2020 to 30 June 2021, FAIRWAY Programme'.

⁵ Discussion with Theresa Wabuka, focal point for labour migration in COTU-K, 1 April 2022.

and possible pitfalls. Whilst the work undertaken is more comprehensive than in the Arab States,

Outcome 4: Migrant workers have improved access to information and support services throughout the migration cycle.

Supporting the reintegration of returnee migrants who have lost their employment during the pandemic. This has been a major focus for FAIRWAY's African based activities, and one for which adjustment had to be made owing to the unplanned effects of the Covid-19 pandemic. Setting up a Kenyan Migrant Welfare Fund in conjunction with the Ministry of Labour, and the establishment of an emergency cash transfer activity in Ethiopia, are two of the activities that have been undertaken. The establishment of well advertised, migrant resource centres as one-stop advisory centres has also been shown to be effective.

There has been coordination between ILO programmes and leveraging/ sharing of resources including a cash transfer initiative in Ethiopia for 100+ returnee women migrants, with support from the Foreign, Commonwealth and Development Office (FCDO) funded Better Regional Migration Management (BRMM) project, and also the Migrant Welfare Fund being established in Kenya.

Findings by Evaluation Criteria

Relevance and Strategic Fit

FAIRWAY is an excellent fit for ILO's focus on labour rights, decent work, and the rights and ability for migrant workers to be able to travel and work securely and fairly. A timely intervention for African governments and the AUC, whose concern for their migrating citizens has grown in recent years.

In Africa, tripartite partners have broadly welcomed the programme interventions, and expressed demand for support with capacity and systems building, strengthening relationships with Arab States countries, and development of migrant support resources.

Within Arab States, tripartite partners may view the focus on decent work for migrant workers with less urgency but the scale and relevance of the issue in country contexts dominated by migrant populations, given the dismal status of their rights, demands ILO attention. Given the legal and systemic restrictions on migrants' rights and freedom of association in all the Arab States, supporting bottom-up work through organisations like Sandigan, en.v and the Ethiopian Domestic Workers Association (EDWA) in Kuwait, and Egna Legna in Lebanon, is an appropriate and relevant means to find ways whereby migrant women domestic workers are able to articulate their voices and support each other in pushing for improved recognition and labour rights.

Rating: 4/4

Coherence and Validity of Design

Migrant workers are viewed too passively in the Results Framework, and this feeds into the understanding of gender, with a lack of clarity as to what 'gender-responsive' means.

Country and regional work needs more coherence, in respect of linkages between different types of activities, and connections between levels, countries and regions. In large part because of the pandemic the programme across both regions has been conducting activities in relative independence of each other, notwithstanding some notable exceptions particularly regarding trade unions in Africa.

Rating: 3/4

Effectiveness

Given the size of the problem and the context of the Covid-19 pandemic, good progress has been made. FAIRWAY has both adapted its activities to meet some of the additional challenges faced by migrant workers who were losing their jobs and to make online modes of working as inclusive as feasible.

Partnerships and collaborations established so far as part of FAIRWAY have been mixed in terms of their effectiveness. Whilst the selection of partners has generally been good, the management of these relationships needs strengthening. With it now possible to resume physical meetings, more inclusive and inter-personal ways of involving partners and collaborating organisations can now be resumed.

FAIRWAY has made significant progress in the area of strengthening national efforts in Africa aimed at enhancing labour migration governance by focusing on capacity building, improving guidance materials, seeking to improve linkages between different tripartite actors. Efforts have been made as well to draw in the media and improve its understanding of migration issues and ability to provide appropriate, ethical guidance to prospective migrant workers. Turnover of staff from national government bodies is a constraint, however, meaning that training needs to be ongoing and involving persons of both genders.

The programme has also started to produce a range of thematic briefs on critical migration topics, which are helping to further understanding of issues and areas where improved regulation and intervention are required.

Rating 4/4

Human Rights and Gender Equality

The commitment to both these components is vital but the work is patchy and requires a clearer strategy and focus. Activities funded through the programme have supported the development of organisations representing migrant workers in the Arab States, and facilities such as Migrant Resource Centres in Africa. However, although the intervention focuses predominantly on women, it still lacks a broader analysis of how gender inequality manifests itself throughout the migration cycle, and is clear that a coherent, overall strategy is needed to address issues at each point.

Rating: 3/4

Efficiency

Generally, resource and budget management within FAIRWAY appears competent, and adjustments made during the pandemic both to shift activities to support returnee migrant workers and to leverage additional resources from other programmes, as with the cash

transfer scheme in Ethiopia, were timely and laudable. Funding disbursement processes in Africa are somewhat challenging, however, and reported delays have affected tripartite partner activities and schedules.

Rating: 3/4

Sustainability

Sustainability requires addressing a range of capacity building and relational skills amongst tripartite constituents and CSOs. This will take more time than this project phase. What FAIRWAY has allowed is an expansion of the ILO's work to take place in Africa, focused on the issue of migrant worker rights and the migration cycle linkages with the Arab States. To develop this holistic approach is not sustainable yet, given the levels of capacity and relational strengthening required, as well as development of the kinds of guidance templates and information needed at all levels.

Most of all though the development of sustainability also requires the evolution of organisations representing migrant voices in countries of origin and destination. In this way migrant workers can ensure their voice is heard, that it is incorporated into guidance materials and policy processes, and to ensure that protection and livelihood services to migrants are improved. In the Arab States, organisations such as Eгна Legna in Lebanon and the Sandigan Kuwait Domestic Workers Association, and similar organisations in Africa, as well as migrant resource centres, will need further capacity strengthening to reach, involve and support migrant workers, their communities and their leaders, and to improve knowledge and skills.

Tripartite institutions in both regions also present their own issues, including capacity building, knowledge guidance, and support in building appropriate support and protection resources for MWs.

Rating: 3/4

Impact

Overall, it is premature to make a statement around FAIRWAY's likely longer term impact. Given the long term nature of the policy and behavioural change work, and that the Africa national and regional work has only been started in this phase, there is no doubt that a follow on phase is needed to extend the likelihood of the programme being able to contribute to more significant longer term change.

In the Arab States the work with the most impact thus far has been with migrant organisations like Sandigan, EDWA and Eгна Legna. At the same time the more challenging work with tripartite organisations is essential at the minimum to seek to prevent the further erosion of migrant work rights.

In Africa, although the initiatives are more recent in nature, FAIRWAY has a more receptive audience in its tripartite partners. However, to achieve the kinds of policy and regulatory reforms, improved understanding of women MW issues, development of adequate support services in scope and scale, and alignment of tripartite activities, will all require a further 3-5 years to have an impact on more than a small handful of migrant workers, who so far have benefited from FAIRWAY activities

Recommendations

The substantive programme recommendations for the next 18 months concentrate on developing more of a coherent focus for FAIRWAY. These recommendations should also contribute to planning for the next phase of FAIRWAY.

Substantive Recommendations

1. *Revisions to Theory of Change and Results Framework.*

A series of recommendations have been made to the Impact and Outcome statements to strengthen the focus and coherence of the project. The existing impact statement focuses on 'improved conditions of labour migration', but one of the most important additional requirements for labour migration is that potential, existing and returnee migrants have more *choices*. This has been found to be one of the most important requirements of informing and empowering migrant workers, so that they have the freedom to choose if they wish to migrate, how, and have other alternative choices too. As the case studies illustrate, the susceptibility of migrants to forms of forced migration and to serious abuse, is owing often to the perceived urgency with which they are seeking additional income, and their inability to make an informed choice of whether and how to migrate. Unscrupulous recruiters thrive in such circumstances.

With the project's focus on women migrants, the special risks and vulnerabilities they face and forms of protection, security and rights they need also require more highlighting.

2. *Clarify the gender strategy* through the undertaking of three main shifts.

- Add women's empowerment dimensions to shift focus on women migrant workers from a passive to active nature.
- *Embed work on gender inequality within local contexts and align across locations*
- *Use case studies and research focused on women migrants to evolve the programme strategy and improve choices and protections for women*

3. *Promote the principle of solidarity* to address the need to bridge the barriers between migrant workers and nationals, which is important in both countries of origin and destination.

4. *Strengthen the inter-regional dimensions* including the Pan-African collaboration through the AUC, so that Arab States acknowledge that they need to engage with African countries to a greater extent, and the latter are organized and willing to collaborate together to increase their chances of securing legally back agreements to protect and enforce migrant labour rights

5. The *post-pandemic recovery phase* and the comparative increase in demand for migrant workers from Africa compared with Asia, requires a focus on four elements:

- Establishment of consistent gender sensitive guidance, including in local languages, for all potential migrant workers.
- Establishment of migrant resource centres in major urban centres in countries of origin. These centres should be linked to places where citizens will go to submit passport applications. Anyone applying for a passport for migration purposes should automatically be referred to such a centre.
- As part of the orientation guidance, provide potential migrant workers with a full range of livelihood options available to them, including alternative opportunities for earning income.

- The full involvement of trade unions and employers' organisations in this work, and for unions to continue to be supported in establishing bilateral relations with other unions in Arab States.
6. *Reinforce and continue the role of the Migration Advisory Group in the Arab States (MAG), extending the activities of the group to cover Africa too.*
 7. *Coordination and strengthening of capacity building approaches across particularly African countries, including training of trainers and ensuring staff of both genders are involved.*

Procedural Recommendations

8. *Add a learning dimension to the Monitoring, Evaluation and Learning (MEL) work.* An annual programme review should incorporate a lessons learned component and these should feed into reflection on the programme strategy and whether adjustments should be made. This function should be added to the role of the consultant MEL advisor. We would recommend that as part of a two day annual planning process, a programme review and lessons learned component be incorporated.
9. *Simplify the complexity of the financial management arrangements for Africa.*
10. *Strengthen and cohere migration specialist teams at regional level.*
11. *Strengthen partnership management to overcome effects of online relationship management during the pandemic and organisations feeling of peripheral involvement.*
12. *Strengthen and collaborate with other migration programmes on internal and external communications.*

Lessons learned and good practices

The lessons learned drawn out here attempt to highlight where relevant some of FAIRWAY's emerging good practices. Many of these lessons though point also to learning about the challenges that FAIRWAY has faced, especially in working with tripartite partners, and how drawing on this experience has the potential to improve the programme's future effectiveness. Some of these lessons are structural or systemic to the ILO, so addressing them requires some wider conversations too.

- *Long term nature of change and need for a programmatic approach within ILO.* In the Arab States especially, the process of kafala reform and behavioural change requires a long term approach that requires huge patience and stamina to make a real difference. In spite of difficulties, it also requires seeking to maintain points of contact and communication with Ministries of Labour, trade union federations, and Recruitment Agency syndicates, though not at the cost of the ILO's key principles around the protection of workers' rights.

For the ILO more broadly, there is *need for a more coherent, long-term 10-15 years programmatic approach including the use of overarching theories of change*, in order to support ongoing programme learning, building on good practices, increasing synergies between project activities, and facilitate match funding. This goes beyond the current ILO programme and budget planned so far for the 2023-24 biennium. To preserve, consolidate further, and build upon the collective experience of migration projects requires more than lessons learned documents, since these often remain relatively undigested beyond the project itself. Detailed theories of change built upon these lessons and spanning across all projects within the migration field, do preserve this learning, more profoundly however, and ensure that it continues to evolve. The role of longer term

regional and global staff is also vital in developing these frameworks, since they provide also a knowledge management function in the ILO and work across projects and on new designs.

- *African collaboration in African-Arab States inter-regional linkages.*

This is the ground-breaking work of the FAIRWAY programme, and is an area that needs further strengthening in the future. African countries are on a steep learning curve in respect of how to engage with Arab States to improve the conditions under which their citizens travel and work in these countries. Existing power relations are imbalanced, and Arab States are rarely committed to conditions in BLA's that are not backed by existing legislation or regulations in the country concerned. In this respect, involving the AUC is an essential element of this work as African governments must collaborate if they wish to improve their voice and well-being of their citizens in Arab States. There is a great deal of capacity building that is required, however, within the AUC, within national governments, and amongst their consular staff in the limited number of countries where African governments do have representation in the Middle East.

- *Gender approach needs rethinking and women treated as active agents of change*

The importance of an agency oriented approach and how it shifts the nature of programming activities has been amply demonstrated by Work in Freedom. FAIRWAY has growing experience and understanding of the nature of the risks and vulnerabilities faced by women at different parts of the migration cycle. But a lens or framework to shape a more systemic analysis is lacking, and the addition of this will enable the programme to make its analysis of how gender issues play out at different points in the migration cycle more systemic and powerful, and aid in the search for creative opportunities. Case studies are illustrative and provide a check on the identification of issues across the cycle.

- *Challenges of ILO's tripartite structure and use of local civil society organisations to curate safe spaces for dialogue.*

Given the challenging and complex nature of achieving reform of migrant labour policies and legislation particularly in Arab States, it is impossible to achieve this working only with the tripartite structure. The lesson is how to create space for representation to be built and boundaries bridged. In the Arab States this issue is particularly acute, but for instance the work in Kuwait reveals both some of the problems and also creative ways of opening up new such spaces. FAIRWAY's lessons are around how to manage the tension involved in a) staying engaged with patriarchal union structures and b) fostering more directly local membership based structures, as with the IDWF affiliates of SKDWA and potentially EDWA in Kuwait, and Egna Legna in Lebanon.

In Kuwait, Sandigan has developed localised knowledge of how to build trust with and organise different national groups, as has the Anti-Racism Movement, a civil society organization in Lebanon that works with various domestic migrant worker groups, including Egna Legna. This experience can be used to inform further work in both countries, as is already being done to organise other African communities. It could perhaps also strengthen migrant community organisers in Bahrain.

- *Role of the Migration Advisory Group as a forum for discussion of technical issues and review of thematic publications*

1. Background and Context

The overall scale of labour migration in the Middle East is immense. In 2019 the ILO estimated there were at least 24.1 million migrant workers in 12 Arab States including the GCC countries and Jordan and Lebanon,⁶ with 39% women.⁷ While the GCC states only host 14% of the world's migrant population, in all these states migrants make up large proportions of their residents.⁸ World Population Review figures for 2020 show Saudi Arabia as having 13.45 million migrants, the largest in the region by far (and the third highest total globally), constituting 38.65% of the Saudi population. For other Gulf countries, the figure was 55% of the population in Bahrain, Kuwait 72.8%, Qatar 77.3%, the UAE 88.1%, and Oman 46.5%. For Jordan and Lebanon the figures for migrants are lower but remain significant, Jordan being 33.9% and Lebanon 25% of the overall population⁹. Women migrants are predominantly domestic workers, with some textile workers, mainly in Jordan. Moreover, African migrants within the Arab States are mostly women domestic workers,¹⁰ a fact of significant relevance for the FAIRWAY programme, with its major focus on this category of worker.

Given this scale, the health, welfare and safety of women and men migrant workers in the Middle East continues to be a subject of enormous importance, especially given the challenges all these countries face with protecting migrant worker rights with respect to legislation, regulation and practice under the kafala system that ties all migrant workers to a single employer.

For 'would be' migrants, labour migration between Africa and Asia toward the Middle East is both a potentially rewarding opportunity but at the same time an experience that can be extremely fraught, risky and traumatic. There is much that can go wrong and often little in the form of labour protections. This is especially the case where governments from sending countries do not have clear policies on labour migration or bilateral labour agreements (BLAs) and active engagement with host governments. For example, the Philippines government is one that does have more proactive policies and a framework for dealing with labour migration issues. As such it was more active than other countries in seeking to protect Filipino workers during 2020 at the onset of the Covid-19 pandemic, when many migrant workers, especially domestic workers were losing their employment across the Middle East. For many other countries though workers were especially vulnerable. Headlines were made about Ethiopian women domestic workers being dumped outside the Ethiopian embassy in Beirut,¹¹ and now more recently it has been Kenyan migrant domestic workers making the same headlines.¹²

At the same time the pandemic has also created new trends or led to the rise of others carrying more potential risk for migrant workers, as well as opportunities. A publicised example was the 6,844 Ethiopian women domestic workers who between January and October 2020, had already relocated from Lebanon to Dubai in search of secure US\$ salaries to replace their falling Lebanese

⁶ ILO-AUC, 2021, 'Thematic Brief: Evolving labour migration trends between Africa and the Arab States'.

⁷ <https://www.ilo.org/beirut/areasofwork/labour-migration/lang-en/index.htm#:~:text=The%20ILO%20estimated%20that%20in,Ethiopia%2C%20Kenya%2C%20Uganda>).

⁸ Yara M Asi, 2020, 'Migrant Workers Health and Covid-19 in GCC Countries', Arab Centre, Washington DC, <https://arabcenterdc.org/resource/migrant-workers-health-and-covid-19-in-gcc-countries/>

⁹ <https://worldpopulationreview.com/country-rankings/immigration-by-country>

¹⁰ ILO-AUC, 2021, 'Thematic Brief: Evolving labour migration trends between Africa and the Arab States'.

¹¹ <https://www.bbc.co.uk/news/av/world-53031803>; <https://www.france24.com/en/20200625-abandoned-by-employers-ethiopian-domestic-workers-are-dumped-on-lebanon-s-streets>

¹² <https://www.aljazeera.com/features/2022/1/21/i-wanted-to-die-abused-migrant-women-in-lebanon-face-detention>

incomes, according to Lebanese General Security statistics. This process was facilitated by Recruitment Agencies seeking new opportunities to buttress their falling incomes, using other Ethiopian workers to recruit their peers.¹³ Altogether, within a two year period, the number of new and renewed work permits for migrant domestic workers fell from 207,757 in 2018 to 119,081 in 2020 and to as few as 65,825 in 2021 (a decrease of 68%).¹⁴

In Jordan, the number of migrant domestic workers dropped from 60,797 in 2019 to 35,243 in 2020 (a decrease of 42% in one year),¹⁵ out of a total of 348,736 documented migrant workers in the country pre-pandemic.¹⁶ What is not clear are the numbers of undocumented migrant domestic workers in both countries, since of course these are the figures the Ministries of Labour will not have.

What is clear is that the trend towards working irregularly, outside the kafala system grew during 2020, owing to the numbers of women migrants released from work, but who could not afford to return home yet, and were still desperate to find forms of employment, even if the risk of falling foul of labour authorities was higher. At the same time, the informality gave them greater chance of working for multiple clients and avoiding some of the risks of being unable to escape a particularly abusive employer.¹⁷

As far as Africa is concerned, the ToR for this Mid-Term Evaluation (MTE) notes how migration from African countries has increased in the 2000s, with men and women migrants finding employment across a range of sectors including construction, manufacturing, agriculture, food services, retail trade, and domestic and care work. The most popular destination countries for migrants from African countries are the United Arab Emirates (UAE), Saudi Arabia, and Qatar, with data between 2000 and 2017 showing a particular increase in the number of African migrants in Qatar and UAE, relative to the rest of the migrant stock population,¹⁸ the demand in Qatar also driven by the upcoming football World Cup taking place from November to December 2022.

Even during the pandemic, whilst overall numbers of domestic migrant workers were falling in Lebanon and Jordan, the numbers of Ethiopian migrant workers increased in Jordan in 2021. The Ethiopian Migrant Data Management System showed that there were 15,246 workers migrating to Jordan between October 2020 to August 2021,¹⁹ amidst a total of 47,216 Ethiopian migrants to Arab States in this period, the rest going mainly to the UAE.²⁰ It was only in 2017- 18 that the Ethiopian and Ugandan governments' lifted bans on domestic workers' employment in the GCC states and Lebanon, respectively.²¹ In December 2021, the Jordanian government announced it would also restart recruiting Ugandan domestic workers.²²

¹³ <https://english.legal-agenda.com/lebanese-financial-collapse-drives-domestic-workers-out-of-the-country/>.

¹⁴ Ministry of Labour, Government of Lebanon, 2021, prepared by ILO, January 2022.

¹⁵ Ministry of Labour, Government of Jordan 2020 data quoted in 'Fairway Country Profiles November 2021'.

¹⁶ Jordan, Ministry of Labour Annual Report, 2019.

¹⁷ Work in Freedom 2 Evaluability Assessment, 2021

¹⁸ Kennedy, A., et al, 2018, 'Africa Labour Migration to the GCC States: The Case of Ghana, Kenya, Nigeria and Uganda', ITUC Africa.

¹⁹ FAIRWAY, December 2021, 'Updated Country Profiles for Bahrain, Jordan, Kuwait, and Lebanon'.

²⁰ ILO-AUC, 2021, 'Thematic Brief: Evolving labour migration trends between Africa and the Arab States'.

²¹ Ahmad Awad and Jana Ababneh, 2021, 'Action oriented research paper - "Just ink on paper?" Inter-regional trade union agreements and methods for protection of migrant workers in the Arab States in the Africa-Arab States migration corridor', ILO, Amman.

²² FAIRWAY, December 2021, 'Updated Country Profiles for Bahrain, Jordan, Kuwait, and Lebanon'.

Demand for workers in the Arab States has opened up economic opportunities and access to relatively higher wages for low-waged workers from Africa, especially for women. However, it has also brought about challenges in terms of human rights, in particular decent work and labour rights protection. There are ongoing attempts across the Middle East to reform the kafala system, but the system is deeply rooted and slow to change. Altogether labour rights issues face challenges through a combination of governance, institutional, and cultural factors. It is promising that African governments themselves are starting to engage more fully with Arab States around the range of risks and threats to their safety that their citizens are exposed when seeking to migrate to Arab States. This is clearly a topic of potential opportunity for FAIRWAY, and reforms starting to take place within African countries of origin shall be a subject for fuller analysis within this MTE. That the majority of African migrants to the Arab States are women, coupled with the low paid and often unregulated nature of the domestic care sector, raises significant protection issues, especially when African embassies remain slow to respond to threats to their employment and safety, as per the examples in Lebanon.

2. Purpose and Aims of the Evaluation

This MTE as stated in the ToR serves two main **purposes**:

- 3) To provide an independent assessment of progress to date of the FAIRWAY Programme, assessing performance as per the projected targets and indicators of achievement at outcome and output level; strategies and implementation modalities chosen; partnership arrangements, constraints and opportunities.
- 4) To provide recommendations for the remaining period of the Programme in terms of strategies, institutional arrangements, partnership arrangements and any revisions to the results-based framework mid-course and other areas within which the evaluation team may wish to make recommendations.

An additional aim for the MTE is for it to contribute to organizational learning by identifying lessons learned and emerging good practices. These will inform the recommendations for the remaining period of the programme, and for the follow up phase for which planning is due to commence in the latter part of 2022.

The MTE also has a focus on addressing the set of questions listed in the ToR related to seven OECD-DAC criteria: Relevance and strategic fit; Coherence and validity of design; Effectiveness; Human rights and gender equality; Efficiency; Sustainability; Impact. These are included in a matrix, with a colour coding ranking. The extent to which recommendations of the Evaluability Assessment (EA) carried out prior to the MTE, and on the basis of which some changes were recommended to the Results Framework, have been followed through is also examined.

3. Project Description

The FAIRWAY Programme funded by the Swiss Agency for Development and Cooperation (SDC), is a four-year (December 2019 – November 2023) inter-regional development cooperation initiative that ***aims to improve conditions of labour migration across migration pathways from Africa to the Arab States***, thereby enabling migrant workers to contribute more fully to sustainable development in both countries of origin and destination.

Overall, the programme addresses underlying causes of decent work deficits at their source through national-level interventions in selected countries of origin (CoO) in East, West and North Africa

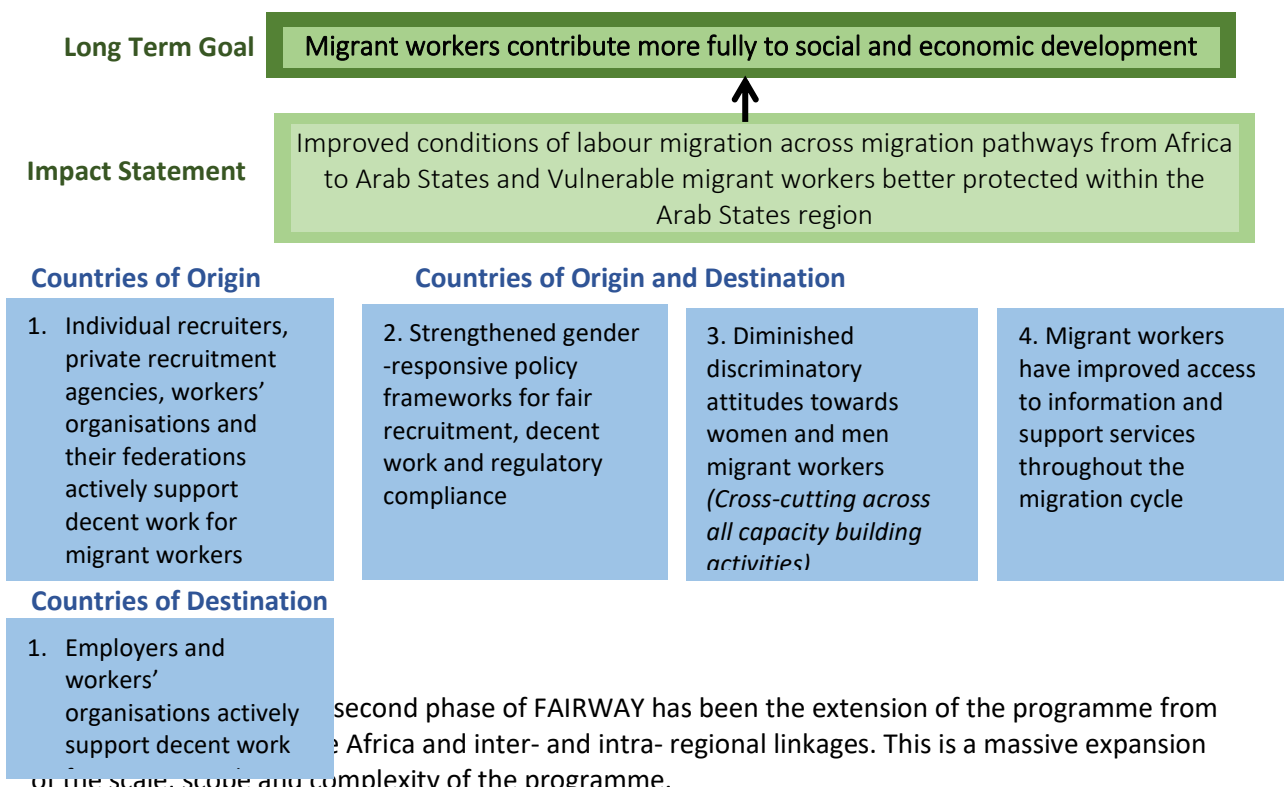
(Ethiopia, Kenya, Uganda, Nigeria, and Morocco) and four countries of destination (CoD), Bahrain, Lebanon, Jordan and Kuwait. Further sub-regional and inter-regional interventions serve to identify areas of common interest and improve understanding of key actors' respective needs, so as to improve cooperation across labour migration corridors. Focusing on two sectors, domestic workers and construction workers, FAIRWAY aims to explore ways to address the interlinked structural, behavioural, and practical barriers to improved labour migration.

The four objectives of FAIRWAY are to engage private sector, employers', and workers' organizations to produce decent work for migrant workers; develop and strengthen gender-responsive policy frameworks to realise fair recruitment and decent work and regulatory compliance; diminished discriminatory attitudes towards women and men migrant workers; and improving migrant workers' access to information and support services throughout the migration cycle.

These objectives are encapsulated within a theory of change that includes four main outcome areas. The diagram below shows the top two lines of the programme's theory of change, with a long term goal and impact statement. This is followed by the medium term outcome statement(s) that are the main parameters by which the programme is organised and will be assessed by in this evaluation.

Acting upon the recommendations of the EA, Outcome 1 was differentiated with respect to Countries of Origin (CoO) and Countries of Destination (CoD), whilst the remaining outcomes remained common.

Figure 1: Impact Goals and Outcomes for Countries of Origin and Destination



The second phase of FAIRWAY has been the extension of the programme from Africa and inter- and intra- regional linkages. This is a massive expansion of the scale, scope and complexity of the programme.

Within Africa, countries haven selected on a sample basis, where migration issues are of growing importance, and where limited other ILO programming on migration currently exists. These countries are Nigeria, Uganda, Ethiopia, Kenya and Morocco. In Morocco, FAIRWAY is not the primary migration project, and in East Africa, subsequent programming has also been developed. For

the ILO this provides opportunities to explore and ensure the development of programme complementarities and synergies.

One of the limitations of FAIRWAY has been the budgetary restriction on the numbers of staff that can be covered through it and this has limited the numbers of technical staff. At country level there has been a sharing of some national programme coordinators in the Arab States, and the use of regional and global migration and decent work teams to provide technical support as relevant. The programme management has been undertaken by two Chief Technical Advisors (CTAs), one for the Arab States based in Beirut, and one for Africa based in Nairobi. Support and liaison with the Swiss Development Cooperation (SDC), the donor for this phase, is provided through ILO's Geneva headquarters.

Adaptation of the FAIRWAY strategy had to be carried out in the face of the Covid-19 pandemic. SDC allowed for the re-purposing of funds with a new work-plan in 2020. In the Arab States funds scheduled under Outcome 4 were reallocated to support protection activities for migrant workers during this period, since many women domestic workers lost their employment at this time.

4. Conceptual Framework and Methodology

This section sets out the conceptual framework and methodology used in the MTE. The value of the framework it is hoped will become clear through the report. It will contribute both to the review of the theory of change and to the recommendations that are provided.

4.1 Human Security Framework

One mechanism we shall use in reviewing the theory of change is a human security approach. This is a framework which the UN has been promoting as a way of transcending some of the current limitations of concepts around addressing risks, vulnerabilities, exclusion, and rights failures, especially at the institutional level. 'Grounded in realities of everyday life, human security recognizes three freedoms — freedom from fear, freedom from want and freedom to live in dignity — to be fundamental to people's lives and aspirations.²³ The approach focused initially on two core dimensions – Protection + Empowerment²⁴ – which are both central to improving conditions for and experiences of migrant workers. However, with the most recent iteration of the approach in 2022, the dimensions of Agency and Solidarity have been added, as shown in the diagram below.²⁵ These two additional dimensions are critical in the development of more inclusive and effective approaches in addressing rights violations and human insecurities, as will subsequently be discussed.

Four bottom lines of a human security approach are its:

- 1) Focus on freedoms from fear, want and to live in dignity
- 2) Focus on inclusion and addressing inequities and rights failures
- 3) Focus on risks and vulnerabilities
- 4) Institutional policy planning

The kafala system tends to be seen by Arab States governments as an either/ or – either you do away with or ease restrictions within the kafala system in order to advance the rights of migrant workers, or you maintain and strengthen it to protect the situations of employers. What is needed

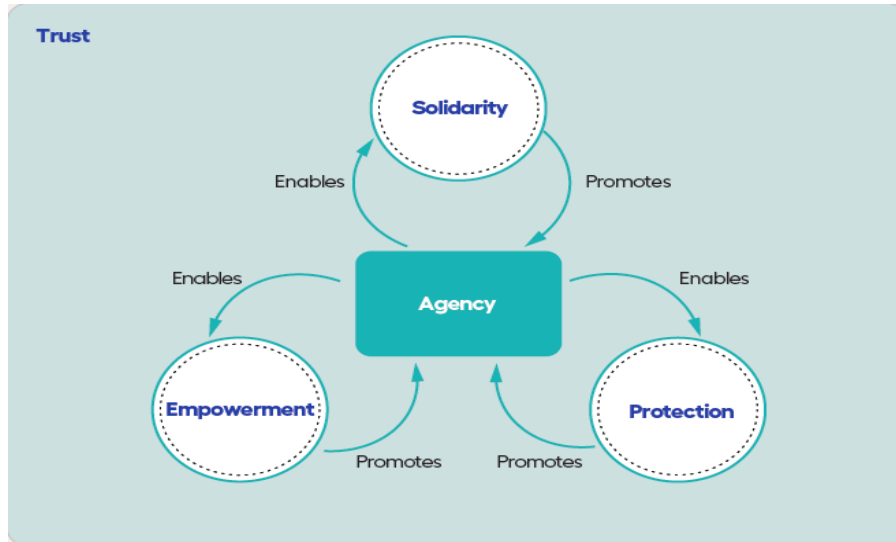
²³ Gabriele Koehler et al, 2012, 'Human Security and the Next Generation of Comprehensive Human Development Goals', IDS, UK/ ISS, the Netherlands.

²⁴ United Nations Trust Fund for Human Security, 2021, 'Leave No One Behind: Harnessing lessons learned from implementing the human security approach'.

²⁵ UNDP Special Report, 2022, 'New Threats to Human Security in the Anthropocene: Demanding Greater Solidarity'.

as Covid-19 evolves from a pandemic to being endemic is approaches that are rather both/ and in nature, inclusive of migrant workers and poorer members of host societies – which in the case of Jordan and Lebanon includes Syrian refugees. For the ILO this has included advocacy for kafala reform to be seen as being instrumental to improving working conditions and investment in the private sector.²⁶

Figure 2: Enriching human security for the Anthropocene



Source: Human Report Development Office²⁷

This framework will be used to support the subsequent analytical stage of the MTE, as a way potentially of trying to look at some of the sticky problems encountered in the Middle East, especially in respect of dealing with governments, unions and employers’ organisations with a fresh pair of eyes. Policy advocacy work is essential but can be slow to effect change in practice. However, coupled with building up effective partnerships, including with civil society actors positioned within countries to address migrant issues, beneficial change in migrant rights is possible.

This is particularly the case in current times when the football World Cup has helped throw a light on labour abuses particularly in Qatar, but also on rights failures connected to the kafala system more broadly. It is also requires African governments themselves to be prepared to become more proactive. In the case of the Ethiopian embassy in Beirut, it is to be noted that even when media pressure was placed on them following the reporting about the Ethiopian domestic workers camped outside the embassy they remained slow to act. Even today, the embassy continues to be slow to issue travel documentation for workers to leave Lebanon, provides little to no other consular support, and has dealt with workers in a highly discriminatory and insensitive way.²⁸ This illustrates the procedural distance that remains to get African governments and embassies to accept fuller responsibility for their citizens in praxis.

4.2 Methodology

²⁶ ILO-AUC, 2021, ‘Thematic Brief: Promoting internal labour market mobility in the Arab States’.

²⁷ UNDP Special Report, 2022, ‘New Threats to Human Security in the Anthropocene: Demanding Greater Solidarity’.

²⁸ KII, 21 February 2022.

The methodology used was qualitative in nature but we have made use of data that is available to illustrate and understand trends in order to throw more insight into the issues that the FAIRWAY programme is aiming to tackle, and its own contribution to address these substantial challenges. Key principles adhered to during the evaluation are as follows.

Principles

The evaluation has utilised an **appreciative enquiry** approach. We recognise the complexity of the issues and challenges involved and are more interested to learn what is working well with regards to the programme and how to build on this experience. We understand there will be challenges and it is important to identify those that are most critical, but with a view to finding ways of addressing them that are built on the strengths of the programme.

We have tried to use a **participatory** methodology and involve programme staff and partners as fully as possible in the MTE and seek to ensure that their views and experiences are represented well in the final report. It is this team that has the main experience of the programme and thus we see the evaluation as an opportunity to draw out and represent their own learning and perspectives to date.

As part of this approach, we shall also draw on principles of **triangulation**, using both alternative methods to check and validate information (document review, initial and follow up KIIs, comparative analysis) and triangulating information amongst the different staff and actors with whom we engage.

Our methodology shall also be **iterative** in the sense that we shall seek to draw out some of the main challenges and lessons as early as possible, in order to discuss these further in more detail, and elicit responses and ideas from staff that allow us to make recommendations that have already been discussed with and received input from staff. We would like the final set of recommendations to incorporate the maximum amount of input as per the process.

It is an important part of our operating principles to be **gender sensitive and transformative** in all we do. Having conducted Evaluability Assessments previously for the Work in Freedom (WIF) programme with a focus on women's migration to the Middle East, we are aware of the additional vulnerabilities they face especially around GBV, but also often working conditions that greatly restrict their freedom. Men too are exploited particularly in Gulf countries; the kafala system and its tying of workers to a particular employer renders all migrants vulnerable, particularly domestic workers and those employed in low-wage earning positions. There have been attempts to reform the system in the Middle East, but accompanying change is slow paced. In looking to understand the role of FAIRWAY in promoting legal and policy reforms we shall analyse the gendered dimensions of this.

We shall also make the methodology as **data and information driven** as possible. On a subject as sensitive as the welfare, well-being and rights of women and men migrant workers in the Middle East, there are a range of conflicting views and interests. This can create a sensitivity around actual data, especially that depicting the vulnerabilities and rights failures experienced by workers. As such, we have sought to understand the data and information generated, to the extent it exists regarding migrant workers' lives and situations in sending and receiving communities, as well as with respect to migration pathways. We recognise the lack of such data is a challenge for the programme, and look also at the research undertaken by the programme itself.

Methods

Drawing upon our appreciative inquiry approach and knowledge of the WIF programme, we also understand that addressing the challenges of kafala system reform requires patience and a consistent approach, based on working carefully with a wide range of governmental, private sector, union and civil society institutions across the migration pathway from origin to destination country, and return. As a result, following the requirements of the ToR, our methodology included the following *methods*.

Literature and Data Review. At the outset of the MTE we analysed all available programme documentation that helped build on our earlier background review analysis conducted for the WIF programme. The recent thematic brief on evolving labour migration trends between Africa and the Arab States helps us to understand what data exists on migration trends, especially since the onset of the Covid-19 pandemic, in the respective countries involved, as well as the nature of the data gaps. The additional research undertaken by the FAIRWAY programme ahead of the African Union Commission (AUC)-ILO dialogue has also been to provide further insights into the nature of migrant workers' lives and the current status of the rights issues they face.

Key Informant Interviews – Exploratory. These KIIs were initially undertaken during the inception stage of the process for all the main actors identified by FAIRWAY programme staff as being important to interview as part of the MTE. By including a range of actors through the process we have been able to triangulate their perspectives, understandings and experiences. These interviews were conducted in-country by the national consultants, either online or face-to-face as was feasible, whilst the international team leader conducted online interviews with senior programme staff, the global project steering committee, the regional steering committees (in conjunction with the relevant national consultants), and representatives of the donor, SDC, as provided in the interview lists.

Key Informant Interviews – Analytical. Once the initial analysis was undertaken further follow up KIIs were conducted with a range of actors, including most of those interviewed at the inception stage. The aim of these interviews was to find out more in-depth information on key issues, and to obtain their own views on lessons learned and recommendations for the remainder of this phase of FAIRWAY, as well as for the next phase, and in some cases also to test ideas with them.

Key Informant Interviews – Regional/ Global. These KIIs helped to triangulate those held at country level, as well as add information and understanding to the nature of the inter- and intra-regional activities undertaken within the FAIRWAY programme.

Overall KIIs were conducted with a total of 94 persons across the different types of interviews and levels of the programme.

Focus Group Discussions. An aim was to hold at least one FGDs with migrant workers in each destination country and with returned migrants in countries of origin. This proved difficult in all contexts, especially in the Arab States, and in some it was only a few KIIs with migrant workers that could be held. In Jordan it proved difficult even to hold these. In source countries of origin, the views of returned migrants are especially helpful because of their experience of the whole migration system and with the challenges, pitfalls and opportunities at each stage of it, as well as the overall impact of their experience on their wellbeing and livelihood situation.

Case studies. From each of the FGDs conducted, one case study was also developed. Some of these experiences are shocking, giving rise to a discussion on a) the use of extreme cases and b) what actually constitutes an extreme case, given the lack of data on the proportions of women migrant domestic workers, in particular, experiencing specific types of abuses and forms of exploitation.

Interview summaries. Excel summary sheets were used to summarise the KIIs undertaken for each context, and were then used to inform the country summary reports.

OECD DAC criteria review. A modified set of questions as per the original ToR were responded to in a table format for each of the country contexts, and then a summary table prepared for the overall analysis, using the criteria listed earlier. This includes the use of a colour code to indicate the level of achievement per criterion.

Performance Management Plan (PMP) review. This is reviewed by outcome area and indicator, with any recommendations as relevant.

5. Review of Programme Approach, Achievements and Results

This section reviews on a country by country basis what has been achieved thus far ns with an outline of key elements of the programme approach utilised by the FAIRWAY programme. This provides the context for an exploration of what has been achieved within this phase of the programme.

As with all ILO operational programmes, the organisation’s tripartite structure provides the starting point for programme work. There are challenges working with trade unions in Arab States, since they are often strongly influenced by government and representative more of the public than the private sector, and thus rarely inclusive of migrant workers. In these contexts working also with global unions like the International Domestic Workers’ Federation (IDWF) and the Building and Woodworkers International (BWI) union, as well as national CSOs to nurture and mentor member based organisations that represent women domestic migrant workers’ voices, is an important function of the ILO. As in Kuwait, some of these may be able to be affiliated to global unions like the IDWF, but not all Arab States allow this. In the Africa region, the tripartite structures are generally more easily supportive of migrant workers, but for organising and networking them, it remains important to broaden a partnership approach to be inclusive of CSOs.

In the following sections, challenges and progress first in the Arab States and second in Africa, will be covered. In each case, the regional level is covered first to provide context.

5.1 Arab States

5.1.1 Regional

Challenges

To understand the relative effectiveness of FAIRWAY’s programming efforts in the Arab States it is essential to reference the complex challenges of working on migration issues within the region, especially with respect to women migrants, which is where the focus of FAIRWAY’s work has been. It is a context that requires a long wind. The kafala system feeds into a number of deep seated cultural tropes regarding attitudes towards migrants that are resistant to change, and undoubtedly grounded in a fear of their numerical dominance in these societies. Social change of this nature goes beyond a discourse about human rights, since firstly migrant workers have to be de-commodified and socially accepted as being actually human. As such, the tropes resistant to change are rooted in patriarchy, ethnicity, class and religion, and require patience and stamina to address.

With the negative effects of the pandemic on destination country economies, host country governments still tend to see the choices they face as zero-sum, the issue being either about protecting their own citizens, whose incomes are falling, or protecting migrant workers. This is unfortunate as well as erroneous. It leads to a situation where governments in the Middle East were doubling down on the system during the pandemic – as was done in Lebanon by rejecting long negotiated reforms to the Standard Unified Contract, as well as in Bahrain, where the National Assembly proposed regressive kafala reforms – and seeking to remove already fragile protections and rights for women migrant workers especially. In both countries, the ILO has worked to mitigate these steps back, but it arrests forward reform momentum.

FAIRWAY has also had difficult engagement with Trade Unions, especially in Kuwait. One of the challenges of the project has been how to develop more constructive relationships with employers/ organisations and trade unions in the countries of focus, and how to nudge them both towards more recognition of migrant workers, and their rights and protections. In Kuwait, how especially to secure more representation of women domestic migrant workers in a traditional, patriarchal union structure, has been especially challenging. In Bahrain, with the focus more on the construction industry, whilst it was hard to make much progress during the pandemic, in overall terms the GFBTU has followed a more constructive approach, and there is more welcoming of FAIRWAY's engagement.

This is the context in which the ILO is seeking to advance incremental reform processes in the Arab States. As acknowledged by the regional programme leadership, the challenge for FAIRWAY and the ILO's migration team, is to find points of traction that can help advance longer term change, understanding that these entry points do not always work out.

In this regard, the emphasis of the human security framework introduced earlier on agency and solidarity, has an important resonance. There is a need to seek opportunities for generating greater solidarity between national citizens and migrant workers, and the different attempts in Kuwait and Lebanon that are highlighted in the country sections illustrate the potential of this.

Programme Progress and Achievements

Outcome 1: Employers and workers' organisations actively support decent work for migrant workers. Work undertaken with global trade unions to facilitate capacity building of local member organisations – International Domestic Workers Federation with Sandigan and MW member organisations in Kuwait and Lebanon, and the Building and Wood Workers International (BWI) with occupational, safety and health (OSH) training to construction workers within private construction companies in Bahrain. Additionally, through the ILO's partnership with ITUC-Africa, SARTUC (South Asian trade unions) and MFA, FAIRWAY mobilized more than 150 representatives of Asian and African trade unions and CSOs which support migrant workers in the Arab States in a three-part webinar series focused on solidarity between unions and CSOs in Asia and Africa, and promoting solutions to common struggles in advocating for migrant workers in the Arab States.²⁹

During the pandemic, when migrant workers were losing jobs and not being paid wages and their return tickets, organisations like Eгна Legna in Lebanon, one of the few organisations supporting migrant domestic workers at this time, was funded by FAIRWAY to assist MDWs who had been left on the streets with legal advice and the process of being able to return to their country of origin.

²⁹ Sophia Kagan, comment on draft report, 16 May 2022.

Outcome 2: Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.

The potential of energising the African – Arab States corridor is a huge opportunity for the programme but an underlying issue is the relative lack of leverage of African governments with Arab States. As such, the AUC -ILO dialogue between African and Arab States tripartite actors in November 2021 was a major achievement for the project but is only a first step towards more sustained inter-regional dialogue. The online dialogue included one plenary and five thematic expert panels and allowed for exchanges on: recent trends in labour migration in the Africa-Arab States labour migration corridor, including the impact of the COVID-19 pandemic; opportunities for skills development and recognition; reforms to extend social protection for migrant workers; re-negotiation and implementation of bilateral labour agreements in light of the gaps exposed during the pandemic; innovations to advance fair recruitment, including use of technology; and significant recent reforms to promote internal labour market mobility of migrant workers in the Gulf States.³⁰ With the online nature of the meeting, however, the value of the meeting was in bringing together the range of tripartite actors from both regions and allowing for joint discussions between them.

With Qatar offering to host a follow-up physical meeting in 2022, the issue will be on how much the full tripartite representation can be sustained, and whether the discussions can serve as more than talking points. This is especially so with respect to the nature of any union representation from the Arab States or Africa and it is unlikely that it would incorporate specific migrant worker representation. For the ILO, an aim of the meeting will be to pave the way for an ongoing process of discussion that leads to improved relationships and labour agreements between the two regions.

One strength of FAIRWAY that complements also the work of inter-regional programmes such as Work in Freedom, is the research that has been undertaken on different topics. An important recent regional topic covered in a forthcoming thematic brief, produced with three other UN agencies, is that of absconding. Absconding has always been a major challenge for workers, and is currently being used as a means to undermine kafala reforms, including in Qatar and Saudi Arabia. Whilst it remains a tool employers can wield (or threaten to wield) in retaliation to a worker wanting to change employers, it is a block to achieving greater internal labour mobility for MWs.³¹ The value of research like this is then how it can lead to policy influencing as well as creative thinking around potential activities – in this instance reducing the vulnerability of employers and not just employees has also to be taken into account. To tackle a subject like absconding will require a systemic approach across all levels of the programme.

Outcome 3: Diminished discriminatory attitudes towards women and men migrant workers.

Across the region, work with media has been undertaken to improve the quality and accuracy of reporting on labour migration issues, and to make journalists aware of ethical, legal and human rights issues with respect to the subject. Online training was conducted in Jordan in particular that was available to journalists from different countries. Whilst the training is unable to address restrictions on how the media reports across the region, it has improved journalists awareness of the negative stereotyping of migrant workers, and more understanding of the rights issues involved,

Outcome 4: Migrant workers have improved access to information and support services throughout the migration cycle.

Funds allocated under this outcome were reallocated to Covid-19 response activities during the Covid-19 pandemic.

³⁰ AUC/ILO, 2021, 'Africa-Arab States Inter-regional Tripartite Meeting on Labour Migration (15-16 November 2021, online).

³¹ FAIRWAY Migration Advisory Group Meeting: 8 November 2021, ILO.

Challenges

In Kuwait, the primary challenge, especially in reference to outcomes 1 and 2, has been maintaining effective engagement with Kuwait Chamber of Commerce and Industry (KCCI), the Kuwait Trade Union Federation (KTUF) and government agencies:

- Programme staff note limited willingness from the Kuwait government to engage with UN agencies, and with the ILO in particular. This reticence is also seen in engagement with the KTUF which maintains close ties with the government and is not an entirely independent union.
- The KTUF has also demonstrated unwillingness to collaborate with migrant community leaders, Sandigan specifically. This is related to the traditional and patriarchal nature of the KTUF leadership.³²
- Programme staff noted limited technical capacity within the Ministry of Labour's Public Authority for Manpower (PAM) to address specific issues related to inspections, dispute resolution and domestic work.

The government's approach to addressing local labour market needs has also been haphazard since the onset of the pandemic. For instance, even as a labour shortage both of domestic workers as well as in certain segments of the private sector became evident in 2021, the country's airport remained closed to non-Kuwaiti arrivals until August with a ban on new worker recruitment in place between March 2020 and late 2021. A 2020 ban on work permits for migrants over the age of 60 without college degrees went into effect suddenly and without consultations with local businesses and was eventually overturned in mid-2021.

The program has so far had limited specific engagement in reference to construction workers in Kuwait beyond a single roundtable organised through the KCCI.

For partners like the Sandigan Kuwait Domestic Workers Association and en.v, particularly the former, the legal and political environment remains a consistent restraint on how they engage with and advocate for migrants' rights. Migrant organisers remain vulnerable to intimidation especially when conducting casework.

Covid-19 restrictions also slowed down ILO country staff's efforts to network with and build trust with key individual stakeholders within government. Frequent changes in the government's composition and the delay in finalizing the UN Strategic Partnership Framework has also made it difficult to maintain continuous dialogue and plan for long-term collaboration.

In the initial stages of the pandemic, community response efforts to provide food and other aid took precedence for migrant community organisers, over capacity building or broader advocacy efforts. Changing public health restrictions has delayed some implementation. The Ethiopian Domestic Workers Association (EDWA) – which was established following an implementation agreement with the IDWF was finding it a challenge to recruit new members and to engage existing members due to the restriction on mobility faced by domestic workers.

Programme Progress and Achievements

Outcome 1: *Employers and workers' organisations actively support decent work for migrant workers.*

³² KII March 2022

The main engagement has been with the Kuwait Chamber of Commerce and Industry (KCCI), the Kuwait Trade Union Federation (KTUF) as well as with member-based migrant worker groups such as Sandigan Kuwait Domestic Workers Association (SKDWA) via the IDWF.

FAIRWAY has made progress in engaging with the Kuwait Chamber of Commerce and Industry (KCCI), especially its Labour and Industry Department. A roundtable discussion on migrant worker's rights was conducted with 19 private companies and a survey was conducted on the impact of the pandemic on labour, the skills gap and future anticipated migrant worker requirements. More than 250 companies responded to this survey. Employer engagement through the KCCI, specifically its Labour and Industry Department, has included a roundtable discussion on migrant worker's rights with 19 private companies as well as a skills gap and anticipation survey (also conducted in Oman) distributed through the private sector.

With the KTUF, the ILO has hosted bi-monthly roundtable discussions with the KTUF's Migrant Workers Department and public sector unions on topics intended to sensitize these stakeholders to issues of decent work in 2021. FAIRWAY also provided limited technical support for a project with Kuwait government funding for the creation of a trial, free legal clinic/ resource centre to provide migrant workers with assistance in navigating the Public Authority for Manpower (PAM) and filing labour complaints. The clinic operated for three-months in 2020 and a local consultant was contracted to assess the work in 2021. It received around 90 cases, and few were resolved. The project was not managed well with poor record keeping, including for the budget, with irregular operation and poor outreach to migrant communities. In respect of how the dispute mechanism is structured, a review noted that any service of this nature has to work directly with the PAM, or work simply gets duplicated. Further, it should have migrant communities involved in running it so as to make workers feel welcome and address communication challenges.³³

Support to SKDWA, which is formally affiliated with the International Domestic Workers Federation (IDWF), took the form of organizational capacity building through training and long-term planning to build its sustainability and independence. Work with SKDWA and the IDWF also enabled the creation of the Ethiopian Domestic Workers' Association (EDWA). In the case of EDWA - now with just over 30 members of whom about 9 are active - the training has included writing a vision and mission statement, deciding on an organizational model and a leadership structure/ election system. SKDWA and EDWA also implement a livelihoods programme for their members through other support received by the IDWF.

In their interviews, in addition to capacity building, organisations like Sandigan see the overall relationship with ILO as valuable in two ways: a) it provides them with regional and international platforms to speak about migrants' lived experiences, and b) it provides a kind of safety net of international recognition that helps deflect intimidation and threats from local actors as the organisations are unregistered in Kuwait.³⁴

Outcome 2: Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.

Work has been limited and focused primarily on government engagement through PAM, specifically the Domestic Workers Department (DWD). The programme commissioned an external consultant to develop standard operating procedures (SOPs) to assist the DWD in strengthening its grievance and dispute resolution mechanisms. Although handed over to the DWD in mid-2020, they have not yet

³³ Siyaaq Research and Consultancy, 2021, 'Review of the Activities of the Legal Unit under the Kuwait Trade Union Federation'.

³⁴ Interviews with Sandigan and IDWF.

been adopted, though more recently PAM has indicated that it has prepared reforms to the Domestic Work Regulations.³⁵

Most recently, training for labour dispute investigators and mediators with the DWD has been conducted in May 2022.

Outcome 3: *Diminished discriminatory attitudes towards women and men migrant workers.*

The program has worked with [en.v](#) a local civic organization on two creative sets of activities, both with highly positive results. What is novel about this is that en.v has been able to bring together Kuwaiti civic organisations and MW groups in the same space AND with inclusive facilitation by framing issues faced by MWs as not niche but as central to all of Kuwait's society. Some of the groups present would never interact with one another otherwise-- especially Kuwaiti women's groups who tend to be rather citizen and elite focused in their work and do not consider MW issues as women's issues in their context.

First of these activities is a series of community meet ups bringing together migrant worker organizations and other Kuwait-based civic groups to address bias against workers and identify shared problems and opportunities. The meet ups were designed based on the results of a community mapping exercise that surveyed 900+ low-wage earning migrants of different nationalities. All three planned community meet-ups were held between December 2021 and April 2022 with numerous first-time collaborations emerging between migrant worker groups like Sandigan and traditional Kuwaiti organizations such as Soroptimist Kuwait (a Kuwaiti women's CSO) and an association of psychiatry professionals at the Kuwait Mental Health hospital. Resulting activities include a nutrition workshop for domestic workers, a fundraising Ramadan bazaar and a workshop on mental health for community caseworkers.

The second was an interdisciplinary arts-based fellowship programme for local youth to engage with issues of discrimination, inclusion, and identity in Kuwait. Twenty local university students completed the fellowship with eight participating in a one day public exhibition to showcase their work on the themes of migration, privilege, power and public space. The exhibit held at the Yarmouk Cultural Centre in January 2022 attracted over 120 visitors.

Outcome 4: *Migrant workers have improved access to information and support services throughout the migration cycle.*

Program documents show no significant work has been undertaken directly under this outcome in either Kuwait or Bahrain, and as noted budget was reallocated during the pandemic to support the Covid-19 programme response.

5.1.3 Bahrain

Challenges

In Bahrain, the level of trust and clear and open engagement between the General Federation of Bahraini Trade Unions (GFBTU) and migrant community organisers is low. There is also limited engagement between GFBTU and employers in the construction industry.

Similar to Kuwait, migrant community organisers operate largely informally and contend with a restrictive legal environment and unions that are often unwilling to embrace them.

³⁵ Comment on Draft Report by CTA Arab States, 16 May 2022

The Building and Woodworkers International (BWI) union found it difficult to engage construction companies and reach migrant workers due to fears around Covid-19 and associated public health restrictions.

Programme Progress and Achievements

Outcome 1: *Employers and workers' organisations actively support decent work for migrant workers.*

The main implementing partners for FAIRWAY's activities in Bahrain have been BWI, GFBTU and the Bahrain Chamber of Commerce (BCC). With BWI as the implementing partner, the program has enabled the creation of 3 worker committees and trained 35 migrant and Bahraini workers within private construction companies using OSH as an entry point.

The work with BWI also led to a tripartite meeting on the role of unions in promoting decent work in the construction industry was also held in May 2021 in which the government Labour Market Regulatory Authority (LMRA) was also present. However, the project did not engage as many workers in this process as the GFBTU would have liked.³⁶

Work with the GFBTU from early 2021-22 comprised a one year project on supporting migrant workers through legal assistance, training and the creation of a Migrant Workers' Committee. The project's national coordinator reported roughly 120 of the cases received were supported from March to December 2021, with the majority being resolved directly by the national coordinator, sometimes in discussion with the 'legal advice unit', drawn from across different organisations. A WhatsApp group was created for the legal unit team and the GFBTU coordinator often sought their advice and assistance for some of the cases she was receiving via the case intake system.³⁷

The Migrant Workers Committee included 11 representatives from various African and Asian communities in the country, and received at least one training. However, the communication between the Migrant Workers' Committee and the national coordinator was hampered by Covid-19 and the restriction on face-to-face meetings and communicating via WhatsApp because of a language barrier. This meant that the MWC did not receive regular information about the outcome of the cases, and how they were being resolved, which the MWC members involved in the evaluation expressed. However the GFBTU was quite active in negotiating with employers, referring and following up cases to the Labour Market Regulatory Authority (LMRA), and doing what they could.

Overall, there has been some improvement in relations between the unions and the Ministry of Labour since the tensions of 2011 but it's early days still.

A similar labour gap and demand anticipation survey was conducted through the BCC as with the KCCI, but with a much more limited response rate.

Outcome 2: *Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.*

Work with the government in Bahrain has been very limited thus far. This was an area of work the GFBTU felt could be strengthened, for instance by coordinating with the Ministry of Labour and the LMRA to develop protocols for safer migration and return pathways.³⁸

³⁶ KII, August 2022

³⁷ Clarificatory information on this received by email from the Arab States CTA on 6 May 2022, including lists of documented cases and the legal advice unit members.

³⁸ KII, August 2022

5.1.4 Jordan

Challenges

Many and frequent changes in decision-makers in the Ministry of Labour – there were three different Ministers during 2021 – has hampered FAIRWAY collaboration with the Ministry, especially given the lack of face-to-face meetings that were possible during the pandemic. This includes a lack of effective collaboration with the current Head of the Domestic Workers Directorate, despite escalating levels of poverty and the desperation experienced amongst many MDWs around unmet wages and return tickets in the last two years.

There have also been frequent shifts in government decisions as a result of the Covid-19 pandemic. Prior to the Covid-19 outbreak, there were translators who dealt with foreign worker complaints on a limited scale, which stopped with release of the Hemayeh platform, even though it is currently available in Arabic only.

Programme Progress and Achievements

Outcome 1: *Employers and workers' organisations actively support decent work for migrant workers.* Some revisions were made to Labour Regulations to improve worker protections, but the government continues to tinker with these, and most of the role of the ILO is trying to prevent further restrictions on workers' rights and freedom of association.

Some 40 migrant domestic workers in Jordan received union or member-based organization support in the Arab States. In partnership with the Danish Refugee Council (DRC), two trainings were respectively provided to construction workers and construction company representatives, with the collaboration encouraged by the SDC, which also funds the DRC on a similar initiative.

Outcome 2: *Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.*

The MoL was provided with technical support to improve the functionality of the Hemayeh digital platform for the registration of MW labour complaints. However migrant workers are yet to feel safe using the platform with concerns about exposing themselves and increasing their risk. Thus far the platform is only in Arabic and has yet to be translated into English and other languages. Given the government's structural weaknesses in resolving labour complaints, particularly those lodged by migrant workers, FAIRWAY recognizes that making a grievance mechanism more accessible to migrant workers does not necessarily imply an improvement in labour inspectors' capacity and willingness to resolve complaints. The program has collaborated with the Workers Centre to better understand migrant workers' frustration with the lack of government response on complaints submitted, and it will continue to monitor how the new platform is used.

FAIRWAY would also like to review the entire Standard Operating Procedure for how the Ministry of Labour handles migrant worker grievances, but the MoL has yet to agree to this.³⁹

Outcome 3: *Diminished discriminatory attitudes towards women and men migrant workers.*

A collaboration with three journalism schools was formed and online media training provided, and attended by a range of journalists across the region (and not just from Jordan). A webinar hosted by FAIRWAY in December 2020 covered ethical issues in reporting on migration, and the importance of the media's role in creating a balanced public understanding on the topic, as well as the use of rights-based language and reporting methods when reporting on migrant workers.⁴⁰ An Arabic-

³⁹ KII, 7 February 2022.

⁴⁰ Fairway, 2021

language toolkit for journalists, developed with FAIRWAY support, was launched in an online event in February 2021, and has reached journalists, journalism students, and educators.⁴¹

One media outlet (Al Ghad News Agency) has developed a code of conduct for reporting on labour migration reporting. FAIRWAY will support the piloting of this and early compliance monitoring with targeted advice and training.⁴²

There is clear value in the training that has been undertaken, but the jury remains out on how much reporting has changed as a result. In a context like Jordan for example, the media is not independent, and on subjects like migrant workers, media releases are authorised by the government – exactly the same release will be reported across all media.

5.1.5 Lebanon

Challenges

Lebanon faced a number of challenges throughout the reporting period as a result of its limited governance capacity, and the linked economic decline further exacerbated by the Covid-19 pandemic. Following the Beirut port explosion of 4 August 2020, a caretaker government existed until September 2021, and the accession of a new, inexperienced Minister of Labour has constrained the ministry's capacity to establish new processes or regulations. This dilemma was exemplified by the country's State Shura Council's⁴³ suspension of a new Standard Unified Contract for migrant domestic workers in December 2020, following a complaint by SORAL, the Syndicate of Recruitment Agencies.⁴⁴ This was partly on the grounds that the Minister lacked the jurisdiction to issue such a decree as a caretaker minister.⁴⁵ The fact that the new Minister then begun to make recommendations without consultation with the ILO or his own Ministry and has supported the registration of new recruitment agencies, represents yet another challenge that has had to be met.

Other challenges that hindered project efforts in Lebanon included the closure of courts and government institutions during Covid-19, slowing down any legal assistance to migrant domestic workers in the face of their contract payments not being made. A series of labour strikes disrupted the Ministry of Labour (and other institutions) beginning in April 2021, as a result of the deteriorating economic condition and a scarcity of fuel and electricity.⁴⁶

Programme Progress and Achievements

Outcome 1: *Employers and workers' organisations actively support decent work for migrant workers.*

Under this outcome, Eгна Legna, a membership based organisation, supported the safe return of over 200 migrant workers in Lebanon by December 2021. The ILO's support to Eгна Legna was to fund the legal assistance required to contest largely allegations of absconding and theft against workers that was preventing them from leaving the country.⁴⁷

⁴¹ ILO, 2021, FAIRWAY Progress Report, 1 July 2020 – 30 June 2021.

⁴² KII

⁴³ The highest administrative judicial body in Lebanon.

⁴⁴ ILO, Progress Report, 2021

⁴⁵ ILO, Fairway Programme, 2021.

⁴⁶ ILO, Fairway Programme, 2021.

⁴⁷ KII

As Egna Legna themselves stressed that a benefit from their relationship with FAIRWAY has been that they now have a focal person from General Security whom they can approach to provide them with access to domestic workers' cases, which has significantly facilitated their work.⁴⁸

In Lebanon there has been some recent success with FENASOL, a trade union federation. Online meetings have been held with the Kenyan Central Organisation of Trade Unions (COTU-K) to discuss future potential collaboration. FENASOL has shown more acceptance of the need for MWs to be able to organise and be represented than has its counterpart in other Arab countries. A visit to Lebanon by COTU-K is planned for July 2022.

Outcome 2: *Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.*

Following an extremely lengthy consultation process and the ILO's participation in a kafala working group, the Minister of Labour adopted a revised Standard Unified Contract (SUC) for migrant domestic workers in September 2020. However, the decision was then suspended by the Shura Council, Lebanon's top administrative court, following a complaint by the Syndicate of Recruitment Agencies.⁴⁹ At this juncture the Minister had also changed with the advent of a caretaker government after the Beirut port blast of 4 August 2022 had resulted in the existing government being forced to resign. There remains ongoing exchange with the Minister to salvage as much of the reformed SUC as possible in the final version to be resubmitted, and this is gradually being agreed. In recent discussion with tripartite partners, a legislative reform for the removal of exclusion of domestic workers from the Labour Law, has been proposed from within the Ministry of Labour.

5.2 Africa

5.2.1 Regional Highlights

Challenges

In the context of FAIRWAY's inclusion of Africa and its growing linkages with the Middle East on migration issues, perhaps the most noteworthy starting point is the relative recent attention of most African governments towards this issue. Whilst irregular migration has been happening for some time, many governments have only officially permitted their citizens, especially women, to work in the Gulf relatively recently.

As a result, the process of working on Bilateral Labour Agreements (BLAs) between African and Arab States governments is still in its relative infancy, notwithstanding a few exceptions, for instance in the case of Ethiopia. Owing to the differential power relations between the two, this means that those negotiated so far are often weak in their inclusion of basic rights protections and working conditions for migrant workers, as well as in setting of minimum wages. The attraction of African workers for Arab States countries is because they accept lower wages, and thus the need for improved collaboration between African governments to avoid this 'race to the bottom', as is commonly expressed. In the current economic climate where households in Arab States are looking for cheaper domestic labour options, there has been an uptick in demand for African workers, indicating the importance of improving legal protections and rights for these workers.

In this context, FAIRWAY's work with the African Union is also important, together with other ILO initiatives⁵⁰ that are focusing on improving AU capacity and knowledge in this area.

⁴⁸ KII with Francisca Ankrah.

⁴⁹ ILO, Progress Report, 2021

⁵⁰ See Excel synergies table.

The risks and vulnerabilities faced by women migrant workers to the Arab States are extremely high. We have included case studies here of the experiences of African women migrant workers who were part of FGDs organised by ILO partners that present stories of terrible abuse. A debate was had with FAIRWAY programme staff on their avoiding the use of extreme cases in discussions with governments, with the point made that the data does not exist to show the proportional experience of specific types and levels of abuse and exploitation by WMWs in the Middle East.

What is clear is that much of this migration that has taken place thus far has been largely unregulated and controlled, with MWs travelling by unsafe routes with minimal knowledge of what to expect on the journey and upon arrival. As the first ILO initiative to look at these inter-regional linkages, this highlights the importance of FAIRWAY's role in starting to build the basis for more widespread awareness, regulation and protocols to protect MWs. This also requires the aligning of ILO's global and regional technical support to support programme initiatives.

In respect of FAIRWAY's Africa wide and inter-regional work, the effects of the Covid-19 pandemic means that all work undertaken to date has been virtual. FAIRWAY has also been hampered in covering Morocco without the benefit of a full time French speaking national coordinator.

Progress and Achievements

Outcome 1: Employers and workers' organisations actively support decent work for migrant workers.

One area of progress has been that of *pan-Africa TU cooperation*. In countries of origin, initial consultations have been held with the Nigeria Labour Congress, HTS-Union in Uganda and KUDHEIHA in Kenya to agree on a joint programme of work to foster cross-union cooperation in Africa.⁵¹ COTU-K, the Kenyan TU federation has also held an initial discussion with FENASOL⁵², as has the NLC with the GFBTU in Bahrain. The main overall objective is the improvement of trade union voices, representation and collaboration for promoting effective interregional labour migration governance processes between African origin and Arab States destination countries. To establish a commitment to common courses of action and shared learning to support potential, existing and returnee migrant workers would represent a significant breakthrough achievement for FAIRWAY. Joint actions are essential if African trade unions and governments wish to seek to exercise any form of leverage in the Middle East.

Outcome 2: Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance

The AUC-ILO dialogue that preceded the online inter-regional event in November 2021 has involved regional and global staff in the ILO beyond FAIRWAY, but represents also an achievement for the project. Questions remain for the follow up meeting in Qatar on how especially African tripartite partners will be engaged in this meeting, and the extent to which the AUC can start to claim a stronger voice in these discussions with Gulf States.

With respect to BLAs, if countries aim to negotiate individual agreements, it is unlikely that countries of origin will be very effective in securing any real change in the kafala system to protect the rights of their citizens as foreign workers. The interactions held with African governments on this topic, particularly Nigeria and Kenya, with their larger economies amongst the larger ones in Africa (Nigeria is the largest now, having overtaken South Africa) are important. Nigeria currently has not signed any BLAs though has two on the table, whilst Uganda has signed three. However, of the ones signed

⁵¹ ILO, 2021, 'Progress Report, 1 July 2020 to 30 June 2021, FAIRWAY Programme'.

⁵² Discussion with the focal point for labour migration in COTU-K, 1 April 2022.

by Uganda – with Saudi Arabia in 2018, and MOU with the UAE in 2019, and Jordan in 2016 – the one with Jordan was subsequently suspended owing to the inability to ensure implementation. More recently the Ugandan Minister of Gender, Labour and Social Development has ordered a review to analyse the implementation of the agreements to identify gaps and make recommendations for closing them.⁵³ With FAIRWAY’s encouragement of forms of cooperation between African nations, the gendered dimensions of the migration experience also require to be fully incorporated within these BLAs. Agreements negotiated with destination country governments, and all forms of training and guidance materials need to differentiate between men and women’s experiences and the corresponding risks and vulnerabilities they face, whether in common or divergent. There is a long way to go towards incorporating a clear focus on the specific risks and vulnerabilities that women migrant workers face within these dialogues, and within national policy framework within Africa too.

Outcome 3: *Diminished discriminatory attitudes towards women and men migrant workers*

The bulk of the work undertaken so far for this component of the programme in Africa is media related. In Uganda and Kenya media training has been undertaken and radio programmes launched, including in one of the main local languages. The media work is designed to counter negative perceptions of migrants in countries of origin and destination, and to paint a more holistic and experiential picture of the migration process, including potential positives and negatives. This is designed to improve the quality and accuracy of reporting, and so that potential migrants are aware of both the opportunities and possible pitfalls. Whilst the work undertaken is more comprehensive than in the Arab States,

Outcome 4: *Migrant workers have improved access to information and support services throughout the migration cycle.*

Supporting the reintegration of returnee migrants who have lost their employment during the pandemic. This has been a major focus for FAIRWAY’s African based activities, and one for which adjustment had to be made owing to the unplanned effects of the Covid-19 pandemic. Setting up a Kenyan Migrant Welfare Fund in conjunction with the Ministry of Labour, and the establishment of an emergency cash transfer activity In Ethiopia, are two of the activities that have been undertaken. The establishment of well advertised, migrant resource centres as one-stop advisory centres has also been shown to be effective.

Coordination between ILO programmes and leveraging/ sharing of resources – Cash transfer initiative in Ethiopia for 100+ returnee women migrants, with support from the FCDO funded BRMM project, and also the Migrant Welfare Fund being established in Kenya.

5.2.2 Uganda

Challenges

Multi-stakeholder management to implement planned activities is challenging with frequent delays or lack of necessary actions related to this complexity especially from the Government side. This has been exacerbated by the on-going effects of Covid-19.

Documentation of migrant workers is a huge challenge because of the lack of adequate information on their movements in and outside the country. This means that there is an incomplete understanding and listing of the numbers of Ugandan migrant workers that there are internationally, including within the East African region.

⁵³ KII

To facilitate the safety and overall well-being of Ugandan migrant workers, Uganda signed a Bilateral Agreement (BLA) with Saudi Arabia in 2018 and an MoU with the UAE on in June 2019. A BLA with Jordan was signed but suspended after about 1 or 2 years for lack of supporting operation infrastructure. In spite of the agreements, reports persist in the mainstream and social media of maltreatment and abuse of Ugandan migrants in countries of destination. There is thus a need for BLA review and broader government commitment to labour agreements and migrant worker protections, a fact the government has acknowledged. However a lack of organisation and collaboration between government ministries hampers this.

Progress and Achievements

Outcome 1: *Employers and workers' organisations actively support decent work for migrant workers.* A number of activities were carried out through FAIRWAY tripartite partner organisations in Uganda: the National Organisation of Trade Unions (NOTU), the Uganda Hotels, Food, Tourism, Supermarkets and Allied Workers' Union (HTS –Union), and the Federation of Uganda Employers (FUE) to enhance decent and safe work for migrant workers in Uganda.

With the onset of the Covid-19 pandemic, FAIRWAY repurposed some of its funds and in 2021 NOTU mobilized and profiled 100 returnees who were gathered by snowball method because all the likely institutions consulted had no record of migrant returnees. For the first time in the sector in Uganda, 100 returnees were registered and brought together in one place. They were provided training in terms of basic business planning and soft skills, such as self-esteem and self-care. One outcome of this initial piece of work is that NOTU has developed a deeper interest in migrant workers' welfare and made unskilled MWs one of their areas of focus in their programming. A call- centre that is near launching at NOTU offices is intended as a facility for migrant workers to call and obtain feedback on distress or general migration issues through the migration cycle.

The HTS-Union and FAIRWAY are in dialogue to finalise a funding proposal for the establishment of a walk-in Migrant Support Centre during 2022 with a focus on domestic worker migrants.

ILO/FAIRWAY project has also had a productive with FUE. The project has supported FUE to develop a jobs portal to ease access of job availability information for returning MWs especially during Covid-19 time; and to register MWs returning home. The portal was developed during 2021 and launched in November 2021. Its envisaged role is to support and facilitate the re-integration of returning migrants, who have lost their jobs due to Covid-19, into the Uganda labour market. FUE has also supported the development of Migrant Resource Centres and with ILO support, has lobbied the government for the formation of a regional labour migration policy.

During the Covid-19 period, ILO/FAIRWAY also trained members of the Uganda Association of External Recruitment (UAERA) on Fair and Ethical Recruitment to mitigate unethical/ fraudulent performance of the companies who are essentially the first-level 'employers' with whom Migrant Workers interface at home. The training, together with other measures such as suspension of licences by the Ministry of Internal Affairs (MOIA) has contributed to the start of cleaning up the operation of recruitment agencies in Uganda. In January and March 2022, fifteen and thirteen recruitment companies respectively had their licences suspended due to forgery and other malpractices according to MOIA records. This indicates progress in the cleaning up of the migration sector.

Outcome 2: *Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.*

All the planned activities were pushed to 2022 due to delays with the disbursement of funds to the Ministry of Gender, Labour and Social Development (MGLSD)⁵⁴ that had a proposal to implement activities in the following range of areas: capacity building of relevant ministry officials, training of trainers on recruitment processes and their regulation, safe migration channels, radio messages, adverts and shows on human trafficking, development of a monitoring strategy for fair recruitment processes, review of existing guidelines, and an observation visit to one of the Countries of Destination to review the operationalisation of the bilateral MoU - Uganda currently has BLAs with Saudi Arabia, UAE and Jordan.

Outcome 3: *Diminished discriminatory attitudes towards women and men migrant workers.*

Media work has been undertaken that is designed to counter negative perceptions of migrants in countries of origin and destination and to paint a more holistic and experiential picture of the migration cycle. Frequently, migrant workers in Uganda have been viewed as ‘failures at home’ even when they hold degrees.

Consequently, with FAIRWAY support, investigative journalists from sound and written media have been trained on fair recruitment and media reporting on human rights. FAIRWAY has worked with the media to complete and adapt a media toolkit to the local context. The intent is to portray a more balanced picture of the industry by presenting the whole picture, highlighting both the success stories and the negatives pertaining. At the individual level, there are returnee workers who have built homes or set up successful businesses, whilst others have little to show for their work. Some migrant workers have had responsible employers in countries of destination while others have suffered serious harms and exploitation. At the national level, communicating the contribution of the workers’ remittances to the national economy is intended to change gradually the negative views and discriminatory attitudes towards women and men migrant workers. A review should be conducted subsequently on the effectiveness of this work with the media.

Outcome 4: *Migrant workers have improved access to information and support services throughout the migration cycle.*

Activities to support the reintegration of returnee migrants who have lost their employment during the pandemic under outcome 4 are intertwined with those under outcome 3, including through the establishment of the aforementioned migrant resource centres, and the development of a pre-departure training curriculum that has also been supported by the IOM. FAIRWAY has supported the development, in conjunction with the MGLSD, radio messaging in the major local languages - Luganda and in English.

5.2.3 Nigeria

Challenges

The availability of people, especially representatives of the government due to varying circumstances, continues to pose a challenge that affects timelines. Intra and inter-agency dynamics and rivalries give rise to ineffective coordination and multiple requests on the same issues.

Frequent changes in leadership of the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) has resulted in a shake-up which has affected the Migration Division and affected planned work with the Commission.

⁵⁴ These delays are discussed under procedural issues.

The Covid-19 pandemic has exacerbated these gaps in communication and cooperation, through the lack of face-to-face meetings, and it will take time to re-establish them.

Progress and Achievements

FAIRWAY in Nigeria collaborated with private sector employers and workers' organizations, government ministries, media, and CSOs to achieve the objectives of the programme in terms of decent work for migrant workers, gender-responsive policy frameworks, the reduction of discriminatory attitudes towards migrant workers, and improved access to information and support services by migrant workers.

Outcome 1: *Employers and workers' organisations actively support decent work for migrant workers.*

In this outcome, the achievements thus far have covered the following areas.

Reforming of recruitment processes and standardising operational practices of private employment agencies in Nigeria in a revised Code of Conduct for private recruitment agencies that were previously little regulated.

FAIRWAY has also worked with the Nigeria Labour Congress (NLC) for the improved protection and promotion of rights of migrant workers. In addition, Nigerian trade unions have been encouraged to network with those in countries of destination, beginning with the link of the Nigerian Trade Union Congress (TUC) with the Bahrani GFBTU.

Engagement was also carried out with the Nigeria Employers Consultative Association (NECA) employers' organizations in the area of labour migration governance in Nigeria amid the context of Covid-19, with a view to building employers' awareness of emerging dynamics in labour mobility, fair recruitment and the future of work in the post pandemic era. The focus was on securing the support of NECA to encourage members to protect the rights of migrant workers. The value of this engagement should be seen more clearly now in this post-pandemic period.

Outcome 2: *Strengthened gender responsive policy frameworks for recruitment, decent work and regulatory compliance.*

In respect of this outcome, FAIRWAY has supported the Federal Government of Nigeria to review the 2014 National Policy on Labour Migration and the 2017 National Employment Policy including with respect to its coverage of domestic care work and women migrants.

The capacity of the International Labour Migration Division (ILMD) of the Nigerian Federal Ministry of Labour and Employment (FMLE) has been strengthened, with training developed towards introducing new or improved inclusive, non-discriminatory, and gender-responsive services to promote decent work for migrant workers (skills, business development and financial education). Questions remain on the relative effectiveness of some of these activities.

Training of technical staff has also been conducted to strengthen capacity on labour market and migration statistics for effective policy development and implementation in Nigeria.

Outcome 3: *Diminished discriminatory attitudes towards women and men migrant workers.*

To ensure that discriminatory attitudes are diminished, ILO has sought to strengthen the capacity of media and CSOs for effective reportage and engagement in the area of forced labour and fair

recruitment in Nigeria. The impact of Covid-19 on returning Nigerian migrant workers through media monitoring has been undertaken, and policy engagement and support for the ratification of ILO conventions. Facilitation of inter-ministerial consultation and stakeholder engagement in view of negotiating, implementing and monitoring BLAs has also been supported. The extension of a media tool kit and step-down training to other staff, for improved skills, increased attention, coverage and reportage, has also been undertaken.

Outcome 4: *Migrant workers have improved access to information and support services throughout the migration cycle.*

To achieve improved access to information and support services FAIRWAY, established and equipped Migrant Resource Centres and, supported the development of training manuals for pre-departure and post arrival trainings in Nigeria. Campaign activities, information guide development, improved Labour Reporters Media Stream, implementation of the National SOP, identification of gaps needed for further training and data management processes and meeting of the ILO/ IOM Consultative Committee (project monitoring at country level) has also been undertaken.

6. Summary of Progress by Outcome Indicators

It has been a daunting two years since the start of the FAIRWAY programme, with the onset of the Covid-19 pandemic disrupting plans almost immediately and forcing the work online. It caused also some rescheduling of activities and budget, especially with the adverse effects of the pandemic and accompanying lockdowns on migrants and migration. With the pandemic having continued for two years, increasing numbers of workers have now returned to their countries of origin.

Considering the scope of FAIRWAY, the levels of cross-country institutional interaction and cooperation required, it has been a considerable achievement for the ILO to be able to initiate activities and maintain them during the pandemic, establishing and nurturing relationships with a range of governmental, employer and union organisations predominantly via online means. In Africa, successes may have been more notable at employer and union organisation levels, with bureaucratic relationships with senior government officials being harder to maintain simply by online means. Nevertheless, there has been a willingness to engage by relevant African Ministries, and a recognition that there is a need both to improve regulation of recruitment agents and guidance for prospective migrant workers at home, and to engage with Arab States governments more adequately around the establishment of BLAs.

Within Arab States themselves, government engagement with FAIRWAY has been more reticent, though not without small incremental gains. In these contexts some of the most important gains have been with supporting the capacity building of informal organisations representing women migrant workers and run by them too. These represent the starting points for generating the type of solidarity between different categories of women that is highlighted in the human security conceptual framework.

Altogether, FAIRWAY's focus has been on the institutional and policy levels to improve conditions for labour migration between Africa and Arab states, and to improve conditions for all migrant workers in Arab states, as per its programme theory of change. There have been a diverse range of activities undertaken already. An important thread in the last six months has been the production of a range of publications, several as thematic briefs, focused on improving understanding of aspects of the migration cycle, labour conditions, and the areas of conflict and controversy between employers and employees within the context of the kafala system.

The below provides a summary of the progress made thus far with regard to the results framework and specific indicators within it at Outcome level for FAIRWAY.⁵⁵

Indicator	Target	Progress	Comments
Outcome 1: Private sector, employers' and workers' organisations actively support decent work for migrant workers			
Inter-regional agreements signed by trade unions or recruitment agency associations to protect the labour rights of migrant workers (COO and COD)	3	1	Engagements between trade unions have been restricted by the Covid-19 pandemic. Perhaps the most active engagement between CETU-K and FENASOL is listed as an existing agreement. The Nigerian NLC and Bahrani GFBTU have also been in discussion and have now signed a joint MOU for further cooperation. These discussions and engagements are positive though it remains to be seen how they might lead to any significant improvements for migrant worker representation or labour rights.
No. of trade unions with new or improved/expanded services to protect the labour rights of migrant workers	5	2 KUDHEIHA GFBTU	Services of African trade unions have begun to improve with FAIRWAY support and this should be an area for future expansion of services. In the Arab States the most progress has been made in Bahrain. This is a target that should be met, with tangible results.
No. of potential/actual migrant workers having access to unions and member based organizations' support	5,000 (Africa); 2,000 (Arab States)	+350 Africa 1244 Arab States	The most notable achievements to date in the Arab States appear to be the establishment and capacity building of EDWA in Kuwait and Egna Legna in Lebanon, as the first African member run domestic workers associations. For the future, what is important for FAIRWAY is to continue to focus on support to the institutional development of these and other potential organisations. In Africa, the smaller numbers relate to assistance provided to returnee WMWs, in Ethiopia, Kenya and Uganda. A focus here on strengthening organisations and networks working with returnee MWs and through whom grants can be allocated, will be the most

⁵⁵ Table Indicators are drawn from the FAIRWAY Annual Progress Report 1 July 2020 to 30 June 2021.

Indicator	Target	Progress	Comments
			productive and sustainable avenue for the project to pursue
No. of companies with new or improved measures in place to protect the labour rights of migrant workers	4	0	Whilst 19 companies have attended a round table in Kuwait, and another is planned for Bahrain, little progress towards this outcome indicator. Using OSH as an entry point may yield positive results.
Outcome 2: Gender-responsive policy frameworks are developed or strengthened for fair recruitment and decent work and regulatory compliance			
New or improved bilateral migration frameworks, with monitoring and review mechanisms, between countries of origin and destination	2	0	There is limited value in supporting the pursuit of country by country BLA agreements unless there are stronger AUC backed mechanisms in place to support real implementation of BLA rights protections.
Countries with new or improved national gender responsive labour migration frameworks in place	2 additional labour migration frameworks	1?	Nigeria has made progress on a revised National Policy of labour migration, but across African countries there is more progress required in advancing full gender equality in all labour migration agreements, especially regarding women domestic workers.
Countries that have improved procedures relating to decent work for domestic and/or construction workers	2 project countries (Kuwait, Lebanon)	0	There is potentially more likelihood of this happening in Bahrain for construction workers than other contexts. Thus far decent work conditions for domestic or construction workers have not improved since the start of this phase of FAIRWAY, especially given the negative effect of the pandemic.
Countries that have improved formal, legal or non-legal complaints or grievance processes that can be used by migrant workers to lodge a complaint against an abusive practice.	2 project countries (Kuwait, Jordan)	0	Grievance processes in the Arab States have regressed with the pandemic, as governments have prioritised their own citizens. In Jordan implementation of the Hedayah digital system has shown so far more sign of being an instrument of control than an aid to improving MW rights.
Outcome 3: Diminished discriminatory attitudes towards women and men migrant workers			
No. of employers demonstrating positive attitudes to rights of migrant workers.			Employers' organisations have been engaged but change at company level remains to be assessed.

Indicator	Target	Progress	Comments
No. of media outlets, training centres and journalism schools which develop contextualized media guides, codes of conduct or curricula based on ILO tools.	COO: 2 COD: 6	Uganda Nigeria Jordan (4)	This indicator has been largely achieved, but the jury is still out on the affect this will have on discriminatory attitudes in CoDs. In Jordan the media and reporting is regulated. However, in Africa, especially if radio programmes can be targeted more extensively, there is a larger likelihood of media training yielding dividends. In the Arab States, like other reform processes, change will be slower. Media campaigns could be included in this indicator.
Outcome 4: Migrant workers have improved access to information and support services throughout the migration cycle			
Increase in the no. of migrant workers reached through information and support services throughout the migration cycle.	COO: Increment by 4,000 (overall); to be broken down by country, type of service, gender and sector, and to be further refined during the project start-up phase) Kenya = 6 MRCs Uganda = 2 MRCs COD: 20000 (overall); (to be disaggregated by country and gender) <i>(target deleted due to COVID-19 re-orientation)</i>		The project reporting includes directly reached returnee MWs, such as the 691 who received cash transfers in Ethiopia, and radio campaigns in Kenya reaching ‘approximately 2 million listeners country wide, among whom are potential MWs’. FAIRWAY will be most effective in reaching larger numbers of potential, existing and returnee MWs if it focuses on systemic activities rather than very limited targeted interventions. Systemic include for instance the encouragement of migrant resource centres in all contexts, and the development of referral mechanisms for them, such as when potential MWs apply for a passport or returnees arrive back in the country. Any specific funds to support MWs should be set up through partners, and ideally be established so they tap into funds other than through FAIRWAY, as in Kenya. Radio campaigns have a role, but it is the direct users of MRCs, or the FUE help desk in Uganda, or who access support services through organisations like SKDWA and Egna Legna in CODs, that should be the main sources of counting for this indicator.

Indicator	Target	Progress	Comments
			Finally it should be noted that this indicator would be better if rephrased since whilst estimates of directly reached MWs can be made, for those indirectly reached, such as the radio listeners, this is problematic. As noted under Outcome 3, media campaigns might be better noted as part of the media related indicator(s).

7. Issues Summary

The following set of issues have emerged from the MTE interviews and discussions and literature review. They have been triangulated and are threads that are common to more than one context. They are split into programmatic or substantive issues, and then procedural or organisational issues.

7.1 Substantive

- Achieving policy reform within the Arab States* - How best can FAIRWAY work on the issue of improving protections for migrant work and kafala system reform? It is positive that FAIRWAY has undertaken more social and political economy analysis in the last 6-9 months, and further research in the coming year will also be valuable. The project is also able to build off some of the analytical research undertaken by other ILO programmes, particularly in the Arab States. Undertaking of political economy analysis in Kuwait is also a good idea. As has been quoted earlier, the programme is seeking short term entry points in the search for long term reform in the Arab States. Seeking such entry points will often more searching for options to test or pilot experimental initiatives.

In the search to get Ministries of Labour more on board with kafala reform, an immediate challenge is to persuade Ministers and senior officials not to see a focus on improving the lives and well-being of migrant workers versus national workers as a zero-sum choice. Indeed it is clear that for the most part neither employers, forced into paying large fees for the privilege of hosting (and controlling) a domestic worker, and employees, who themselves are asked to pay substantial recruitment costs, benefit from the system. Unfortunately, it is recruitment agencies who primarily benefit from the system, and they are both well organised and commonly have close ties and influence with politicians, whilst those employing domestic workers and domestic workers themselves, have no organised voice.

- Achieving policy reform within Africa* – The second area of policy reform is within the African context. Here the challenges are different, and more related to the capacity of governments, and connecting policy dots that may be scattered across various ministries, with the Ministry of Labour not necessarily a good entry point for connecting purposes. Any negotiations of BLAs will involve Ministries of Foreign Affairs, which are usually more powerful ministries. In addition, issues of gender equality and women’s rights do not sit centrally within a Ministry of Labour. In this regard, Uganda’s tripartite partner for the ILO, the Ministry of Gender, Labour and Social Development, provides an opportune change.

- *Coalescing a strategy to address issues of gender inequality* – FAIRWAY has many activities addressing gender issues, and indeed has produced several publications looking at issues affecting women domestic worker migrants. But the programme does not have a clear gender strategy or framework, which is being drawn upon to ensure the approach towards the specific risks, vulnerabilities and forms of exploitation that women face and the types of protection and choices they require, coheres. At times there is slippage into just talking about the numbers of women involved in activities, even if initiatives such as the cash for work scheme in Ethiopia, are relatively small. Targeting women is not the same as ensuring that deep-rooted issues of gender inequality, and their frequent embeddedness in patriarchal systems and structures, especially in the Middle East, are being addressed.

One reason why FAIRWAY does not have an explicit gender strategy is because although the predominant focus of the programme is on women domestic migrant workers, there is no specific mention of women migrant workers in the impact statement. And at the outcome level the only reference is in Outcome 2, to ‘gender responsive policy frameworks’. This is a necessary but not sufficient topic for the programme to cover in seeking to address the especial risks and vulnerabilities that women migrant workers face. From our perspective the programme has three main gaps in this regard:

- a) A systemic analysis of how gender inequality plays out in the lives of women migrant workers, in terms of the specific risks and forms of exploitation they experience and how this plays out in their lives. There are pieces of this analysis, as has been referenced above, but the analysis remains with gaps in it, particularly in the African region, and needs more linkage to programme activities and these being more systemic in nature.
- b) A stronger focus on women as active agents within their own lives.
- c) An institutional and policy strategy that addresses factors across the migration cycle in a more systemic fashion.

There are many activities within the programme that do focus on women, but taken as a whole, they are insufficient and do not amount to a coherent whole. For example, in the Kuwait country summary report it is noted that ‘intersectional approaches emerge through implementing partners’ initiative and are not built into program design or objectives. There is a need to expand and nuance programmatic understanding of “gender””. This applies throughout.

With respect to addressing the levels of gender equality that exist in migration, it is approaches that are disruptive of the status quo that are required. In taking on the power imbalances that exist throughout the migration cycle, however, it is not confrontational mechanisms that are required to achieve this disruption. Just a clear prioritisation of initiatives that reveal the humanity of women migrant workers and whittle away the existing cultural and institutional tropes that lead to their commodification. The work of Sandigan and en.v in Kuwait has provided some small examples of this, and these will be referenced further later.

- *Goal of behaviour change* – This is a daunting outcome objective and as an outcome area (Outcome 3) has a rather diffuse range of activities, the most widespread of which have been the media training and guidance activities in different countries. Some of the more creative activities however have been the small scale activities undertaken by en.v in Kuwait. The scope of this outcome, ‘diminished discriminatory attitudes’ really feels too broad for the project, and as stated provides little guidance of the types of incisive interventions that could be undertaken to make a real difference.

- *Representation of women migrant worker voices* – In the Arab States informal mechanisms like SKDWA, EDWA (Kuwait) and Egna Legna (Lebanon) exist, but there are limitations on the ability of these organisations to be formally registered and on their acceptance by TU umbrella organisations and government. In the KIIs with both EDWA and Sandigan it was noted there is a need for empowering communities to take ownership of their work. The EDWA Secretary observed that members are not yet confident or hopeful about what they can achieve.⁵⁶ A related achievement though is that using Sandigan to connect with and organize other communities is also beneficial in bringing together migrants from different origins who otherwise-- given the segmented nature of social life in Kuwait-- would rarely work together. Whilst it would be good if TUs could help to facilitate these processes, grass roots organisations are more effective at it. Organisations like KUTF in Kuwait are constrained practically in that they largely represent government public sector employers, and not those working in the private sector, even if they were more open to providing support to migrant workers.

In Africa the lack of women migrant workers voice is also an issue, but in a different way. The need here is to ensure that governments are doing the most they can to provide guidance, emigration and reintegration services for returnee migrant workers, including through the use of migrant resource centres and the media. Since the migrant workers themselves know best as to what they are needed, they should be involved in service provision, as takes place in South Asia. Work with local women's civil society organisations can help to facilitate this.

- *Improving local partnerships and forms of collaboration.*
The ILO's tripartite mandate presents real challenges on migration projects like FAIRWAY, when the ability and inclination of labour organisations within the Middle East to be more representative of MWs is constrained. Often unions are more representative of the public sector than the private sector, and across the region legislation prevents MWs from being able to create their own unions. In this context organisations like Sandigan in Kuwait that have developed localised knowledge of how to build trust with and organise different national groups, have the experience for FAIRWAY to draw upon. This can be used to inform further work in both countries, as is already being done to organise other African communities, and perhaps also strengthen migrant community organisers in Bahrain.

In the African context, reference was made in Uganda to organisations FAIRWAY is working with feeling 'peripheral' to the project. Whilst this may be in part due to organisations wishing for further - and timely - funding, the principal issue is one of communicating and networking. Online work during the pandemic has made it more difficult to build effective relationships, but there is more opportunity now with physical meetings now possible again. It is a matter of identifying which relationships can be the most productive ones, in terms of facilitating processes involving migrant workers, and then seeing how to build capacities, improve and deepen initiatives, and extend networks.

- *Inter-regional exchanges and negotiations and the limits of BLAs* – For African government the issue is how to maximise the potential of the inter-regional exchanges and increase their leverage within the Middle East. Currently there are limitations to what African governments can achieve through the negotiation of BLAs. As noted in the comment shown in the text box, many Arab States governments will not take the conditions of a BLA seriously, unless

⁵⁶ Discussions held

they are enshrined in their national legislation and labour regulations. This limits the current role of BLAs in improving protections for MWs. The relative power of the respective countries is clearly important, and in this respect, African governments need to collaborate and work with the African Union Commission as they negotiate the agreements, and to agree on a common set of labour rights and protections they should seek. If such congruence broadly exists in the conditions ALL African governments seek in BLAs with Arab States governments it would be much easier a) for legal and regulatory changes to be sought if required, and b) the AUC and specific African countries to hold the Arab States government more accountable for adhering to conditions.

Box*: The limits of BLAs⁵⁷

I participated in one of the negotiations between an Asian country and Jordan with a BLA. When a country like Philippines is negotiating with Jordan the levels of power are not remotely similar to when Bangladesh negotiates. The government here sees the BLA only as a MOU and the government does not take them seriously. They have to be in the law and the labour regulations to be fully addressed.

In this context, the inter-regional dialogues are an important opportunity for African governments to start getting Arab States governments to take them more seriously. The role of the AUC is important in this. So too is the role of the other tripartite partners. Within Arab States unions are rarely free from government control and influence, and as such commonly have difficulty expressing views independent from the government. African TUs have more independence, and if greater engagement with them and Arab States umbrella unions can be facilitated, it could be one way of encouraging greater acceptance of migrant workers by AS unions. It will be one of the areas for the ILO to work on, to persist with ensuring TUs have a seat and play a role in these inter-regional exchanges.

- *Adjusting FAIRWAY to a post-pandemic recovery phase* – The Covid-19 pandemic has had a profound effect on societies and economies, placing many institutions, particularly health and educational services under a great deal of stress. People have grown poorer and livelihood opportunities scarcer. At the same time climate change continues to exacerbate climate fluctuations, placing more stress on small scale agriculture. Given these trends, as national governments attempt to adapt to a 'new normal' there is natural focus on economic recovery rather than labour protections and social benefit systems. These are trends with which FAIRWAY will also need to grapple.

7.2 Procedural

- *Split management system and lack of overall Monitoring, Evaluation and Learning (MEL) coordinator* - Owing to its limited staffing budget, FAIRWAY has two regional CTAs for Africa and the Arab States, with management coordination and donor liaison functions run out of Geneva, as required. M&E coordination is outsourced to the consultant who conducted the Evaluability Assessment, and who prepares the quarterly PMP reports for the project. We did not find any compelling case to change these arrangements, but do note that the splitting of oversight project management can act as a limit to the coordinated adaptive capacity of the project.

⁵⁷ Interview

- *Adding a learning dimension* – What is absent, however is the learning component of the outsourced MEL role. It is critical this is added for the remaining period of this phase of FAIRWAY, incorporating at least one review meeting this year. In a future phase these should be held subsequently at least annually), with a consultative review of lessons learned being prepared in advance and used as a resource within the meeting, as is detailed in the recommendations section..
- *Resolving the cumbersome African financial management approval process.* Currently the ILO has a CO system, whereby all contract arrangements for local implementing partners are reviewed by the designated office that covers a series of countries. For East Africa (ie covering Uganda and Kenya) this is Tanzania. This however has led to the anomalous situation where the Africa CTA for FAIRWAY is based in Nairobi, which makes sense given FAIRWAY's East Africa focus, and reports to the Regional Office for Africa (ROAF), located in Abidjan, from where the project's budget is managed. But then the local oversight committee for approving contracts within the sub-region is in Tanzania, a third country that is uninvolved in FAIRWAY. From all reports this system does not work well, it is slow and the CTA has limited influence over it. The simplicity of the Arab States arrangements – the CTA being based in the regional office, from where the budget is managed – stands in stark contrast. For West Africa it should be noted that Nigeria forms another designated CO with an oversight committee, but since it is approving contract arrangements for the same country it is more efficient.
- *Links between countries and regions* - National coordinators need more connection with the regional and inter-regional work, with potential synergies and cross learning opportunities. As part of this work, it also remains an ongoing work in progress for the ILO to align and integrate its regional and global technical specialists to support this work, building on the approach used for the global Decent Work initiative. The respective CTA's also need to facilitate more conversations between the national programme coordinators to aid mutual learning.
- *Resource sharing and streamlining.* There are a growing number of synergies with other projects the ILO is involved in, especially in Africa.⁵⁸ This increases the opportunities for resource sharing, as has already happened, for instance with the BRMM FCDO funded project, which co-sharing costs related to the Migrant Welfare Fund in Kenya, and the Covid-19 related cash transfer activity in Ethiopia. This supports the sustainability of the work that FAIRWAY is undertaking, and will help with future match funding.
- *Number of Africa offices.* FAIRWAY's programme activities in Africa include several offices not focused on in this evaluation – Kenya, Ethiopia and Morocco. Of these Morocco seems a strange choice, given that FAIRWAY is not able to afford a full time national coordinator there and the country is French speaking. It is hard to see how the coverage of Morocco is adding value to the programme.

8. Conclusions by Evaluation (OECD) Criteria

This section draws off the country summary reports written by the country evaluation consultants, who each completed this matrix based on their own KIIs and FGDs, and is complemented by the regional review. The impact of the Covid-19 pandemic as a major challenge the programme faced

⁵⁸ FAIRWAY Synergies Table, May 2022

from the outset of this phase is acknowledged. The rankings reflect the progress made by the programme thus far in this phase and that this is only a mid-term review.

Criterion	Questions Summary	Ranking	Comments Summary
Relevance and Strategic Fit	Alignment with national/ regional priorities, ILO strategy and migrant worker needs		<p>FAIRWAY is an excellent fit for ILO’s focus on labour rights, decent work, and the rights and ability for migrant workers to able to travel and work securely and fairly. A timely intervention for African governments and the AUC, whose concern for their migrating citizens has grown in recent years.</p> <p>In African, tripartite partners have broadly welcomed the programme interventions, and expressed demand for support with capacity and systems building, strengthening relationships with Arab States countries, and development of migrant support resources.</p> <p>Within Arab States, tripartite partners may view the focus on decent work for migrant workers with less urgency but the scale and relevance of the issue in country contexts dominated by migrant populations, given the dismal status of their rights, demands ILO attention. Given the legal and systemic restrictions on migrants’ rights and freedom of association in all the Arab States, supporting bottom-up work through organisations like Sandigan, en.v and EDWA in Kuwait, and Eгна Legna in Lebanon, is an appropriate and relevant means to find ways whereby migrant women DWs are able to articulate their voices and support each other in pushing for improved recognition and labour rights.</p>
Coherence and Validity of Design	Consistency of results chain with problem analysis and ToC. Adequacy of implementation arrangements and Covid-19 response		<p>Migrant workers are viewed too passively in the Results Framework, and this feeds into the understanding of gender, with a lack of clarity as to what ‘gender responsive’ means.</p> <p>Country and regional work needs more coherence, in respect of linkages between different types of activities, and connections between levels, countries and regions. In large part because of the pandemic the programme across both regions has been conducting activities in relative independence of each other, notwithstanding some notable</p>

Criterion	Questions Summary	Ranking	Comments Summary
			exceptions particularly regarding trade unions in Africa.
Effectiveness	Progress made, effectiveness of relationships, adequacy of technical support, limiting factors		<p>Given the size of the problem and the context of the Covid-19 pandemic, good progress has been made. FAIRWAY has both adapted its activities to meet some of the additional challenges faced by migrant workers who were losing their jobs and to make online modes of working as inclusive as feasible.</p> <p>Partnerships and collaborations established so far as part of FAIRWAY have been mixed in terms of their effectiveness. Whilst the selection of partners has generally been good, the management of these relationships needs strengthening. With it now possible to resume physical meetings, more inclusive and inter-personal ways of involving partners and collaborating organisations can now be resumed.</p> <p>FAIRWAY has made significant progress in the area of strengthening national efforts in Africa aimed at enhancing labour migration governance by focusing on capacity building, improving guidance materials, seeking to improve linkages between different tripartite actors. Efforts have been made as well to draw in the media and improve its understanding of migration issues and ability to provide appropriate, ethical guidance to prospective migrant workers. Turnover of staff from national government bodies is a constraint, however, meaning that training needs to be ongoing and involving persons of both genders.</p> <p>The programme has also started to produce a range of thematic briefs on critical migration topics, which are helping to further understanding of issues and areas where improved regulation and intervention are required.</p>
Human Rights and Gender Equality	Identification and response to needs and priorities of excluded groups, particularly women,		The commitment to both these components is vital but the work is patchy and requires a clearer strategy and focus. Activities funded through the programme have supported the development of organisations representing migrant workers in the Arab States, and to

Criterion	Questions Summary	Ranking	Comments Summary
	Application of a rights based approach and a commitment to addressing the structural barriers to fulfilling rights.		facilities such as Migrant Resource Centres in Africa. However, although the intervention focuses predominantly on women, it still lacks a broader analysis of how gender inequality manifests itself throughout the migration cycle, and is clearer on a coherent, overall strategy to address issues at each point.
Efficiency	Efficiency of resource conversion to results, application of value for money, management efficiency		Generally, <i>resource and budget management</i> within FAIRWAY appears competent, and adjustments made during the pandemic both to shift activities to support returnee migrant workers and to leverage additional resources from other programmes, as with the cash transfer scheme in Ethiopia, were timely and laudable. Fundund disbursement processes in Africa are somewhat challenging, however, and reported delays have affected tripartite partner activities and schedules.
Sustainability	Likelihood of programme outcomes being sustained, value of key partnerships		<p>Sustainability requires addressing a range of capacity building and relational skills amongst tripartite and CSOs. This will take more time than this project phase. What FAIRWAY has allowed is an expansion of the ILO's work to take place in Africa, focused on the issue of migrant worker rights and the migration cycle linkages with the Arab States. To develop this holistic approach is not sustainable yet, given the levels of capacity and relational strengthening required, as well as development of the kinds of guidance templates and information needed at all levels.</p> <p>Most of all though the development of sustainability also requires the evolution of organisations representing migrant voices in countries of origin and destination. In this way migrant workers can ensure their voice is heard, that it is incorporated into guidance materials and policy processes, and to ensure that protection and livelihood services to migrants are improved. In Asia, organisations such as Eгна Legna In Lebanon and SKDWA in Kuwait and similar organisations in Africa, as well as migrant resource centres, will need further capacity strengthening to reach, involve and support migrant workers,</p>

Criterion	Questions Summary	Ranking	Comments Summary
			<p>their communities and their leaders, and to improve knowledge and skills.</p> <p>Tripartite institutions in both regions also present their own issues, including capacity building, knowledge guidance, and support in building appropriate support and protection resources for MWs.</p>
Impact	Likelihood of achieving lasting change		<p>Overall, it is premature to make a statement around FAIRWAY's likely longer term impact. Given the long term nature of the policy and behavioural change work, and that the Africa national and regional work has only been started in this phase, there is no doubt that a follow on phase is needed to extend the likelihood of the programme being able to contribute to more significant longer term change.</p> <p>In the Arab States the work with the most impact thus far has been with migrant organisations like Sandigan, EDWA and Egna Legna. At the same time the more challenging work with tripartite organisations is essential at the minimum to seek to prevent the further erosion of migrant work rights.</p> <p>In Africa, although the initiatives are more recent in nature, FAIRWAY has a more receptive audience in its tripartite partners. However, to achieve the kinds of policy and regulatory reforms, improved understanding of women MW issues, development of adequate support services in scope and scale, and alignment of tripartite activities, will all require a further 3-5 years to have an impact on more than a small handful of migrant workers, who so far have benefited from FAIRWAY activities.</p>

Achievement Scale:

- 1= **Low**
- 2= **Average** (Criterion partially met/ showing some progress)
- 3= **Good** (Criterion mostly achieved/ showing progress)
- 4= **High** (Criterion is met fully)

9. Lessons Learned and Recommendations

8.1 Lessons Learned and Emerging Good Practices

The lessons learned drawn out here attempt to highlight where relevant some of FAIRWAY's emerging good practices. Many of these lessons though point also to learning about the challenges that FAIRWAY has faced, especially in working with tripartite partners, and how drawing on this experience has the potential to improve the programme's future effectiveness. Some of these lessons are structural or systemic to the ILO, so addressing them requires some wider conversations too.

- *Long term nature of change and need for a programmatic approach within ILO.*
In the Arab States especially, the process of kafala reform and behavioural change requires a long wind – a long term approach that requires huge patience and stamina to make a real difference. In spite of difficulties it also requires seeking to maintain points of contact and communication with Ministries of Labour, TU federations, and Recruitment Agency syndicates, though not at the cost of the ILO's key principles around the protection of workers' rights.

For the ILO more broadly, there is *need for a more coherent, long-term 10-15 years programmatic approach including the use of overarching theories of change*, in order to support ongoing programme learning, building on good practices, increasing synergies between project activities, and facilitate match funding. This goes beyond the current ILO programme and budget planned so far for the 2023-24 biennium. For the ILO, the experience gleaned by phased programmes like Work in Freedom, which has operated since 2013, and FAIRWAY, with the accompanying staff experience and knowledge, is invaluable. To preserve, consolidate further, and build upon this experience requires more than lessons learned documents, since these often remain relatively undigested beyond the project itself. Detailed theories of change built upon these lessons and spanning across all projects within the migration field, do preserve this learning, more profoundly however, and ensure that it continues to evolve. The role of longer term regional and global staff is also vital in developing these frameworks, since they provide also a knowledge management function in the ILO and work across projects and on new designs.

- *African collaboration in African-Arab States inter-regional linkages.*
This is the ground breaking work of the FAIRWAY programme, and is an area that needs further strengthening in the future. African countries are on a steep learning curve in respect of how to engage with Arab States to improve the conditions under which their citizens travel and work in these countries. Existing power relations are imbalanced, and Arab States are rarely committed to conditions in BLA's that are not backed by existing legislation or regulations in the country concerned. In this respect, involving the AUC is an essential element of this work as African governments must collaborate if they wish to improve their voice and well-being of their citizens in Arab States. There is a great deal of capacity building that is required, however, within the AUC, within national governments, and amongst their consular staff in the limited number of countries where African governments do have representation in the Middle East. It is another area where the solidarity principle applies. Currently, most African states are still engaged in negotiating isolated individual BLAs with one or two Arab States. In such negotiations it is difficult for them to get agreed any meaningful level of reforms, and harder still to get the agreements implemented.
- *Gender approach needs rethinking and women treated as active agents of change.*

The importance of an agency oriented approach and how it shifts the nature of programming activities has been amply demonstrated by Work in Freedom. FAIRWAY has growing experience and understanding of the nature of the risks and vulnerabilities faced by women at different parts of the migration cycle. But a lens or framework to shape a more systemic analysis is lacking, and the addition of this will enable the programme to make its analysis of how gender issues play out at different points in the migration cycle more systemic and powerful, and aid in the search for creative opportunities. Case studies are illustrative and provide a check on the identification of issue across the cycle.

- *Challenges of ILO's tripartite structure and use of local civil society organisations to curate safe spaces for dialogue.*

Given the challenging and complex nature of achieving reform of migrant labour policies and legislation particularly in Arab States, it is impossible to achieve this working only with the tripartite structure. A particular difficulty in working with many TU federations in Arab States is not only their lack of recognition of migrant workers as a group they should be supporting, but their sensitivity and opposition to efforts notwithstanding to develop some forms of representation for these workers. The lesson is how to create space for representation to be built and boundaries bridged. In the Arab States this issue is particularly acute, but for instance the work in Kuwait reveals both some of the problems and also creative ways of opening up new such spaces. FAIRWAY's lessons are around how to manage the tension involved in a) staying engaged with patriarchal union structures and b) fostering more directly local membership based structures, as with the IDWF affiliates of SKDWA and potentially EDWA in Kuwait, and Eгна Legna in Lebanon.

In Kuwait, Sandigan has developed localised knowledge of how to build trust with and organise different national groups, as has the Anti-Racism Movement, a civil society organization in Lebanon that works with various domestic migrant worker groups. This experience can be used to inform further work in both countries, as is already being done to organise other African communities. It could perhaps also strengthen migrant community organisers in Bahrain.

A step further than this though is how en.v in Kuwait has used its experience of working with different types of civic actors to curate safe spaces of learning and collaboration with both migrant organizers and national activists and civic groups present. This type of bridge building work needs further expansion to create and enlarge more regular spaces of dialogue and cooperation.

- *Role of the Migration Advisory Group as a forum for discussion of technical issues and review of thematic publications*
The MAG was noted as being 'a really good forum for technical issues'.⁵⁹ The discussions on non-payment of wages, recruitment, digital technologies and absconding, have all been rich, and the production of policy/ technical briefs from the group, valuable.
- *Need to streamline and rationalize budgeting processes within the African region.* The reporting and budgeting mechanisms for FAIRWAY do not make sense in respect of efficiency. With the FAIRWAY CTA for Africa based in ILO's Kenya office and reporting into the Regional Director based in Abidjan, it would be better if the project's financial transactions were managed through one of these two offices, rather than the Tanzania Country Office, which although it covers the East African region for ILO financial

⁵⁹ KII

management plays no role in the project otherwise. This is unnecessarily complicated and inefficient and has been a subject of complaint by FAIRWAY partner organisations in both Kenya and Uganda. With no direct linkage to the programme and the Africa CTA, it is virtually inevitable that the financial management will be bureaucratic and slow since it will be guided only by audit procedures.

8.2 Recommendations for Next 18 Months

The substantive programme recommendations for the next 18 months concentrate on developing more of a coherent focus for FAIRWAY. The SDC themselves have recommended this, with lifting the programmes reporting focus from activities and outputs to outcomes and systemic change. This includes the development of a more incisive gender strategy.

The recommendations below may be more than can be taken on during the remainder of this phase of FAIRWAY, but they will tighten up and improve the clarity of the Theory of Change if they can be, and should be incorporated in any design for the next phase of the programme.

1. Revisions to Theory of Change and Results Framework

There are a series of fundamental recommendations we have made with respect to the Theory of Change and Results Framework, which we believe will have a profound effect on improving the focus and coherency of the FAIRWAY programme. Goal and Impact Statements could feasibly be changed for the following phase of FAIRWAY, if these are difficult to change now. These recommendations are backed by the human security and women's empowerment frameworks that has been outlined, and are mutually supportive of each other.

- *Long Term Goal:* The current goal is 'Migrant workers contribute more fully to social and economic development'. In fact, migrant workers already contribute hugely to social and economic development, but what is missing is the acknowledgement of their contribution and full recognition of their rights, in respect of their fair treatment as workers.
- *Impact Statement:* The existing statement focuses on 'improved conditions of labour migration', but one of the most important additional requirements for labour migration is that potential, existing and returnee migrants have more *choices*. This has been found to be one of the most important requirements of informing and empowering migrant workers, so that they have the freedom to choose if they wish to migrate, how, and have other alternative choices too. As case studies illustrate, the susceptibility of migrants to forms of forced migration and to serious abuse, is owing often to the perceived urgency with which they are seeking additional income, and their inability to make an informed choice of whether and how to migrate. Unscrupulous recruiters thrive in such circumstances.

In addition for the Impact Statement, FAIRWAY's overwhelming focus on women migrant workers, as the migrant group experiencing the widest range of vulnerabilities and risks, should be acknowledged and the especial protection, security and rights that they require. This does not preclude male migrant construction workers still being a category to consider, and the work with this group to be expanded further than it has been thus far.

- *Outcome 1:* The only suggested change recommended here is to add the word 'all' to migrant workers. It can be relatively easy for recruitment agencies to say they support decent work for migrant workers, but harder for them to make this inclusive of all categories of workers, and again, especially women.

- *Outcome 2:* Two significant changes are proposed here. One is to remove the vagueness of the phrase ‘gender responsive’ and to replace it with ‘gender equality’, which makes the intent of transformative change clear. The second change is to highlight the importance of strengthening women’s voice to secure this change. It is not going to be achieved by men alone, and this needs to be made clear. There are a myriad ways in which women’s voice can be strengthened, and it is up to the programmes to explore and experiment with some of these. Clearly the importance of having women in decision making positions in tripartite organisations, including government is part of this, another is giving greater importance to the voices and articulated experiences of women migrant workers too
- *Outcome 3:* The existing phrasing around ‘diminished discriminatory attitudes’ towards migrant workers, we believe is too diffuse and broad as a statement. It leaves the project engaged in rather vague ways to achieve behavioural change. The most concrete method thus far has been around media training. As such our recommendation is to achieve both a much more useful rephrasing of this outcome that will make it more achievable too. This draws from the human security framework we have introduced and takes into account to a much greater degree the current migration context, following the Covid-19 pandemic. The rephrasing is therefore to emphasise the importance of achieving much greater solidarity with migrant workers in both countries of origin and destination. This will work through all levels of the programme, including the policy level, where there is a need to stop seeing the situation as national workers versus migrant workers in a zero-sum manner. Policy choices should be designed to benefit ALL workers, and treat them equally.

At community level, whilst the media work should continue, creative solutions should also be experimented with to de-commodify migrant workers and generate more solidarity with them as fellow human beings. This again applies to countries of origin to change perceptions of migrant workers as ‘failures’ and appreciate their contributions, and in countries of destination. The inspiring work of en.v shows how creative efforts can be successful in generating much greater senses of solidarity, and how this can then lead to further collaborative activities.

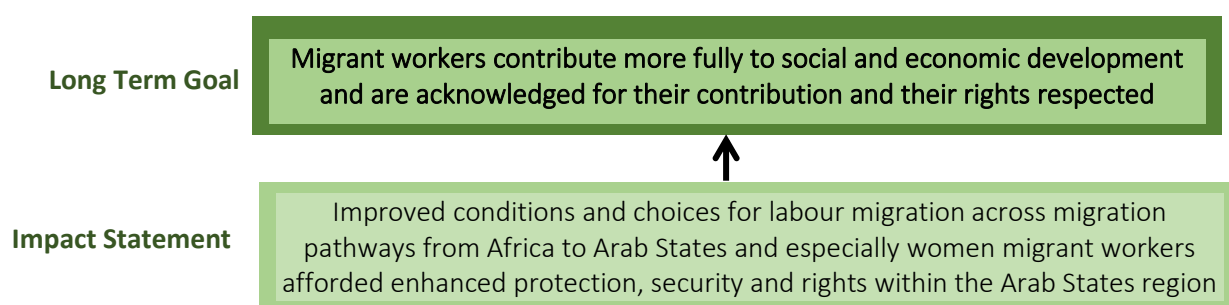
This aim to achieve solidarity also applies to migrant worker organisations themselves. Ethnicity divides need bridging, so that migrant worker organisations are not solely representative of a single ethnicity, but are more inclusive in their construction and operation. *Solidarity is an essential condition for the furtherance of migrant worker rights and protections.*

- *Outcome 4:* This outcome we felt to be far too passive. Another element of the human security approach, and a component that has proved highly effective in the Work in Freedom programme, is to see the advancement of women’s agency as an important contribution to improving their choices with respect to safe migration, and reducing the risks and vulnerabilities they experience with improved protection measures. A key part of ensuring that services for migrant workers are appropriate to their situations and needs, is to ensure that migrant workers are involved in decision making around the provision of these services, as well as in their actual provision. The role of returnee migrant workers in providing guidance training in local communities in Nepal, for example, has proved highly effective, as well as providing them with an effective role and employment as community workers or even teachers. In addition, migrant workers can play roles in the management and operation of migrant resource centres. Their service provision role in informal migrant worker organisations in the Arab States has already been demonstrated as vital during the pandemic, when these organisations were often more effective than their national country

governments in securing their passage home – and instrumental in advocating with embassies for the support they did provide.

Taken together we believe these changes will add a great deal of clarity and dynamism to FAIRWAY’s programme framework. It will clarify the focus of the outcome areas and the types of activities. Moreover we believe *these recommendations play to the project’s existing strengths and address its weaknesses*. They will encourage the strengths to be built upon, and provide clear direction for improving the focus and alignment of project initiatives within and across countries, regions and continents.

Fig 2: Suggested Rewording of Goal, Impact Statement and Outcomes for Countries of Origin and Countries of Destination



Outcomes: Countries of Origin

1. Individual recruiters, private recruitment agencies, workers’ organisations and their federations actively support decent work for all migrant workers

2. Strengthened women’s voice secures gender-equality in policy frameworks that enhance fair recruitment, decent work and regulatory compliance for all migrant workers

3. Increased solidarity of local communities, civil society and tripartite organisations with women and men migrant workers
(Cross-cutting across

4. Migrant workers organised and contribute to improved access to information and support services throughout the migration cycle

Countries of Destination

1. Employers and workers’ organisations actively support decent work for all migrant workers

Outcomes 2-4 remain common.

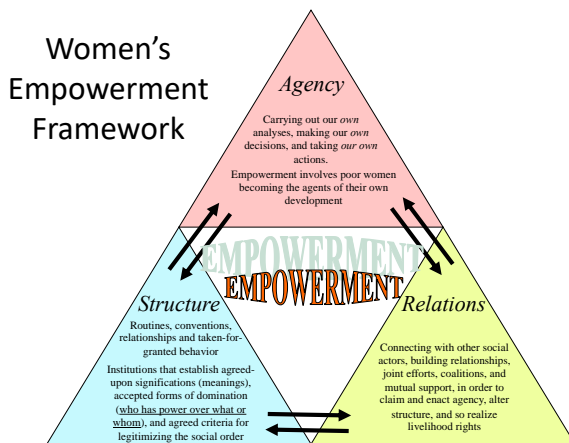
2. Clarifying the Gender Strategy

There has been considerable discussion around the vague nature of FAIRWAY’s work on gender inequality. *Three main shifts* are needed we believe to address this, as are outlined below. We wish to highlight that this does NOT amount to a gender mainstreaming strategy, since we believe that ‘mainstreaming’ can often lead to a loss of focus on an essential topic rather than ensuring its centrality to the overall programme strategy and ensuring the adequacy of resources for it. The shifts recommended here are consistent also with the changes recommended to the Theory of Change above.

- *Add women’s empowerment focus –*

The importance of this and how it shifts the nature of programming activities is demonstrated by the Work in Freedom programme which owes much of its current programmatic focus from the shift in seeing women migrant workers in a passive to an active manner. This is also critical in avoiding anti-trafficking tropes that envisage women as victims, and in so doing not only deprives them of agency but also history and relationships. The language and focus of anti-trafficking work often ignores that migrant workers come from families and communities and an essential part of improving their safety and protections is to understand those social contexts and the drivers and mechanisms of migration that exist within them. All of this is essential in halting women migrants being treated merely as commodities, something that a victim focused approach does not inherently address.

One of the simplest and most fundamental frameworks for women’s empowerment was that adopted by CARE International in the late 2000 in a four year organisation wide action research initiative to explore the effectiveness of CARE’s programming work in achieving women’s



empowerment.⁶⁰ This work used a simple Agency-Structure-Relations theory of change that proved relevant and robust, and still underpins CARE’s work on women’s empowerment into the 2020s. Each of these components is necessary, and taken together they are sufficient to achieve sustainable women’s empowerment, noting that Relations includes the addressing of unequal power imbalances. For FAIRWAY this framework is not a far stretch, elements of each can be noted in activities, and most importantly the programme does aim to achieve

structural and systemic change. But there is a lack of consistency and coherency across the programme and that is especially where improvement is necessary.

- *Embed work on gender inequality within local contexts and align across locations –*

The second shift is localise the starting points for FAIRWAY’s programme work to address gender inequality. This may seem counter-intuitive for a programme that spans countries, regions and two continents. But it is at the local level that change happens, and it is also at the local level that the principles for more profound and widespread change are uncovered. The examples provided by en.v in Kuwait, Eгна Legna and ARM in Lebanon, the role of returnee migrants in running migrant resource centres and as local community workers in Nepal, the Workers Centre in Jordan (supported by the Work in Freedom programme), are all illustrative of this. The aim is then to spread the lessons learned, as has happened with FAIRWAY’s effective strategy in replicating migrant resource centres in Africa, and to embed them within governmental and tripartite institutional policy frameworks.

- *Use case studies and research focused on women migrants to evolve the programme strategy and improve choices and protections for women -*

⁶⁰ Elisa Martinez, 2007, ‘The Courage to Change: Lesson and Implications from CARE International’s Strategic Impact Inquiry on Women’s Empowerment’, CARE USA.

One of the roles case studies can play is illustrating clearly the areas where and specific types of support that women migrants require. Cases illuminate the risks and vulnerabilities they face, and the nature of remedial interventions at different levels. Most importantly since cases of returnees document experiences throughout the migration cycle, they help ensure there are no gaps in the treatment of gender equality issues being addressed. The research and thematic papers produced by FAIRWAY, such as on absconding, also provide more in-depth insights into specific issues and types of risks that women migrants face that need addressing.

3. Promoting the Principle of Solidarity

This is referred to with respect to the recommended change to Outcome 3, but this is also a stand alone recommendation. The need to bridge the barriers between migrant workers and nationals is important in both countries of origin and destination and some of the more interesting experimental work of FAIRWAY in countries of destination is around this. With respect to the conservative and patriarchal trade unions, the ILO regional workers specialist noted that ‘we need to create new areas where migrants and nationals can interact on a more equal basis’.⁶¹

There is certainly a good case to make that the overcoming of the divides to treat migrant workers as workers rather than migrants, and in so doing to humanise them as well, is dependent on more interaction of the type facilitated by en.v in Kuwait, and the early inter-regional TU exchanges, and involvement of migrant workers in these. Further ideas are needed for promoting greater levels of solidarity in African contexts too. Some of these could be activities facilitated by migrant resource centres, and the TUs that cover domestic and hospitality work, to promote more solidarity between local and migrant workers, and an understanding that their workers’ rights and protection issues should be treated equally, and this should be reflected in the way protocols are established and implemented.

The importance of the Kuwaiti initiatives of en.v here is their demonstrating that being creative in regard of promoting this principle, can break down longstanding barriers of perception and lead to surprising outcomes. We recommend that the programme continue to work with local partners to explore multiple ways to be creative and innovative in building bridges and opening up opportunities to forge forms of solidarity.

4. Strengthening the Inter-Regional Dimensions

Strengthening the inter-regional dimensions including the Pan-African collaboration through the AUC, so that Arab States acknowledge they need to engage with African countries to a greater extent, and the latter are organized and willing to collaborate together to increase their chances of securing legally back agreements to protect and enforce migrant labour rights. This includes on the one hand working with other ILO projects to develop a common protocol and advisory guidelines for countries at AUC level for BLAs for instance, and on the other hand then working with specific countries to support their BLA negotiations. Implementation of such protocols is also undermined by the lack of consular presence of African countries in many Gulf states. How BLAs are monitored is thus one of their more important components, and this may require a wider AUC role in supporting this.

Other elements of this work are the links between African and Arab States trade unions and employers associations, and this also needs to be strengthened and developed further as a component. Altogether, since this inter-regional work has multiple components, and involves a complex range of organisations, and indeed personnel and teams within the ILO, it requires a more strategic and coordinated approach across the organisation.

⁶¹ Interview 11 April 2022.

5. Post-pandemic Recovery

The post pandemic recovery phase is seeing a comparative increase in demand for migrant workers from Africa, compared with Asia, possibly in part because in general African workers command lower wages. This requires a focus on four elements.

- Establishment of consistent gender sensitive guidance, including in local languages, for all potential migrant workers.
- Establishment of migrant resource centres in major urban centres in countries of origin. These centres should be linked to places where citizens will go to submit passport applications. Anyone applying for a passport for migration purposes should automatically be referred to such a centre.
- It is important that potential migrant workers, as part of the orientation guidance are provided with a full range of livelihood options available to them, including alternative opportunities for earning income.
- The full involvement of trade unions and employers' organisations in this work, and for unions to continue to be supported in establishing bilateral relations with other unions in Arab States

6. Reinforce and continue the role of the Migration Advisory Group

The advisory function of the MAG in the Arab States has added considerable value to thinking around the issues being addressed, and the topics being raised and addressed in policy briefs and initiatives. Activities of the group should be extended to cover Africa, or a similar group established for Africa, if more appropriate, and the role should include support to planning for the next programme phase.

7. Coordination and strengthening of capacity building approaches across particularly African countries

Capacity building of particularly government institutions has suffered from high turnover. It's important that forms of training are regularised, available online and include refresher and follow up training. Coordination of training and curricula across countries will support roll out and follow up, For training of trainers (TOT), we would recommend using 1-2 organisations per country specifically for this, as it is more likely to lead to a retention and management of training capacity than a more eclectic approach to training individual trainers. Having staff of both genders as trainers is essential. capacity building will also require refresher and follow up training, including TOTs, and requires

Procedural Recommendations

There are five main recommendations in this regard.

- *8. Add a learning dimension to the MEL work.* An annual programme review should incorporate a lessons learned component and these should feed into reflection on the programme strategy and whether adjustments should be made. This function should be added to the role of the consultant MEL advisor. We would recommend that as part of a two day annual planning process, a programme review and lessons learned component be incorporated. A prior consultative review of lessons learned undertaken by the consultant MEL advisor could be fed into this review as a starting point. These can then be refined, further lessons added, and then implications added for the next annual cycle of the programme. At least one such exercise should be conducted before the end of this year to inform the planning for the next phase of FAIRWAY. Such meetings should have two parts to them. The first stage is one of review of progress, lessons and issues, and the second stage is one of planning to incorporate the lessons and their implications. An alternative way of structuring this is to have a stand alone one day lessons learned event, but it is probably

more productive to incorporate it within an overall review process. The prior work led by the MEL advisor is critical. Communication of lessons and their implications, and how they will be followed up, should take place amongst all ILO staff involved in the programme, and the units to which they belong. A summary of lessons could be circulated to tripartite partners,

- *9. Simplify the complexity of the financial management arrangements for Africa.* Currently funds are managed by ROAF in West Africa, with the CTA based in Nairobi. But in East Africa, a third country, Tanzania has the local oversight committee (LORC) responsible for approving all contractual arrangements for local partners within the East African implementing countries, of which Tanzania is not one. It raises the question of whether a CTA location at least at a LORC site would have reduced some of the delays and inefficiencies that have been experienced in disbursements to partners, especially as decisions around capacity support that partners may require can then be more easily managed. The CTA Africa and Migration Branch should discuss internally within the ILO if a more efficient and timely arrangement can be established that does not compromise the financial oversight function. Although it currently does not fit within the ILO country office structure, ideally Kenya rather than Tanzania would be the contract approval office.
- *10. Strengthen and cohere migration specialist teams at regional level.* FAIRWAY is very reliant on the support provided by regional and global technical staff, especially those with experience working on migration issues within the two regions. However, there is an ad hoc nature to this support, given that FAIRWAY itself does not have the resources to pay proportions of these staffs' salaries. This is particularly in Africa where staff are based in different regions with the continent. We would recommend, that as it has done for Decent Work, ILO establishes migration teams that are organised to work together and support country offices and regional programmes of this nature in a more joined-up manner. At present the different regional specialists themselves seem to provide technical support as drawn upon, but do not work in a particularly collaborative way. This is a little different in the Beirut regional office, again because of the juxtaposition of staff in a single office, and because of the centrality of labour migration to all labour rights work within the region. In Africa, with regional specialists located in several different countries it is more challenging to ensure a consistent support strategy.
- *11. Strengthen partnership management.* Across both regions FAIRWAY works with a range of tripartite partners and local civil society organisations. With the first two years of this phase affected by the pandemic so that meetings were almost entirely online, many of these organisations feel only peripherally involved in FAIRWAY activities, with little knowledge of the overall programme strategy and how the component for which they have a contract fits into this larger whole. It is recommended that in all African programme countries that FAIRWAY holds 1-2 day meetings with as many partner and collaborating organisations as possible to review the context, challenges, FAIRWAY's aims and theory of change, and how the programme is seeking to involve and support tripartite organisations and civil society actors working directly with migrant workers. In addition to this, partner and collaboration organisations need more regular communication with the project at least around their component of the strategy,
- *12. Strengthen and collaborate with other migration programmes on internal and external communications.* FAIRWAY has become increasingly impressive with the depth and extent of the research and analysis it is conducting. However, the programme still struggles with keeping its internal and prospective external audiences informed as to what is taking place and the knowledge it is developing. What is required is that the programme has a person

responsible for communication, since there is at present no-one with communications as part of their mandate within the FAIRWAY staff.

8.3 Recommendations for Future FAIRWAY Phase

- *Building a programmatic approach within the ILO.*

Within the Arab States, there has been considerable positive collaboration between the phased FAIRWAY and Work in Freedom projects, similarly in East Africa, for instance, between FAIRWAY and the Better Regional Migration Management (BRMM) Project, THAMM in North Africa, and SAMM in Southern Africa. For the future it is recommended that the ILO consider developing more holistic overarching 10-15 years migration programme frameworks, with a programmatic theory of change. This goes beyond the current two year ILO programme and budget system. There are different ways this can be undertaken, but the main point is to ensure ILO projects are better aligned, build on cumulative experience across projects, and are fully aligned in a programmatic sense. This is extremely important for the inter-regional dimensions of the work, as already outlined, since it involves multiple personnel and teams across the ILO, and an array of complex relationships externally. Such a programmatic framework we would recommend is undertaken before the next phase of FAIRWAY is fully designed, or as part of the design process, so that it provides a reference for a potential follow-on phase of the FAIRWAY programme.⁶²

Ensuring that FAIRWAY is part of a wider programme framework will also help with future match funding requirements, as it will clarify linkages with other ILO migration projects and provide an overarching ToC to which they are all contributing.

- *Reviewing FAIRWAY's geographic coverage, outreach and scope, and expanding the focus on male construction workers.*

The numbers and nature of the countries FAIRWAY is programming in will need some review for the following phase. There does not seem an adequate case for continuing to include Morocco for one, since it does not appear to be adding significantly to the impact of the programme. It would be better to focus programming in East and West Africa during the next phase. There remains much to learn and to develop in order to evolve a coherent and effective approach in these countries, that addresses issues of gender inequality and choices for all potential, existing, and returnee migrant workers, especially women. With four existing countries, Kenya, Ethiopia, Uganda and Nigeria, one further country could perhaps be added (Ghana?).

In the Arab States, Bahrain is the only country that has had much focus on male construction workers, with more limited work in Jordan and the regional work with BWI. However with the 2022 International Labour Conference (ILC) likely to adopt a resolution to include OSH as a fundamental principle and right at work, the issue of safety in construction could become an entry point for FAIRWAY to engage more widely in this sector.

- *Review the FAIRWAY programme staff structure.*

Each country within which FAIRWAY operates should have a full time National Programme Coordinator. This is essential for managing ILO programme representation within the country

⁶² This system was implemented successfully in CARE International in the late 2000s. Within two years all projects were incorporated within long-term programme frameworks, shifting the nature of CARE's programming to focus much more on addressing unequal power relations, and the need to target systems and institutional change. Specific projects may address only parts of a programme ToC, but different projects within a programme are aligned horizontally and sequentially and contribute towards a longer term impact statement that is intended to be achieved within the lifetime of the programme (Drinkwater, 2011, 'Seeing and acting in the world differently: Emergent process in the praxis of CARE's program approach'. CARE UK)

and for oversight, coordination, and development of the FAIRWAY strategy within that country. In addition the programme should have a full time Monitoring, Evaluation and Learning (MEL) coordinator for the next phase, a role that should include a communications and reporting function. This will help also FAIRWAY's internal coordination across regions and with regional specialists in the ILO, and should support the improved communication with tripartite partners and collaborating CSOs within the programme.

- *Review the range of organisational partnerships and collaborations outside the tripartite framework.*

The aim here would be to consolidate and create relationships with organisations that can support a gender and rights transformative approach in countries of origin and destination.

10. Conclusion

In spite of the challenges faced since the onset of this phase of the FAIRWAY programme owing to the outbreak of the Covid-19 pandemic at the same time, the programme has made progress and demonstrated its value. There is no doubt that the addition of the African region to the programme offers exciting potential, given the underdevelopment of protocols, guidance, regulations and laws to improve recruitment agency practices and migrant workers security and rights within the continent. With awakening interest and growing global voice, it is an opportune moment to begin to look more closely at African – Arab States migration linkages. There is much work to be done however, and given its scale, it is important that scarce resources are used as efficiently as possible. FAIRWAY has demonstrated its potential to make a significant contribution in its work with tripartite partners, local civil society, and large regional organisations like the AUC. Nevertheless, the coherency and focus of the programme can be tightened and clarified, and our recommendations are intended to support this. The intent of the programme is to contribute to transformative change. With stamina and a more coherent and incisive strategy, this is achievable, but will require a follow on phase to do this. This phase of FAIRWAY is all about learning how the programme can be effective and achieve a sustainable impact.

Annexes

- 1 List of Interviewees
- 2 Country Summaries
- 3 List of FAIRWAY Publications
- 4 Case studies