

Forced Labor Among Kenyan Migrant Workers in the Gulf Cooperation Council (GCC) Countries: A Prevalence Estimation Report

Context

The Global Fund to End Modern Slavery (GFEMS) aims to unite the world in a global strategy to end modern slavery by mobilizing resources needed to elevate the fight and investing in programs and partnerships to change systems of exploitation and abuse. With support from the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (TIP Office), GFEMS has launched a series of projects to combat forced labor among Kenyan migrant workers. As a part of this effort, GFEMS

engaged NORC at the University of Chicago (NORC) to **measure the prevalence of forced labor among recently returned Kenyan migrant workers from Gulf Cooperation Council (GCC) countries (e.g., Bahrain, Kuwait, Oman, Qatar, United Arab Emirates (UAE), Saudi Arabia)**. For this project, NORC applied rigorous methodologies focusing data collection in the Nairobi Metro area with the intent to gain precise estimates of forced labor among the target population.

Key Findings

NORC Forced Labor Indicators

• *NORC indicators find extensive forced labor violations.* NORC used a two-step scheme to establish the threshold of trafficking victimization, comprised of (1) some form of abuse or unfair labor practice using a scale of harm based on severity of infringement, and (2) the inability to leave out of fear of serious repercussions. Using this approach, NORC indicators found that 98.7% experienced trafficking victimization. The estimated population rate is 98.2%.

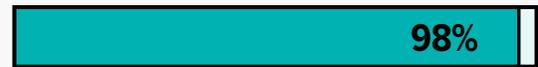
NORC's 4-Category Scale of Harm

- *Violation of physical integrity.* 65.2% reported having experienced at least one of the physical/sexual violence measures. The estimated population rate is 64.7%.
- *Restriction of freedom.* 97.5% reported having encountered at least one of the restrictions of freedom violations. The estimated population rate is 97%.
- *Abusive/coercive employment practices.* 96.7% experienced abusive labor practices or employment tactics by their employers to do things they did not want to do. The estimated population rate is 95.9%.
- *Deceptive/unfair/unsafe work environment.* 98.4% reported having experienced at least one of the deceptive, unfair, or unsafe work environment violations. The estimated population rate is 97.56%.

ILO Forced Labor Indicators

- *International Labor Organization (ILO) indicators reveal almost identical patterns of violations.* ILO indicators, comprised of the presence of menace of penalty and involuntariness violations, show that 97.5% of the sample reported having experienced both types of violations at least once during their last stay in the GCC. The ILO estimated population rate is 96.1%.
- *Menace of penalty.* 97.6% reported having experienced at least one of the menace of penalty measures. The estimated population rate is 96.1%.
- *Involuntariness.* 98.7% experienced at least one of the involuntariness violations. The estimated population rate is 98.2%.

NORC FORCED LABOR INDICATORS



NORC FL (Any 1-4 above) + Excessive costs to exit



Violation of physical integrity



Restriction of freedom



Abusive/Coercive Employment Practices



Deceptive/unfair/unsafe work environment



All of the Above (Complete Harm Spectrum)

ILO FORCED LABOR INDICATORS



ILO FL (1 menace + 1 involuntariness)



Menace of penalty



Involuntariness

Sampling and Measurement Approach

The study sampling strategy applied a new approach to approximating sampling weights to achieve population estimates of forced labor violations experienced among Kenyan migrant laborers who recently returned from working in GCC countries. Prevalence rates are estimated with the weighted average of the forced labor indicators based on Kenyan census data for the Nairobi Metro area.

The study team used KNBS data on emigration from 2004 to 2019 as a guide to determine the distribution of 300 seeds (i.e., first wave of survey respondents) across five counties in the Nairobi Metro area to initiate a unique link-tracing estimation approach. Seeds were asked to nominate up to seven individuals in their personal network who were also in the target population and given three coupons to distribute to randomly selected network members. This sampling strategy was repeated across waves until a final sample size of N=1,020 was achieved.

Key measures of forced labor conform to the legal framework established by the Trafficking Victims Protection Act (TVPA) and the ILO, and they represent the most agreed-upon indicators of forced labor. First, the study team grouped the forced labor indicators into scaled categories of abuses based on perceived severity of infringement of human rights by employers.

This created a “scale-of-harm” rather than conceptualize each violation as equal in terms of potential negative impact.

Categories (in order of severity):

- Enacted or threatened infringement of physical integrity;
- Enacted or threatened restriction of personal freedom including physical movement and/or communication;
- Abusive and coercive employment practices to compel migrant workers to do something they did not want to;
- Deceptive contracts, unfair or unsafe work arrangement, or lack of food and shelter.

Second, the study team applied a two-step scheme to establish the threshold of trafficking victimization, in which “excessive” exit costs used by employers to deter or prevent a migrant worker from leaving an abusive work environment are measured. Under this analytical approach, a migrant worker (1) must have experienced some forms of employer-perpetrated abuse or unfair labor practice, and (2) must have been unable to quit because of fear of serious consequences. The two-step threshold scheme seeks to qualify what reported experiences may count as trafficking victimization.

Limitations and Considerations

Readers of this brief should exercise cautions when interpreting our study findings, because of a number of limitations. First, findings reflect experiences of migrants who recently returned from the GCC, as opposed to those who remained. Their return could be due to multiple reasons: negative experiences, family reasons, seasonal fluctuations in labor demand, or contract expirations. Second, the impact of

COVID-19 has affected employment practices and migrants’ movement across borders, both of which have implications for the generalizability of our results in a post-pandemic era. Finally, although considered the most cutting edge strategy, our link-tracing sampling should be considered experimental and could be augmented by observing untraced links within the final sample.

Recommendations

- **Remove Legal Obligations to Employers.** Although additional data mining could identify risk factors for forced labor, the most fundamental change likely to bring about the greatest effect in reducing forced labor is to un-tie/sever the legal obligations a worker has towards his/her employer.
- **Build Awareness.** The pervasive violations detected in this study suggest that the concept of labor trafficking or forced labor may be foreign to both employers and workers, or society in general. Efforts should be made to build the awareness of all stakeholders of labor trafficking violations, migrant worker rights and appropriate, safe labor standards.
- **Implement policy initiatives to protect migrant workers.** The Kenyan government can better protect workers by requiring employers to provide social welfare programs for their workers.
- **Detect Violations and Impose Penalties:** Government agencies in GCC countries should establish dedicated agencies to conduct inspections and have the legal authority to impose significant penalties in order to produce meaningful deterrence effects among employers.



REMOVE LEGAL OBLIGATIONS to employers to bring about the greatest effect in reducing forced labor.



ESTABLISH DEDICATED AGENCIES to detect violations and impose penalties.

- **Establish and scale up emergency shelters and support services in GCC Countries.** GCC countries need to establish workers' protection services to rescue or provide emergency shelter and other services to workers seeking to exit their abusive work environment.



This research was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of State.