1. **Context and justification**

**Employment situation and migration**

Migration is a key global challenge today for economic development, social cohesion and governance. The ILO estimates that over a half of the total 232 million international migrants are migrant workers; if migrant workers’ families are included in the estimate, then the percentage reaches up to 90% of the total migrant stock. Egypt is the North African country with the highest stock of migrants abroad: 6.5 million in 2010 (4.4% of the total resident population in Egypt), with women representing 41.9% of Egyptian emigrants to Europe in 2007. In 2011, 3.2 million Moroccans were residing abroad (9% of the total resident population in Morocco); the unofficial estimate for 2015 is approximately 5 million. Over the last years, the percentage of Moroccan women migrants has increased due to family reunification or to unemployment rates particularly high in Morocco for young women. Women currently represent 49% of Moroccan migrants globally, with a similar proportion in France (47.6%) and in the United Kingdom (47.6%), and a substantially higher proportion in United Arab States Emirates (70%) than in Northern African countries (Algeria 31.3%, Egypt 27.9% and Tunisia 32.4%). In 2010, 651,000 Tunisians were residing abroad, one third of them being women. The same year, Libyans residing abroad were 61,521 (1% of the total resident population in Libya).

In Africa, migration patterns vary significantly within the continent. While in Sub-Saharan Africa 65% of migrants move intra-regionally, only 5.4% of migrants from North Africa migrate within the region. In the North Africa subregion, Libya has in recent history been the main destination country. With the development of the oil sector, Libya has attracted migrants from neighbouring countries like Tunisia and Egypt but also from Sub-Saharan Africa and Asia; this situation has...
nevertheless changed with the deterioration of the security situation in Libya over the past three years. In Libya, foreign labour represented around 25% of the labour force before the revolution\(^\text{11}\), with more than 700,000 migrant workers registered in 2007\(^\text{12}\) according to Ministry of Labour data, but 2.5 million according to a recent estimate French NGO FIDH\(^\text{13}\). In 2010 Libya was also the main destination country for Egyptian migrant workers, whose presence was then estimated at up to 2 million.\(^\text{14}\) Moreover, 83,600 Tunisians (2008) and 120,000 Moroccans (2007) were officially residing in Libya\(^\text{15}\) before the revolution. As a result of the conflict in Libya, hundreds thousand refugees, Libyans and Sub-Saharan migrant workers fled into Tunisia and Egypt, in addition to the Tunisian and Egyptian nationals who were residing in Libya at the time and returned to their country of origin\(^\text{16}\). In the aftermath of the Libyan revolution, it seemed that many migrant workers, including Egyptians and Tunisians, would be returning to Libya; however, the deterioration of the security and stability situation in 2014 and 2015 currently points in the opposite direction.\(^\text{17}\)

Over the last few years, Tunisia and Morocco have also experienced increased arrivals of migrants from Sub-Saharan Africa, as have other countries in North Africa. Initially considering North African countries as transit areas on their way to Europe, an increasing number of these migrants have stayed in the subregion and have to a large extent ended up working in the informal economy. Morocco has responded to this situation by developing a National Strategy for Migration and Asylum and conducting a regularization campaign throughout 2014 that has resulted in the regularization of approximately 19,000 migrants.

As origin, transit and destination countries, Northern African countries are rightly concerned about the governance of labour migration and the protection of migrant workers, particularly in the current social, economic and political context. To enhance the development potential of labour migration in Tunisia, Morocco, Egypt and Libya, the development of comprehensive, gender sensitive, responses to govern migrant workers’ mobility with appropriate measures throughout the migration process is needed. Labour mobility is an important tool to adjust skills, gender, age and the sectoral composition of national labour markets and to adapt skills and labour to labour markets’ needs and changing environment (market conditions, technological advances, and industrial transformations). An adequate regulatory framework and comprehensive labour migration policies at the sub-regional level, based on international standards, are crucial to enhance the development potential of migration and ensure the protection of migrant workers’ rights when labour migration takes place. Strengthened policy development and coherence, as well as the incorporation of migration issues in national development plans, are required to improve migrant workers’ protection and facilitate their labour market insertion.

While the ultimate responsibility for creating an environment conducive to maximizing the development potential of migration lies with the government, policies are more likely to be effective when based on broad consultation with diverse actors and particularly social partners. Employers’ organizations have strategic knowledge of labour market needs (skills and labour) and workers’ organizations are key actors notably for informing migrant workers about their rights and protecting them\(^\text{18}\).

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\(^{11}\) Delphine Perrin, Fin de régime et Migrations en Libye : les enseignements juridiques d’un pays en feu. CARIM 2011.


\(^{13}\) http://www.fidh.org/retour-de-mission-a-la-frontiere.


\(^{15}\) http://www.carim.org/index.php?callContent=502


\(^{17}\) Nevertheless, some estimates suggest that there are 750,000 Egyptians in Libya in 2015: http://www.almasyrvalyoum.com/news/details/659353

\(^{18}\) ILO, International Labour Migration, a right-based approach, p.151, 2010.
Trade union organizations in Tunisia, Morocco, Egypt and Libya should be strengthened to support social dialogue on labour migration within the sub-region and vis-à-vis Europe. In addition, national legislation and labour codes should also be reviewed with the aim of promoting enhanced harmonization with international standards and sub-regional protocols (Arab Maghreb Union Conventions).

For Tunisia, Morocco, Libya and Egypt, migration poses a number of development and governance challenges. This study should identify and review existing bilateral labour agreements in North Africa; and it should formulate recommendations to support governments to enhance the development potential of labour migration in these countries and improve the protection of the rights of migrant workers and their families.

b. Justification
To improve the development potential of labour migration and strengthen the protection of migrant workers’ rights in Tunisia, Morocco and Egypt, an appropriate regulatory framework and inclusive labour migration policies at the subregional level, based on international standards, are essential. The ILO through the IRAM project has already conducted national studies in Morocco and Tunisia to review national laws and labour codes and recommend how to harmonize them with international standards. A similar national study is expected to be conducted in Egypt in early 2016.

Bilateral labour migration agreements (BLAs) are formal mechanisms of interstate co-operation that are legally binding and which can represent a significant means of providing minimum standards and rights for migrant workers. These agreements between origin and destination countries can reduce abuse and exploitation and provide greater rights for workers in line with International Labour standards, by providing access to regular migration and to formal labour markets. The ILO Migration for Employment Recommendation (revised), 1949 (R86), includes in its annex a model agreement on temporary and permanent migration of workers, which contains clauses on the regulation of migratory flows, working and living conditions, and social security. Similarly, the Migrant Workers Recommendation, 1975 (R151) has a model bilateral social security agreement annexed to it. Both of these should be used as references in the study.

This study will have two main components:

1. a review and an analysis of the documentary resources relating to legal and regulatory framework:
   a. existing bilateral labour agreements in North Africa (particularly those between Morocco and Tunisia, Egypt and Morocco, and Tunisia and Egypt; as well as those between Libya and Egypt, Morocco and Tunisia respectively) including social security agreements and establishment agreements, as well as subregional agreements such as those in the framework of the Arab Maghreb Union (AMU)\(^\text{19}\);  
   b. existing bilateral agreements between each of the three North African countries (Egypt, Morocco and Tunisia) and the respective main destination countries for their workers (for Tunisia: France, Germany, Qatar and Switzerland; for Egypt: to be determined, possibly UAE and Saudi Arabia; for Morocco: to be determined);  

\(^{19}\) The review of agreements within AMU will also cover bilateral and multilateral agreements involving Algeria and Mauritania, and not just the IRAM project’s target countries.
2. a set of practical recommendations for strengthening or expanding these agreements, with a view to improving the protection of migrant workers’s rights in North Africa.

The research project will take place over 12 weeks and will be based on a broad consultation with national and sub-regional stakeholders in the countries covered by the project.

c. **Target groups**

The direct beneficiaries will be the tripartite constituents of the ILO: the relevant departments of the Governments in the three countries supported by the project, as well as trade unions and employers’ organizations; sub-regional organizations such as the UMA will also be potential beneficiaries.

2. **Consultancy**

This consultancy is part of the IRAM project, developed by the ILO to improve the governance of labour migration and protection of migrant workers’s rights in North Africa. It comes under output 3.1: “Main bilateral agreements between the targeted countries reviewed”, and Activity: 3.1.1: “Carry out a sub-regional study analyzing main bilateral labour agreements/MoUs, sub-regional protocols, as well as bilateral social security agreements and existing practices regulating labour and skills mobility within the sub-region”.

a) **Objective of the consultancy**:

The consultant will carry out an in-depth analysis of main labour agreements, MoUs and protocols, both at the bilateral and at the subregional levels; as well as bilateral and subregional establishment and social security agreements and existing practices regulating labour and skills mobility within the North Africa sub-region.

Priority will be given to bilateral (labour, establishment and social security) agreements linking (i) Morocco and Tunisia, (ii) Egypt and Morocco, (iii) Tunisia and Egypt and (iv) Libya and Egypt, Morocco and Tunisia respectively. Second, AMU agreements will be analyzed (which will imply a review of bilateral and multilateral agreements involving Algeria and Mauritania as well). Third, existing bilateral agreements between each of the three North African countries (Egypt, Morocco and Tunisia) and the respective main destination countries for their workers will also be examined (for Tunisia: France, Germany, Qatar and Switzerland; for Egypt: to be determined, possibly UAE and Saudi Arabia; for Morocco: to be determined).

The study will provide a rights-based analysis of these agreements (social security provisions, gaps in terms of protection, conditions for movement, obligations of sending and receiving countries, corresponding policy outcomes for migrant workers and labour markets etc.) with a strong emphasis on the gender dimension, with a view to better implement them and providing recommendations for possible enhancement.

This study will review bilateral agreements regarding migrant workers’ rights and make recommendations to better protect migrant workers, men and women, and their family. More specifically, it will:

- Identify and analyze existing bilateral and subregional labour, establishment and social security agreements;
- Make recommendations for the revision and / or enhancement and implementation of relevant agreements for protecting the rights of migrant workers.
b) **Expected Results:**
In light of relevant international standards, including those dealing specifically with issues of
gender equality, the expert shall conduct a study providing a rights-based analysis of existing
agreements (social security provisions, gaps in terms of protection, gender dimension,
conditions for movement, obligations of sending and receiving countries, corresponding policy
outcomes for migrant workers and labour markets etc.) to better inform and implement
agreements. Additionally, it will provide recommendations for possible improvement.
The practical output will be a report (80-100 pages) in English (or French, if this is the
consultant’s main language – to be discussed and agreed with the ILO), including an analysis of
the agreements and a series of recommendations to strengthen them. The recommendations
should be directed not only to government institutions, but also to social partners (trade unions
and employers’ organizations); as well as, possibly, civil society, which can also play a role in
protecting the rights of migrant workers. The report should specifically analyze the differential
impact of current agreements on men and women.

c) **Methodology and deliverables**
The study will be conducted with a participatory approach that seeks the involvement and
participation of stakeholders at all stages of its realization. Once the workplan has been
approved by the ILO, the expert will proceed to conducting the study first through a desk review
of existing literature, and second through interviews with ILO constituents and other relevant
counterparts. The interviews can be conducted either through missions to the field or by phone
and/or Skype.
The expert is called upon to submit a work plan including the recommended methodology for
the implementation of the study and key steps for submission of deliverables and validation
steps. The expert must provide:
1. Financial and technical proposal;
2. Work plan for the mission;
3. Draft version of the report;
4. Final version of the report.

3. **Profile of the expert:**
Education: Advanced university degree (minimum BAC +5, but preferably a doctorate) in law,
specialization in labour migration and/or migrants’ rights would be an asset.
Language: Full fluency in Arabic and English or Arabic and French; working knowledge of the
other language (French or English) is an asset.
Experience: Minimum ten years of experience in matters of migration and employment;
experience with government institutions and the social partners will be considered as an asset;
experience in research and analysis reports.
Qualifications: Excellent drafting skills.

4. **Timeline:**
Expected deliverables by this consultation are three and must be submitted according to the following schedule:

- **1st deliverable** (Financial and technical proposal): to be submitted by all applicants together with their CV and cover letter as part of the selection process;
- **2nd deliverable** (Workplan for the mission with detailed calendar): 3 days after the start of the consultation;
- **3rd deliverable** (draft full report): 8 weeks after the start of the consultation;
- **4th deliverable** (final report): 1 week after receiving comments and feedback from the ILO and national monitoring committees on the first draft.

All deliverables must be submitted to and validated by the ILO.

5. **Payment Schedule:**

- 20% upon completion of deliverable 1 and 2 to the satisfaction of the ILO;
- 80% upon completion of deliverables 3 and 4 to the satisfaction of the ILO.

1. **Deadlines for submission of applications**

Interested candidates should submit to the attention of the ILO a technical and financial proposal, together with a CV and cover letter, by 21st February 2016. Please submit your application by email to the following address: ilo.iram.2016@gmail.com
Annex 1: List of existing legal instruments at the international level

ILO standards on migrant workers
Instrument Update

1. **C097** - Migration for Employment Convention (Revised), 1949 (No. 97)
2. **R086** - Migration for Employment Recommendation (Revised), 1949 (No. 86)
3. **C143** - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
4. **R151** - Migrant Workers Recommendation, 1975 (No. 151)
5. **C181** - Private Employment Agencies Convention, 1997 (No. 181)
6. **C118** - Equality of Treatment (Social Security) Convention, 1962 (No. 118)

United Nations
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Adopted by General Assembly resolution 45/158 of 18 December 1990

Appendix 2: Studies and reports reference


2. IRAM Project national study on the protection of migrant workers’ rights in Morocco, Hicham Rachidi, ILO IRAM

3. IRAM Project national study on the protection of migrant workers’ rights in Tunisia, Sarra Hanafi, ILO IRAM

4. IRAM Project national study on the governance of labour migration in Morocco, Abdelhamid Begdouri Achkari, ILO IRAM

5. IRAM Project national study on the governance of labour migration in Tunisia, Mohamed Kriaa, ILO IRAM