Assessing Gender Inclusion in the Migration Policies of ECOWAS

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Executive summary

This policy briefing assesses the gender dimension of the ECOWAS regional framework for migration governance, focusing on regulations and protocols on free movement, specifically the ECOWAS treaty and the ECOWAS gender and migration framework and plan of action. It demonstrates that the neglect of gender-specific issues has created conditions that limit the benefits of migration for women, exposing them to gender-specific risks such as harassment and discrimination. The policy briefing makes the following recommendations: ECOWAS and its members should improve data collection on female migration; discriminatory practices by national authorities that impinge on the agency of female migrants should be discouraged; and ECOWAS should set up a support mechanism for female migrants to seek redress and support in all member states.

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Introduction

Migration plays a central role in advancing the livelihood and opportunities of populations in Africa.[1] The 2019 Mo Ibrahim Foundation report shows that 80% of migration in Africa is driven by social and economic reasons.[2] African states and institutions, including the AU and regional economic communities (RECs), have crafted policies that address the realities of migration in the African context. In some subregions, such as West Africa, these policies reflect the economic dimensions of migration and the arbitrary nature of national borders that were part of the colonial heritage. Yet other states and subregions still maintain restrictive migration policies, reflecting national priorities. Indeed, the AU adopted the protocol on free movement in February 2018, but has missed all the milestones in the roadmap so far. In any case, discussions on migration governance policies in Africa seldom focus on the gender dimensions and implications of these policies, although increasing numbers of women are migrating both within the continent and to destinations outside the continent. Their experiences differ substantially from those of male migrants.[3] This policy briefing explores how gender inclusivity in migration governance can yield improved policy outcomes that benefit society at large in West Africa.

West Africa has the most mobile population on the continent. ECOWAS is the only REC in Africa that has implemented the free movement protocol, albeit with challenges in its implementation. The free movement protocols and regulations of ECOWAS enhance the high rates of mobility within the subregion. Its top destination countries are Côte d'Ivoire, Ghana and Nigeria. These countries are also the top migrant-sending countries in the subregion.[4] The intersection between regional host countries and sending countries illustrates the complexity of the migration landscape in West Africa. To a large extent, migration in West Africa shows the historical linkages – both pre-colonial and colonial – between destination and host countries. Often, countries that host a significant number of migrants from a particular country also have a significant number of their citizens as migrants in that country. For example, the most Ghanaian migrants in the subregion are found in Nigeria, and Ghana is a top destination country for Nigerians.[5]

Female migrants constitute 46.7% of migrants in West Africa.[6] Figure 1 shows that in West Africa, female migration is highest in Burkina Faso and Niger. Female migrants constitute about 52% of the total migrant stock in both countries. It also shows that female migration

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1   Awumbila M, 'Drivers of Migration and Urbanization in Africa: Key Trends and Issues', UNDESA (UN Department of Economic and Social Affairs), September 2017, https://www.un.org/en/development/desa/population/events/pdf/expert/27/papers/III/paper-Awunbila-final.pdf, accessed 11 July 2019.

2   Mo Ibrahim Foundation, *2019 Ibrahim Forum Report, Africa's Youth: Jobs or Migration?*, http://s.mo.ibrahim.foundation/u/2019/03/15121250/2019-Forum-Report.pdf?_ga=2.1944433.1506893149.1563190130-109894382.1560922523, accessed 11 July 2019.

3   Andall J, 'Intra-African Female Labour Migration: Common Issues, Work and Rights', in UNCTAD (UN Conference on Trade and Development), *Economic Development in Africa Report 2018: Migration for Structural Transformation*, May 2018, https://unctad.org/en/PublicationsLibrary/edar2018_BP1_en.pdf, accessed 11 July 2019.

4   Awumbila M *et al.*, *Across Artificial Borders: An Assessment of Labour Migration in the ECOWAS Region*, ACP Observatory on Migration, Research Report, 2014, https://publications.iom.int/system/files/pdf/ecowas_region.pdf, accessed 11 July 2019.

5   *Ibid.*

6   Mo Ibrahim Foundation, *op. cit.*

Figure 1   Female migrants in West Africa as a percentage of the international migrant stock, 1990–2017

Legend:
- 1990
- 1995
- 2000
- 2005
- 2010
- 2015
- 2017
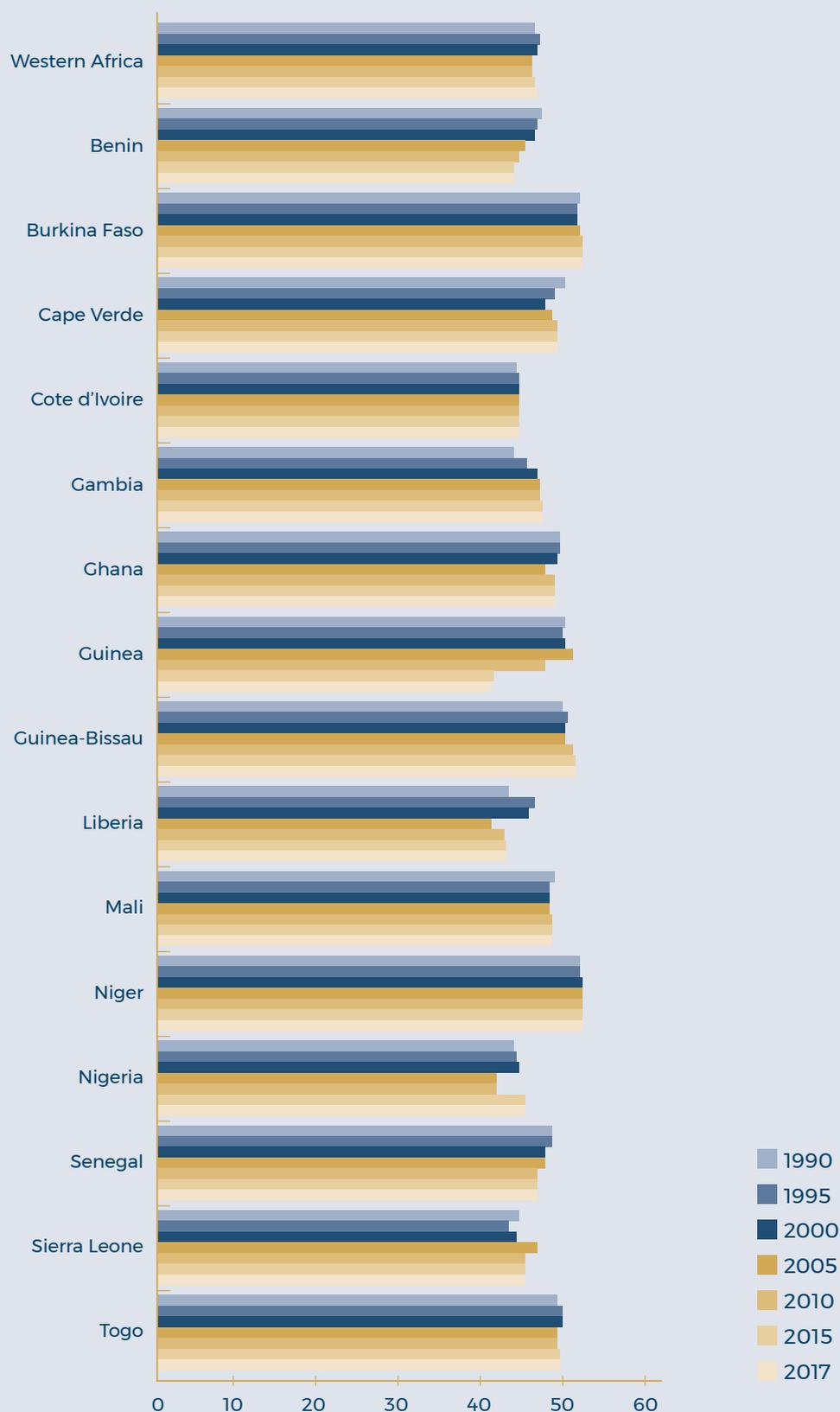
Source: UNDESA (UN Department of Economic and Social Affairs), 'Migrant Stock by Age, 2017', http://www.un.org/en/develop ment/desa/population/migration/data/estimates2/data/UN_MigrantStockByAge_2017.xlsx, accessed 11 July 2019

in West Africa is not a new trend.[7] The data captures only formal documented flows of migrants; neither undocumented flows nor the movements of temporary/seasonal workers and border residents are captured in the available data.

The gendered aspects of migration in West Africa

In West African society, different gender norms shape women's readiness and ability to migrate. These norms also determine the social acceptance of female migration. There is a tendency to view women as victims of migration, especially in relation to human trafficking. They are generally portrayed as having little or no agency, and their experiences as migrants have been constructed around 'those left behind', rather than as voluntary migrants.[8] In a bid to protect the rights of female migrants, states have also passed restrictive regulations that limit their freedom.[9] Yet the increasing feminisation of labour migration in West Africa[10] has resulted in a shift in gender roles in society.[11] Studies show that women are active participants in voluntary migration in West Africa, especially labour migration.[12]

Increasingly, female migrants are moving within and outside the subregion. The Mixed Migration Centre examined the migration patterns of sub-Saharan African women between July and October 2017, noting that 42% of women migrate for economic reasons while 19% migrate for personal or family reasons.[13] Within West Africa, female migrants explore economic – employment or entrepreneurship – opportunities in other countries in the subregion. They also move to reconnect with family and social networks.[14] Although formal employment rates remain low in West Africa, there are a few examples of female migration in the formal economy. A growing number of skilled female migrants are employed in the banking sector and in healthcare. Most employment opportunities in the region still exist in the informal sector and female migrants work as domestic workers, in the agricultural sector and in the retail trade. Other factors that motivate female migration include pursuing

7   Fall PD, 'La dynamique migratoire ouest africaine entre ruptures et continuités', Paper presented at the African Migrations Workshop, Accra, 18–21 September 2007, http://www.dea.univr.it/documenti/OccorrenzaIns/matdid/matdid550083.pdf, accessed 11 July 2019.
8   Crawley H, *Refugees and Gender: Law and Process*. Bristol: Jordan, 2001.
9   For example, the ban on the migration of domestic workers to Saudi Arabia and other Gulf Cooperation Countries imposed by the Ghanaian government. See Akwei I, 'Ghana bans recruitment of workers to Gulf countries to curb abuses', AfricaNews, 2 June 2017, https://www.africanews.com/2017/06/02/ghana-bans-recruitment-of-workers-to-gulf-countries//, accessed 11 July 2019.
10   Adepoju A, 'Migration in West Africa', Development, 46, 3, 2003, p. 37.
11   Abdul-Korah GB, '"Now if you have only sons you are dead": Migration, gender, and family economy in twentieth century northwestern Ghana', *Journal of Asian and African Studies*, 46, 4, 2011, pp. 390–403.
12   Awumbila M, 'Women moving within borders: Gender and internal migration dynamics in Ghana', *Ghana Journal of Geography*, 7, 2, 2015.
13   MMC (Mixed Migration Centre), *Experiences of Female Refugees and Migrants in Origin, Transit and Destination Countries: A Comparative Study*, September 2018, http://www.mixedmigration.org/resource/experiences-of-female-refugees-migrants-in-origin-transit-and-destination-countries/, accessed 11 July 2019.
14   FAO (UN Food and Agriculture Organization), 'Evidence on Internal and International Migration Patterns in Selected African Countries', http://www.fao.org/3/a-i7468e.pdf, accessed 1 July 2019.

education, escaping social norms, achieving stability for themselves and their children, and escaping violence in society through general insecurity and crime or domestic abuse.[15]

Female migrants in West Africa are exposed to various risks during the migration process. Some of these risks are a denial of access to travel documents, sexual exploitation,[16] discrimination in host countries both as a foreigner and based on gender, and vulnerability associated with sexual and reproductive health.[17] Female migrants are often limited to working in the informal sector owing to a lack of education and other structural inequalities. Gendered power relations also result in particular types of violence against or harassment of migrant women.[18]

Because of the documented risks female migrants face in the subregion, ECOWAS and its member states have made concerted efforts to address the challenges they face. Member states such as Nigeria, for example, have developed policies to curb the negative effects of migration on women.[19]

Free movement within ECOWAS and female migration

In assessing the gender inclusion of ECOWAS protocols, it is important to consider the following:

• Does the protocol or regulation address the gendered aspects of migration in its provisions?

• Does the regulation or protocol take measures to address the concerns and specific needs of different gender groups with regard to migration?

Article 59 of the revised ECOWAS treaty of 1993, in line with the founding treaty of 1975, provides for the REC's citizens to move freely within the region, and enjoins national authorities to make provisions for that free movement. It also forms the basis of the supplementary protocols on free movement of persons in the region, which address three phases of migration: the right to visa-free entry, the right to establish residence and the right to settle in another member state. These provisions, based on national treatment principles, are guaranteed to all citizens in the region. In terms of women, however,

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15   MMC, *op. cit.*

16   Molenaar F, Tubiana J & C Warin, 'Migrants' Journeys: Increased Hardship and Incremental Human Rights Abuses', in *Caught in the Middle: A Human Rights and Peace-building Approach to Migration Governance in the Sahel*, MMC, December 2018, https://www.clingendael.org/pub/2018/caught-in-the-middle/1-migrants-journeys/, accessed 1 July 2019.

17   RMMS (West Africa Regional Mixed Migration Secretariat), *Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move*, August 2017, https://data2.unhcr.org/fr/documents/download/59082, accessed 11 July 2019.

18   Andall J, *op. cit.*

19   Nigeria, NAPTIP (National Agency for the Prohibition of Trafficking in Persons), 'Fourth Quarter 2018: Analysis', July 2019, https://www.naptip.gov.ng/wp-content/uploads/2019/07/4th-Quarter-2018-Analysis.pdf, accessed 18 July 2019.

the ECOWAS treaty and its supplementary protocols do not make any gender-specific provisions in migration, or consider the gendered aspects of migration.

More recent policies of the ECOWAS Commission have taken gender and migration into account. The ECOWAS Common Approach on Migration, adopted in 2008, outlines the framework for national authorities in the implementation of the free movement protocols. This is the first document to acknowledge the increasingly gendered aspects of regional migration. The common approach dedicates a pillar to issues relating to gender and migration. It acknowledges the specific needs and concerns of female migrants and the need to promote safer migration choices, especially for female migrants. It also acknowledges the role inequalities and discrimination play in exacerbating the challenges of female migration. This is a much broader societal and development problem that has been largely ignored. In the implementation of the common approach, member states are called upon to align their national policies with the regional framework.[20]

The second main policy document that considers the gender aspects of migration is the ECOWAS Gender and Migration Framework and Plan of Action, adopted in 2015.[21] The five-year strategic plan specifies measures to be taken by the commission, its member states and their agencies to facilitate and promote gendered aspects of migration. The strategy considers the five priority aspects of migration and gender in the region, namely cross-border trading and migrant workers, human trafficking, women as victims of displacement caused by conflict, tourism (including sexual tourism), and domestic workers. The strategy aims to encourage regular and safe migration processes for men and women to enable them to contribute more effectively to the socio-economic development of their countries and the subregion as a whole. It has nine overarching objectives, namely data collection on gendered aspects of migration to sensitisation of migrants and authorities and training of authorities, protection of migrants, prevention of irregular migration, anti-corruption measures, poverty elimination, the provision of grievance mechanisms, and monitoring and evaluation of the strategy.

In adopting the common approach and the gender and migration framework, ECOWAS set the pace in terms of the inclusion of gender and migration policies. Both the common approach and the gender and migration framework comprehensively address the main issues relating to female migration in the region. However, the framework does not have an implementation mechanism or monitoring structure. This gap is responsible for the varied forms of implementation in the different member states.

Another shortcoming of the framework is the lack of cooperation between stakeholders indicated in the framework. Cooperation between member state authorities, research

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20   ECOWAS Commission, 'ECOWAS Common Approach on Migration', 18 January 2008, https://www.unhcr.org/49e47c8f11.pdf, accessed 11 July 2019.
21   ECOWAS Commission, 'ECOWAS Gender and Migration Framework and Plan of Action 2015–2020', https://www.ccdg.ecowas.int/wp-content/uploads/Plan-of-Action_Gender-and-Migration.pdf, accessed 11 July 2019.

centres and government agencies is hardly possible in practice as there are no regional platforms for engaging with all stakeholders.

The missing link with national migration policies

While the regional level provides the framework and guidelines for migration governance, implementation of these policies occurs at the national level through national legislation and authorities. In the ECOWAS region, all member states with national migration policies have to some extent incorporated gender aspects. The implementation of these measures, however, is still somewhat lacking. When protecting victims of trafficking, some countries have adopted standard operating procedures to assist the authorities dealing with the situation. An example of this is Ghana, where the standard operating procedures have been transmitted to the agencies involved in addressing such trafficking. However, this process has not occurred in all states.

Certain obsolete practices still undermine the agency of female migrants. For example, some national authorities still require women to obtain the permission of their husbands or fathers to receive travel documents such as passports. Women cannot travel with their children without the father's permission. This limits their right to migrate freely, since travel documents are essential requirements for legal cross-border migration.

In addition, female migrants still face harassment at borders by national authorities. Especially female traders engaging in cross-border, often informal, trade experience this. These traders are subject to exploitation in terms of the fees and charges levied on their imports and produce. While some measures have been implemented to assist female traders in addressing such harassment, such as sensitising them on their rights in regional migration, there are still several gaps, particularly related to a harmonised procedure for cross-border female traders.

At the same time, research in Ghana and Nigeria found no evidence of support mechanisms for female labour migrants. Such mechanisms would assist female migrants who experience harassment at the border or in host countries. Information for migrants along the migratory process and in their communities of destination would also be an important service. This should include information for irregular female migrants about possibilities for return, especially in situations where trafficking becomes apparent.

Policy recommendations

- In order to address gender inclusivity in migration practices and policies, it is important for the West African subregion and its states to ensure the coordination of regional and national migration policies and practices. Member states' implementation of the ECOWAS gender and migration framework and action plan should be reviewed to ensure that states and stakeholders comply with their commitments.

- In line with the action plan, states should implement data collection measures to reflect the gendered aspects of migration. The ECOWAS policies highlight the need for member states to implement measures that will capture data on regional female migration. For example, the movement of domestic workers and temporary workers in the agricultural sector is not adequately captured in member states' statistics.

- It is important to link national and regional migration policies with regard to access to travel documents for women. Practices that impinge on the agency of female migrants should be discouraged. Peer learning from states that have implemented procedures on incorporating gender inclusivity in migration practices should be encouraged.

- Finally, states – individually and at the regional level – should provide adequate support mechanisms for female migrants in both formal and informal employment. This should also include a redress mechanism where female migrants can seek support in cases of harassment or abuse. Existing migrant information centres in the region can be used for this purpose. They can also help to inform female migrants of their right to free movement within the subregion.

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Internally Displaced Persons mostly women and children sit waiting to be served with food at Dikwa Camp, in Borno State in north-eastern Nigeria, on 2 February 2016 (Stringer/AFP/Getty Images)