



International
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Better
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Migration
Management



Concept note
**Training on Extending Social Protection to Migrant
Workers**
Mombasa, Kenya
24 - 27 October 2023

Background & Justification

Migration in this region is a complex and multi-faceted phenomenon. The flows of people in, between and from countries in the region can be best characterized as mixed migration flows that encompasses refugees, asylum-seekers, displaced persons, and migrants pursuing family reunification, education, and employment. According to the African Union 2019 report on labour migration statistics (third edition), East and Horn of Africa (EHOA) holds the second largest share of Africa's population with an estimate of 357 million. Similarly, the region also hosts the highest number of migrant populations (7.7 million). The report further highlights that the East and Horn of Africa region has registered the highest growth rates in international migration population (7.4 per cent) and migrant labour force (7.5 per cent), despite the low population growth and labour force rate (each 2.6) from 2010-2019. The EHOA is also one of the regions with the largest increase in the number of migrants and refugees globally. The East and Horn of Africa region faces significant social and economic challenges that is also a pushing factor for migration, namely, persistent poverty, inequality, high levels of informality in labour markets, and vulnerability to various shocks such as conflicts, natural disasters, and health emergencies. In response to these challenges, social protection has emerged as a critical policy area to alleviate poverty, enhance social inclusion, and build resilience among individuals and communities.

Social protection is a human right defined as the set of policies and programmes designed to reduce and prevent poverty and vulnerability throughout the lifecycle. It is one of the four pillars of the Decent Work Agenda and target 1.3 and 3.8 of the Sustainable Development Goals (SDGs). Social

protection interventions have recorded significant human development impacts across all regions of the world. It contributes to enhancing the economic and productive capacity even in the poorest and most marginalized contexts. However, the potential impact of social protection is constrained by its lack of coverage, particularly in Eastern Africa, where coverage reaches only 11% of the population¹. This coverage gap is even wider among certain categories of workers, such as migrant workers and their families, domestic workers and people working in the informal economy, who tend to be excluded from even the most basic forms of social protection, including health protection.

Several international and regional organizations have been engaged in the extension of social protection to all, particular focus on excluded categories. According to Articles 43 and 45 of the International Convention of the Rights of All Migrant Workers, migrant workers in destination countries should enjoy social security and equality of treatment in relation to access to housing, social housing schemes, social and health services, unemployment benefits and unemployment services provided conditions are met and subject to immigration terms. In addition, the adoption by the ILO tripartite constituents of the Social Protection Floors Recommendation, 2012 (No.202) at the International Labour Conference (ILC) in 2012 and its subsequent endorsement through the 2030 Sustainable Development Goals Agenda further highlighted the need for joint efforts to make social protection a reality for all. With regards to extending social protection to migrant workers, a number of ILO Conventions (e.g. 102, 118, 157, 97) and Recommendations (167, 202, 205) make provisions for social security rights of migrant workers and refugees. Moreover, the Global Compact for Safe, Orderly and Regular Migration (GCM), Objective 22 aims at establishing mechanisms for the portability of social security entitlements and earned benefits.

At continental level, the extension of social protection to all, including migrant works in the formal and informal economy, is a priority for the African Union (AU) and its Member States. The principle of equal treatment of migrant workers is emphasized in, among others, the AU Agenda 2063, the AU Policy Framework for Africa and its Plan of Action 2018-30 and the AU Free Movement Protocol, where it recognizes the right to social security for migrants, among other rights, and urges Member States to facilitate the portability of social security through bilateral, regional or continental arrangements through (Art.19). Considering the political, social and economic imperative for accelerating the extension of social protection in Africa, the ILO regional office also launched the Africa Regional Social Protection Strategy 2021-2025. The Strategy is

¹ Africa Regional Social Protection Strategy, 2021-2025

aimed at extension of social protection coverage from current 17% to 40% by 2025 – with a strong focus on the informal and rural economy, efforts at formalization as well as enhancing fiscal space and sustainable financing for social protection. On a similar note, extending social protection to migrant workers is an important component of the Joint Labour Migration Programme for Africa (JLMP). Social protection is also clearly highlighted as a priority in the Abidjan declaration 2019.

At Regional Economic Communities (RECs) level, within the East and Horn of Africa region, the Intergovernmental Authority for Development (IGAD) Protocol on Free Movement of Persons Art 9, calls upon Member States to facilitate through IGAD or bilateral arrangements the portability of social security benefits to citizens of another Member State residing or established in the host Member State. Likewise, the IGAD Regional Guidelines on Rights based Bilateral Labour Agreements underlined the need for elaborating social protection provisions in drafting and negotiating bilateral labour agreements with countries of destination. Moreover, art 39 of the East Africa Community (EAC) Common Market Protocol requests partner states to expand and improve social protection and under art 5 member states agree to provide social security benefits.

Despite the growing recognition of the importance of social protection at global, continental and region level, there remains a need to strengthen the capacity of stakeholders involved in designing, implementing, and evaluating social protection programs. Many countries in the East and Horn of Africa have made efforts to develop social protection policies and programs, but there are gaps in terms of effective implementation, adequate financing, coordination among stakeholders, and monitoring and evaluation mechanisms. The report on Extending Social Protection to Migrant Workers in the IGAD Region highlights the need to enhance social protection mechanisms for this vulnerable population and recommends capacity-building on the various policy measures for the extension of social protection to all including migrant workers and their families².

In response to this need, the ILO through the BRMM, FAIRWAY and JLMP LEAD projects funded by FCDO, SDC and SIDA respectively, is organizing a regional training to build the capacity of stakeholders in extending social protection for migrant workers. The capacity-building program aims to enhance tripartite plus partners understanding of policy measures and strategies for extending social protection to all in the region, with a particular focus on migrant workers and their families, including those in specific sectors (agricultural, domestic work, mining, garment & fisheries) and the informal economy, drawing upon existing research, best practices, and

² Extending social protection to migrant workers in the IGAD region Baseline study report- Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility

international standards to provide policymakers with the necessary knowledge and tools to design and implement inclusive social protection policies adapted to the region. It will also provide better understanding on the challenges and opportunities for extending social protection, including health protection, to migrant workers and ensuring portability of social security benefits. It will further provide a platform for knowledge exchange and collaboration among stakeholders in the region and enhance technical skills to design and implement inclusive and sustainable social protection programs.

Objective

The overall objective of the training is to enhance tripartite plus partners understanding of policy measures and strategies for extending social protection to all in the region, with a particular focus on migrant workers and their families. The training will draw upon international social security standards, unilateral, bilateral, and regional mechanisms to extend social protection to migrant workers and their families.

Specific Objectives,

- Engage on recent developments, existing gaps, challenges and opportunities, and strategic interventions in extending social protection to all, including migrant workers in and from the region.
- Improve participants' understanding of the policy, legal and practical obstacles faced by migrant workers in accessing social protection including health care, and various measures (unilateral, bilateral, and regional mechanisms) available to address these barriers.
- Increase participants' knowledge on bilateral social security agreements and other forms of agreements aimed at intra and inter regional cooperation and coordination of social security, including portability of social security benefits.
- Raise awareness on existing multilateral frameworks, namely the EAC Directive on social protection & IGAD strategy and lessons and successes from similar frameworks from Africa and elsewhere.
- Promote the ratification and application of International Social Security Standards in extending social protection to all, in particular, migrant related social security conventions as the foundational basis of comprehensive and sustainable interventions.

Methodology

The training will be adapted to the specific context in the region and employ a participatory and interactive approach, combining presentations, case studies, group exercises, and discussions. The training will utilize mixed methodologies that ensure maximum interaction, sharing and exchange amongst participants on best practices challenges and opportunities. Participants will, during the workshop, highlight existing initiatives and priority actions required to address any existing gaps. Rotational peer to peer exchanges amongst Member States will further enhance knowledge of other countries programmes and provide a closer look at Member States practices. Focus will be towards exploring options available for members states to design and implement programmes to extend social protection for migrant workers. This will be achieved through priority identifications, gaps, and proposed solutions. The training will feature experienced resource persons with expertise in the development and implementation of social protection policies, programs, and research who will bring a wealth of knowledge and practical insights to enrich the learning experience. Participants will be encouraged to share their experiences, exchange knowledge, and engage in practical exercises to apply the concepts learned.

Output of the workshop

- Enhanced capacity among tripartite plus partners to identify and address the challenges faced by migrant workers and their families in accessing social protection including health protection in the region.
- Improved understanding amongst key stakeholders on the challenges and opportunities for extending social protection to migrant workers and ensuring the portability of social security benefits.
- Enhanced knowledge and skills of participants in social protection concepts, strategies, and best practices.
- Strengthened regional collaboration and networking among stakeholders in social protection.
- Enhanced awareness and knowledge of existing regional policy frameworks and measures in the region.
- Establishment of a Working Group that facilitates collaboration among relevant stakeholders to promote access to social protection for migrant workers.
- Enhanced awareness and knowledge of existing regional policy frameworks and measures in the region.

- Increased knowledge to design, implement, and evaluate effective and inclusive social protection programs for migrant workers in line with international labour standards.
- Identify policy and legislation gaps, with potential strategies for addressing them and develop a focus areas per country.

Participants

The training will encompass 40 participants, namely senior officials from relevant government agencies in charge of labour and social security, workers and employers' organizations, Private Employment agencies (PrEAs) for Djibouti, Ethiopia, South Sudan, Somalia, Kenya, Uganda and Tanzania. ISSA, ECOWAS, SADAC, AU, IGAD, EAC, ECASSA, ITUC Africa, Business Africa, civil society organizations and international organizations involved in social protection programming and policy development. Other RECs and countries who have practical experiences in extending social protection for migrant workers through unilateral, bilateral or unilateral mechanisms will also be invited to participate and share their experiences.

Date and Venue

Date: 24-27 October 2023,

Venue: Mombasa Kenya

Programme see Annex 1

The training will cover a range of relevant topics broadly highlighted below

- Understanding the challenges faced by migrant workers and their families in accessing social protection benefits.
- Key standards, principles, and concepts of social protection.
- ILO's integrated approach to the extension of social protection to migrant workers.
- Introduction to social security coordination: Understanding the need for coordination of social security systems in the context of cross-border mobility.
- International and regional legal frameworks: Overview of relevant international UN and labour standards, treaties, and regional frameworks as well as existing social security agreements (EAC draft Directive on the portability of social security benefits, ECOWAS Social Security Agreement).
- Benefits and challenges: Examining the benefits, challenges, and potential impact of social security agreements on individuals, countries, and social security institutions in the region.

- Social protection policy analysis and development.
- Designing and implementing inclusive social protection programs with a special focus on migrant workers, refugees, workers in the informal economy and workers in specific sectors (agricultural, domestic etc.).
- Social protection and inclusion.
- Building effective partnerships and stakeholder engagement in social protection.
- Social protection schemes and services that can be extended to migrant workers contributory and non-contributory. Case studies and best practices: Sharing country experiences and best practices from regions that have successfully developed and implemented social security agreements.
- Social protection measures and mechanisms for nationals working abroad (unilateral measures) with a focus on those that could be relevant to consider by BRMM countries.
- Migrant welfare fund: presentation of ongoing initiative within the region.
- Extending social protection to migrant workers in the Arab Region: coverage of migrant workers in Gulf States and existing gaps.
- Guide and intervention models on extending social protection to migrant workers and their families.
- Intra-regional bilateral Social Security Agreement (Kenya -Uganda).
- Best practices on social protection including health protection, for migrant workers and their families.

Annex 1

Tentative programme

Time	Activity	Facilitator/Moderator
Day One - 24 October 2023		
08.30 – 09.00	Registration	
09:00 – 09:30	Opening Session Introduction – presentation of the agenda and objective of the training	Opening Remarks from: <ul style="list-style-type: none"> • Welcoming remarks by the ILO-CO Director • Remarks- Workers Organization • Remarks -Employers Organization • Delivery of Keynote remarks by the Chief Guest
9.30 – 10.30	Setting the scene:	<ul style="list-style-type: none"> • ILO

	Regional migration trend & Overview of Social Protection Concepts and Frameworks	
10:30 - 11:00	Group Photo & Health Break	
11.00- 12.00	Enhancing Social Protection Through ILO's Integrated Approach <ul style="list-style-type: none"> • Understanding the integrated approach of the International Labour Organization (ILO) in social protection based on International Labour Standards. • Strategies and practices for designing and implementing effective social and health protection schemes in the region. • Case studies and examples of integrated social protection approaches • Examining the role of social protection in reducing poverty and inequality 	<ul style="list-style-type: none"> • ILO
12.00 – 13.00	International legal frameworks: Overview of relevant international conventions and treaties and social security agreements related to social protection. <ul style="list-style-type: none"> • Relevant UN Conventions and ILS for the region and key principles • AU protocol • Multilateral agreements in other sub-regions (ECOWAS, SADC...) • Bilateral social security agreements in the region 	<ul style="list-style-type: none"> • ILO
13.00 – 14.00	Lunch Break	
14.00-15.00	Overview of existing multilateral social Protection agreements/ frameworks in the Region <ul style="list-style-type: none"> • Introduction to EAC (East African Community) and IGAD (Intergovernmental Authority on Development) regional initiatives on social protection • The EAC Council Directive on Coordination of Social Security Benefits- Case study 	<ul style="list-style-type: none"> • IGAD, EAC & ECOWAS
15.00 – 16.00	Discussion and Q&A	Facilitator
16.00hrs	Health Break & End of Day 1	
Day Two – 25 October 2023		

9.00 - 9.30	Recap Day 1	
9.30- 10.30	Best Practices in Social Protection Programs and Interventions - <i>Migrant Welfare Fund as a Component of Social Protection</i> <ul style="list-style-type: none"> • AU Guideline on Migrant Welfare Funds • ILO Guidance on Migrant welfare funds • Exploring the role and importance of migrant welfare funds in social protection • Case studies and best practices of migrant welfare funds- Kenya Migrant Welfare Fund • Linkages between migrant welfare funds and broader social protection systems 	<ul style="list-style-type: none"> • AU • ILO • Participants
10.30 – 11.00	Health Break	
11.00- 13.00	Regional Perspectives on Unilateral Measures for Social Protection <ul style="list-style-type: none"> • Overview of Unilateral Measures in Social Protection: Exploring the diverse range of unilateral measures implemented in the region to address social protection challenges • Case Studies of Successful Unilateral Measures • Exploring opportunities for regional cooperation and coordination. 	
13.00 – 14.00	Lunch Break	
14.00 – 15.00	Breakout groups to discuss specific challenges, opportunities, and strategies related to the topics covered	<ul style="list-style-type: none"> • Participants
15.00 – 16.00	Group presentations and discussions to share insights and recommendations	<ul style="list-style-type: none"> • Participants
16hrs	Health Break& End of Day 2	
Day Three- 26 October 2023		
9.00- 9.30	Recap Day 2	
9.30- 10.30	Social Protection in the Gulf <ul style="list-style-type: none"> • National social protection legislation and legal frameworks for migrant workers in the Gulf. • Bilateral labour arrangements for migrant workers in the Gulf 	<ul style="list-style-type: none"> • ILO

	<ul style="list-style-type: none"> Countries of origin extending social protection to their nationals working in the Gulf 	
10.30-11.00	Health Break	
11.00-13.00	Enhancing Bilateral Social Security Agreements <ul style="list-style-type: none"> Importance of cross-country social protection cooperation through bilateral agreements. Experience sharing on Intra-regional bilateral Social Security Agreement Key elements and components of bilateral social security agreements. Bilateral Social Security Agreements and bilateral labour agreements: Complementing Unilateral Measures Enhancing Cooperation with Gulf States for Social Protection of Migrant Workers 	
13.00-14.00	Lunch Break	
14.00-15.00	<ul style="list-style-type: none"> Group work on reviewing existing or pipeline bilateral labour agreement through social protection lens 	<ul style="list-style-type: none"> Participants
15.00-16.00	<ul style="list-style-type: none"> Presentation on the Group work 	<ul style="list-style-type: none"> Participants
16.00	Health Break & End of Day 3	
Day Four- 27th October 2023		
9.00 - 09.30	Recap of Day 3	
9.30-10.30	Regional Collaboration and Partnership <ul style="list-style-type: none"> Promoting regional collaboration and knowledge sharing in social protection Engaging stakeholders: role of governments, civil society, private sector, and international organizations Strengthening partnerships and coordination between EAC and IGAD member states 	
10.30- 11.00	Health Break	
11.00-13.00	Closing and Way Forward <ul style="list-style-type: none"> Summary of key learnings from the training Recap of action points and recommendations Discussion on potential areas of collaboration and future steps for regional social protection efforts 	
13.00- 14.00	Lunch Break & End of the Training	