



Unblocking the Barriers: Making the EAC Regime Beneficial to Female Migrant Workers

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The views expressed in this paper are those of its independent author.

1. Introduction

The number of women traversing international borders in search of better employment opportunities has significantly grown. It was estimated that by 1960, female international migrants accounted for nearly 47 out of every 100 international migrants.¹ An increase in the number of female migrants living outside their home has been recorded ever since.² The increased presence of women in international migration is a result of numerous factors. Major among these is the desire to improve their lives and to provide a better life for themselves, their children, or their family members left at home.³ Poverty and exclusion, the rise in women's educational attainment, the increased demand for women's labour in the service sector sectors, and cultural and social changes in the attitude towards female migration in many source countries, have also contributed to this change.

As transnational labour and women's labour mobility in particular, increases both in numbers and diversity, the nexus between migration and development has increasingly gained prominence in international discourse, with the rate of remittances flow to developing countries and its relationship to the development of these countries being at the centre of the migration-development discourse. The role of migration in improving the livelihood of individual migrants and members of their family is also increasingly visible.

¹ H. Zlotinik, INTERNATIONAL MIGRATION TRENDS SINCE 1980, in UNFPA, *International Migration and the Millennium Development Goals: Selected Papers of the UNFPA Expert Group Meeting Marrakech, Morocco 11-12 May 2005*.

² Ibid.

³ C. Sweetman, 'Editorial' in C. Sweetmana, *Gender and Migration*, Oxfam (1998), 1998 at 3.

For women, migration is seen as an empowering experience as it enables them to move away from societies with traditional and patriarchal forms of authority and allows them to work, to earn their own money, and to exercise greater decision-making power in their daily lives. It also avails them the opportunity to learn new skills and enjoy a higher socio-economic status when they eventually return to their own country.⁴

However, while migration provides new opportunities and benefits for women, it also often gives rise to threats specifically against their security and human rights. The negative effect can be extremely appalling, particularly when women migrate irregularly. There is an emerging consensus that the predicament of female migrants is different from that of male migrants. Female migrant workers often experience different disadvantages in comparison to men at all stages of the migration due to their legal status, to the nature of the employment sector and type of educational requirements as well as stereotyped roles of men and women.⁵ As a result of traditional gender roles and social norms reflected through access to education and skills, women enter in a segregated labour market whereby their role in destination countries tends to be largely seen as an extension of their motherly and wifely responsibilities. Most of them end up in domestic work, sex work and other types of work in the service industry, which tend to be similar to the work

⁴ Global Commission for International Migration, *Migration in an Interconnected World: New Directions For Action*, Report of the Global Commission on International Migration at 45.

⁵ Organization for Security and Co-operation in Europe, *Guide on Gender-Sensitive Labour Migration Policies*, 2009 at 1.

performed by women in their home countries. The laws and policies on emigration and immigration tend to have gender outcomes and so do policies on integration and reintegration.⁶ All of these have significant implications on women migrant's rights, entitlements and livelihood.

With restrictive and stratified emigration and immigration laws and policies, female labour migrants are compelled to rely on migrant smugglers and trafficking networks. Women recruited in these conditions, are usually transported in appalling conditions – very risky and dangerous, possibly subject to sexual or physical violence from transporters, fellow male travellers, or border guards.⁷ In destination countries they are at risk of being arrested, detained, exploited and abused.⁸ Their desire to improve their lives and those of their children and family members can be hardly attained under these conditions.

In this paper the extent to which the unique experiences and needs of female labour migrants are reflected in the East Africa Community ('EAC') labour migration framework is examined. While doing that, the paper will explore the available opportunities and suggest viable ways of removing the existing barriers so that women can also enjoy the opportunities and the benefits of intra-regional labour migration.

⁶ N. Piper International Migration and Gendered Axes of Stratification– Introduction, available at [http://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/475FEA339FAF2596C125778800417FDC/\\$file/Pipervolint.pdf](http://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/475FEA339FAF2596C125778800417FDC/$file/Pipervolint.pdf) (accessed on 26 September, 2014).

⁷ S. Jolly and H. Reeves, Gender and Migration: Overview Report (Institute of Development Studies, Brighton, 2005) available at www.bridge.ids.ac.uk/reports/CEP-Mig-OR.pdf (accessed on 10 April 2014).

⁸ Ibid.

2. Women in International Migration

Female labour migrants have become more and more present in the global labour market. In the past, female migrants used to play a passive role – migrating as spouses or dependants of their male partners or relatives. Today women migrants play more active roles. This is due various factors. The gender segregation of labour coupled with high demand for some professional categories dominated by women, such as nursing, as well as increased levels of feminized poverty and gender disparities in access to social and economic opportunities and political power have all played a key role in increasing women's share in international migration.⁹ With the growing demand for workers in the service sector and the preference for women migrant workers – because of their perceived docility and the lower labour costs associated with employing women – an increasing number of women and girls from all walks of life now migrate as sole breadwinners.¹⁰ Currently, women constitute nearly half (48 per cent) of the 232 million global migration total. Considerable differences exist across regions with Europe hosting the highest proportion of female migrants (51.9 per cent), followed by Latin America and the Caribbean (51.6 per cent), Northern America (51.2 per cent) and Oceania (50.2 per cent).¹¹

⁹ Ibid.

¹⁰ M. R. Satterthwaite, *Crossing Borders, Claiming Rights: Using Human Rights Law to Empower Women Migrant Workers*, 8 *Yale Human Rights and Development Law Journal* (2005) 1–60, at 8. Also see N. Oishi, *Gender and Migration: An Integrative Approach*, Working Paper No 49 (Centre for Comparative Immigration Studies (CCIS), University of California, San Diego, 2002) 1, available at <http://www.bridge.ids.ac.uk/reports/CEP-Mig-OR.pdf> (accessed on 10 October July 2012).

The growing feminisation of international labour migration is also evident in Africa. African women who had traditionally remained at home or migrated as dependent family members are increasingly migrating independently, within and across national borders to pursue economic opportunities leaving their spouses to care for the children. With a total of 45.9 per cent of female migrants in her total migration stock, Africa holds the fifth position of regions with the highest numbers of female migrants in their migration stock.¹² What is unique about Africa's migration stock is that the majority of migrants originate from within the region. According to recent studies on migration patterns and trends in Africa, about two-thirds of migrants from Sub-Saharan Africa, particularly poorer migrants, go to other countries in the region. With the regional economic integration currently taking place in Africa's sub regions, the bulk of migrants remain within their sub-regions due to a myriad of factors, including simplified admission procedures, resource limitations, and the ability to return to home countries without much difficulties. Migrants from Africa's middle income countries are reported to have disproportionately migrated to destinations outside of Africa, while emigrants originating from poorer regions have generally remained within the sub-region and neighbouring countries – the major reason being that the costs associated with international migration are too high..¹³ The fact that women's access to resources in Africa is

¹¹ UN Department of Economic and Social Affairs, *Trends in International Migrant Stock: The 2013 Revision*, 2013.

¹² Ibid.

¹³ D. Radha et al, *Leveraging Migration for Africa: Remittances, Skills, and Investments* World Bank (2011), at 12.

considerably limited compared to their male counterparts, their ability to migrate to remote destinations is further diminished. This leads to a conclusion that, most women migrants in Africa originate from within the region, most often, from within the sub-regions and neighbouring countries.

The increased presence of female migrant workers in international labour market has not been free of consequences. Female migrant workers have emerged as the most marginalised group, and have become victims of heinous human rights violations and inequalities, some of which are rooted in traditional perceptions of gender roles.¹⁴ The prevalence of male-biased admission policies in destination countries has denied women the opportunity to become regular migrants, thus exposing them to irregular migration, human smuggling and trafficking.¹⁵ In most countries, admission policies tend to focus on 'stratified entry', whereby only certain categories of employees are admitted, particularly skilled ones, while the admission of unskilled and semi-skilled migrants is restricted.¹⁶ Even where the admission of the latter group is allowed, it is normally limited to male-dominated sectors, such as construction and agriculture.¹⁷ Consequently, women have no option but to seek the services of human traffickers and smugglers.¹⁸

¹⁴ S. Grant, International Migration and Human Rights, Paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration (2005).

¹⁵ N. Piper, Gender and Migration, A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration (2005), available at <http://www.gcim.org/attachements/TP10.pdf> (accessed on 10 March 2014).

¹⁶ Jolly and Reeves, *supra* note, 7 at 29.

The existence of a dual labour market in most hosting countries through which the division of labour between men and women has evolved, exacerbates the situation of female migrants further.¹⁹ In the dual labour market, professional female migrants end up in the ‘welfare and social professions’ such as education, health and social work, unlike their male counterparts who normally occupy senior managerial posts.²⁰ Other women are employed in the service industry or what is sometimes known as the ‘personal and protective services sector’, which includes domestic work, sex work and other informal sectors which are mainly unregulated.²¹ Female migrant workers are therefore employed on the lowest rung of the ladder and are often irregularly employed, even if they were legally admitted to the destination countries.²² The nature of work in these sectors and the absence of legal regulation increase their vulnerability. They become victims of serious human rights violations, including long working hours, unhealthy working environments, sexual abuse, low salaries and the non-payment of salaries.²³ In most cases, women migrants’ travel documents are confiscated to prevent their movement and they are forced to work without contracts. The absence of unionism in sectors

¹⁷ Piper, *supra* note 15 at 20.

¹⁸ Piper, *supra* note 15 at 15.

¹⁹ S. Hune, *Rights of All Migrant Workers and Members of Their Families*, 25(4) *International Migration Review* (1991) 800–817, at 812.

²⁰ Piper, *op cit*, at 7.

²¹ Satterthwaite, *supra* note 10 at 7. Also see G. Galloti, *The Gender Dimension of Domestic Work in Western Europe* *International Migration Papers* No. 96 (ILO, Geneva, 2009) 27, available at www.ilo.org/public/english/protection/migrant/.../imp/imp96.pdf (accessed on 2 March 2014).

²² Satterthwaite, *supra* note 10, at 7.

²³ J.S. Hainsfurther, *A Rights-Based Approach: Using CEDAW to Protect the Human Rights of Migrant Workers*, 24(5) *American University International Law Review* (2009) 843–895, at 852.

employing female migrants leads to the experiences of female migrant workers being rendered invisible, unlike the experiences of male migrants, which are more likely to be documented and visible because of strong unionism in the sectors where they are mainly employed.²⁴

It is very intriguing that these violations have continued to flourish even though there are numerous instruments on human and labour rights that provide for decent working conditions for all workers. It could be noted for example that most of the International Labour Organisation (ILO) Conventions for which migrant-receiving States subscribe to are of universal application, i.e. they apply to all workers, nationals and non-nationals alike. Similarly, the four fundamental principles and rights at work: (i) freedom of association and the effective recognition of the right to collective bargaining; (ii) the elimination of all forms of forced or compulsory labour; (iii) the effective abolition of child labour; and (iv) the elimination of discrimination in respect of employment and occupation, for which all members of the ILO undertake, to respect, promote and realize through the Declaration on Fundamental Principles and Rights at Work, 1998, are universal, and apply to all workers.²⁵ Migrant women's vulnerability is further exacerbated by the fact that, instruments that

²⁴ Piper, *supra* note 15 at 27.

²⁵ These principles are contained in the eight most fundamental Conventions under the ILO system which, according to paragraph 2 of the Declaration, binds all ILO members, even if they have not ratified the Conventions. These Conventions are the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87), the Right to Organise and Collective Bargaining Convention, 1949 (No 98), the Forced Labour Convention, 1930 (No 29), the Abolition of Forced Labour Convention, 1957 (No 105), the Minimum Age Convention, 1973 (No 138), the Worst Forms of Child Labour Convention, 1999 (No 182), the Equal Remuneration Convention, 1951 (No 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No 111).

specifically advocate for decent working and living conditions for migrant workers, particularly the Convention concerning Migration for Employment (No. 97), the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No.143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No.151), the Convention concerning Forced or Compulsory Labour (No. 29) the Convention concerning Abolition of Forced Labour (No. 105), and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) have not attracted much interest from migrant receiving countries. Their ratification status is considerably limited compared to other international instruments. Convention No. 97 has been ratified by only 47 countries.²⁶

The presence of exploitative features against female migrants in Africa's labour markets has been acknowledged in the African Union's major migration policy instruments: the Migration Policy Framework for Africa and the African Common Position on Migration, in particular. Both instruments acknowledge that female labour migrants are more vulnerable to exploitation, which is mostly highlighted by the frequently abusive conditions under which female labour migrants work, especially in the context of domestic service and sex

²⁶ See http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312242 (accessed on 10 August 2014).

industries.²⁷ To rectify this, they propose that respect for human and labour rights and integration of gender perspective in national and regional migration management policies and strategies should be used as a way of reducing and finally eliminating the prevailing vulnerabilities. What is lacking at present is the actual implementation of this proposal.

²⁷ See the Migration Policy Framework for Africa, 2006 (EX.CL/276 (IX)) para 6.5 and the African Common Position on Migration and Development, 2006 (EX.CL/276 (IX)) para 3.8.

3. The EAC Legal Framework on Free Movement of Workers

From its rebirth in 1999 the East Africa Community (EAC) has made significant strides in eliminating obstacles to the free movement of goods, persons, labour, services and capital between the partner States. Emulating the trend in sister sub-regions, the founding members of the EAC envisioned the establishment of a common market, and the adoption of specific measures to integrate partner States' labour markets into a single market in which the people of the EAC can freely move across the member countries' territories, and seek employment and exercise the rights of establishment and residence without difficulties.²⁸ Setting this in motion, in April 1999, the East African Passport was launched as a travel document to ease border crossing for East Africans. The East African Passport is obtainable at the headquarters of Immigration Departments in the respective Partner States. Unlike the national passports which once stamped at an entry point entitle the holder a single entry and stay of up to three months, the East African Passport entitles its holder to a multiple entry and stay of six months. The partner States have also unanimously removed visa requirements, thus allowing their citizens visa free admission.

In 2009 momentous achievement was recorded with the adoption of a Protocol establishing the East African Community (EAC) Common Market. The Protocol on the Establishment of the East African Community Common Market entered into force on the 1st of July 2010, following a ratification by all

²⁸ See the EAC Treaty, Art. 76 and 104.

the five Partner States of EAC. The Protocol is accompanied by four sets of regulations: regulations on free movement of persons, free movement of workers, right of residence and the right of establishment. Each of these sets provides detailed operational guidelines for the respective areas.²⁹

Under this Protocol the member States have made firm commitments to ease cross-border movement of persons and to work towards adoption of an integrated border management system. In particular, they have agreed to gradually remove all restrictions on movement of labour; to harmonise labour policies, programmes, legislation and social services; to provide for social security benefits; to establish common standards and measures for association of workers and employers; to establish employment promotion centres and to eventually adopt a common employment policy. They have also registered their commitment towards mutual recognition of academic and professional qualifications and towards removing all restrictions on the right of establishment and residence of nationals of other Partner States so that workers can move freely take up employment and establish their residences without difficulties.³⁰

Article 10 of the Common Market Protocol read together with the Regulations on Free Movement of Workers as provided for under Annex II guarantees the

²⁹ The East African Community Common Market (Free Movement of Persons) Regulations (Annex I); the East African Community Common Market (Free Movement of Workers) Regulations (Annex II); the East African Community Common Market (Right of Establishment) Regulations (Annex III); and the East African Community Common Market (Right of Residence) Regulations (Annex 1V).

³⁰ See Articles 10, 11 and 12 of the Common Market Protocol.

right of citizens of the EAC countries to move across the member states' territories, the right to seek and to accept employment in any of the Contracting States and to enjoy equal treatment with nationals in terms of employment conditions. It also guarantees the right to join and participate in trade union activities, access to social security benefits and to be accompanied by family members at their chosen countries of destination.³¹

Detailed procedures for accessing the labour market, including the process for acquisition of work permits for the principal migrants and their dependants, are also provided for to facilitate uniform admission procedures in State Parties.

A worker seeking to enjoy the opportunities of the Common Market in Member State is required to seek and to obtain legal authorisation in the form of work and residence permits. Two kinds of work permits – long-term permits (work and residence permits) and temporary permits (referred to in the regulation as a 'special pass' or simply a 'pass') – have been designed to facilitate access to member States' labour markets. The long-term work permits are issued to workers with a contract of employment of a period exceeding ninety days in the territory of another Partner State.³² The special pass is a cost-free permit of 90 days or six months granted to workers whose contracts of employment in the host country do not exceed 90 days and those waiting for their employment to be concretised. It is also granted to long-term employees and

³¹ Article 13 of the Common Market Protocol.

³² See Annex II, Regulation 6.

self-employed persons pending the formalities for obtaining a long-term permit. The special pass, once issued, ordains its holder the right to remain and to work or to engage in an economic activity within the specified period.³³

Further to this, members have agreed to harmonise their labour policies, programmes and legislation, including those on health and safety; establish a regional centre for productivity and employment promotion; exchange information on the availability of employment; and make their training facilities available to persons from other Partner States.³⁴ Pledges to adopt regulations for mutual recognition of academic and professional qualifications granted and experience obtained in other Partner States; and harmonisation of curricula, examinations, standards, certification and accreditation of educational and training institutions are registered in a bid to facilitate greater movements of workers.³⁵

As for self-employed persons, article 13 of the Protocol read together with Annex III on the right of establishment allows a self-employed national of a Partner State to take up and pursue economic pursuits; set up and manage economic undertakings and to join the social security scheme of the host Partner State. A work permit in respect of self-employment for persons seeking admission for purposes of self-establishment in a Partner State is

³³ See Annex II, Regulation 5(4) and Regulation 6(1)–(3).

³⁴ See the Common Market Protocol, Article 12.

³⁵ See the Common Market Protocol, Article 11.

also required. To qualify for a work permit for purpose of self-employment, a person must have a valid standard travel document, necessary licences, registration or other permissions required for establishment, and proof of sufficient capital for the purpose of employment.³⁶

Generally, the Protocol and its Regulations constitute a comprehensive set of standards and detailed guidelines, which, if fully and efficiently implemented, have great potential for social and economic transformation in individual countries and at a regional level.

The implementation of the Protocol and its Regulations which started with immediate effect on the 1st July 2010 after the last instruments of ratification was deposited by Burundi, is a work in progress. Commitments on free movement of labour are progressively implemented so as to prepare the national labour markets to adjust to full integration. Through the Schedule of Implementation of provisions on free movement of workers, annexed to the Regulations on Free Movement of Workers members, have set their priorities, depending on the actual needs in their respective labour markets. The Schedule lists the occupations which a member State is willing to open its doors to allow admission of workers from fellow member States, and the year at which the State will be ready to implement the said commitment. In Tanzania, for example, implementation started in 2010 with the education sector and other strategic areas such as engineering (civil engineering, mining

³⁶ Annex III, Regulation 5.

engineering and geomorphology) and the health sector (nurses and midwives). According to this schedule, some of the commitments will be implemented in 2015; almost five years after the Protocol became operational. In some of the occupations the indicative date for implementation is not provided.

Different levels of implementation have been achieved so far with Rwanda being ahead of all the member States both in terms of incorporating the EAC framework into her domestic laws and actual opening of borders to allow admission of workers from fellow EAC countries. Rwanda incorporated the EAC framework into her laws in May 2011.³⁷ Citizens from other partner States who secure employment in Rwanda are issued with a work permit of two years renewable upon application. Those with a lesser period are issued with a special pass in accordance with the provisions of the Protocol.³⁸ All these documents are issued to the citizens of each partner State free of charge. Kenya has also made notable legislative and policy reforms so as to outlaw the limitation on free movement of workers and to allow workers from other partner States a stress-free entry into Kenya's labour market.³⁹

³⁷ See Law No 04/2011 of 21 March 2011 on Immigration and Emigration in Rwanda. Also see Ministerial Order No 02/01 of 31 May 2011 Establishing Regulations and Procedures Implementing Immigration and Emigration Law, and Ministerial Order No 03/01 of 31 May 2011 Determining the Fees Charged on Travel Documents, Residence Permits, Visas and Other Services Delivered by the Directorate General of Immigration and Emigration.

³⁸ *Ibid.*

³⁹ The laws inhibiting free movement of other nationalities in Kenya included the Kenya Citizenship Act (Cap 170), Immigration Act (Cap 172), Alien Restriction Act (Cap 173) and Visa Regulations. All of these were repealed and replaced by the Kenya Citizenship and Immigration Act No. 12 of 2011 and the

Other countries are lagging behind. Their laws and policies relevant to labour migration predate the sub-regions' labour migration framework, making it difficult for workers to access the opportunities available in these countries. Such laws include the Employment Promotion Services Act of 1999 and the Immigration Act of 1995 in Tanzania and the [Uganda] Citizenship and Immigration Control Act, Cap.66, and the Employment Act, 2006 in Uganda. Non-legal limitations including lack of a political commitment to implement the policy and legislative reforms required by the Common Market Protocol also persist. Even in a country such as Kenya where legislative reforms have been undertaken, the administrative bottlenecks have remained in place making it difficult for workers from other member States to take up employment in Kenya's labour market.⁴⁰

The limitations notwithstanding, considerable increase of intra-regional migration has been reported since the adoption of these instruments. In Rwanda, about 37,960 workers from EAC partner States and their dependants are reportedly to have been admitted into Rwanda's labour market since 2011.⁴¹ Kenya issued a total of 2,755 work permits to workers from other partner States in 2011. During the same year, Tanzania issued a

Kenya Citizens and Foreign Nationals Management Act No.31 of 2011. Kenya has also amended some of her employment and labour relations legislation to address discrimination of citizens and workers from other partner State seeking employment in Kenya.

⁴⁰ V. Ogalo, Achievements and Challenges of Implementation of the EAC Common Market Protocol in Kenya: Case of Free Movement of Labour, available at <http://www.fes-kenya.org/media/activities/EAC%20Common%20Market%20Protocol%20and%20Free%20Labour%20Mobility%20Workshop/Papers/CMP%20Implementation%20in%20Kenya.pdf>

⁴¹ See 'Priority Questions for Oral Answers' at the 4th Meeting of the 2nd Session of the East African Legislative Assembly, Kampala, Uganda 19th -31st January 2014 available at [file:///C:/Documents%20and%20Settings/winuser/My%20Documents/Downloads/NEW-EALA%20Priority%20Qns%20for%20Oral%20Answ_%2027th%20Jan%202014_%20\(2\).pdf](file:///C:/Documents%20and%20Settings/winuser/My%20Documents/Downloads/NEW-EALA%20Priority%20Qns%20for%20Oral%20Answ_%2027th%20Jan%202014_%20(2).pdf)

total of 1626 work permits. In Uganda, it is reported that only 455 and 549 work permit applications from other EAC nationals were received and considered in the Financial Year 2010/2011 and 2011/2012 respectively.⁴² It is imperative to note the actual movement of workers could be higher than what is presented here. This is because a significant proportion of cross border migration and employment between these countries takes place outside the law.⁴³

⁴² Ibid.

⁴³ J.O Oucho, et al, *The Biggest Fish in the Sea? Dynamic Kenyan Labour Migration in the East African Community*, International Organization for Migration, 2013 at 33.

4. Women Labour Migrants under the EAC Common Market Regime

The growing feminisation of international border migration in Eastern Africa, as with the rest of Africa, largely corresponds to development taking place in global labour market. Although concrete statistics are lacking, available records indicate that women constitute a significant proportion of immigration population in EAC member States. The percentage of female migrants is even higher when one looks at the numbers in individual countries. For instance in 2000 the proportion of female migrants in Rwanda constituted 53.9 per cent of the total migration population (465,500 migrants).⁴⁴ In 2013, the proportion of female migrants stood at 52 per cent (236,796 out of 453,406). In Uganda, female migrants constituted 50.7 per cent of the total immigration stock.⁴⁵ The number of women crossing international frontiers in search of employment beyond the EAC has equally increased. Although concrete statistics are lacking, it is reported that more women than men emigrate out of Uganda.⁴⁶

Unsurprisingly, the growing presence of female labour migrants and their contribution in certain sectors of the economy of the EAC countries is, however, yet to attract significant scholarly attention. Little is known about their actual numbers as well as their unique experiences. The approach to

⁴⁴ See <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Rwanda.pdf> (accessed on 10 July 2014).

⁴⁵ International Organisation for Migration, Migration in Uganda: A Rapid Country Profile, available at <http://www.opm.go.ug/assets/media/resources/486/THE%20UGANDA%20MIGRATION%20PROFILE.pdf>, (accessed on 10 July 2014).

⁴⁶ *Ibid*, at 38.

international migration in individual EAC member States has largely remained gender neutral. In some of the countries, Tanzania inclusive, the official statistics barely include sex as one of the variables making it difficult to ascertain the proportion of female migrants. The specific experiences and needs of female migrants in the labour markets have equally not been thoroughly and holistically articulated in the existing national migration policies and legal frameworks.

The sub-region's policies and framework on free movement of workers are equally gender neutral. The EAC Common Market Protocol and its annexes do not articulate the strategies needed to address the unique experiences of women labour migrants. Seemingly, the development of the EAC labour migration policies, as that of individual member States, proceeded from two faulty assumptions: that labour migration is exclusively a man's business and that, to the extent that women do migrate, both female and male migrants have similar migration experiences. It cannot be overemphasised that both assumptions are erroneous. The increased active participation of female migrants in the sub-region's labour market as demonstrated in the preceding paragraph defeats the assumption that labour migration is a preserve of men. The second assumption is similarly erroneous, because empirical evidence from the global labour market, which is also supported by AU's migration policy statements, show that the experiences of female migrants are unique. Unlike their male counterparts, they endure triple oppressions, i.e. being disadvantaged in the job market because of their nationality and lack of skills just as their male counterparts, and additionally, being subjected to gender

inequalities.⁴⁷ The over representation of female migrants in private homes and other unregulated venues rather than public workplaces means more vulnerability in terms of discrimination on gender, racial, ethnic, occupational and nationality grounds.⁴⁸ As rightly observed in the AU Migration Framework for Africa, migrant women's vulnerabilities to exploitation are highlighted by the frequently abusive conditions under which they work, especially in the context of domestic service and sex industries in which migrant trafficking is heavily implicated.⁴⁹

The failure to integrate gender perspectives in the EAC labour migration framework impedes, extensively, the ability of women to legally access the opportunities available in the labour market. It cannot be overemphasised that, although there are notable strides in facilitating the movement of workers across the EAC member countries, women may not enjoy to the fullest the opportunities available in the sub-regions' labour market due to a myriad of other factors in addition to the barriers already stated in preceding paragraphs. The first of these obstacles is a stratified entry policy. This is deeply entrenched in the Schedule of Implementation of the provisions on free movement of workers, annexed to the Regulations on Free Movement of Workers. Contrary to the general impression emanating from the EAC

⁴⁷ Hune, *supra* note 19 at 807. Also see Piper, *supra* note 15 at 2.

⁴⁸ International Labour Organization, *Women and Men Migrant Workers: Moving towards Equal Rights and Opportunities*, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_101118.pdf (accessed on 24 October 2014).

⁴⁹ See paragraph 6.5 of the Migration Policy Framework for Africa, Executive Council Ninth Ordinary Session, 25 – 29 June 2006.

Common Market Protocol that all categories of workers are covered, the Implementation Schedule contains a selective list of occupations which the member States are willing to open their market to allow the admission of workers from partner States. The distribution of occupations in the Implementation Schedule underlines the areas where employment is expected to be readily available and how national development frameworks, expressed in terms of visions aligned to the needed highly educated and skilled labour, is to be implemented.⁵⁰ The conclusion emerging from the Schedule's distribution of occupations is that the free movement of workers in the EAC is not available to all the workers; it is a preserve of certain categories of workers, mainly the professionals, administrators, technicians and similar skilled workers as opposed to semi-skilled and unskilled workers.

This policy is arguably meant to safeguard domestic labour markets against the new waves of workers with lower skills.⁵¹ The effectiveness of this strategy in achieving the intended objective is, however, doubtful. Experiences from other countries and regions have shown that stratified admission policies and stringent border controls have not reduced the flow of migrants. Instead, they have triggered an unprecedented rate of clandestine migration and the formation of increasingly sophisticated smuggling and trafficking networks. In fact, strict implementation of such policies tends to put irregular migrants at

⁵⁰ J.O Oucho, et al, supra note 45 at 29.

⁵¹ J. B Kanyangoga, Integrating Migration with Development in EAC: Policy Challenges and Recommendations, Research Papers (CUTS International, Geneva, 2010) 16, available at http://www.cuts-grc.org/pdf/BIEAC-RP10-Integrating_Migration_with_Development_in_EAC.pdf (accessed on 24 May 2012).

greater risk, directly and indirectly, without reducing the pressures and incentives that cause them to travel.⁵² Because of high demands of low skilled migrants in the labour market, large numbers of migrants are forced to migrate clandestinely with most of them ending up in precarious, dangerous or exploitative situations during transit and increasingly after arrival in destination countries. EAC countries are not insulated from these experiences. Signs of growth of irregular migration, fuelled by several factors, including stratified admission policies and stringent migration policies prevalent in EAC countries are already evident. Recent studies on the small-scale fishermen-migrants across Tanzania, Kenya and Mozambique, and the seasonal migrant workers (mainly from Uganda) in the Kagera region in Tanzania present a few examples of many unskilled and semi-skilled migrants who are compelled to work outside the legal framework.⁵³

The most striking fact is that whereas stratified admission policies and stringent admission policies negatively affect all unskilled and semi-skilled workers by denying them the opportunity to migrate legally, their negative impacts on female migrants tend to be more profound compared to male migrants. Numerically, the proportions of women who tend to be affected by these policies are usually higher than those of male counterparts. In the EAC,

⁵² J. Masabo, *The Protection of the Rights of Migrant Workers in Tanzania*, PhD Thesis, University of Cape Town, 2012.

⁵³ J. Masabo, *Evolving Regional Standards on the Rights of Labour Migrants: Perspectives from the EAC and SADC*, 3(1) *SADC Law Journal* (2003)182–211. Also see B. Crona, and S. Rosendo, *Outside the Law? Analyzing Policy Gaps in Addressing Fishers in East Africa* 35 *Marine Policy* (2011) 393–388 and B. Rutinwa, *Addressing Irregular Settlement in North Western Tanzania: A Legal and Protection Perspective*, Working Paper (International Migration Management Project, 2010) 8.

as with the rest of Africa, the situation is likely to be worse because significant numbers of women and girls still cannot access formal education due to entrenched assumptions about their roles as carers, mothers, brides and household labourers. Hence, they are overrepresented in the percentage of persons with lower levels of education and limited skills. Although several measures have been undertaken to improve enrolment of girls in schools and thereby raise women's academic profile, the progress is less impressive. In Burundi for example, it is reported that there is are large differences in male and female schooling, with women being underrepresented in all types of education.⁵⁴ There are similar reports from Uganda where it is reported that, despite the progress made in improving girls' overall enrolment in school, the level of female enrolment in secondary schools is much lower compared to primary schools which have recorded parity enrolment for boys and girls.⁵⁵

Women with pre-requisite skills may still find it difficult to seize the opportunities present in the sub-region's labour market because they do not belong to the occupations prioritised in the Implementation Schedule. The list of occupations earmarked for implementation by some of the contracting States is biased towards male-dominated occupations. For example, Tanzania's list is overly dominated by occupations that are traditionally male-

⁵⁴ Burundi - Labour Market Profile 2013, available at http://www.ulandssekretariatet.dk/sites/default/files/uploads/public/PDF/LMP/burundi_2013_final_web.pdf (accessed on 12 July 2014)

⁵⁵ See J.M Matovu, et al, 'Realizing the Millennium Development Goals through Socially Inclusive Macroeconomic Policies: Assessing Development Strategies to Achieve the MDGs in the Republic of Uganda,' UNDP, 2011 available at <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/rwanda.pdf> (accessed on 10 July 2014).

dominated: engineering and related occupations such as cadastral surveyors, physicists, chemists, mathematicians, architects, town planners, and agricultural field officers. Education (elementary and secondary school teachers) and health sector (medical doctors and practitioners including nurses and midwives) are the only two sectors with a good record of employing women in Tanzania's list of earmarked occupations. Similar trends are also evident in the occupations earmarked by Rwanda and Burundi. This curtails further the chances of EAC women seeking admission into Tanzania's domestic labour market.

Unemployment trends amongst women and their limited participation in their home country's formal labour market also raises serious doubts as to their ability to seize the opportunities presented by the Common Market Protocol. Although most of the countries have over the years recorded considerable success in increasing the participation of women in the domestic labour market, inequality between men and women in accessing wage earning employment opportunities persists. Women have continued to face greater challenges compared to men in accessing wage employment due to many factors including low education and skills, cultural attitudes and practices, discrimination and limited opportunities to access productive resources. Labour market surveys from almost all the EAC countries exhibit worrying trends and facts as regards women's unemployment rate and their actual participation in domestic labour markets. For example, in Kenya, Omolo notes

that “unemployment has continued to be higher among women than men.”⁵⁶ Further studies attest that female labour force participation in the Kenya’s modern sector has over several years remained below 30 per cent compared to men who hold a disproportionately larger share of the modern sector jobs.⁵⁷ Similarly in Tanzania a larger proportion of women than men are either unemployed or have temporary, precarious, and generally unsatisfactory types of employment.⁵⁸ According to Tanzania’s Integrated Labour Survey, 2006 approximately 56.5 per cent of all female employees in paid employment were performing precarious work (casual, seasonal and temporally employment). In Uganda, it is reported that, 62 per cent of all the women working outside of the agricultural sector are employed in the informal sector.⁵⁹ With this profile, the employability of women in occupations earmarked in the Implementation Schedule can hardly be guaranteed.

The permit system is also prohibitive. The Common Market Protocol requires workers to obtain work permits for admission into other country’s labour market. With the exception of Rwanda, which has liberalised its permit

⁵⁶ J. Omolo, Youth Unemployment in Kenya, 2010 at 16 available at <http://www.tracekenyagroup.org/wp-content/uploads/2013/12/Youth-Employment-in-Kenya-Study.pdf>

⁵⁷ C. Suda, Gender Disparities in The Kenyan Labour Market: Implications For Poverty Reduction, 11(3) Nordic Journal of African Studies (2002) 301-321, at 301; R. Atieno, Government Policy and Female Labour Market Participation in Kenya: Implications for Poverty Reduction, Paper Submitted to the 2009 Annual IAFFE Conference, Boston, USA June 26-28 2009, at 2.

⁵⁸ International Labour Office, Social Protection Expenditure and Performance Review and Social Budget: Tanzania Mainland, ILO (2008) at 21.

⁵⁹ The Republic of Uganda, Millennium Development Goals Report for Uganda 2013: Drivers of MDG Progress in Uganda and Implications for the Post-2015 Development Agenda, available online at <file:///C:/Documents%20and%20Settings/winuser/My%20Documents/Downloads/Uganda%20MDG%20Report-Oct%202013.pdf>.

system, the permit system in the rest of the member States is cumbersome and costly. There are undue delays in processing permits such that in Tanzania and Kenya work permit processes take between 3 and 6 months.⁶⁰ So far, only Rwanda has waived work permit fee for all workers from within the sub region, meaning that in the rest of the EAC countries, workers from fellow partner States have to pay for work permits. There is currently no uniformity in administrative fees. In Tanzania, a two-year work permit is issued to non-national workers upon payment of 2,000 USD. The fee is charged across the board without preferential treatment for EAC nationals. In Kenya an administrative fee of 200, 000 Kenya Shillings (paid annually) is imposed on all work permit applicants except for workers originating from Rwanda. Ideally, this fee is to be paid by the employer. However, there are some instances where employees are made to contribute a certain percentage on terms mutually agreed upon by the employer and the employee. In sectors where staff turnover is relatively high, employees are expected to pay the entire amount. In Tanzania, this is very common in elementary and secondary schools that use English as the primary medium of instruction. Considerable numbers of male and female teachers from Kenya and Uganda are employed in these schools.⁶¹

⁶⁰ See J. Masabo, *The Protection of the Rights of Migrant Workers in Tanzania*, PhD Thesis, University of Cape Town, 2012 at 152-152 and Ogalo, *supra* note 40 at 37.

⁶¹ Masabo, *ibid* at 153.

In Kenya, there is an additional barrier, namely the annual income for which one is expected to earn while in Kenya. Regulation 20 of the Kenya Citizenship and Immigration Regulations, 2012 provide that, “the Director of Immigration Services shall not issue a residence or work permit to any person unless that person has proven that he or she has funds or has in his or her own right and at his or her full and free disposition an assured annual income of at least twenty four thousand US dollars or its equivalent in Kenya shillings.” This regulation applies across the board without preferential treatment for EAC nationals meaning that no worker from other EAC partner States can get a job in Kenya if he/she were to take up a job paying less than 2,000 USD per month, an amount money, which according to Ogalo, is earned by few Kenyans in formal employment.⁶²

These costs are in addition to the costs related to travel, accommodation and up keep in the country of destination. Although in intra-regional migration the costs tend to be moderate due to geographical proximity to the country of origin and that of destination, they could be higher for persons migrating to a country with a relatively better economy and where migrant networks do not exist yet.

Opportunities for self-employment in partner States are similarly narrow. As noted in previous paragraphs, a person seeking admission for purposes of self-employment is required to obtain a permit which, according to the

⁶² Ogalo, supra note 60 at 38.

regulations, can only be granted to a person who has proved to the satisfaction of the host country's authorities that he or she has valid standard travel documents, necessary licences, registration and other permissions required for establishment and proof of sufficient capital for the purpose of employment. Although the participation of women in small and medium enterprises has steadily grown, they may not have enough capital to meet the benchmarks set by host countries.

With these costs, the ability of women to migrate is further constrained because they may not have enough resources. Traditionally, ownership of resources is the preserve of men. Also, the average income is lower for women than men resulting in more women being poor compared to men. In Uganda, the median salary for women in the private sector in 2008 was about 40 per cent less than men.⁶³ The gender gap in wage is partly explained by the fact that unlike women, who seldom make a career that leads them into the senior managerial positions, men tend to occupy most of the high paying managerial jobs and as a result earn higher. Labour market reports from EAC Member States reveal that women tend to be overrepresented in the elementary occupations and clerical jobs, and therefore tend to earn less compared to men who dominate most of the occupations that are regarded as good occupations and attract good income.⁶⁴ It is also true that, unlike men,

⁶³ EPRC Policy Brief, Addressing Gender Gaps in the Ugandan Labour Market, 2011 available at http://www.eprc.or.ug/pdf_files/policybrief12_gender.pdf.

women are excessively represented in informal economy where income is not stable. A recent study by the Tanzania Revenue Authority reports that women constituted about 67.1 per cent of the number of workers employed in the informal sector in 2010.⁶⁵ In Kenya, 54 per cent of agricultural workers are women whereas in Uganda, available records indicate that in 2008, 40 per cent of women in Uganda were unpaid family workers, mainly in agriculture.⁶⁶

These barriers leave women with only two major options: irregular labour migration and informal cross border trade. Studies on informal cross border trade mainly involving staple food commodities such as maize, beans, rice, fish, groundnuts, bananas, and low quality consumer goods such as shoes, clothes, textile, medicine and vehicle and bicycle parts, reveal that an important share of informal cross border traders are female traders for whom profits from informal trade often constitute the sole source of earnings and economic empowerment.⁶⁷ Taking advantage of the EAC passport and the visa free admission policy, under which EAC citizens are allowed to stay up to 30 days in any of the Members, informal traders smuggle their products across the borders into their intended markets with less difficult.

⁶⁴ For instance in Tanzania it is reported that in 2006 men represented 84% of administrators, managers and legislators while women formed 77 percent of workers in the agriculture and fisheries. See, ILO: Decent Work Country Profile: Tanzania Mainland, 2010 at 27.

⁶⁵ Ibid.

⁶⁶ EPRC, supra note 63.

⁶⁷ CUTS, Informal Cross-Border Trade in EAC Implications for Regional Integration and Development, 2010 at 19.

In light of these realities, the need for a gender sensitive labour migration framework and policies cannot be overstated. The gender-blindness of the EAC Common Market Protocol and its annexes is a serious omission and highly surprising. It is inconceivable that EAC's policy makers are unaware of negative impacts emanating from traditional gender-based social and economic segregation and the need to correct and finally eliminate all forms of inequalities which women in their respective countries have endured over a long period of time. One would have expected that the gender mainstreaming programmes and projects ongoing in almost all EAC countries would serve as benchmarks in formulating gender sensitive policies so that social and economic barriers inhibiting women's active participation in national labour markets are not replicated in the sub-regions' single labour market.

The failure by EAC member States to integrate gender perspectives in the sub-region's labour migration framework contravenes the directive by the African Union that gender perspectives should be integrated in national and regional migration management policies in a bid to reduce and finally eliminate the exploitative working conditions facing female migrant workers.⁶⁸

The prevailing position not only impedes the ability of women to legally access the opportunities available in the labour market; it compels them into irregular migration thus exposing them to different forms of exploitation and human rights violations by employers, smuggling network and the authorities.

⁶⁸ The Migration Policy Framework for Arica (EX.CL/276 (IX)), para 6.5.

5. Available Options and Opportunities

The factors curtailing women's active role in cross-border labour migration needs to be urgently eliminated so that women and men can equally access and enjoy the benefits flowing from the EAC's Common Market. The most important measure is to revise the existing framework so as to integrate gender perspectives. In doing this, members should be guided by the AU's policy directive that gender perspective should be integrated in all national and regional migration management policies and strategies relevant to migration management. By gender sensitive labour migration policies we mean "the policies recognizing that both men and women migrate for economic reasons and better employment opportunities, and that the migration experience of men and women may differ significantly".⁶⁹ We also refer to policies that "recognize that female migrant workers may experience more disadvantages and discrimination at all stages of the migration process due to employment categories/sectors offered, educational requirements and stereotyping, which is often further magnified by the intersectional marginalization of age, class and ethnicity."⁷⁰

In the EAC, the focus should be on the elimination of all the barriers that are deeply entrenched in the Common Market Protocol, its regulations and in the Schedule of Implementation of the provisions on free movement of workers.

⁶⁹ Organization for Security and Co-operation in Europe (OSCE), Guide on Gender-Sensitive Labour Migration Policies, OSCE, 2009 at 9.

⁷⁰ Ibid.

Specific measures such as the inclusion of female-dominated occupations in the list of occupations earmarked for implementation, reduction and total elimination of the annual income requirement and the work permit application fee could play an important role in availing women more opportunity for legal migration and thereby reducing their overly reliance and vulnerability to migrant smugglers and human traffickers. In addition, the vulnerability of women in all stages of migration and specific measures to protect them should be outlined in the sub-regional and in national migration management policies. This should go in hand with domestication of the Common Market Protocol in all national laws and policies and actual implementation of these norms in each of the EAC Member states.

EAC members should also consider formulating advocacy programmes aimed at widening the knowledge base on the sub-region's labour migration framework. So far, little is known about the opportunities offered by the Common Market Protocol, despite the fact that it is now five years since the Protocol and its regulations came into force. Instead of being made public, the Common Market Protocol and its regulations, the Implementation Schedule inclusive, have largely remained in the shelves of relevant ministries. Hence, they are not known by many. Although these instruments can be easily accessible through the EAC's website, it is not true that every worker in the region has access to this website. Even those who have access may have difficulties in understanding its provisions. It is therefore important for the relevant authorities to aggressively disseminate the knowledge. Advocacy strategies should meet the specific needs of the least advantaged groups.

Another strategy is to strengthen the gender mainstreaming programmes in domestic labour market. By reducing gender inequalities in domestic labour markets, countries will significantly improve the status of women and thereby raise their aspiration and ability to become part of the sub-region's social and economic transformation. Laws and policies entrenching gender inequality in domestic labour market should be repealed to give way for gender sensitive legislation and policies.

Effective implementation of commitments made by EAC countries in various international instruments, universal human rights instruments and general international labour law instruments in particular, also hold a potential of narrowing the gender gap. Some of these instruments contain provisions that have proved to be an effective tool in addressing gender specific challenges of international labour migration. There is abundant literature and case studies on how human rights law can effectively be used to respond to the myriad aspects of women migrant workers.⁷¹ Of specific interest amongst these is the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), 1979 which has been ratified by all EAC countries. The Convention guarantees substantive equality between women and men. The substantive equality guarantees of CEDAW combined with the obligation on State Parties to take all appropriate measures to eliminate discrimination renders the Convention a powerful tool in improving the participation of women in

⁷¹ Satterthwaite, supra note 10 at 8.

international labour markets.⁷² Given that all EAC Countries have ratified CEDAW, it will not be difficult for them to employ this instrument as a tool to increasing the participation of women in the sub-region's labour market.

Similarly, the Convention and Recommendation concerning Decent Work for Domestic Workers as adopted by the International Labour Organisation in 2011 offers substantive protection for female workers employed in domestic work. It could be utilised as a tool in addressing gender specific challenges facing female migrants in this sector.⁷³

EAC members may make use of different policy pronouncements, guidelines and directives which together constitute a set of soft laws with a demonstrated proactive role in addressing gender-related challenges in the global labour market. Central on this list is the General Recommendation No. 26 on Women Migrant Workers issued in 2008 by the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee),⁷⁴ and General Comment No. 1 on Migrant Domestic Workers, issued by the UN Committee on the Protection of All Migrant Workers and Members of their Families (CMW Committee) in 2011.⁷⁵ These two documents comprehensively unveil the unique experiences of female migrant

⁷² Hainsfurther, *supra* note 23 at 847.

⁷³ Convention No. 189 and Recommendation No. 201 Concerning Decent Work for Domestic Workers, 2011

⁷⁴ CEDAW, General Recommendation No 26 on Women Migrant Workers, 2008 (CEDAW/C/2009/WP.1/R).

⁷⁵ Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families, General Comment No 1 on Migrant Domestic Workers, 2011 (CMW/C/GC/1).

workers, particularly those who are in sectors which are largely invisible and unregulated. The CEDAW Committee summarises these experiences as follows:

“Although both men and women migrate, migration is not a gender-neutral phenomenon. The position of female migrants is different from that of male migrants in terms of legal migration channels, the sectors into which they migrate, the forms of abuse they suffer and the consequences thereof. To understand the specific ways in which women are impacted, female migration should be studied from the perspective of gender inequality, traditional female roles, a gendered labour market, the universal prevalence of gender-based violence and the worldwide feminization of poverty and labour migration. The integration of a gender perspective is, therefore, essential to the analysis of the position of female migrants and the development of policies to counter discrimination exploitation and abuse.”⁷⁶

With more emphasis on the protection needs of the three most marginalised categories of female migrants – namely non-professional women who migrate independently, women who migrate as dependants and undocumented female migrants, and domestic migrant workers – these instruments have

⁷⁶ See CEDAW, General Recommendation on Migrant Women, para 5. Also see MWC, General Comment No 1 on Migrant Domestic Workers, para 60.

consistently reminded states of their obligation to protect female migrant workers.

Both documents outline several measures which states should strive to adopt so as to meet their treaty obligations. CEDAW, for instance, reminds us that it is the responsibility of countries of origin and destination to formulate–

“a comprehensive gender-sensitive and rights-based policy: States parties should use the Convention and the general recommendations to formulate a gender-sensitive, rights-based policy on the basis of equality and non-discrimination to regulate and administer all aspects and stages of migration, to facilitate access of women migrant workers to work opportunities abroad, promoting safe migration and ensuring the protection of the rights of women migrant workers (articles 2(a) and 3).”⁷⁷

The complementary role which these two instruments seek to achieve has the potential to enhance protection in this area. For example, members of CEDAW are now obliged to describe in their reports to the committee specific legal and policy measures which they have undertaken to protect female migrants.⁷⁸ Being members to CEDAW, EAC countries are also obliged to report on regular basis on the measures they have undertaken to protect

⁷⁷ See CEDAW, General Recommendation on Migrant Women, para 23(a).

⁷⁸ See CEDAW, General Recommendation on Migrant Women, para 28.

female migrants. This requirement can be used as a benchmark for formulating gender-sensitive migration policies.

6. Conclusion

The discussion in this paper leads to a conclusion that, although the EAC has made notable progress in facilitating the free movement of workers within the sub region, there are myriad factors limiting the mobility of female migrants. The EAC labour migration framework is gender neutral coupled with stratified and male-biased admission policies all of which inhibit significantly, the ability of women to access the opportunities available in the sub region's labour market. Gender segregation in domestic labour markets, low education amongst women, gaps in earning and other social and economic barriers deeply entrenched in traditions and customs further inhibit the mobility of women. All of these demand urgent measures to rectify the inequalities. This would involve revision of the sub-region's regime to incorporate gender perspectives so that the unique experiences and needs of women can be adequately addressed. Moreover, the paper recommends total elimination of all administrative barriers and adoption of several measures that could help in improving the mobility of women in EAC's labour market, thereby making labour migration beneficial to women migrants.