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**Intra-African Female Labour Migration:
Common Issues, Work and Rights**

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Introduction

Intra-African female migration is both a long-standing and growing phenomenon on the continent. However, the international migration of women has been insufficiently studied to date with implications for the rights and legal protection of female migrants.¹ The intersections of gender, immigration and labour policies condition the migratory experiences of female migrants in ways that are different to African men's experience of migration. It is in these spheres that interventions need to be made to improve the working and social conditions of female migrants in ways that can contribute to inclusive growth and structural transformation on the continent.

Evidence suggests that increasing numbers of women are engaging in intra-African migration and that women are increasingly migrating alone and as heads of households (Fall 2007). While international migration from some countries is male dominated, there is a more equal gender balance in others. African women are involved in various typologies of migration, including cross-border trade, temporary and circular migration and longer-term settlement migration. In South Africa, some forms of female migration have been characterised as 'multi-purpose', encompassing employment, trade and shopping (Dodson & Crush 2004). Female migrants sometimes occupy specific ethnic niches, such as Malian women specialising in selling paintings in Senegal or Togolese women working as domestic workers in a range of African countries (Fall 2007; IOM 2015).

Different gender norms in individual African countries shape women's propensity and ability to migrate (Toma & Vause 2013). Given global policy objectives in relation to labour migration, it is timely to focus more attention on the experiences of female migrants and to consider how enhancing their social and economic opportunities in the migration process can contribute to development in ways that go beyond the recent focus on remittances and focus attention instead on issues such as gender equality, productivity and living standards.

¹ The term female migrants is used to refer to the international intra-African migration of women. The term 'internal female migrants' is used to refer to citizens engaged in internal migratory movements within national borders.

Policy support for enhancing the development potential of female labour migration requires that women have similar opportunities for migration to men. However, in general, states more readily restrict women's emigration for moral and other protective reasons and women's migration tends to require greater social legitimacy (Oishi 2005). Recent restrictions on African women's international migration include the Ethiopian and Ghanaian governments' ban on the migration of domestic workers to Saudi Arabia in 2013 and 2017 respectively. While such protective bans are intended to prevent exploitation, they are typically in place primarily for women. International instruments such as the Convention on the Elimination of all Forms of discrimination against Women (CEDAW) General recommendation 26 on Women Migrant Workers (GR26; para 24) and the Committee for Migrant Workers (CMW) General comment on migrant domestic workers (para 61) cautions against the use of sex-specific bans and discriminatory restrictions on women's migration.

Much of the migration within Africa takes place within regional geographical frameworks. Most international migrants in West Africa are from other West African countries, with the Ivory Coast, Ghana and Nigeria as important countries of destination (ICMPD & IOM 2015). There are similar migratory movements in Southern Africa with Botswana, Namibia and especially South Africa constituting important destination countries. This contrasts strongly with African migration outside of the continent, which is geographically dispersed to North America, South America, Europe, Asia and Oceania.

The diverse migration dynamics in Africa are shaped by the historical evolution of national political economies, ranging from the plantation economy in the Ivory Coast to mineral exploitation in the Democratic of Congo and South Africa. Migrant labour systems under colonialism or apartheid, for example, frequently led to large concentrations of men in sectors such as mining. The social and political visibility of single-sex male labour migration tended to obscure the historical migration of female migrants whose labour often fell outside what was conventionally considered work. In Southern Africa, for example, this included beer brewing, laundry and sex work (Dodson & Crush 2004).

Formal recruitment practices by receiving states shape the characteristics of intra-African female migration, but these practices are less common than the autonomous informal migration practiced by female migrants. While formal recruitment offers greater

employment security, preferences for female migrants' labour are too often the result of gender stereotyping and tend to exploit their marginalized social and economic situation in order to recruit a pliable workforce.

This paper examines intra-African female labour migration through a focus on the income-generating activities of those migrating to perform low-skilled work. It does not focus on skilled migration, which, as in other geographical regions tends not to face the same level of formal restriction that exists for low-skilled migrant workers. Section 1 begins by raising some common issues that female migrants face throughout the continent. Section 2 discusses the income-generating activities that female migrants engage in and pays particular attention to the domestic work sector. Finally, Section 3, discusses how the rights of female migrants can be enhanced and protected.

1. Common issues

Despite the predictable diversity of gender-related migration trends in Africa, a number of common issues can be identified. The situation of female migrants is shaped by the existing gender norms in both the country of origin and the specific destination country. While the focus of this paper is on international migration, the continuing significance of internal migration in many countries means that the situation of female migrants also needs to be considered in relation to internal female migrants. The work opportunities available to the latter group are likely to impact on what economic spaces are available to female international migrants.

1.1 Situation of female nationals

The gender order in destination countries affects the working conditions and experiences of female migrants. This is both in terms of the labour force participation of female nationals, which can lead to employment for female migrants as domestic workers for example, and in terms of how prevailing national laws pertaining to women in the field of labour, maternity provision and other social protection mechanisms affect women's labour market participation. As in other regional contexts, social, political and economic inequalities between men and women have led to a gender gap in Sub-Saharan Africa (SSA), however

female participation in the labour force is higher than in all other regions (ILO 2017). While this high rate of participation is generally attributed to poverty and limited social protection, it nonetheless normalises women's role as important earners of household income.

African women are located at the lower end of the occupational hierarchy in both informal and formal labour markets (Tsikata 2009). Moreover, when compared to men, their labour is more highly concentrated in the informal sector. In 2014, 74% of women's non-agricultural work in Africa was categorised as informal (ILO 2015a). World Bank data indicate that fewer than 15% of women in SSA work for a single employer (World Bank 2014). Instead, African women are frequently simultaneously engaged in different types of income activity in the informal sector, characterised by Charmes (2005) as pluriactivity.

Education levels are an important factor in determining the nature of working opportunities for women. While there have been gains in girls' access to education, older women still bear the penalty of earlier social and economic norms and experience low literacy rates (Klugman and Twigg 2015). This restricts their opportunities and channels them into a limited range of working sectors.

1.2 Unauthorised versus authorised migration

Immigration status has a critical impact on female migrants' living and working conditions. Yet most low-skilled intra-African labour migration occurs outside formal legal channels leading to an undocumented status and women's concentration in the informal economy.

The African Development Bank reported 80% of the labour force in SSA in the informal sector (African Development Bank 2013). Recent estimates of the size of the informal economy indicate that it ranges from 20-25% in countries such as South Africa and Namibia to between 50-65% in Benin and Nigeria (IMF 2017). Given these characteristics, it is unrealistic to anticipate that female migrants' work can be easily brought into the formal economy.

International labour migration within Africa can be both an informal and precarious process as can be seen in the numerous mass expulsions of international migrants in the post WWII

context and the citizenship discrimination that exists with regard to settled minorities (Peil 1971; Brydon 1985; Manyby 2009) Different cultures of tolerance exist in countries, with the active pursuit of unauthorised labour migrants for detention and deportation in some countries and a more tolerant attitude in others. Moreover, even where tolerant attitudes to irregular migrant workers exist, economic and political change can lead to a more stringent policy or public approach. More recently, return movements have been linked to political conflicts, such as in the case of the Côte d'Ivoire. Following the 2002-2003 conflict, over 350-400,000 Burkinabé returned to Burkina Faso and in the subsequent conflict, the International Organisation for Migration (IOM) reported that in one month in 2011, some 100,000 non-citizens needed assistance to return home (IOM 2011). More research is needed on how these return movements specifically affect female migrants.

1.3 Reproductive care

Female migrants have family care responsibilities in the country of origin that are not always easily reconciled with their employment options in the migration destination country. In addition to providing financial support to their households, when women move as primary migrants they also have to organise the logistical arrangements for the care of young children or other vulnerable family members left behind. Moreover, experience from other contexts demonstrate that logistical arrangements are not static but can break down over time, prompting the necessity for a new and different organisation of care. The transnational dimension of female migrants' caring responsibilities thus needs to be more visible in policy formulation to support female labour migration. In some instances, female migrants' transnational responsibilities are what makes them attractive to governments or employers. In Europe, the policy preference for rotational migration over settlement migration led to the temporary recruitment of married Moroccan women for strawberry picking in Spain to ensure their return (Andall 2013). In South Africa, some employers specifically targeted female migrants from Lesotho with child-care responsibilities for farm work, believing them to be more reliable (Johnston 2007).

1.4 Sexual exploitation

As elsewhere, female migrants in Africa are vulnerable to sexual exploitation in a number of ways. Gendered relations of power produce and promote particular types of violence

against migrant women (Freedman 2012). Their status as migrants and especially as unauthorised migrants can lend itself to sexual exploitation at various stages of the migration process, including during the physical journey, while they are resident in the destination country or at their place of work. Examples in relation to the migration journey include girls travelling from West African countries to Gabon by sea from Togo and Benin (Adepou 2005). The perpetrators are not only other migrants or migration agents assisting them with their journey but state actors such as the police and immigration officers also sexually exploit the undocumented status of female migrants (Lefko-Everett 2007; Freedman 2012). In some cases, young girls are trafficked across borders for sexual exploitation. There is evidence of women and girls recruited from Nigeria and Ghana for waitressing work and subsequently coerced into sex work (US Department of State 2016).

2. Female migrants and work

2.1 Domestic work

Paid domestic work is an important sector of occupation for African women but migrants as yet still only constitute a small part of it. After Asia and Latin America, the African region is the third largest employer of domestic workers (ILO 2013). However, it is conservatively estimated that of the 9.3 million domestic workers in Africa, only a small proportion (650,000) are migrants (ILO 2016a). Furthermore, when this latter figure is broken down by gender, women migrants are not significantly over-represented at 360,000. In Sub-Saharan Africa they represent just five percent of all women employed in the sector. Nevertheless, this sector is likely to emerge as a sector of growth in African economies and further knowledge of its characteristics in individual countries is required to better protect those female migrants working in the sector. In terms of development gains, employment in the sector can improve women's economic situation, contribute to human development and wider national economic activity. Many of the tasks domestic workers perform are extremely important for households. At the same time, it should be recognised that it is a difficult job with poor working conditions and low pay and it is therefore a job that most women perform because they lack alternative choices and opportunities.

In many African countries therefore, domestic service continues to be performed by national citizens, including internal migrants. Female migrants' involvement in the sector varies across the different countries. In Tanzania the presence of female migrants is negligible (ILO 2015b). By contrast, in Botswana, 45% of the sector is composed of female migrants, predominantly from Zimbabwe (Nyamnjoh 2005). There are significant gender differences between countries as well. In Zambia for instance, the sector was the traditional reserve of men and the number of women working in the sector only increased post-independence in 1964 (Hansen 1990). Conversely, in South Africa, domestic service has long been an important sector of employment for Black South African women and increasingly female migrants from other African countries (Griffin 2011). In the Ivory Coast, jobs are distinguished by gender with men hired as cooks and women as cleaners (Bartolomei 2010).

Levels of informal working in conjunction with the invisibility and dehumanisation of (especially migrant) domestic workers suggest that the numbers of female migrants in the sector may well be larger than currently estimated. The time-consuming nature of domestic work in African households makes it difficult for women to combine paid and reproductive care contributing to demand in this sector as women's roles on the continent undergo transformation.

Despite some evidence of the widespread use of domestic workers in Africa, only a limited number of detailed studies regarding domestic workers' working conditions exist. In 1990, with a few exceptions, it could still be claimed that much of the knowledge about domestic workers in Africa was anecdotal (Hansen 1990). Data gleaned from studies that do exist confirm that in Africa, as elsewhere, domestic workers struggle to gain the recognition that their work is real work. Diverse historical, cultural and economic trajectories have differentiated the structure and composition of domestic workers in African countries, although commonalities intrinsic to the sector exist too. Notwithstanding, these national differences constitute the specific sector conditions that female migrants encounter in their employment and are thus a critical arena of intervention in the pursuance of a decent work agenda for this category of workers.

A key transformation in the sector in many African countries is the change in the status and economic profile of employers. In many countries, the employment of paid domestic

workers has been beyond the financial means of ordinary families and largely restricted to elites. This has contributed to the widespread use of child labour in this sector. The incidence of 'relative' domestic workers, identified throughout the continent, in addition to child labour in the forms of child fostering and child recruitment (Jacquemin 2009) have contributed to making this labour invisible.

Employers constitute a critical dimension of domestic workers' general working conditions, including in terms of the regular payment of salaries that allow female domestic workers to support their families. Employers need to be viewed as a heterogeneous group, whose economic and social status can significantly determine working conditions for domestic workers. Very wealthy families can employ an entire domestic staff including a cook, houseboys, gardeners, nannies and doorkeepers while middle-class families might hire one person to cover a range of jobs (Hansen 1990; Bartolomei 2010). Intra-African female migrants, especially unauthorised workers, may be vulnerable to employment by families that are themselves relatively poor with implications for issues such as pay and working conditions.

As noted by Jacquemin (2006) in her study of the Ivory Coast, both poor and middle class households use young female domestics. There were also new employers of domestic workers in post-apartheid South Africa. In Tanzania, differences in the economic and social background of employers are enshrined in the new minimum wage standards established for domestic workers. Employers are categorised into four groups, ranging from diplomats, government officers and all others, with associated salary obligations to their employees. While raising minimum wage salaries significantly [from TNS 90,000 to TNS 150,000 for the highest category] this still left the live-in workers in the lowest category earning only a quarter of what the highest earners could expect at TNS 40,000 and some domestic workers were receiving wages as low as TNS 25,000 (ILO 2015b). In the Ivory Coast, the employer's level of household income is a factor determining pay levels and leads to a wide salary range (Jacquemin 2006).

States recognise that while families operate within different economic constraints, the same range of families may nevertheless require similar forms of paid care labour. Crucially, this approach focuses on the employers' needs in terms of their ability to pay decent wages rather than the needs of domestic workers to receive a living wage for their work that can

be used to support their households. In Zambia, although domestic workers were first included in minimum wage laws as recently as 2011, their salaries are still lower than other low-paid workers. While their minimum wage salary of K522, (including K104 for transport where eligible), doubled their previous salary of K250, this figure fell below the union target of K1,500 (Banda 2013). In South Africa, unauthorised female migrants from Lesotho received quite different rates of pay at the discretion of employers (Griffin 2011). A profile of domestic workers in Zambia produced by the International Domestic Workers Federation indicated that a large percentage of domestic workers in the country are not paid at all (IDWFED 2013).

Unpaid labour or very low wages are therefore a feature of the sector across the continent and this has very real implications for female migrants as they enter the sector, especially for those seeking work informally. These low wages reflect the devaluation of care work and its non-recognition as a public good. Minimum wage legislation does not always protect the weakest workers in the sector - unauthorised female international migrants - and may even encourage low-income employers to prefer them. As Banda (2013) found in his qualitative study, Zambian domestic workers, now eligible for the minimum wage, complained about the minimum wage demands being articulated by the women that they in turn had to employ to look after their own children. These 'internal care chains' are likely to leave female migrants at the bottom end of the chain, struggling with low pay and their own reproductive care issues. In South Africa, the undocumented status of female migrants from Lesotho can force them to accept salary rates that are half the wage South Africans receive (Griffin 2011), with negative consequences for both categories of workers. The economic environment for women means that there is no shortage of women seeking employment in this sector.

The live-in sector presents itself as a Hobson's choice for female migrants as it resolves their accommodation issues but frequently exposes them to highly exploitative working conditions. Indeed, some employers continue to offer 'food and board' as an alternative to an actual salary and even the food that live-in domestic workers are permitted to eat can be insufficient or sub-standard (Perberdy and Dinat 2005; Archer 2011). Live-in work also has severe implications for family life and especially reproductive care. In one study of migrant (internal and international) domestic workers in South Africa, some 70% of women were mothers but were living apart from their children yet virtually all of the women in the

study were financially supporting other people, primarily their own children (Perberdy and Dinat 2005).

As transpires globally in the sector, ethnic hierarchies and discrimination also occur in the African context, with some ethnic groups overly represented in the sector or viewed as ethnically subordinate (Bartolomei 2010; Griffin 2011; IDWFED 2015). Conversely, specific ethnic or racialized groups can also be employed to mark the high status of families, such as the 'coloured' South African women who worked as domestic workers in Zambia in the colonial period (Hansen 1990). Female migrants within Africa have to earn reputations as 'good workers' to secure jobs. Togolese women work as domestic workers throughout Central and West Africa for example (IOM 2015). Female migrants from Guinea-Bissau are reputed to be good, diligent workers in Senegal (Fall 2007). In South Africa female migrant domestic workers from Lesotho are preferred as more 'submissive' workers but as with labour migrants in general, they performed this work because they could earn considerably more than in their native Lesotho (Johnston 2007; Griffin 2011). Different cultures of servitude, in addition to migrants' structural inequality as non-nationals, shape the performative strategy of dissemblance adopted by female migrants to develop and maintain 'good' reputations.

Whether an employer recruits female migrants through their ethnic and social networks or 'off the street' also shapes the working conditions of these workers (Nyamnjoh 2005). Studies of domestic workers confirm that skilful management of their relationship with their employer is essential and in some cases even more important than advocating for their contractual rights, especially where they are unauthorised (Magwaza 2008). While domestic workers may be keen for their employers to recognise their rights, they often prefer an indirect method of communicating their legal rights to employers, such as a pamphlet that can be surreptitiously inserted into the post. The immense power discrepancy between employers and employees is thus an important arena of policy intervention through protective employment laws.

The immigration status of female migrants critically structures their ability to negotiate decent working conditions. In South Africa, unauthorised female migrants are located in the problematic live-in sector of domestic work while nationals or internal migrants have moved onto full-time live-out or part-time work (Ally 2008). The prospect of deportation

amongst unauthorised female migrants from Lesotho in South Africa and Botswana threatens their livelihoods (Griffin 2011). It also impacts negatively on their health as they avoid accessing pre and post-natal care in order to avoid contact with institutions (Galvin 2015). With no formal contract, domestic workers can be summarily dismissed, losing their accommodation in the process and forcing them to return prematurely to their country of origin (Griffin 2011). Immigration status is a key concern especially in countries where the threat or practice of deportation is widespread. In Botswana, the deportation of undocumented Zimbabweans is frequent and unauthorised female migrants employ different strategies to mitigate the chances of being caught, detained and deported, including the performance of 'passing' strategies and the payment of 'release yourself' bribes (Galvin 2015). Female migrants in South Africa are forced to submit to sexual exploitation by officials to prevent their detention and deportation (Lefko-Everett 2007). Deportation disrupts domestic workers' continuity of income and forces them to rely on social networks to protect their employment while they return temporarily to their country of origin (Galvin 2015).

The reproductive care of children left behind in the country of origin is a problematic issue for female migrants as many studies conducted on the African context have shown (Magwaza 2008; Griffin 2011). Examples from elsewhere demonstrate that female migrant head of households engage in complicated transnational arrangements to arrange care for their children while they engage in live-in domestic work (Andall 1999). The precarious situation of unauthorised workers discourages child re-unification and migrants' children may additionally be excluded from educational opportunities if they were to reside in the destination country because of their irregular residence status (Griffin 2011). Some mothers have to resort to bus drivers functioning as 'road nannies' to transport babies back to their countries of origin to be cared for by relatives (Mwareya 2015). As CMW GC (para 54) states, migrant domestic workers should have reasonable opportunities for family contact and family-related mobility. Reflecting both their active agency and the difficult circumstances that female migrant domestic workers face, some female migrants from Zimbabwe were reported as strategically using deportation processes around Christmas time to visit their families (Nyamnjoh 2005).

It is possible to speculate on the future dynamics of female migrants in the sector based on emerging trends. As noted above, child labour is of serious concern in the sector and as

gains are made in the elimination of such labour with the accompanying gains of compulsory schooling, this is likely to produce labour shortages and greater demand for adult workers. In Gabon, labour laws and the implementation of compulsory education policies produced labour shortages in the sector, leading to the subsequent recruitment and trafficking of Togolese girls to fill the gap (Adepoju 2005). With greater policy attention now paid to the relationship between child-fostering arrangements and domestic servitude as well as the actual trafficking of children into domestic servitude, more women may enter this sector, with female migrants a likely growth constituency for providing this labour. The growth of private recruitment firms within Africa seeking to organise this labour is evidence of growing demand for these workers.

Although international female migration for this work is primarily intra-continental, global demand for domestic work and care labour may also have an impact on the sector within Africa. In the post-war period, African women have engaged in single-sex international migration for live-in domestic work outside of the continent, including Cape Verdean women to Italy since the 1960s and Ethiopian women to the Middle East since the 1980s (Andall 2000;De Regt 2010). In recent times, additional African countries have emerged as a new geographical source of care labour for the Middle East. While this international aspect will be discussed in the final section of the report, the significance of these new trends may have some impact on the dynamics of female migration within Africa as global care chains emerge to offset the care deficits produced by African women migrating internationally for this work.

Domestic Workers Convention and National Laws

Protective legislation is vital for African female migrants because prevailing social norms in individual countries in relation to the treatment of domestic workers may, in the worst cases, routinely treat domestic workers as virtually sub-human or as not quite adults to be disciplined through violence. The principal international instruments used to improve the situation of migrant domestic workers include the ILO Convention n.189, 2011 and ILO Recommendation n.201; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 and its General Recommendation n.26 on women migrant workers, 2008; the General Comment on migrant domestic workers adopted by the Committee on the Protection of the Rights of All Migrant Workers and Members of their

Families (CMW) in 2010. To date, 24 countries have ratified the Convention. Amongst African countries only South Africa (June 2013) and Guinea have ratified C189 (April 2017).

As the first African country to ratify the Convention, a focus on the experience of South Africa can act as a useful example of the potential that policy interventions can have in the sector. Moreover, South Africa employs the most domestic workers in the region, estimated at over one million (ILO 2013). In post-apartheid South Africa, domestic workers were included for the first time in general labour legislation and specific provisions were made for the sector in the form of Sectoral Determination 7. This progressive piece of legislation included compulsory employment contracts, inclusion in an unemployment insurance fund (UIF) as well as a national minimum wage. Moreover, the law applied to all domestic workers in the country and thus including undocumented workers, although as Griffin (2010;2011) has noted, access to the UIF, which provides domestic workers with benefits during periods of unemployment or maternity leave in practice excluded such workers. The South African Compensation for Occupational Diseases Act (CODA) provides benefits related to work place injuries and also covers foreign domestic workers. Termination notices are for one week by either party if the worker has been employed for less than six months and four weeks if employed for longer. Written notice is expected, but exceptions are made for domestic workers who are illiterate. The employer is required to provide accommodation until the contract is lawfully terminated. These provisions to raise standards were essential given the informal and unregulated nature of the sector (Kiwauka, Jinnah & Hartman-Pickerill (2015).

The issue of the minimum wage is a critical one for the African context as poverty, unemployment and underemployment means a surplus of workers compete for jobs. Given that domestic workers typically receive very low wages, the introduction of minimum wage laws can substantially raise the salaries of workers. Even so, there has been confusion about minimum wage standards and the South African labour minister had to clarify that the minimum wage should not be interpreted as a license to lower salaries of employees who enjoyed higher salaries (UN Women 2013). Although employers grumbled about implementing the minimum wage or temporarily forced women to assume additional work such as gardening, one study found that the effect of the law was to substantially increase the wages of the lowest paid domestic workers without having a negative impact

on domestic workers' employment opportunities (Dinkelman & Ranchhod 2012). Under the legislation, house inspections were permissible and are recommended in Article 17 of the Convention (189). In practice house inspections were restricted through limited resources, but the Department of Labour reported limited negative feedback in relation to actual inspections, attributed to the protection of privacy embedded in the process (Dinkelman & Ranchhod 2012; UN Women 2013). Thus, in addition to introducing critical new protections for domestic workers, the law also marked the beginning of the regularisation and formalisation of the industry, despite only partial wage compliance (Dinkelman & Ranchhod 2012). However, Griffin (2011) has highlighted the complex confluence of factors that prevents undocumented migrant domestic workers from accessing these employment protections.

Lessons from other contexts

The trend to institutionalise domestic workers' pay according to the income of the employers can devalue the skills and experiences of domestic workers. In Italy, salaries are determined by the skills and qualifications demanded by the particular role, including whether the worker can make autonomous decisions. For example, in the collectively bargained contract for the sector, the most highly paid category is that of qualified care worker, with a stipulated salary of Euro 1,340,82. The highest salary for a domestic worker is Euro 980.00, while the entry level salary for general cleaning is Euro 620.000 (CCNL 2016).

Experiences from other contexts indicate the vital importance of data collection to develop evidence-based policy formulation. As the case of India demonstrates, employment surveys that produce data on domestic workers can point to new trends, such as the growing feminisation of the sector, the sector's importance as a paid employment activity and the necessity for regulation (UN Women 2013).

The regulation of private recruitment agencies will become increasingly important in Africa as these firms grow in response to transformations in the domestic work sector. The lack of such regulation in South East Asia, for example, led to domestic workers increasingly having to bear the costs of recruitment themselves (Kaur 2007). A process of accreditation of agencies is therefore essential to prevent the exploitation of domestic workers. For

example, as recruitment agencies, maid centres in Zambia are often strategically located next to nurseries and some expect potential domestic workers to provide two weeks of free labour to the centres as part of their training prior to placement (Banda 2013).

2.2 Other sectors

Traders

Intra-African female migrants are centrally involved in trading, encompassing both cross-border trading and street trading. In the past, Togolese female traders selling African fabrics imported from Ghana in Togo in the 1940s and 1950s provided a popular female model of business trading with the potential for large profits. Popularly known as ‘Nana Benz’, this image nonetheless masked internal differentiation within the sector where only a minority of women earned substantial profits, while women employed at the bottom of the hierarchy were paid a pittance and endured deplorable working conditions (Toulabor 2012).

An increase in women’s participation in trading has nonetheless been observed following structural adjustment policies and in relation to specific national circumstances. Many cross-border petty traders into South Africa are women (Dodson & Crush 2004). In Zimbabwe, female migrants’ informal cross-border trading to South Africa was described as the ‘single most profitable strategy’ adopted by Zimbabwean women to earn an income following the severe downturn in the Zimbabwean economy (Muzvidziwa 2012).

Female cross-border migrants from the Democratic Republic of Congo (DRC) to Zambia monopolise the importation of wood, with some working on a commission basis for men (Tshibambe 2007). Female cross-border traders also buy and sell a variety of goods, including clothes and beauty products with many families in Congo reputed to be dependent on the petty trading that women engage in. For example, a female migrant might buy skin lightening products in DRC that are resold in Zambia before proceeding to Tanzania to buy women’s clothing to be sold back in the DRC (Tshibambe 2007). Nigerian and Ghanaian female migrants also work in the distribution of skin lightening cosmetics in Senegal (Fall 2007). Zimbabwean female cross-border traders sell souvenirs, crafts and doilies in South Africa and prior to the severe downturn in the Zimbabwean

economy also purchased goods for resale in Zimbabwe (Muzvidziwa 2010). However, confirming the multi-purpose characterisation of female migration within Africa, cross-border traders have multiple income streams, such as street vending or sewing in their countries of origin. Even female migrants from known disadvantaged communities such as Nima in Ghana are able to trade in Nigeria and outside the continent (Owusu, Agyei-Mensah & Lund 2008). However, one should not paint too rosy a picture. As observed in the SADC Labour Migration Policy document (2013), cross border trade is a key low level entry point into labour markets as a result of low start-up costs. However, because it primarily occurs within the informal sector, female migrants can also encounter exploitation, violence and sexual exploitation in the sector.

Surveys that address the activities of female cross-border migrants reveal novel new forms of female group migration. Drawing on a range of social, friendship or ethnic networks, female migrants group together to share accommodation costs in the destination country and to ensure their safety. However, their temporary migration to one or more countries needs to be reconciled with reproductive care responsibilities. Female traders may spend varied amounts of time in the destination country, ranging from several nights, weeks or longer; during this time care arrangements need to be made for children. Where adult family members are unavailable or unreliable, women have to employ domestic workers, leading to regional care chains.

One study of street traders in Johannesburg observed that many female traders are single-income earners for their households and that households relied heavily on the income of female traders in comparison to the income of male traders (Cohen 2010). Women are typically not running profitable enterprises and operate at subsistence levels with oversaturation of markets leading to low incomes and women struggling to maintain their families. In South Africa, female migrant entrepreneurs in the informal economy had started their businesses with low capital. The services sector, was shown to be the least profitable sector in a recent Johannesburg study and was dominated by sewing, tailoring and the hair sector (see below) (Perberdy 2017a; Perberdy 2017b).

There are additional issues that provide challenges for female migrant traders. For example, policy interventions to regulate street vendors can disrupt trade migration networks with negative implications for income generation and household support (SADC 2013).

Services

As some sectors decline in African economies, new emerging sectors are affected by labour migration, including services and hospitality (SADC 2013). One aspect of the services sector that is relevant for female migrants is that of hair styling. Hair styling is certainly not new in Africa but more attention should be paid to its potential to provide female migrants with a means to earn a livelihood.

The treatment of black hair has long represented a contested political and cultural arena in black cultural aesthetics, but whether in the form of chemical straightening, weaves or natural styling, diverse forms of hair styling lead to a buoyant hair industry in Africa (Kauppinen & Spronk 2014; Dosekun 2016; Oyedemi 2016). Indeed, hair care in the region has been described as a ‘multi-billion dollar industry’ that can provide a good source of work for women (Nydailynews 2014). African women pay significant sums to style their hair, from the \$40 reported for one open market in Nigeria to the \$1,500 paid for human hair extensions by elite Nigerian women in Lagos (nydailynews 2014; Dosekun 2015). Hair care is also part of the ‘in kind’ pay that ‘relative’ domestic workers receive from their ‘relative’ employers and the high costs of hair care are also reported as the reason that some women engage in transactional sex (Jacquemin 2006; Fielding-Miller et al. 2016).

There are several examples of female migrants operating in this sector as a niche occupation where they have developed a good reputation for their hairdressing skills. Cape Verdean women in Senegal are one example (Fall 2007) and evidence from outside the continent indicates that such a niche can be a good source of income for female migrants, as exemplified in the case of Senegalese migrants in the USA (Babou 2008). However, in Ghana, the sector is identified as a site of competition with nationals. Under the terms of Section 18 of the Ghana Investment Promotion Centre Act (1994) the operation of beauty salons can only be exercised by Ghanaian nationals, thus formally excluding female migrants (Ghana Investment Promotion Centre n.d).

For female migrants with the appropriate skills, this work can be practised in a variety of locations, including individual homes, public spaces in markets and hair salons. As a consequence female migrants can enter the sector with limited start-up costs. However,

there is also scope for the exploitation of female migrants when working in salons. NGOs in South Africa, for example, reported an emerging trend of women from the Central African Republic working in hair salons under conditions of forced labour (US Department of State 2016). While start-up costs may be low for female migrants working as hair stylists in public spaces such as markets, they are also vulnerable to reduced or discontinuous income. Bad weather can impact negatively on their income, forcing them to work periodically in hair salons with the associated additional costs. In Nigeria, demand for hairstyling in one Nigerian market was reported to have fallen over concerns about public attacks by Boko Haram. One example of a programme to develop women's skills and business in this area can be found in the faith-based Hope Africa Collective operating in South Africa. The organisation ran a four-month training programme involving both business education and training in hair styling, leading to the construction of salons in shipping containers. Similar initiatives could be targeted at female migrants to help with accessing premises and ensuring continuous income.

The politics of street trading can affect female migrants in this sector too. In South Africa, trading space for foreigners has been contested but even more significantly there are crucial issues of female representation to be addressed within the male dominated street trader organisations, including the Hairdresser and Braiders Association (Benit-Gbaffou 2016).

Sex work

Although marginalised and invisible in many accounts of intra-African labour migration, sex work is a feature of female migration. It is difficult to obtain detailed information about this hard to research group but it is a sector that requires more attention given that income derived from this activity supports individuals and impoverished households. While attention has been paid to the AIDS-related significance of gendered migration patterns and sex work in Africa, further attention should be given to the wider working conditions of female migrants within this sector.

As a low-level entry sector in the informal economy, sex work can become an ethnic niche for female migrants. Male single-sex migration flows can lead to the secondary migration of women for sex-work. For example, the migratory flow from Ghana to the Ivory Coast in the 1980s was dominated by women sex workers in response to the numerical dominance

of male labour migrants in the city of Abidjan (Anarfi 1998). Detailed qualitative research about these women's migration highlighted that factors such as gender inequality regarding access to education, economic downturns and structural adjustment programs contributed to their migration for sex work. This produced a system of migration supported by a complex interplay between migrants, drivers, immigration officials and police. The overwhelming majority had moved for economic reasons and had also travelled as undocumented migrants without passports.

A more recent study across three South African cities found that over 85% of sex workers were migrants with international female migrants constituting the bulk of these workers (46.3%)(Richer, Chersich, Vearey, Sartorius, Temmerman, Luchters 2014). Working in a state context of criminalisation, these workers supported higher numbers of dependents than internal migrants and non-migrants. More than a third performed this work on a part-time basis, suggesting parallel income streams and confirming the pluriactivity of female migrants. Despite being more likely to work in comparatively safer indoor venues and charging more per client than internal migrants and non-migrants, migrant sex workers in this study had less contact with health services than non-migrants. The criminalisation of the sector and female migrants' undocumented status thus lead to gaps in protection for these workers. Despite efforts by sex workers' organisations such as Sisonke in South Africa to reduce the stigma around sex work and to support its decriminalisation, female migrants were found to internalise the stigma and were ambivalent about espousing 'sex-worker pride', describing it more readily as a job they do to feed their families (Oliveira & Vearey 2015). In Djibouti, journalistic reports show that female migrants or refugees from Ethiopia and Somalia are working in this sector as a result of their limited work or income-generating opportunities and because of the presence of military personnel and an international party scene (Terlingen 2015).

Sex work can be an uncomfortable topic for governments. There is certainly no consensus on how to approach sex work among countries as evidenced by the varied policy responses ranging from criminalization in Ghana to legalization and regulation in Senegal (Mgbako & Smith 2010). Female migrant sex workers, as with their citizen co-workers, generally receive limited recognition as workers and encounter stigmatisation and discrimination. However, as non-citizens that are likely to also be unauthorised migrants, they face further

disadvantages as their precarious residence status limits their ability to advocate for their rights.

Greater policy intervention is needed in this sector to improve sex workers' safety and to scrutinise more closely the activities of pimps or the owners of businesses. Opportunities for the collective organisation of this sector should also be facilitated to respond to current realities and to enable migrant sex workers to participate in the design and operation of policy interventions designed to ameliorate their general working conditions, such as health centres specific to sex workers.

Agricultural sector

There are relatively few examples of female migration in the formal economy. One example is the farming and horticulture sector where female migrants have been recruited as temporary migrants. In the case of South Africa, although their labour is documented, legislation covering temporary workers in the agriculture sector is weak (Barrientos, Kritzinger, Opondo, & Smith 2005). However, even where the recruitment occurs through official channels, one study of female migrants' moving from Lesotho to South Africa highlighted the 'fictive' dimension of working conditions, including pay. There are also high numbers of female undocumented workers in the sector and women are often preferred as a more docile labour force (Johnston 2007). Many commercial farms do not observe correct health and safety measures, such as providing protective clothing for their employees (Munakamwe & Jinnah 2015). The use of fertilisers and sprays could prove particularly harmful to pregnant women. The NGO organisation Women in Farms based in South Africa has highlighted women farmers' exclusion from employment protections in addition to employers' non-compliance regarding pay. The organisation developed Labour Action Groups to train female farm workers about their rights and to share this knowledge with their peers. The noted decline in the South African agricultural sector in general may impact further on women's employment as firms seek to be competitive by exploiting migrant labour. Policy provisions in this sector need to focus on providing greater protections for temporary workers whilst NGOs could be supported to promote more socially responsible commercial business practices.

3. Enhancing the rights of intra-African female migrants

3.1 National policies

National immigration policies are important in regulating the policy gap that can exist between formal migration policies and actual flows. As experiences in Europe make clear, labour migration can co-exist with citizen unemployment as the labour migration process works to channel migrants to jobs that are typically rejected by local citizens. National policies can work to discriminate against female migrants through generalised conceptions of the migrant as a male full-time worker and more explicitly through outright bans on women's migration. In addition, as outlined above, the work that female migrants do can be marginalised as 'not real work' and thus excluded from policy attention. An analysis of South Africa's 2002 Immigration Act characterised it as a classic example of 'state masculinism', meaning it included normative references to models of male migration, typically a lone unskilled male migrant worker or a male worker with his dependant wife. In so doing, national laws fail to reflect the actual migration realities of female migrants (Dodson & Crush 2004). National laws need to be able to cater for the complex realities of female migrants' varied activities within the lower end of the informal economy – the woman braiding hair in an open market while trading beauty products and occasionally working as a domestic worker. Normative references to a male worker can also function to restrict women's ability for family reunification. The historical legacy of male migration without accompanying family members in many states fails to consider the new trends in women's migration.

Historical and contemporary examples of mass expulsions and deportations of migrant workers in Africa point to fragile rights for non-citizen migrant workers. Yet regularisations may be a helpful approach to acknowledge more fully the contributions of female migrants to national economies. South Africa introduced the Dispensation of Zimbabweans Project (DZP) amnesty in 2009 to register undocumented Zimbabweans, with the government receiving 294,511 in the one-year window in which individuals could apply for the amnesty (Parliamentary Monitoring Group 2014). Amnesty or regularisations should be gender sensitive in design and application. For example, employers of domestic workers may be reluctant to provide sworn affidavits regarding employment especially if

they are non-compliant with the law in terms of minimum wages and are seeking to benefit from employing unauthorised workers. Italy has introduced regularisations targeted uniquely at (primarily) female domestic and care workers. This has offered better protection to female migrants as well as facilitating the payment of national insurance contributions and taxes.

3.2 Trade Unions and NGOs

Trade Unions and NGOs can play a key role in promoting female migrants' rights, however their ideologies and the related strategies they select to pursue can have a significant bearing on outcomes for women. How to incorporate labour migrants into their organisations has historically been difficult for trade unions whose membership can feel economically threatened by the presence of migrant workers. Nonetheless, the mobilisation of migrants into local and national trade union structures is important for protecting the rights of all workers. Trade unions may not have established experience dealing with the type of work that female migrants typically perform within the informal sector as they may be more familiar with male-centred full-time work. They may also display gender bias in their leadership that limits women's representation and ability to influence strategy and objectives. Bénit-Gbaffou's (2016) focus on the organisations representing street traders in South Africa exposed a clear bias for explicitly personalised male leadership. Moreover, the timing and location of meetings need to be carefully considered to encourage women's active participation in such organisations. Bénit-Gbaffou's observed how late meetings were problematic because traders had to consider their transport to return home, while meetings during the day would harm their already fragile earnings.

Some areas of good practice include a 'domestic workers' roadshow' organised by trade unions which involved travelling across the country to educate workers on their rights and employers on their responsibilities (UN Women 2013). Collaboration with the media as a key outlet for news dissemination is also desirable. Radio dissemination can enable communication in an appropriate (mother-tongue) language and trade unions in South Africa targeted radio stations operating in a number of languages to communicate labour standards in the domestic work sector. This mode of communication is especially important as literacy levels of female migrants can be low and may prevent them from reading contractual information. Notwithstanding, written information, such as the information

booklet produced in 2016 in collaboration with state and international bodies for Zimbabwean domestic workers in South Africa provides a useful document that female migrants can refer to (ILO 2016b).

Employers' organisations can also assist their members in protecting the rights of domestic workers. In Zambia, the Zambian Federation of Employers produced a code of conduct for employers of domestic workers. The code anticipates that employers will assume a key role in the protection of workers.

Regional NGO networks are important for information dissemination, building good practice and peer learning regarding strategies for female migrants. The Africa Domestic Workers' Network (AfDWN) was launched in Cape Town, South Africa in 2013 with a membership of over 90,000 from seventeen African countries (AfDWN 2013). It aimed to share information and good practice, strengthen coordination and capacity building as well as to collectively work to achieve ratification of C189. Identifying the different roles of various institutions, it called on individual governments to ratify the convention, to ensure the implementation of laws to protect domestic workers and to provide opportunities for the development of workers' skills. It called on regional forums to lobby national governments and within the African Union for ratification of C189 and additionally called on employers to form employer associations to facilitate collective bargaining with domestic worker unions.

3.3 Regional Policy Frameworks

As observed in regional economic communities (RECs) such as ASEAN and the EU, economic disparities between countries in regional groupings lead to the issue of migration assuming social and political importance. This is applicable to the African RECs too, as they design and implement labour mobility protocols. While ECOWAS has demonstrated greater commitment to free movement of labour protocols, the issue has been more problematic in SADC. As experienced in other RECs in Asia and Europe, the issue is controversial because of the varied migration interests of member states. South Africa, for example, is positioned differently to Zimbabwe in terms of sending and receiving migrant workers and South Africa prefers bilateral agreements as a form of migration governance

(MiWORC 2013). As a consequence, different nationalities had different rights of entry, ranging from 90 days stay to 30 days for Malawians and Zimbabweans respectively. However, lessons from elsewhere indicate that even short-term mobility and employment provisions implemented by RECs can enable legal female migration. Prior to the accession of East European countries to the European Union in 2004, nationals from the accession countries were permitted visas that allowed them to ‘circulate’ and work in European countries for ninety-day periods (Morokvasic 2004). In some cases, this formalised a system in the domestic and care work sector whereby women grouped together to provide domestic care for a single family, based on the rotational basis of two or more women and thus permitting women to temporarily earn higher salaries and limit the negative impact of their migration on the reproductive care of their own families (De Filippo 1994; Spanò & Zaccaria 2003).

Within the East African Community (EAC), a Common Market Protocol (CMP) came into force in 2010 with the aim of facilitating free movement in the region and the opportunity to pursue employment. However, national laws in effect restrict legal migration to skilled migrants and this is likely to work to the disadvantage of women through historical legacies of gender inequality. The costs involved in securing work permits also tend to disadvantage women. In Tanzania, fees for work permits have increased more than once since the introduction of the CMP and had risen from USD 470 to USD 2000. However, these fees were reduced to USD 500 for EACs in 2016 (Government Notice n.246). Kenyan citizenship and immigration regulations of 2012 restricted work permits to foreigners over the age of 35 years and with a prospective income of 24,000 USD (Martin 2014). In practice, this may preclude women who are less likely to meet these requirements because of previous gender bias.

The way forward

Low-skilled intra-African female labour migration primarily takes place within an institutional framework of informality. As this migration typically occurs within geographical regions on the continent, women are able to make use of regional migration protocols to enter countries legally. However, their concentration in occupations in the

informal economy - some of which have only relatively recently been afforded recognition and status as work - limits their ability to formalise their residence and employment.

The long-standing and contemporary migration of female migrants within regional communities in Africa enables women to earn incomes to support their families. However, their jobs are often in vulnerable or poorly paid sectors, leading to insecure income. Additional protections and policy interventions are needed to shift female migration from a survival strategy for economically vulnerable households to one that can contribute to inclusive growth and structural transformation.

Female migrants may be further penalised because they are situated in sectors where there is disagreement over policy direction – the informal economy, the domestic work sector and the sex economy. For example, is women’s concentration in the informal economy an important arena of economic opportunity or a continuation of their economic marginalization through low-income work (Ossome 2015)? Is an expansion of the domestic work sector in Africa to be promoted or, will this simply shore up patriarchy by relying on poor women to perform care labour? Is domestic work the right way forward or should there be more focus on the development of affordable child-care and after school care? Should sex work be recognised as work and sex workers afforded the same rights and protections as other workers or should it be viewed as a form of patriarchal violence against women that requires abolition?

Recent global attention to the domestic work sector and instruments such as the ILO Domestic Workers Convention n.189 have contributed to greater recognition of the reproductive care work of domestic workers, including female migrants. While female migrants are not as central to the domestic work sector in Africa when compared to many other regions, new trends influenced by global labour shortages in the care economy may lead to new female flows of migrants to the Middle East countries. This could lead to more intra-African migration to make up for the care deficits that this engenders. African governments could decide to actively emulate the labour export policies of countries like the Philippines as a development tool. International labour migration has been utilised in the Philippines since the 1970s as an integral and important aspect of its development plans and in 2015 domestic work was the top occupation for new hires at 38% (Asis 2017). Just

as the shortage for (male) miners in the immediate post-war period led to a wide variety of labour migration schemes that moved Japanese men to Germany, Polish men to the UK, Italian men to Belgium and British men to Australia, so too has the emergence of a globalising care economy with specific labour shortages produced similar labour migration schemes primarily targeted at female migrants. With some exceptions, African countries are largely on the margins of global migratory trends for care labour.

African countries may be well positioned to respond to the emerging care crisis in highly developed economies. For example, women in North, South and Western Europe have the highest labour market participation rates globally (ILO 2016b). With high numbers of women participating in the labour market and changes in other demographic factors, such as increased life expectancy and low fertility rates, the unpaid caring labour that women have traditionally performed increasingly has to be met by the market. Migrant women in countries like Italy play a significant role in providing care for the elderly for example. The economic benefits of such a strategy via remittances would undoubtedly be attractive to African governments, but governments would also have to give serious consideration to the social ramifications within Africa of such a strategy, particularly with regard to the continent's own care needs.

There is a buoyant domestic and care work sector in the Middle East, for example, and female migrants from a range of Asian countries have long worked in this sector. Sectoral working conditions in the region have, however, been hugely problematic for these women and various governments, such as Indonesia and Nepal, have in the past imposed temporary bans on their female citizens migrating for work in the sector.

The turn to East Africa as a source of domestic workers by Middle Eastern countries provides a useful example of what the future challenges might be if African countries choose to pursue this type of labour export policy. Over at least the past decade, Ugandans have been migrating to Middle Eastern countries as labourers, drivers and cleaners. However, a closer look at the migration of female migrants for domestic work reveals the extent of the difficulties they encounter. In 2016, the Ugandan government imposed a ban on 'maids' to Middle Eastern countries, following reports of abuse. This ban was rescinded in 2017 following acknowledgement that the migration had subsequently been driven underground and the government moved to pursue a strategy based on bilateral

agreements. These have been signed with countries such as Jordan and Saudi Arabia while Ugandan women have been advised not to resume migration to Oman for domestic work because of the absence of any agreement. While these agreements reflect the state's involvement in the labour migration process, the terms of the agreements in terms of salary are very low and, tellingly, are below the rates agreed by Asian countries for their own citizens. Long a point of contention, in 2012, Saudi Arabia agreed to a monthly minimum wage of \$400 for Filipina domestic workers, despite wanting to retain the average salary of \$200 and India was able to reach a similar wage agreement in 2014. However, it was reported that the 2015 agreement between Uganda and Saudi Arabia stipulated a monthly minimum wage of \$200 (migrant-rights.org 2015). African governments should therefore seek to avoid their citizens sitting at the bottom of a racial hierarchy of domestic workers in the Middle East by ensuring that they negotiate comparable salaries for their citizens. Moreover, they should draw on the experiences of other countries whose citizens work in the region, where evidence suggests that rights-based training pre-departure, strict regulation, clear oversight of the recruitment process, trained consular staff and bilateral agreements are some of the key methods through which their citizens can be protected (Human Rights Watch 2017). Kenya, for example, has not developed an appropriate protection infrastructure to support female domestic workers in the region (Malit & al Youha 2016).

African governments should also consider the considerable differentiation within the domestic and care work sector and should prioritise those sectors of this economy that will provide the best working conditions for their nationals. By anticipating future care needs of advanced economies in Europe for example, some aspects of post-compulsory education and training could be directed to potential employment in this market, given that future care demands may lead European governments to accept migrant workers for different levels of care work.

Policy recommendations

- National governments need to retain an intersectional approach when developing policy aimed at female migrants. Immigration law, labour law and gender

legislation need to be examined collectively to determine improvements that could assist female migrants' living and working conditions.

- Gender should be mainstreamed into national policies not as a separate aspect of policy but as a cross-cutting issue that affects all aspects of the migration process.
- More varied economic options will reduce the economic insecurity of female migrants and allow them to claim and better negotiate for their rights.
- Efforts should be made to collectivise women's informal work into worker organisations that can better represent their situation.
- Specific policies relating to domestic workers should consider introducing more variable types of leave that recognise the need for regular family visits home, especially where female migrants have young children.
- Efforts should be made to reduce the wide variance in wages that domestic workers receive for the same work.
- NGOs should be supported to provide information, support and engage in advocacy work for hard to reach and stigmatised female migrants such as sex workers
- Skills training for female traders and literacy outreach should be developed to raise awareness of workers' rights.
- While governments cannot be expected to support undocumented migration, migration policies should be reviewed to ensure that the policies themselves do not contribute to producing undocumented migrants through unrealistic assessments of demand for migrant labour in specific labour market sectors. Governments could intervene to regularise labour where gaps exist between demand for services and the labour being provided by female migrants.

- Penalties for the sexual exploitation of female migrants by state officials, such as police or immigration officers need to be publicised and strictly enforced.
- Greater oversight of recruitment agencies is advisable as are initiatives to reduce the costs and debts incurred by women migrating for low-skilled work.

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