EFFECTIVENESS OF LABOUR RECRUITMENT REGULATION FOR THE PROTECTION OF HUMAN RIGHTS FOR THE KENYAN MIGRANT DOMESTIC WORKERS

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A RESEARCH PROJECT REPORT SUBMITTED TO THE SCHOOL OF LAW, ARTS AND SOCIAL SCIENCES IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF ARTS IN PUBLIC POLICY AND ADMINISTRATION OF KENYATTA UNIVERSITY

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DECLARATION

I hereby declare that this research project report is my original work and has not been submitted to any other university for the award of any academic credit.

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This research project report has been submitted for examination with my approval as University Supervisor.

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DEDICATION

This thesis is dedicated to my late mum, dad, and brother. You may not be here today to celebrate my wins, but your love and memories still engraved in my heart.

I also dedicate this project to my wonderful daughter "Twiri" for always being my joy and inspiration.

ACKNOWLEDGEMENTS

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ACRONYMS AND ABBREVIATIONS

CoK: Constitution of Kenya

CS: Cabinet Secretary

ILO: International Labour Organisation

IOM: International Organization for Migration

KII   Key Informant Interviews

MFA: Ministry of Foreign Affairs

MoL: Ministry of Labour

NACOSTI: National Commission for Science and Technology

NEA: National Employment Authority

OECD: Organisation for Economic Co-operation and Development

SDGs: Sustainable Development Goals

SPSS   Statistical Package for the Social Sciences

WMR: World Migration Report

OPERATIONAL DEFINITION OF TERMS

Domestic worker: According to this study, domestic workers refer to the people who are employed both within the country and out of the country to work within legal boundaries, in their employers' homesteads and to offer their services to households at a fee.

Effectiveness: This refers to the degree to which something is done successfully and as search attain the required result.

Forced labour: This refers to a person offering his services involuntarily and under circumstances and environment that is not conducive and/or not getting the necessary remunerations.

Gulf States: According to this study, the Gulf Arab states refers to a group of countries which form the membership of Gulf corporation council

Human Rights: This refers to the globally acknowledged moral principles and norms that all persons should observe towards attainment of integral rights for all persons of any race, sex, nationality, origin, faith, dialect.

Labour Migration: Labour migration is the phenomenon where people move from their one area, country and/or regions to another place to seek employment opportunities.

Labour Protection: According to this study, labour protection refers to the upholding of the workers welfare, physical well-being and access to the right working conditions and just remunerations and access to basic human rights.

Migrant worker: This refers to persons who move from one country to another in such of work opportunities and is engaged on a job opportunity in a foreign country for a remuneration.

Private employment agencies: This is a privately registered company that offers the services of matching job seekers with potential employers for a fee.

Recruitment: According to this study, this refers to the process of acquisition of human labour to carry out specific job requirement for an expected pay in form of remuneration agreeable to involved parties and in accordance to the law.

ABSTRACT

Labour migration is a trend that has gained a lot of traction with the increased relations and interdependence between nations at all levels. In a similar manner, there is an increment in cases of abuse of the basic rights of migrant workers. In extreme cases, abuses amount to trafficking in persons, forced or compulsory labour among other human rights violations that even lead to death continues to be registered amongst migrant workers. As this occurs, loopholes exist in labour laws, failing to address gaps within the responsibilities of recruitment agencies and employers and as such provide space for abuse and forced labour for the migrant workers. Labour mobility remains an integral part of the intercountry cooperation and exchange of goods and services all that are building blocks towards accomplishment of Sustainable Development Goals and the Agenda 2030. Therefore, it is very timely and beneficial to establish gaps in the labour regulation process, such as within the labour legislation, registration, licensing, and monitoring process, identify enforcement challenges, and the government interventions necessary for the labour recruitment in safeguarding the human rights of the migrant workers, especially in a time where Kenyans are migrating a lot for work. This study determined how statutory requirement influence the effectiveness of the labour recruitment regulations in protection of Kenyan migrant domestic workers. It further assessed the efficiency of enforcement of labour recruitment regulations and determined the extent to which coordination in government agencies influences the labour recruitment regulations in the protection of human rights of Kenyans worker abroad. Neoclassical economics and the dual labour market (DLM) theories guided this study. Descriptive and inferential research methodologies were used. A target population of 153 people was drawn from the National Employment Agency (NEA), Ministry of Foreign Affairs (MFA) and Ministry of Labour (MoL). Census sampling technique was used. Self-administered questionnaires and a key informant interview guide were used to acquire the necessary study information. The analysis was done using the Statistical Package for Social Scientists (SPSS) from which descriptive data was composed of percentages, frequencies, means and standard deviation. The researcher acquired research permit from National Commission for Science and Technology (NACOSTI). It upheld ensured for informed consent, voluntary participation, anonymity, confidentiality, and results in communication. The study found out that that there was a positive significant and strong linear relationship between statutory requirements and upholding human rights of Kenyan migrant domestic workers. It was evident that the inter-ministerial and inter organisational coordination is very weak and there is policy incoherence and thus there is inefficiencies in the regulation of labour recruitment process. Additionally, the labour regulation enforcement process remains very important factor in safeguarding and upholding the human rights of Kenyan migrant worker. In conclusion, there is a need for a comprehensive approach that recognizes the rights of all workers and promotes their social and economic empowerment. The study therefore recommended strengthening Labour Recruitment Regulations protection of human rights for the Kenyan migrant domestic workers.

CHAPTER ONE: INTRODUCTION

1.1. Background of the Study

Migration of labour is the organized shifting of individuals from their home countries to other countries to seek employment opportunities; a contemporary trend that has arisen in the past few decades with the expanse of globalization opening up different countries to interdependence in line with labour supply (IOM, 2008). Labour migration has from the recent past been heightened by the inclusion of labour issues in foreign policies, unemployment pressures in the home countries and the acceptance of governments, citizens – both employers and job seekers as well as other stakeholders that global labour migration is as forthcoming as creating jobs in the home countries (IOM, 2008). This partly translates to labour migration being mutually beneficial in the long run easing the pressures of unemployment in one state/nation and lessening the scarcity of the same in the recipient nation while also supporting economic growth and development there.

The United Nations' goal for decent work is centered on the basic principles and guidelines which demand among other rights the freedom to associate, unionism, effective the abolition of forced and child labor, and the elimination of all forms of discrimination in regard to work (ILO, 1998,2010). These fundamental rights provide the basis and understanding that is crucial in the sustenance and acceleration of sustainable development and the realization of globally accepted code of conduct for ethical working environment.

ILO (2010) acknowledges the growth of labour migration noted the place of labour recruitment and employment practices in broadening employment options within the home countries and abroad. The strategy advocated for a global enlightenment on

effective policy towards building solid foundations of human rights and promotion of fundamental human rights at work. The strategy set the stage for discussions and effective actioning for fostering equitable recruitment practices, prevent human abuse and trafficking and reduction of the costs of labour migration.

Globally, the rise in international migrants is notable with increases of over 119 million people between the year 1990 (153 million) and 2019 (272 million); reaching 3.5% of the global population (IOM, 2020). According to the 2020 report, 75 % of the international migrants were hosted in only 20 countries gravitating towards high-income countries led by the USA then followed by Germany and Saudi Arabia while the countries of origin had India leading (World Migration Report 2020). India has been referred to as a 'migration superpower' owing to the huge movement of Indians for opportunities in the Gulf States, Europe and North America. The topmost destinations for the Indian migrants in the United Arab Emirates accounting for about 3.5 million Indians as of 2015 while Pakistan and the USA followed closely (Connor, 2017).

The Arab region has in recent years been a major destination for migrant workers with the International Labour Organization (ILO) in 2017 reporting estimates of over 23 million migrant labourers in the Arab States. The majority came from Asia, and Africa noting a significant increase from African blocs (ILO, 2017). The locational setting of the African continent allows for African immigrants to move to almost all other continents around – a demographically dynamic advantage in international movement (African Union Commission, 2017).

On different scales, skilled and unskilled workers are leaving Africa for the Gulf States which besides their immense oil and gas resources and high per-capita incomes, their

fast-developing economies count on international labour migrants (Mutume, 2006). A case study focusing on African countries among them Kenya, Nigeria and Ghana indicated that labour migration to the Gulf States has risen tremendously in the past decades citing geographical closeness, historical and cultural factors (Atong, 2018).

Africa has the fastest-growing population and the net rise in population that has attained a working age has also been one of the contributing factors to the rise in international migrants significantly growing from approximately 13 million to 25.4 million migrants in 2017 according to a report on labour migration statistics (African Union Commission, 2019). According to the 2017 World Migration Report, Africa was second after Asia as the largest origin of international migrant workers between 2000 and 2017 (United Nations, 2017). Migration of labour has proven beneficial over time but also comes with serious challenges to the migrant workers who may be subject to exploitation and limitations with regard to labour and human rights (ILO, 2010).

The Kenya Diaspora Policy of year 2014 has acknowledged the necessity of integrating Kenyans living abroad into the processes and programs for national development. The policy further, flagged out, Diaspora Diplomacy as a one of the pillars in Kenyan foreign policies and agendas. It further, recognized the growing need to ensure that Kenyan in the diaspora are accorded the facilitation and necessary engagement as stipulated within the Kenyan Constitution. The Policy set out to among other things ensure that there was a dedicated portal with profiles of Kenyan abroad for proper planning, engagement, and protection. The National Employment Authority Act of 2016 also establishes a comprehensive institutional framework for managing employment, improving

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interventions for employment promotion, enhancing access to employment for young, minorities, and marginalized groups, as well as for related goals.

The rise of unemployment in Kenya and the desire for better work opportunities and livelihoods abroad in the past decades has pressured Kenyans to seek employment opportunities abroad. In the last decade, the number of Kenyans with informal trainings seeking domestic work abroad has also been on an increment trend (Global Alliance Against Traffic in Women, 2019). A report by International Labour Office (2013), noted that, domestic workers are predominately from rural and informal settlements areas, and are mostly from poor backgrounds and thus very vulnerable and more susceptible to the risks of exploitation and human trafficking.

In Kenya, establishment of recruitment agencies have been on the rise and have been at the forefront in sourcing and brokering domestic workers to the Gulf States. There have been significant improvements in the foreign labour market but still downsides of poorly established and non-exclusive systems of facilitating the workers between the countries of origin and the destination (Abella, 2004). Recruitment agencies have therefore come into broker foreign jobs for profits and in some cases have been branded along with fraud cases and scams. These rogue agencies go further into deceiving potential migrant workers with false promises and after the business is transacted, they have very little control over what happens after the migrants reach their destinations in line with exploitation and inhumane handling by their employers.

The case study by Atong (2018) highlights that regulation of these recruitment agencies leaves much to be done in terms of supervising and monitoring their activities. The same report revealed more cases of exploitation and even deadly harm to the workers including

but not limited to; delayed wages or non-payment, denial of health care, excessive working and prolonged working hours with no rest, rape cases and death in some instances. Returnee migrants also indicated that accessing justice is a challenge and very little support is accorded by their embassies.

The role of government agencies and the Ministry of Foreign Affairs should be heavily felt in such situations which mostly are not usually the case (Atong, Mayah, & Odigie, 2018). Kenyan migrant workers have in the past been stranded in the Gulf States and usually opt to self-help in the end. In a bid to propose recommendations for policies and regulatory frameworks there was a need to understand fully the gaps existing in labor regulation in Kenya so as to ensure that all basic human rights are upheld for all workers working in foreign countries especially in casual and domestic set-ups.

1.2.   Statement of the Problem

While labour mobility is a positive development process, it is very pricey if not well regulated and managed. Abuses have been reported, exploitation, and severe violations of workers' rights committed by dishonest labor recruiters and unscrupulous recruitment agencies have increased globally. (Gordon, 2014).   In severe circumstances, these wrongdoings amount to human trafficking, forced or mandatory labor, and other human rights crimes that can even result in death.

According to data from ILO, there is a connection between bad recruitment procedures and forced labor. This was clearly explained in the 3rd Global Report on Forced Labor, published in 2009, noting that the existing conditions and arrangements for recruiting unskilled persons is still deficient. These are partly a result of gaps in the existing labor

laws, which did not explicitly specify the duties of eventual employers and recruiting agents in providing safeguards against unfair activities, such forced labor. Extensive controls on fee invoicing are frequently simply not followed, and workers may find up paying ten times or more than what is permitted by national laws and regulations. (Andrees, Nasri, & Swiniaski, 2015).

In Kenya, the government does not have a proper management system for the Kenyans in diaspora, which leads to lack of proper accountability (Mininstry of Foreign Affairs, Kenya, 2014). While this is the case, the Ministry of Foreign Affairs receives thousands of cases of Kenyans working abroad seeking government's intervention more often to be freed from exploitation by illegitimate employers and sometimes criminal organizations (Mininstry of Foreign Affairs, Kenya, 2014). Even with the numerous cases of abuse, Kenyans still travel abroad and especially in the Gulf Countries, exposing them to the vulnerabilities as a result of policy gaps and lack of bilateral diplomatic agreements with most host countries. In their desire to leave, they are often easily lured and fall prey to dishonest recruitment agencies.

Studies on migrant workers have focused more on challenges faced by these domestic workers abroad (Cernadas, LeVoy, & Keith, 2015; Karlsson, 2012; Atong, Mayah, & Odigie, 2018). Therefore, there is need for a systematic study on how the regulation and close monitoring of employment agencies can help in addressing the challenges faced by Kenyan workers abroad especially the domestic helps.

1.3.   Objectives of the Study

The objectives of this study were:

1. To determine how statutory requirements influence the upholding of human rights of Kenyan migrant domestic workers.

2. To determine the extent to which coordination in government agencies influences the upholding of human rights of Kenyan migrant domestic workers.

3. To assess how labour regulation enforcement process influence the upholding of human rights of Kenyan migrant domestic workers.

1.4.   Research Questions

The following were the research questions.

1. How do statutory requirements influence the upholding of human rights of Kenyan migrant domestic workers?

2. To what extent does coordination in government agencies influences the upholding of human rights of Kenyan migrant domestic workers?

3. How does the labour regulation enforcement process influence the upholding of human rights of Kenyan migrant domestic workers?

1.5.   Justification and significance of the Study

Labor mobility continues to be a crucial component of international collaboration and the trade of products and services, all of which are essential to achieving the SDGs and the Agenda 2030. The SDG 8 provides an eccentric vision, but for policy to operate and decisions to be made with knowledge, real data are needed. The growing report on

mistreatments and abuse of human rights for migrant domestic workers is a point of concern that at the moment is not supported by sufficient research.

A literature review on the contribution of lack of proper regulation and management of labour recruitment agencies for migrant domestic workers contributed to their welfare or lack thereof abroad was conspicuously missing. There was a growing need, for this study, since more and more Kenyans are moving abroad. This study centered on identifying enforcement issues and the government interventions required for labor recruiting in order to protect the human rights of migrant workers. Examples of such gaps in the labor regulatory process include those in the labor legislation, registration, licensing, and monitoring process. This study was therefore, very timely and beneficial in highlighting the gaps in the labour recruitment of the Kenyans migrant workers that exposed them to problems in their host country, and thus drew beneficial lessons and recommendation which if implemented would go a long way in protecting and safeguarding Kenyans abroad.

Recommendations from this study provided empirical material that may act as a source of materials from which policy communities could drew from when working on policy proposals to protect Kenyan domestic migrant workers, or when designing government programs to intervene in cases of Kenyan domestic migrant workers. Kenya and other countries may draw lessons from this study that will provide a foundation for future diplomatic agreements.

Academically, this study further contributed to the academic discourse on the global situation of domestic migrant workers by bringing to the global discourse policy perspectives and insights from the emerging diplomatic interaction between Kenya and

Saudi Arabia around the issue of domestic migrant workers. This research served as point of reference for future studies seeking to further explore the issue of domestic migrant labor or compare cases across countries.

The public may also draw benefits from this study through proper understanding of the environment abroad especially for the domestic workers. Similarly, they will be able to comprehend the function of employment agencies and be aware of their rights and obligations.

1.6. Scope and Limitations of the Study

This study was conducted purely for academic reasons. It was conducted within the Nairobi City County in National Employment Authority Headquarters. It was limited to establishing labour recruitment regulation process in protecting the human rights of Kenyan domestic worker in the Gulf States.

This study evaluated a critical area where the welfare of the domestic workers was being investigated and may be psychologically torturing for some especially where examining the challenges that the domestic workers have gone through in the Gulf States. This study therefore was constrained by the readiness of the respondents to give such information and the confidentiality nature of such information as required from the respondents. To delimit this and ensure that the respondents are open and forthcoming, the researcher guaranteed confidentiality and high ethical standards of all information gathered. The researcher saw to it that the respondents completed a consent form that, among other things, detailed the study's goals, advantages, dangers, and procedures for maintaining anonymity.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

Through this chapter, the researcher analyses the body of work on labor recruitment laws that protect migrant domestic workers from Kenya's human rights. This chapter featured the empirical literature review, theoretical frameworks, and the conceptual framework all which assisted in inspiring the research while ensuring the extension of the knowledge.

2.2 Theoretical Review

Several theories brought into account the emergence and the trends of global labour migration and its evolution up to the modern-day. From these theories, tools and analysis levels were after that established to try and explain this expanse of labour migration. This section, therefore, considered a set of theories that the study explored in identifying the challenges that Kenyan workers face in the Gulf States: a case study of Saudi Arabia. These include; Neoclassical Economics, New Economics and World Systems theories.

2.2.1 Neoclassical Economics Theory

Developed in the late 19th century, this theory was coined from the term 'neoclassical' by Thorstein Veblen (Boerger, 2016). It has since then accentuated modern economics and its extensions. In defining neoclassical economics, (Weintraub, 2002) easily describes its framework as one that focuses on a buyer maximizing utility by purchasing more of the good or service up to the point where an extra unit of it is balanced with what they have to give up to attain it. This also applies to individuals providing labour to firms or individuals wishing to employ them by balancing the gains from a marginal unit of their labour service with the disadvantage of the labour itself, such as foregoing leisure

activities. Such a relationship is what results in the theory of demand for goods/services and the supply of the involved factors of production. Neoclassical economics dwell upon the assumptions of; one, the rationality of consumers; two, optimisation of utility by consumers and profits by producers/firms and third, the independence of individuals to act on the foundation of complete or relevant information (Kenton, 2020). This then maintains that the underlying forces of demand and supply upon which individuals, firms, and economies, in general, thrive on result in the efficient distribution of resources. Neoclassical economies explain the initiation of international labour migration and mobility based on the macro and micro theory.

Macro theory might perhaps be the earliest developed theory to expound on internal and international labour migration (Todaro, 1976). In both internal and international migration, this theory highlights that migration is caused by a geographical difference in demand and supply of labour (Massey, 1993). Massey (1993) further indicates that the demand for labour is higher in the capital-rich countries leading to labour declines and wage growth in the capital-poor nations. The macro theory, therefore, suggests that the labour market operations influence individuals' decision to move to another country seeking better livelihoods.

Micro theory agrees with the macroeconomic model in that labour mobility is heightened by geographical wage differences and individuals' decisions to migrate thereafter (Massey, 1993). The rational decision at a personal level to migrate is based on the prospects of improving one's financial situation after a cost-benefit analysis of the movement (Radcliffe, 2020). Considering these two models and their approaches, the study found the neoclassical economic school of thought fitting in the setting of labour

movement and agility. Critics of neoclassical economics call for more country-specific approaches when dealing with labour mobility and migration globally. Based on this, the study narrowed down to the case of two countries to analyse migration between the two and the challenges faced by Kenyan migrant workers as productive factors in Saudi Arabia. This study stood guided by the neoclassical economic school of thought fitting in the context of labour movement and agility.

2.2.2 Dual Labour Market (DLM) Theory

This theory was developed by Peter Doeringer and Michael Piore in the early 1970s with the hypothesis that labour markets are segmented into different systems of differing skills, rules and job behaviour requirements (Klimczuk A, 2016). According to the DLM theory, the market is made up of two segments – primary and secondary with workers in the former being in stable jobs and receiving relatively higher incomes unlike in the latter whose workers frequently change jobs and receive relatively lower wages (Launov, 2004). According to Klimczuk (2016), the DLM theory guides research and comprehension of a lot of issues, such as the availability of precarious and low-paying jobs in thriving economies, the employment of immigrants in positions that are unattractive to local workers, the acceptance of these positions by vulnerable people seeking work, and market mechanisms-barriers like wage increases that promote these unappealing works.

According to the theory, labour mobility and migration is demand based influenced by the pull factors in the destination countries and therefore contests neoclassical economics and NELM theory stating that the demand for labour stems out of the developed counties

structural features rather than wage differences (European University Institute, 2020). The theory sustains the objective of this study as it highlights that the secondary market segment will always be there – adding that those migrant workers that start in the secondary segment may never manage to move up to the primary market segment as there are no ascending ladders since most of these workers are unskilled (Hirsch, 2007). The DLM theory provided a basis for this study to grasp and analyse issues within the migration of labour including labour recruitment regulations and how that contributed to the upholding of human rights for migrants.

2.3 Empirical Review

2.3.1 Protection of the human rights

The subject of protection of the human rights for migrant workers is an area that have not been well researched academically (Cernadas, LeVoy, & Keith, 2015). Cernadas, LeVoy and Keith (2015), in the study on 'Human Rights Indicators for Migrant and their Families' noted that there has been insufficient attention to the systematic gathering of quantitative and qualitative data necessary for measuring the social and human impacts of migration and migration policies. Cernadas, LeVoy and Keith (2015), further stressed that, while there are internationally set labour standards that encompasses, civil, cultural and eco-social and other human rights of migrant workers, those right are continuously put to task especially when their residency and migration status are irregular. In addition, the study established that, migrant workers are easy subject for systematic discriminations and human rights violation. This study was however, limited in examining ways in which countries can adopt the international set standards in

guaranteeing that the rights of the migrant workers are well safeguarded through putting in place strong regulatory and legal systems. To address that gap, this study gathered data centered on establishing the effectiveness of labour recruitment regulation in protection of the human rights of the Kenyan migrant domestic workers.

Karlsson (2012) examined migrant workers as subjects of human rights and sought to establish how the migrant workers are protected under the international law and how that protection has emerged. Through his work, Karlsson (2012) concludes that there is indeed a big gap on the internationally acclaimed migrant workers' human rights and the reality on the ground. Migrant workers are often denied any rights, and this provides an arena for political movement and change (Karlsson, 2012). Further, Karlsson (2012) observed that the UN Migrant Workers Convention have reiterated the provision of the general human rights to the migrant workers, but it doesn't take note of some of the specific vulnerabilities that migrant workers have and as such does not offer specific solutions. The study strived to establish the political context and the history of the conventions basing the argument on Migrant worker as the right bearer. While this study provided different perspective of subjectivity to human rights, it falls short in relating how that background building into the modern-day abuse of rights for the migrant workers. To address this gap, this study sought to establish effectiveness of the labour recruitment regulations in protection of the human rights of migrant domestic workers in the modern-day world.

Mong'ina (2018) researched on migrant labour issues in international relations the case of Kenyan workers in Saudi Arabia, flagged out that of the approximately 300,000 Kenyan migrant workers to Gulf States, most of whom are unskilled laborers a factor that makes

them more prone to violation on their human rights. Cases of trafficking of persons has grown with reported cases of Kenyan in the gulf countries whose legal travel papers have been withheld by their employers and bound by unfair work contracts in some cases written in foreign language un-understandable by the victims (Mong'ina, 2018). While these cases rise a lot of public outcries, the government actions to assist the victims are constrained by absence of proper policy work and bilateral agreements with host countries (Mong'ina, 2018). However, the government's attempts to issue travel recommendations are unsuccessful due to the "good life syndrome," particularly among young people, and ignorance among workers, employers, and the general public about the types, manifestations, and repercussions of human trafficking. By analyzing how the government, in addition to issuing travel advisories, made sure that labor recruitment regulations were successful in upholding the human rights of Kenyan migrant domestic workers, this study attempted to fill the knowledge gap created by the Mong'ina study.

2.3.2 Registration and licensing and Protection of Human rights

The government has an obligation, and likewise the employers ensure that workers are protected and shielded from fraudulent and abusive environment (Atong, Mayah, & Odigie, 2018). In a study on Africa labour migration to the GCC States, the case of Ghana, Kenya, Nigeria and Uganda, Atong, Mayah and Odigie (2018) flagged out labour recruitment process as an area that is critical in ensuring the safeguarding of workers' dignity and rights and one that was adopted in the 103rd International Labour Conference under Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). These supplementary measures were adopted as avenues and guidelines to strengthen actions for prevention and protection of workers from abuse and forced labour

(International Labour Organisation, 2014). Notwithstanding these international measures, the regulation of labor recruitment companies remains lax and promotes the operation of human trafficking and other forms of exploitation. (Atong, Mayah, & Odigie, 2018).

Additionally, it has been highlighted that various initiatives have been made by the governments of Ghana, Nigeria, and Kenya to improve the management of labor migration. However, it is thought that the oversight and monitoring of their operations are utterly insufficient (Atong, Mayah, & Odigie, 2018). The study pointed out driving factors towards the rising migration rates for domestic worker to the GCC. It also pointed out the role that recruitment agencies were playing to facilitate that movement, establishing disjoint between the process and the law governing it. To further this research, this study examined how efficient were the enforcement of labour recruitment regulations in the upholding of human rights of migrant domestic workers especially those from Kenya.

Farbenblum (2016), noted that there is a growing private recruitment agency in the south and southern Asia, driven majorly by the growing migrant workers. Most of these migrants undergo a lot of mistreatments in the host countries, something that can be attributed to the systematic recruiter misconduct (Farbenblum, 2016). Farbenblum (2016) questioned the ability of the countries of origin ability to protect their people, citing the absence of guiding framework. The study also found structural and practical barriers that hinder the enforcement of regulations and, if removed, would make space for global market-based changes. Due to the fragmentation of many policy papers and their implementation by various authorities, oversight of recruiting is difficult (Farbenblum, 2016). The incorporation and enforcement of legal rights and human rights standards,

together with efficient institutions and procedures for their implementation, were suggested in this study. Additionally, migrant workers were encouraged to participate in important labor migration choices and processes. Given that such rules already existed in the majority of countries but were rarely implemented, one restriction on this concept was the question of whether a right-based approach was sufficient. This notwithstanding, the current study answered the question of how human rights protection would be enhanced through licensing, enforcement, and registration.

Mobility of labour, while being a positive development trend, comes with high cost when left ungoverned (Andrees, Nasri, & Swiniarski, 2015). Across the globe, numbers of cases of abuse of migrant rights keep growing by day. Labour recruitment agencies and fraudulent and abusive recruitment agencies continue to be flagged out as the main contributors to the abuse meted to the migrants (Andrees, Nasri, & Swiniarski, 2015). In the study on regulating labour recruitment for the prevention of human trafficking, According to Andrees, Nasri, and Swiniarski (2015), organizations involved in the labor migration market infrequently carry out thorough fact-finding surveys that are crucial for determining how labor market regulations affect employment and other labor market outcomes. Such surveys, according to the study, would be essential in determining the right optical balance between the demands of worker protection, economic efficiency, and firm competitiveness. Organizational competitiveness and job creation have been hampered by capacity constraints, lax enforcement of rules, and a lack of data-based evaluation of their effectiveness and impact (Andrees, Nasri, & Swiniarski, 2015). In addition, it is challenging to coordinate policy work as Labour Migration issues are fragmented in various policy documents and implemented through different agencies.

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Because of this, there has been uncoordinated implementation of the policies. A need therefore existed, for the development of a comprehensive and all-inclusive policy framework to guide all issues related to Labour migration. This study delved deeper in the problems ailing the coordination of government agencies and gap in policy coherence to inform effective labour management recommendations.

2.3.3 Enforcement and Protection of human rights

The International Labour Organisation, National Labour Law profile for Kenya (2020), indicates that there is a relatively well-established system and relations with labour laws and regulations and labour market institutions. Clarity on whether the established industrial relation is effectively promoting industrial democracy, is missing owing to limited capacities and weak enforcement of regulations (OECD, 2000). For starters, because its financial allocation continues to be less than one percent of the annual national budget, the Ministry of Labor and the line agencies tasked with protecting workers' interests lack the necessary financial and organizational capacity to effectively implement and enforce the current laws and regulations (World Bank, 2017).

While these challenges exist, Mburu (2020), while assessing the challenges faced by migrant workers in the Gulf region, interviewed some returnees and noted that, migration governance is very much needed for the attainment of orderly and safe migration. Mburu (2020) further, called for ethical recruitment procedures, protection by Kenyan consulates abroad and the empowerment of migrant towards eradications of all kinds of discriminations. While Kenya law and policies has enshrined human rights for all, there isn't clear direction on how Kenya protects its citizen working abroad (Mburu, 2020). In her research work, Mburu (2020) pointed that Kenya was yet to factor Human Rights

aspects in the procedures for migrant workers ranging from unethical recruiters, illegal labour deployments, violations and exploitation in host countries. According to Mburu (2020) there was a strong need for Kenya to provide specific tailor-made solutions for protecting Kenyan workers abroad. Extending other research work, the researcher was keen to determine how effective was the regulation of the labour recruitment agencies in ensuring it addressed migrant workers issues.

Bett (2011), in the journal published by Oxford University Press on Global Migration Governance Diplomacy, explains that diplomacy has not always been successful in effectively managing labour migration and the resulting dependency between workers' countries of origin and the destination countries (Betts, 2011). Bett (2011) pointed out that while there were several efforts in effectively governing labour mobility and migration with the promotion of labour migration policies, international migration lacked coherent global governance. Global organizations, including the ILO, IOM and the larger UN are tasked with regulating and advancing the necessary policy agendas to govern issues regarding migration of labour as well as the advocating for the safety of migrant workers abroad, but they are not tasked with compelling sovereign nations to adopt particular migration policies. These organizations together with individual governments and unions can however develop policy recommendations and complementary documents that are adopted as frameworks for guiding national, regional and international labour migration (African Union Commission, 2017). But while that stands, there are relatively very few states have signed multilateral treaties on migration (Betts, 2011).

Despite there being conventions in place for safeguarding migrant workers, they are not adequately safeguarded by international law and as such are subject to vulnerabilities and

difficult challenges in foreign lands (Martin, 2005). Martin (2005) pointed out that there was a patchy but nonetheless expanding body of international law and practical methods that emphasized for a globally acknowledged mechanisms for cooperation in managing international migration. Although there were few models that enhanced international collaboration, there are still significant restrictions in how countries addressed immigration concerns because the decision-making process was still at the discretion of the individual states. The global and regional commitments may be made as treaties, but it is the State that waives its right to make unilateral changes to the rules (Martin, 2005). The study was limited in that while it pointed out that there was no one legal and normative model that would be perfect in influencing international migration policies it didn't, however, delve on what combination would be needed. To strive to address that gap, this study addressed the question of policy coherence and interlinkages between the international accepted standards with that of the national level.

2.3.4   Coordination of Government Agencies and Protection of the Human Rights

The scattered government function and uncoordinated policies creates a gap that is easily exploited by uncredited labor recruitment agencies (Abella, 2004). Abella (2004) while researching on the role of recruiters in labour migration highlighted that regulation of these recruitment agencies left much to be done in terms of supervising and monitoring their activities. According to Abella (2004) fragmentation of efforts across government agencies therefore drives thriving of ungovernable labour recruiters who in most cases mislead desperate job seekers. Further, while labour recruiters have managed to successfully link workers even in places where there is limited political and economic linkages, Abella (2004) observes that such good progress has been marred by a lot of

fraudulent activities. There is also minimal evidence that there are public authorities' efforts to protect migrant workers against such practices.

Durmus (2020) while researching on the typology of local government's rendezvous with rights of humans, says that specific governments across the globe have in the recent past elevated the discussion and involvement on international law and policy on key issues of human rights, migration and even climate change. In the study, Durmus (2020) noted the minimal engagement of local government but the growing need to grow their inclusion in the formation, implementation and defense of human rights as part the emerged norm-generating community. The lack of a strong institutional structure for the national level administration of the international migration process makes international collaboration more challenging to establish and delays the creation of efficient policy frameworks to address the wide spectrum of challenges (Durmus, 2020).

In Kenya for instance, at least four governmental entities address labor migration issues (Ministry of Labour, 2013). Durmus (2020), confirms this as the case in most countries, explaining that the spread of legal framework in many instruments as something that brings confusion instead of illuminating the situation. The study points out the defragmentation of the legal and institutional framework but fails to point out how best states can develop effective mechanisms necessary for promoting consultation and cooperation in managing the migration phenomenon that will continue growing by day. This study pointed out gaps within the coordination of government agencies and recommend best practices necessary for promoting inter-organizational efficiencies.

2.4   Summary and gaps in the Literature Review

This section outlines literature summary and identifies research gaps and how this study sought to address them. Table 2.1 displays the author's name, variables of the studies, main findings, research gap and contributions of the current study.

Table 2.1 Summary and Gaps in the Literature review

Author	Study Variables	Main Findings	Research Gaps	Current Study Focus
Cernadas, LeVoy and Keith (2015),	Human Rights Indicators for Migrants and their Families	There were internationally set labour standards that encompassed, civil, cultural and eco-social and other human rights of migrant workers, those rights were continuously put to task and migrant workers were the easy subjects for systematic discriminations and human rights violation	The study failed to showcase how the rights of migrants can be safeguarded through regulations and legal approaches	This study gathered data centered on establishing the effectiveness of labour recruitment regulation in protecting the human rights of especially that of the Kenyan migrant domestic workers

Karlsson (2012)	Migrant Workers as Subjects of Human Rights	The study observed that the UN Migrant Workers Convention have reiterated the provision of the general human rights to the migrant workers, but it didn't take note of some of the specific vulnerabilities that migrant workers had and as such did not offer specific solutions	This study Failed to offer recommendations on how enforcement could be attained to safeguard the rights of migrant workers. While this study provided different perspective of subjectivity to human rights, it fell short in relating how that background building into the modern-day abuse of rights for the migrant workers.	This study established effectiveness of the labour recruitment regulations in protecting the human rights of migrant domestic workers in the modern-day world

Mong'ina (2018)	Migrant labour issues in international relations the case of Kenyan workers in Saudi Arabia	Cases of trafficking of persons had grown with reported cases of Kenyan in the gulf countries whose legal travel papers had been withheld by their employers and bound by unfair work contracts in some cases written in foreign language un-understandable by the victims but the government hadn't done enough to assist the victims except offering travel advisories	While the study registered the role of recruitment agencies in misleading Kenyan migrant worker, it failed to show how they could be regulated, and their operations monitored	This study sought to fill the research gap by establishing how best the government in addition to travel advisories could ensure effectiveness of labour recruitment regulation in protecting the human rights of Kenyan migrant domestic workers.
(Atong, Mayah, & Odigie, 2018)	Africa labour migration To the GCC states:	Efforts were noted where the Kenyan government was seeking to overhaul	Did not explain how the inspection and supervision of the	This study examined how efficient the enforcement of

	The case of Ghana, Kenya, Nigeria and Uganda	labour migration management with Nigeria and Ghana also emphasizing on labour recruitment agencies. However, the monitoring of their activities remain inadequate	labour recruitment agencies could be effectively done	labour recruitment regulations were in protecting the human rights of Kenyan migrant domestic workers.
Farbenblum (2016)	Governance of Migrant Worker Recruitment: A Rights-Based Framework for Countries of Origin	There was structural and practical obstacles that affected the regulatory enforcement that if implemented would pave way for transnational market-based reforms. Oversight of recruitment was challenging owing to the fragmentation various policy documents and	This study proposed the incorporation and enforcement of human rights standards and legal rights but one limitation for this proposal was the question on whether right based approach was enough given that such laws	This study sought to address the question on how registration, licensing and enforcement contributed to the protection of human rights.

		implemented through different agencies	already existed in most countries but were hardly enforced	
Andrees, Nasri & Swiniarski (2015)	Regulating labour recruitment to prevent human trafficking and to foster fair migration: Models, challenges and opportunities	Labour recruitment agencies and fraudulent and abusive recruitment agencies continue to be flagged out as the main contributors to the abuse meted to the migrant Institutions within the labour migration market, rarely conduct comprehensive fact-finding surveys that would be important in assessing the impacts of labour market regulations on employment and other	A need exists, for the development of a comprehensive and all-inclusive policy framework to guide all issues related to Labour migration but there aren't adequate research providing in-depth knowledge on that.	This study will delve deeper in the problems ailing the coordination of government agencies and gap in policy coherence to inform effective labour management recommendations.

		labour market outcomes Organizational competitiveness and job development were hampered by capacity constraints, lax regulation enforcement, and a lack of data-based evaluation of regulation effectiveness and impact.		
Mburu (2020)	Human Rights challenges for Migrant workers;	Kenya was yet to factor Human Rights aspects in the procedures for migrant workers ranging from unethical recruiters, illegal labour deployments, violations and exploitation in host	Failed to offer recommendations on how enforcement could be attained to safeguard the rights of migrant workers	This study was keen to establish how effective the regulation of the labour recruitment agencies were in ensuring it addressed migrant

		countries.		workers issues.
Betts (2011)	Global Migration Governance	While there had been several efforts in effectively governing labour mobility and migration with the promotion of labour migration policies, international migration lacked coherent global governance	The book provided introduction to the global governance of low-skilled labour migration, lifestyle migration, and root causes but silent of probable solutions	This study addressed the question of policy coherence and interlinkages between the international accepted standards with that of the national level
(Martin, 2005)	The legal and normative framework of international migration	There existed a weak but nevertheless, growing body of international law and effective practices that focused on international cooperation in managing international migration. While there	The study was limited in that while it pointed out that there was no one legal and normative model that would be perfect in influencing international	This study addressed the question of policy coherence and interlinkages between the international accepted standards with that of the

		were a number of ways that has advanced international cooperation, big limitations still existed in the way countries handled the immigration issues as the process was still upon specific state discretion	migration policies it didn't, however, delve on what combination would be needed.	national level.
Abella, (2004)	The role of recruiters in Labour migration	There was also minimal evidence of existence of public authorities' efforts to protect migrant workers against such practices.	Failed to offer recommendations on how enforcement could be attained to safeguard the migrant workers rights	
Durmus (2020),	Typology of local government's engagement	Weak institutional framework exists in the management of international migration	The study pointed out the defragmentation of the legal and	This study pointed out gaps within the coordination of

	with human rights,	process at a national level, resulted to difficult international cooperation. This has slowed the achievement of necessary legal and policy frameworks to handle the wide concerns	institutional framework but failed to point out how best states could develop effective mechanisms necessary for promoting consultation and cooperation in managing the migration phenomenon that will continue growing by day	government agencies and recommended best practices necessary for promoting inter-organizational efficiencies

2.5   Conceptual Framework

A research benefits from the formulation of a conceptual framework as it explains the pathway for research while grounding it firmly in a theoretical construct (Adom, Hussein, & Adu-Agyem, 2018). It is easy to visualize the variables under study and the flow, giving the research a direction and impetus of the research inquiry (Adom, Hussein, & Adu-Agyem, 2018).

Figure 2.1 gives a diagrammatic representation of study variables. The independent variable are factors within labour recruitment regulation process that contribute to the fulfilment of Kenyan migrant workers' rights which is the dependent variable. Factors under study within the labour recruitment regulation included the statutory requirements, coordination of government agencies and the challenges affecting the regulation process. Enabling factors such as political diplomacy, policy coherence and civil society engagement form the intervening variables.
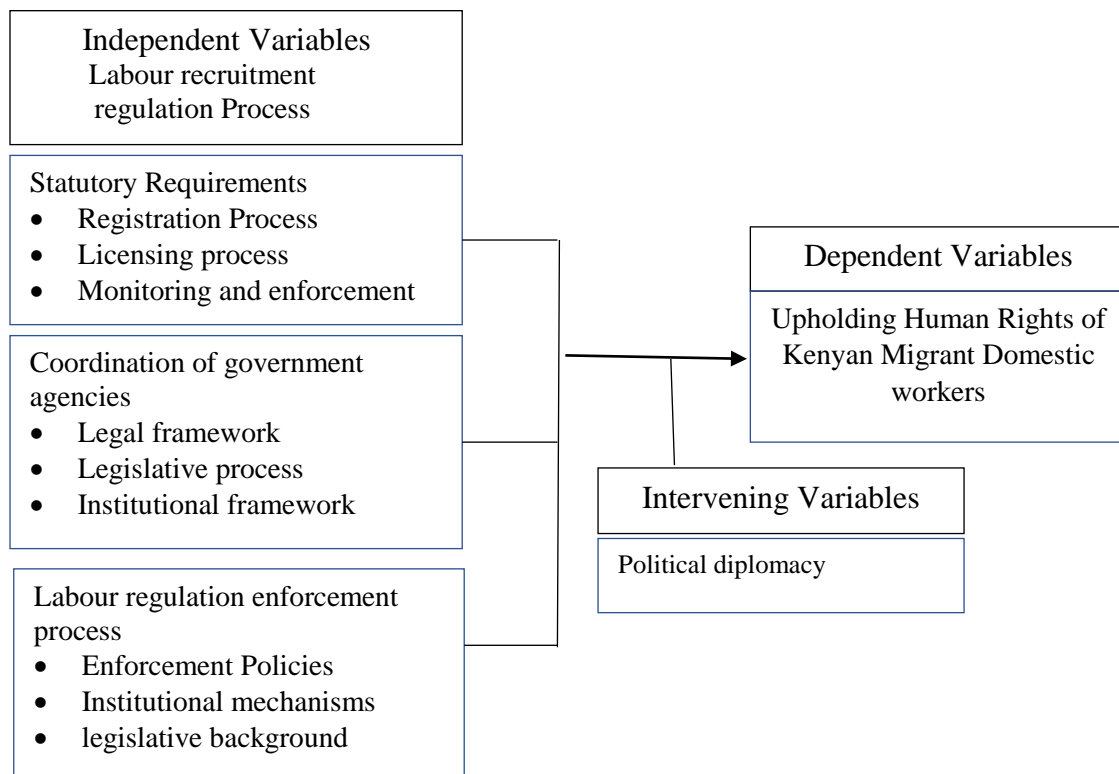
 Figure 2.1 Conceptual Framework

Source: Researcher (2023)

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

This third chapter presents the research methodology utilized as the study's basis. In-depth descriptions are provided for the research design, variables under investigation, study location, study population, techniques and strategies of taking population sample, type of tools for data collection, procedures, data analysis, and ethical concerns that the study addressed.

3.2 Research Design

A combination of descriptive and inferential research methodologies is used to study the effectiveness of labour recruitment regulation in the upholding of the human rights of Kenyan migrant domestic workers. The descriptive research as data is collected qualitatively with the use of survey tools and observation and is aimed at describing why something has happened (Nassaji, 2015). Nassaji (2015) asserted that descriptive research was commonly used to give account of a trend as well as its characteristics. Through descriptive research design the researcher identified patterns under the study variables and establish causal relationships. It also allowed for data analysis, organization, and presentation in tabular, graphical modes and even pie-charts.

Inferential statistics was also preferred as to bring out relationship between the dependent and independent variables.

3.3 Analysis of Variables

The independent variable featured the labour recruitment regulation process that affected human rights of migrant domestic workers. Under the labour recruitment regulation process, the study examined the statutory requirements which included, the registration process, licensing and monitoring and enforcement factors. Similarly, the coordination of government agencies was studied with focus on the legal, legislative and institutional framework. Enforcement challenges looked at those in-country and transnational factors. Moderating variables understudy features, political diplomacy, policy coherence and civil society engagement. The dependent variable were the human rights of migrant domestic workers with key focus on right to life, protection from abuse and right to rightful compensation.

3.4 Study Location

This study took place NEA offices situated in Kasarani, Nairobi. NEA was established by the National Employment Authority Act of 2016 and is under the State Department of Labour. It is mandated to provide an all-inclusive institutional framework for managing employment, improving and promotion of interpositions in employment. Further, it should intensify access to employment opportunities for youths, minority and marginalized groups (National Employment Authority, 2021).

In addition, to NEA, the study also took place in MFA situated in Nairobi City County. MFA is the leading Ministry in the promotion and protection of Kenya's interest abroad including ensuring human rights of Kenyans abroad are safeguarded.

3.5   Target Population

Target population acquired from NEA, represented by all the 150 employees working in the headquarters office Nairobi, specifically involved in registration and regulation of the migrant workers' recruitment agencies. This group was preferred for this study as they were involved in the day-to-day process of registration and regulation of recruitment agencies and therefore had the knowledge and authority to respond to the study.

In addition, the study population included 3 senior officers from the Diaspora and Consular Affairs directorate at MFA. The Diaspora and Consular Affairs directorate handles issues regarding the welfare of Kenyans working and living abroad.

3.6   Sampling Techniques and Sample Size

3.6.1   Sampling Techniques

Census sampling technique was ideal and preferred for this study as the target population is 153 people. The 153 people respondents from NEA, Ministry of Labour Census sampling technique ensured that the researcher listed and studied all persons and as such provide higher degree of accuracy. It also reduced bias in the study as all elements under study are involved. It was also fit for respondents with different mandates (Barrat, 2009).

The study also employed purposive sampling to identify the 10 senior officers from the Diaspora and Consular Affairs directorate at MFA, ministry of Labour and NEA. The Diaspora and Consular Affairs directorate handles issues regarding the welfare of Kenyans working and living abroad. Therefore, the 10 KIIs were in a position to respond to the research question adequately and with authority.

3.6.2 Sample Size

Given that there were 153 people in the target population, census sampling was used. This indicated that 153 respondents made up the study's sample size. The amount was not significant enough to take a lot of time or money. Also, because the target population came from three different organizations—the NEA, MFA, and Ministry of Labor—the census approach was chosen.

3.7 Research Instruments

A questionnaire was administered bearing a combination of open-ended and closed questions. The questionnaire was preferred as it was time and cost effective and allowed the respondent to fill in on their own time. Additionally, questionnaires are simple and user-friendly thus better preferred by respondents (Jones, Baxter, & Khanduja, 2013). Based on suitability regarding time-convenience and ease of administering the questionnaire was ideal for the study. Key Informant Interviews (KII) Guide was used; guiding the researcher in conducting in-depth interviews on key individuals that assisted in exploring and acquiring their viewpoints and ideas on the study's objectives. These key informants constituted members of staff from both senior and mid-level management as they are better equipped to authoritatively express their outlooks on the issues in study.

3.8 Pilot Testing

Pilot testing becomes a necessary component of research in ensuring the questions and the tool in general are well articulated to allow for comprehensive, relevant and mutually exclusive responses that reveal the true assessment of all the measures (Collins, 2003). For this study, 10 percent of the study sample was used getting 15 respondents from

Ministry of Labour, who were not part of the study but were aware of the topic under study. The pilot-test data were only used to evaluate the applicability and reliability of the study equipment; they were not to be used in the main investigation.

3.8.1   Validity

The questionnaire was exposed to both face and content validity testing. The testing was done to ensure that the questionnaire addressed the study goals. Through inter-rater reliability test, the tools were then exposed to pilot study group and their response rated by a ratio of 1 to 4 rate scales where 1 is not relevant and 4 is very relevant was used to check the relevance. An average of 3 or 4 indicated that the questionnaires was valid.

3.8.2   Reliability

The questionnaire was also tested for consistency and reliability through the Cronbach alpha method. This helped the researcher check dimensionality of scale using factor analysis. A value of at least 0.7 was deemed dependable.

3.9   Data Collection Techniques

The researcher acquired a study permit from NACOSTI. Further after clearance was achieved, the researcher approached National Employment Authority offices to establish how best to collect data, establish schedules and modalities for the engagements with staff and management. Two research assistants were engaged throughout the data collection period to hand out questionnaires and to clarify on issues when need be. At least 10 days were allowed for respondents to complete the self-administered questionnaires for respondents who could not manage to complete within the allocated

period. Three senior management officials from NEA, MFA and MoL were undertaken through KIIs. Hard copy notes were done on a notebook and voice recording through the cellphone voice recorder for later transcribing were used to capture the in-depth interviews.

3.10 Diagnostics Test

To ensure that there were minimal statistical errors, the researcher conducted diagnostic tests for the variables under study. Diagnostic test for assumptions ranging from residual's normality, variance homogeneity and no multicollinearity within the linear regression and Pearson's correlation were conducted.

Normality Test for Residual

The need for a normal distribution applies to the residuals in multiple linear regressions. In a regression model, residuals errors emerge from connection of the study variables. There is actually a different random variable for each instance in the sample, which accounts for all the "noise" that causes variations between the observed and predicted values given by a regression equation. This presumption was examined using a normal histogram plot, where in the variable assume normality since values tend to take the form of a bell-shaped distribution

Multicollinearity

When predicting a dependent variable using various independent variables in a multiple linear regression, the degree of multicollinearity and its effect on the findings or results is first examined. Multicollinearity exists where there is the existence of high correlation within the independent variables which shouldn't be the case in linear regression

analysis. The examination of multicollinearity variance inflation factor (VIF) and Tolerance tests were conducted for the independent variables.

Homoscedasticity

This refers to consistency or homogeneity of variance. The residuals in a regression analysis are presumed to be constant in all independent variables' figures. The homoscedasticity test was performed by use of a scatter plot on the residuals to show the dispersion for predicted scores and standardized residual values, known as errors of prediction. The equal variance assumption is true if the residuals do not fan out in a triangle pattern.

3.11   Data Analysis and Presentation

The study sought to find out how statutory requirements, coordination in government agencies and labour regulation enforcement process influenced upholding human rights of Kenyan migrant domestic workers. The collected data went through a process of cleaning, coding, and editing and entering into MS. Excel. Analysis was done using the version 25 of SPSS.

The data was analyzed in line with descriptive and inferential research designs. For descriptive research design, the data was summarized and presented as computations of mean and standard deviations in addition to   frequency tables. Under the inferential design, the researcher made use of the Pearson's correlation and computed for multiple regression model so as to establish relationship between study variables. To make the results easy to grasp and interpret, they were presented as tables and figures. The significance, direction, and degree of the association (correlation) between the study

variables both the independent and dependent, were computed using Pearson's Correlation (r), employed to create a predictive model and evaluate the variables' importance.

Kothari (2011) expounded on this subject, showing that a significant relationship is in existence where there is a value of 0.5, 0.49 and 0.3 for absolute, moderate, and weak direct association's bearing respectively. In addition, significant statistical linear correlation among the study variables is indicated by a p-value of 0.05 with a confidence value of 95%. For this study, a multiple regression predictive model was used to determine whether each of the four independent factors, including Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process has a significant association with the Upholding Human Rights of Kenyan Migrant Domestic Workers.

The regression equation presented below was used

$$Y = \beta_0 + \beta 1 X_1 + \beta 2 X_2 + \beta 3 X_3 + \varepsilon$$

In which:

Y = Upholding Human Rights of Kenyan Migrant Domestic Workers

β_0 = Constant term

β_i = coefficient of the independent variable $X_1 \ldots X_3$

X_1 = Statutory Requirements

X_2 = Coordination in Government Agencies

X_3 = Labour Regulation Enforcement Process

The study also explored the assumptions underlying the regression and correlation analysis were successfully tested. Normality, homoscedasticity, and multicollinearity were these presumptions. The residuals are thought to be normally distributed under the normal distribution. A histogram with a normal plot overlay on it was used to test for normality. A scatter diagram was plotted comparing residual and expected values of the dependent variable to test for homoscedasticity, also known as homogeneity of variance. Finally, multicollinearity was determined through the testing for the variance inflation factor (VIF) and tolerance value.

3.12   Ethical Considerations

On clearance with the Kenyatta University Graduate School, the researcher sought for the NACOSTI permit. Once equipped with these, the researcher again required an introductory letter to present to the National Employment Authority which was the target organization. During the period of study, the researcher ensured good relations with all the respondents. Respondent-confidentiality was guaranteed as no tool captured their names. All responses were made voluntarily and through consensual means. The respondents were guided with information detailing; the study's purpose, objectives and any risk involved. Respondents did not receive any participatory reward whatsoever and as such they were allowed to withdraw if and when they wish. Anonymity was upheld by providing questionnaires and KII that did not capture details of a respondent that would expose who he or she was. To ensure the study's objectivity was maintained, the research would strip away perceptions and de-personalize the research.

All data emanating from respondents was handled in utmost ethical values. Access to the

data was limited as only the researcher and research assistants was allowed to handle the

collected raw data. A back-up was also established all through the process to avoid any

loss of data. All data presented by the researcher preserved the original feel avoiding any

distortion and observing quality and copyright requirements. The researcher used the

Kenyatta University post-graduate students' handbook for guidance and plagiarism was

avoided per set standards.

CHAPTER FOUR: RESEARCH FINDINGS AND DISCUSSION

4.1 Introduction

Under this chapter, the findings comprising of the general characteristics of the research sample, detailed findings, and discussion are presented.

4.2 Response Rate

From the 153 targeted respondents drawn from NEA, MFA and MoL the study managed a response rate of 92.2% as shown in Table 4.1.

Table 4.1: The response rate

	Frequency	Percentages
Responded	141	92.2%
Not responded	12	7.8%
Total	**153**	**100%**

A total of 141of the 153 issued questionnaires were successfully filled, returned, and used for analysis. This represented 92.2% which according to Baruch and Holtom (2008) is sufficient given that it is above 50% necessary for quality research.

4.3 Demographic Information of the sample

This subsection presents the information on the respondents' biodata gathered by the study tools. Among the data acquired are the gender representation, age of the respective respondents and their education achievements. Further, the questionnaires also captured info on the working level within the organization, years of experience, their working position, and the department they belonged to as shown in Table 4.2.

Table 4.2: Demographic Information

		Frequency	Percent
Gender	Female	66	46.8
	Male	75	53.2
	Total	141	100.0
Age	19-29 years	24	17.0
	30 -39 years	78	55.3
	40 -50 years	27	19.1
	Above 50	12	8.5
	Total	141	100.0
Highest education level	First Degree	54	38.3
	Second degree and higher	87	61.7
	Total	141	100.0
Working level	Operational Level	39	27.7
	Strategic Level	39	27.7
	Technical Level	63	44.7
	Total	141	100.0
Years of Experience	1 to 5 years	75	53.2
	6 to 10 years	21	14.9
	Above 10 years	39	27.7
	Less than 1 year	6	4.3
	Total	141	100.0

Source: Research Data (2022)

Table 4.2 clearly shows that majority of the respondents comprised of male gender (53.2%) then female who represented 46.8%. However, there was no big variation. This shows that there was gender balance during the recruitment and selection process. Most respondents were aged 30 to 39 years (55.3%) followed by those aged 40 to 50 years (19.1%) followed by those aged 19 to 29 years and the least (8.5%) were the officers who had 50 years and above. It was noted that the respondents were relatively young since majority were below the age of 40. Those who had a second degree and higher (61.7%) were more compared to those with a first degree (38.3%). The selected group of respondents were well educated and hence had the necessary requirements to respond to the issues of the research. It was also found that most of them worked in the technical

levels (44.6%) followed by those working in the strategic level (27.7%) and the operational level (27.7%).

Notably, those who had a working experience of 1 to 5 years were the majority (53.2%). Following were those who had an experience of 10 years and above (27.7%), followed by those with 6 to 10 years (27.7%) and the least were those with below one year (4.3%). From the research, the respondents provided their seniority levels and positions in their respective organisation. Table 4.3 presents this finding.

Table 4.3: Position held in the organization

		Frequency	Percent
Position held in the organization	Foreign affairs officers	47	33.3
	Immigration officers	50	35.5
	Labour officers	44	31.2
	Total	141	100.0

Source: Research Data (2022)

According to Table 4.3, immigration officers were the majority (35.5%) followed by the foreign affairs officers (33.3%) while the least were labour officers (31.2%). It was noted that the number of the officers was almost equal as there were no large deviation.

Additionally, Table 4.4 shows the number and percentage of respondents as drawn from the three-study organisation used.

Table 4.4: Organization

		Frequency	Percent
Organization you work in	National Employment Authority (NEA)	50	35.5
	Ministry of foreign affairs (MFA)	47	33.3
	Ministry of Labour	44	31.2
	Total	141	100.0

Source: Research Data (2022)

Most respondents in the study worked for the National Employment Authority (35.5%) followed closely by officers from MFA (33.3%) and lastly were those from MoL (31.2%).

4.4   Descriptive Statistics

This section summarizes information of the study variables, statutory requirements, coordination in Government agencies, labour regulation enforcement process, political diplomacy and upholding human rights of Kenyan migrant domestic workers. The study researched on the influence labour recruitment regulation process has on upholding human rights of the Kenyan migrant domestic workers. The descriptive analysis is organized as per the study variables in the subsections below.

4.4.1 Statutory Requirements and Upholding of Human Rights

Under statutory requirements, the researcher sought to find out whether NEA conduct vigorous vetting of Labour recruitment agencies that recruit Kenyan migrant workers before their registration and licensing and if so, whether the registration and licensing of labour recruitment agencies is effectively done.

Table 4.5: Vetting, registration, and licensing of labour recruitment agencies

		Frequency	Percent
Does NEA conduct vigorous vetting of Labour recruitment agencies that recruit Kenyan Migrant workers before their registration and licensing?	No	69	48.9
	Yes	72	51.1
	Total	141	100.0
If yes, would you agree that the registration and licensing of labour recruitment agencies is effectively done?	No	78	55.3
	Yes	63	44.7
	Total	141	100.0

Source: Research Data (2022)

The results show that majority, 51.1 % agreed that NEA conduct vigorous vetting of labour recruitment agencies that recruit Kenyan Migrant workers before their registration and licensing. However, most of them, 55.3%, stated that the registration and licensing of labour recruitment agencies was not being effectively done. This finding indicates a deep policy gap emerging from insufficient attention to systematic gathering of necessary data that can be attained through ensuring that registration and licensing is properly done. Keith (2015) stressed that where there is absence of internationally acclaimed standards and procedures, civil, cultural, and eco-social and other human rights of migrant workers are often put to task. He underlined the need to avoid systematic discriminations and human rights violation through proper documentation and monitoring of migrant workers.

The study went ahead to investigate statutory requirements in relation to upholding human rights of Kenya workers in diaspora. Statutory requirements were one of the independent variables of the study and was measured using five items. The study participants were exposed to a Likert scale of 1-5 where 1 represented strongly disagree,

2- disagree, 3- neutral, 4- agree, 5- strongly agree. The information was presented in frequencies (in %), mean and standard deviation as in Table 4.6.

Table 4.6: Descriptive Analysis for Statutory Requirements

	Strongly Disagree %	Disagree %	Neutral %	Agree %	Strongly Agree %	Mean	SD
Registration and licensing of Labour recruitment agencies contributes to protection of the rights of Kenyan migrant domestic workers	4.3	10.6	17.0	29.8	38.3	3.87	1.164
There are clear procedures and guidelines necessary for the registration and licensing of Labour recruitment agencies in Kenya	2.1	12.8	12.8	57.4	14.9	3.70	.947
NEA has sufficient legal framework to guide the registration and licensing of recruitment agencies for Kenyan migrant domestic workers	2.1	6.4	14.9	59.6	17.0	3.83	.862
NEA has sufficient legal mandate to revoke and prosecute non-compliant recruitment agencies	2.1	8.5	19.1	53.2	17.0	3.74	.913
There are post registration monitoring framework for enforcement of law and good practices for the recruitment agencies	8.5	19.1	34.0	25.5	12.8	3.15	1.133
Aggregate Score						3.66	1.004

Source: Research Data (2022)

The findings from Table 4.6 indicates that the respondents agreed that registration and licensing of labour recruitment agencies contributes to protection of the rights of Kenyan migrant domestic workers (M=3.87, SD=1.164). Also, most indicated that there are clear procedures and guidelines necessary for the registration and licensing of Labour recruitment agencies in Kenya (M=3.70, SD=0.947) and that NEA has sufficient legal framework to guide the registration and licensing of recruitment agencies for Kenyan migrant domestic workers (M=3.83, SD=0.862). They also agreed that NEA has sufficient legal mandate to revoke and prosecute non-compliant recruitment agencies (M=3.74, SD=0.913). However, they remained neutral on whether there are post registration monitoring framework for enforcement of law and good practices for the recruitment agencies (M=3.15, SD=1.133).

These statistics shows the growing role of private recruitment agencies while still presenting a worrying trend of minimal governance and monitoring of their activities. Farbenblum (2016) also made note of the need to ensure there is proper governance of the recruitment agencies and questioned the ability the ability of the countries of origin ability to protect their people, citing the absence of guiding framework that are necessary to keep the recruitment agencies in check.

The average mean was 3.66 while the standard deviation was 1.004. This was interpreted that there is existence of statutory requirement in relation to upholding human rights of Kenyan migrant workers. This finding supports the review done by, Atong, Mayah and Odigie (2018) on Africa labour migration to the GCC States, the case of Ghana, Kenya, Nigeria and Uganda, that noted that Kenya was actively working on the disjoint within the labour recruitment process and laws governing it. The findings collaborate and

underline that labour recruitment process as an area that is critical in ensuring the safeguarding of workers' dignity and rights as put by Faebenblum (2016) but also contradict findings that not much has been put in place in Kenya in regard to management of migration of Kenyan for domestic work as highlighted by Mburu (2020).

4.4.2 Labour Regulation Enforcement Process and Upholding of Human Rights

Labour Regulation Enforcement Process was another independent variable in the study and was measured using five items where Likert scale of 1-5 was used. Strongly disagree was represented by figure 1, disagree by 2, figure 3 was neutral, while 4 and 5 were agree and strongly agree respectively. The information was summarized as computations of frequencies (in %), mean and standard deviation as shown in Table 4.7.

Table 4.7: Descriptive Analysis for labour regulation enforcement process

	Strongly Disagree %	Disagree %	Neutral %	Agree %	Strongly Agree %	Mean	Std. Dev
The enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers is properly done	10.6	31.9	23.4	23.4	10.6	2.91	1.186
There are sufficient policies that guide the enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers	2.1	17.0	27.7	42.6	10.6	3.43	.965
NEA has mechanisms in place to extend the enforcements of labour recruitment regulations to countries with Kenyan migrant domestic workers	12.8	29.8	25.5	25.5	6.4	2.83	1.140
There is sufficient legislative background for the enforcement of labour recruitment regulations	8.5	25.5	17.0	38.3	10.6	3.17	1.177
NEA lacks capacity to ensure there is effective enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers	4.3	12.8	25.5	36.2	21.3	3.57	1.090
Aggregate Score						3.18	1.11

Source: Research Data (2022)

It is clear from Table 4.6, that the respondents remained undecided on whether the enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers is properly done (M=2.91, SD=1.186). Most disagree (31.9%). This was in line with Karlsson (2012) research that showed that there is a big mismatch

between the internationally acclaimed migrant workers' human rights and the reality on the ground.

Also, most remained neutral on whether there are sufficient policies that guide the enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers (M=3.43, SD=0.965) and whether NEA has mechanisms in place to extend the enforcements of labour recruitment regulations to countries with Kenyan migrant domestic workers (M=2.83, SD=1.140). They also remained undecided on whether there is sufficient legislative background for the enforcement of labour recruitment regulations (M=3.17, SD=1.177). However, they agreed that NEA lacks capacity to ensure there is effective enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers (M=3.57, SD=1.09).

These findings, just like Bett (2011) observed, calls for urgent interventions for the government to strengthen its governance capacity in the monitoring the recruitment process. Similarly, the finding underlines the major role that the government should play in ensuring sufficient enforcement policies that ensure labour recruitment regulations. This supports Atong, Mayah and Odigie (2018), who terms the government as the lead entity responsible for its citizens wellbeing more so, ensuring the migrant workers are protected and shielded from fraudulent and abusive environment.

The average mean was 3.18 and the standard deviation was 1.11 a strong indication that the respondents were undecided to the labour regulation enforcement process was in place in relation to upholding human rights of Kenyan migrant workers. The study,

further, set out to enquire whether labour regulation enforcement process challenges that were being encountered. Table 4.8 gives this result.

Table 4.8: Challenges Labour Regulation Enforcement Process.

	Strongly Disagree %	Disagree %	Neutral %	Agree %	Strongly Agree %	Mean %	Std. Dev
NEA lacks capacity to ensure effective enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers	2.1	8.5	27.7	40.4	21.3	3.70	.969
Political diplomacy is not well developed to ensure there is protection of Kenyan Migrant workers	6.4	17.0	19.1	27.7	29.8	3.57	1.255
Lack of advocacy inhibits efficiency in enforcement of labour recruitment regulations in protection of the human rights of Kenyan migrant domestic workers	2.1	4.3	17.0	51.1	25.5	3.94	.888
Civil society engagement is lacking hence promoting lack of efficiency in enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers	2.1	17.0	17.0	38.3	25.5	3.68	1.098
Aggregate Score						3.72	1.05

Source: Research Data (2022)

Generally, the respondents agreed that the challenges in Table 4.7 existed (M=3.72, SD = 1.05). Therefore, most stated that NEA lacks capacity to ensure effective enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers, political diplomacy is not well developed to ensure there is protection

of Kenyan Migrant workers, and that the lack of advocacy inhibits efficiency in enforcement of labour recruitment regulations in protection of the human rights of Kenyan migrant domestic workers. In addition, they stated that the civil society engagement is lacking hence promoting lack of efficiency in enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers.

Andrees, Nasri and Swiniarski (2015) highlighted those institutions within the labour migration market, rarely conduct comprehensive fact-finding surveys that would be important in assessing the impacts of labour market regulations on employment and other labour market outcomes, something evidenced by findings from this study. The role of the various stakeholders in the sector is underlined by this study in support of the African Union Commission (2017) that calls for organizations involved together with individual governments and unions to develop policy recommendations and complementary documents that can be adopted as frameworks for guiding national, regional and international labour migration.

The respondents presented some of the enforcement challenges that inhibit the protection of the rights of Kenyan migrant Domestic workers. Ineffective post-recruitment monitoring mechanisms, Corruption-allowing rogue privately owned agencies to continue operating at the expense of innocent Kenyans' lives featured among those that were highly mentioned. Others include: the need more financial capacities to intervene in the situation of urgent cases, spaghetti-bowl effects in terms of roles dedicated to Labour issues whereby several government agencies, institutions, embassies, and departments end up mandating the same functions, prolonging confusion on the matter. There is also

lack of information/communication on the whereabouts and what happens to the migrant domestic worker once she exits Kenya and hostile labor regulations that hardly protect immigrant domestic workers in host countries. There is lack of a liaison between the sending and receiving state for migrant works unclear duties for migrant workers hence culture shock after arrival to their respective workplaces, cultural biases, especially in the Middle East, tend to justify abuses of domestic immigrants by their employers and Ignorance by the workers of the dangers of working in some countries. These challenges add more on what had been raised by other researchers on the subjectincluding unethical recruitment procedures, policy incoherence and lack of institutional capacity (Mburu 2020; Farbenblum, 2016; Atong, Mayah, & Odigie, 2018).

The respondents recommended that the need for enhancing the efficiency of enforcement of labor recruitment regulations in protecting the human rights of Kenyan migrant domestic workers as follows: there should be proper coordination among all the agencies dealing with the recruitment of domestic workers; sharing of data on those recruited to all the Agencies, Workers go through the embassies before they're handed over to their foreign employees.

Other recommendations include: the deployment of labour Attaché to the Lin. of Foreign Affairs and to all the countries in the Middle East and ensuring recruitment agencies are vetted. Migrant workers are to get registered with NEA before departure giving full details of work information. Migrant domestic workers to register with Kenya missions abroad as soon as they land in the country of work. There is need to create a database of migrant workers departing the country and informing Embassies in destination countries

and ensuring government agencies and stakeholders are trained and there is establishment or revision of standard procedures for protection, accountability, and communication. Additionally, the respondents let that there is need to review of labor recruitment laws in coordination with missions abroad and ensure effective implementation of the regulations in place to safeguard and secure the rights of Kenyan migrant domestic workers. The same has been advocated by Abella (2004) who calls for consolidation of government efforts in ensuring governance of labour recruiters. Having in place preventive measures to protect innocent Kenyans yearning for employment opportunities in countries with ineffective human rights rules and regulations is very crucial as well as creation of local jobs and affordable business opportunities to attract and retain many Kenyan youths seeking employment opportunities abroad. Durmus (2020) also calls for the growing need to grow the inclusion of partnership and community engagement in the formation, implementation, and defense of human rights as part the emerged norm-generating community.

4.4.3 Coordination in Government Agencies and Upholding of Human Rights

Coordination in government agencies was the last independent variable in the study and was measured using four items where Likert scale of 1-5 was used. Strongly disagree was represented by 1, disagree by 2, 3 was neutral, while 4 and 5 were agree and strongly agree respectively. The information was summarized using frequencies (in %), mean and standard deviation as presented in Table 4.6.

Table 4.9: Descriptive Analysis for Coordination in Government Agencies

	Strongly Disagree %	Disagree %	Neutral %	Agree %	Strongly Agree %	Mean	Std. Dev
There is inter-ministerial and inter organisational coordination in ensuring protection of labour recruitment regulations	8.5	8.5	21.3	48.9	12.8	3.49	1.093
There is policy coherence within the ministry of labour and organisations that deal with labour regulation for Kenyan Mirant workers	8.5	23.4	10.6	48.9	8.5	3.26	1.161
Kenya has partnered with International Labour organisation (ILO) and UN Human Rights Council in ensuring international standards for labour regulations are maintained in Kenya	4.3	2.1	14.9	63.8	14.9	3.83	.862
There is sufficient government to government bilateral in ensuring that Kenyan Migrant workers' rights are upheld.	10.6	21.3	21.3	38.3	8.5	3.13	1.164
Aggregate Score						3.43	1.07

Source: Research Data (2022)

From the findings in Table 4.8, the respondents remained undecided on whether there is inter-ministerial and inter organisational coordination in ensuring protection of labour recruitment regulations (M=3.49, SD=1.093). However, most agreed (48.9%). Also, most remained neutral on whether there was policy coherence within the ministry of labour and organisations that deal with labour regulation for Kenyan Mirant workers (M=3.26, SD=1.16) and whether there was sufficient government to government bilateral in ensuring that Kenyan Migrant workers' rights are upheld (M=3.13, SD=1.164). These

statistics underlined Abella (2004) concerns that there is scattered government function and uncoordinated policies that creates a gap that is easily exploited by uncredited labor recruitment agencies.

Most respondents agreed that the labour organisation (ILO) and UN Human Rights Council in ensuring international standards for labour regulations are maintained in Kenya (M=3.83, SD=1.862). This finding contradicts Durmus (2020) who blames the existence of weak institutional framework in the management of international migration process at a national level, to be the results of difficult international cooperation to achieve and retard the development of effective legal and normative frameworks to handle the full range of issues. The finding, however, justifies the call by Durmus (2020) for legal and institutional framework that promote consultation and cooperation at international level in management of the migration issues.

The average mean and standard deviation were 3.43 and 1.07 respectively showing that the respondents were undecided to the whether there was coordination in Government agencies in relation to upholding human rights of Kenyan migrant workers. These findings support Durmus (2020), who highlights that in most countries, the spread of legal framework across so many instruments as something that confuses rather than illuminate the labour migration governance situation.

4.4.4 Political Diplomacy and Upholding of Human Rights

Political Diplomacy was the intervening variable in the study and was measured using two items and Likert scale of 1-5 was used. Strongly disagree was represented by figure 1, disagree by 2, figure 3 was neutral, while 4 and 5 were agree and strongly agree

respectively. The information was summarized using frequencies (in %), mean and standard deviation as presented in Table 4.9.

Table 4.10: Descriptive Analysis for Political Diplomacy

	Strongly Disagree %	Disagree %	Neutral %	Agree %	Strongly Agree %	Mean	Std. Dev
Kenya has put in place internal structure that promote the development of political diplomacy towards ensuring the upholding of human rights of Kenyan in diaspora	2.1	4.3	17.0	51.1	25.5	3.94	0.888
Inefficient bilateral relations contribute to abuse of human rights of Kenya domestic workers in diaspora	0.0	8.5	21.3	44.7	25.5	3.87	0.893
Aggregate Score						3.91	0.891

Source: Research Data (2022)

Most respondents were positive that Kenya has put in place internal structure that promote the development of political diplomacy towards ensuring the upholding of human rights of Kenyan in diaspora (M=3.94, SD=0.888). However, they also indicated that inefficient bilateral relations contributed to the abuse of human rights of Kenya domestic workers in diaspora (M=3.87, SD=0.893). This finding builds on Mong'ina (2018) study that flagged out international relations of Kenya and other countries hosting Kenya workers as missing but urgently required.

4.4.5 Upholding Human Rights of Kenyan Migrant Domestic Workers

Upholding human rights of Kenyan migrant domestic workers was the dependent variable in the study and was measured using three items and Likert scale of 1-5 was

used. Strongly disagree was represented by 1, disagree by 2, figure 3 was neutral, while 4 and 5 were agree and strongly agree respectively. The information was summarized using frequencies (in %), mean and standard deviation as presented in Table 4.10.

Table 4.11: Descriptive Analysis for upholding human rights of Kenyan migrant domestic workers

	1 %	2 %	3 %	4 %	5 %	Mean	Std.Dev
Among the Kenyan abroad, domestic workers are more prone to abuse and violation	4.3	12.8	14.9	44.7	23.4	3.76	1.094
Ignorance and poverty are the greatest contributors to high mobility of Kenyans regardless of reported abuse and violations of Kenyan Domestic workers	2.1	10.6	10.6	44.7	31.9	3.95	1.023
Sexual abuses, bodily harms, deaths, confiscation of documents, enslavement, being overworked are some of the major human rights abuses and violation faced by Kenyan migrant domestic workers	6.4	6.4	17.0	34.0	36.2	3.84	1.164
Aggregate Score						3.85	1.09

Source: Research Data (2022)

Most respondents stated that among the Kenyan abroad, domestic workers are more prone to abuse and violation (M = 3.76, SD= 1.094). They also agreed that Ignorance and poverty are the greatest contributors to high mobility of Kenyans regardless of reported abuse and violations of Kenyan Domestic workers (M=3.95, SD=1.023). This is also evident in Mong'ina (2018) who cites high ignorance and inadequate awareness amongst workers, the 'good life syndrome' amongst other as the major cause of disregard of warnings and advisories from the government.

Lastly, they indicated that sexual abuses, bodily harms, deaths, confiscation of documents, enslavement, being overworked are some of the major human rights abuses and violation faced by Kenyan migrant domestic workers (M=3.84, SD = 1.164). This finding supports Gordon (2014) finding that reports of abuse, exploitation, and severe human rights violations committed by dishonest labor recruiters and unscrupulous recruitment agencies have increased globally.

4.5   Diagnostics Test Findings

This sub-section presents diagnostic test findings for assumptions ranging from residual's normality, variance homogeneity and no multicollinearity within the linear regression and Pearson's correlation. Each is as discussed below.

4.5.1 Normality Test for residuals

The residuals' normality test is displayed in this section. This presumption was examined using a normal histogram plot, where in the variable assume normality since values tend to take the form of a bell-shaped distribution. Figure 4.1 presents a histogram on the residual normality test.
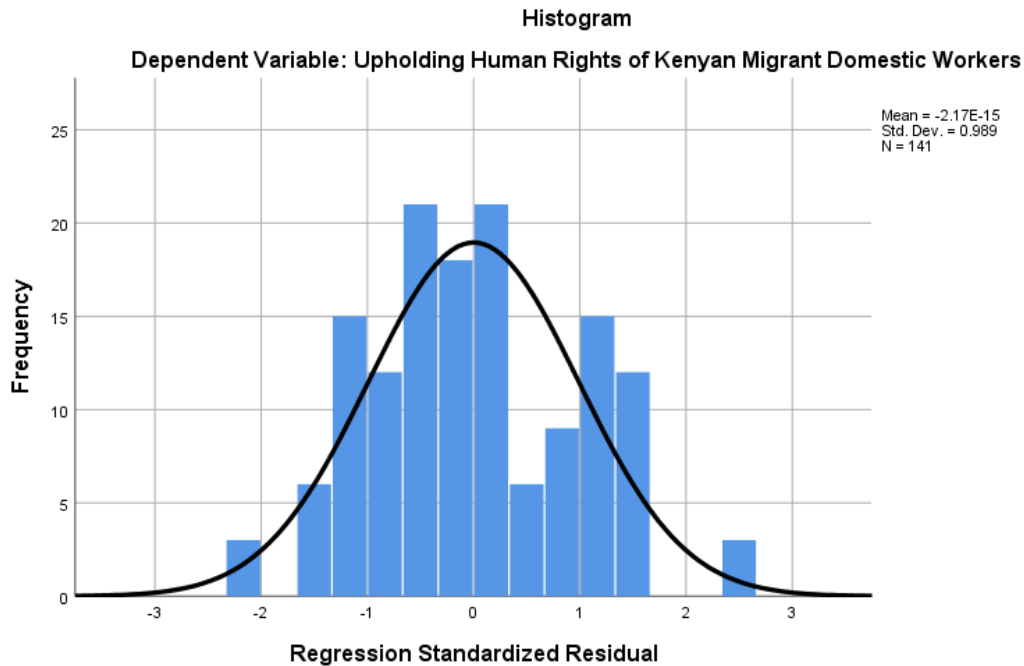
Figure 4.1: A Normal histogram plot for the Residuals in a Multiple Linear Regression
Source: Research Data (2022)

According to Figure 4.1 the residuals were normally distributed given that the points formed a bell-shape. This therefore validated the regression analysis as there wasn't any violation of normality assumption.

4.5.2 Multicollinearity

An examination of multicollinearity variance inflation factor (VIF) and Tolerance tests were conducted for the independent variables.

Table 4.12: Multicollinearity Test

Variable	Tolerance	VIF
Statutory Requirements	.548	1.825
Coordination in Government Agencies	.409	2.445
Labour Regulation Enforcement Process	.366	2.734

Source: Research Data (2022)

The findings in Table 4.12 demonstrate that multicollinearity was present among the variables under examination. Belsley *et al*. (2004) claim that multicollinearity exists if tolerance value is below 0.2 but absent where the tolerance value is above 0.2. Gujarati (2007), on the other hand, proposed that a VIF larger than 5 shows multicollinearity while a VIF less than 5 indicates its absence. As a result, this proved that the no-multicollinearity assumption was broken.

4.5.3 Homoscedasticity

The homoscedasticity test was performed by use of a scatter plot on the residuals to show the dispersion for predicted scores and standardized residual values, known as errors of prediction.
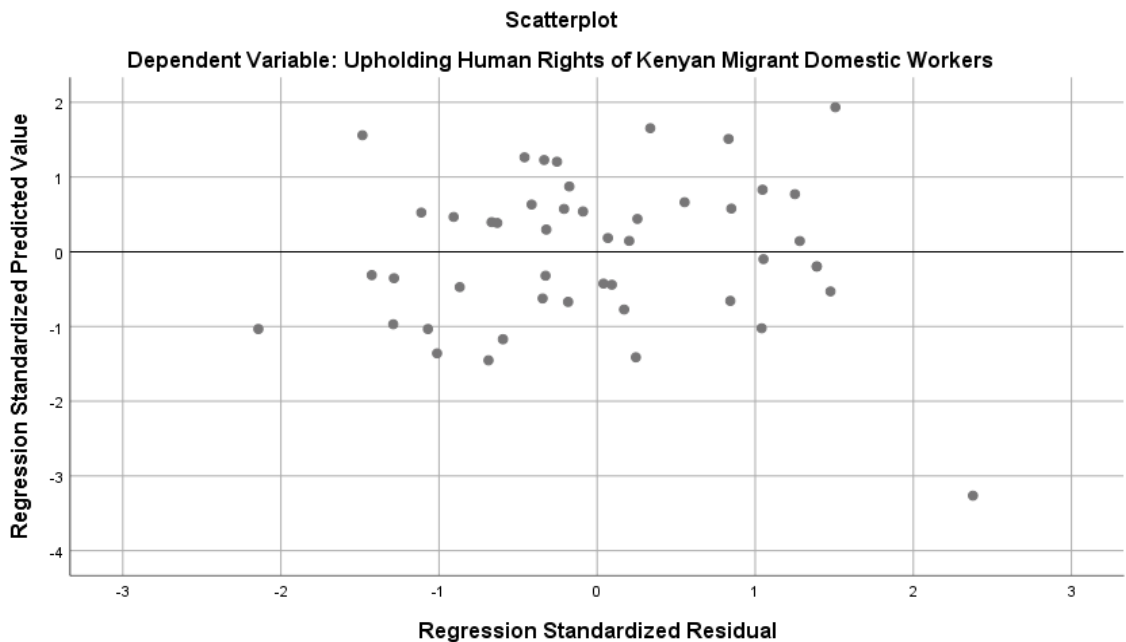
Figure 4.2: A Scatter Plot of the Predicted Values and Residual Values of Upholding Human Rights

Source: Research Data (2022)

From figure 4.2, it is visible that there is random scattered of the residuals "dots" and presenting any triangular fashion. This indicated that the homoscedasticity assumption was not violated.

4.6   Correlation Analysis

Correlation analysis was instrumental in establishing whether there is a relationship between the dependent variable, Upholding Human Rights of Kenyan Migrant Domestic Workers, and independent variables namely: Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process. Again, the study established the relationship between political diplomacy – Moderating variable and Upholding Human Rights of Kenyan Migrant Domestic Workers. Through Pearson's correlation the research wanted to identify a significant linear relationship between the dependent and the independent variables. The test again established the direction and the strength of the relationship. The results are shown in Table 4.13.

Table 4.13 Correlation Analysis

		Statutory Requirements	Coordination in Government Agencies	Labour Regulation Enforcement Process	Political Diplomacy	Upholding Human Rights of Kenyan Migrant Domestic Workers
Statutory Requirements	Pearson Correlation	1				
	Sig. (2-tailed)					
	N	141				
Coordination in Government Agencies	Pearson Correlation	.599**	1			
	Sig. (2-tailed)	.000				
	N	141	141			
Labour Regulation Enforcement Process	Pearson Correlation	.653**	.756**	1		
	Sig. (2-tailed)	.000	.000			
	N	141	141	141		
Political Diplomacy	Pearson Correlation	-.488**	-.295**	-.444**	1	
	Sig. (2-tailed)	.000	.000	.000		
	N	141	141	141	141	
Upholding Human Rights of Kenyan Migrant Domestic Workers	Pearson Correlation	.697**	.945**	.809**	-.405**	1
	Sig. (2-tailed)	.000	.000	.000	.000	
	N	141	141	141	141	141

**. Correlation is significant at the 0.01 level (2-tailed).

Source: Research Data (2022)

From the results, a positive significant and strong linear relationship exists between

Statutory Requirements and Upholding Human Rights of Kenyan Migrant Domestic

Workers, $r = 0.697$, $p < 0.05$. It was also noted that there was a very strong and positive relationship between Coordination in Government Agencies and Upholding Human Rights of Kenyan Migrant Domestic Workers, $r = 0.945$, $p < 0.05$. Again, Labour Regulation Enforcement Process had a positive significant and strong linear relationship with Upholding Human Rights of Kenyan Migrant Domestic Workers, $r = 0.809$, $p < 0.05$. However, there was a significant but negative relationship between Political Diplomacy which was the moderating variable and Upholding Human Rights of Kenyan Migrant Domestic Workers, $r = -0.405$, $p < 0.05$.

The significance was explained by significant probability values found to be less than 0.05 at 95% confidence level. This denoted that the labour recruitment regulation process was significantly related to the Upholding of Human Rights of Kenyan Migrant Domestic Workers. From this finding and according to Farbenblum (2016), labour governance is important despite there being barriers that affect the enforcement of regulations.

4.7   Regression Analysis

Upholding the Human Rights of Kenyan Migrant Domestic Workers was the dependent variable, whereas statutory requirements, coordination between government agencies, and the labor regulation enforcement process were the independent variables. Research to determine how labor recruitment regulations affected the protection of migrant domestic workers from Kenya was done. ANOVA table, and a table of model coefficients and summary table were used to display the results. The following has discussed each.

The Model Summary provides the R squared coefficient of determination and the R correlation coefficient.

Table 4.14: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.963[a]	.928	.926	.22611

a. Predictors: (Constant), Labour Regulation Enforcement Process, Statutory Requirements, Coordination in Government Agencies

From the Model Summary, the coefficient of determination R square was 0.928. This shows that 92.8% change in Upholding of Human Rights of Kenyan Migrant Domestic Workers was explained by changes in Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process.

Variance analysis was then conducted at 5% level of significance. The findings are shown in Table 4.15.

Table 4.15: ANOVA Table

Model		Sum of Squares	df	Mean Square	F	Sig.
	Regression	90.224	3	30.075	588.243	.000[b]
1	Residual	7.004	137	.051		
	Total	97.229	140			

a. Dependent Variable: Upholding Human Rights of Kenyan Migrant Domestic Workers

b. Predictors: (Constant), Labour Regulation Enforcement Process, Statutory Requirements, Coordination in Government Agencies

Source: Research Data (2022)

From the ANOVA Table, it shows that regression model was statistically significant in predicting the dependent variable, Upholding Human Rights of Kenyan Migrant Domestic Workers, $F_{(3, 137)} = 588.243$, $p < 0.05$. This suggested that Labour Regulation Enforcement Process, Statutory Requirements, and Coordination in Government Agencies were important factors to consider when predicting Upholding Human Rights of Kenyan Migrant Domestic Workers.

The model coefficient presented the model betas and p values of the respective independent variables used in the study and their specific significance to the dependent variable. Table 4.16 shows this.

Table 4.16: Model Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	-1.249	.117		-10.659	.000
	Statutory Requirements	.198	.039	.158	5.097	.000
	Coordination in Government Agencies	.996	.048	.739	20.608	.000
	Labour Regulation Enforcement Process	.145	.037	.148	3.892	.000

a. Dependent Variable: Upholding Human Rights of Kenyan Migrant Domestic Workers

The established equation therefore became.

$Y=-1.249+0.198X_1+0.996X_2+0.145X_3$

This is translated as thus:

Upholding Human Rights of Kenyan Migrant Domestic Workers = -1.249 + 0.198 (Statutory Requirements) + X_2 (Coordination in Government Agencies) + X_3 (Labour Regulation Enforcement Process)

The relationship between statutory requirements and Upholding Human Rights of Kenyan Migrant Domestic Workers was found to be significant and positive, $\beta = 0.198$, $p<0.05$. From the results it is clear that an increase in statutory requirements led to 0.198 increase in the upholding of Human Rights of Kenyan Migrant Domestic Workers.

The results also showed that Coordination in Government Agencies influenced the upholding of Human Rights of Kenyan Migrant Domestic Workers, $\beta = 0.996$, $p<0.05$. A

unit increase in Coordination in Government Agencies led to an increase in upholding Human Rights of Kenyan Migrant Domestic Workers by 0.996 units.

Lastly, Labour Regulation Enforcement Process significantly influenced the upholding of Human Rights of Kenyan Migrant Domestic Workers, $\beta = 0.145$, $p<0.05$. A unit increase in Labour Regulation Enforcement Process led to an increase in upholding Human Rights of Kenyan Migrant Domestic Workers by 0.145 units.

In conclusion, labour recruitment process measured as Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process, was found to influence upholding Human Rights of Kenyan Migrant Domestic Workers. In addition, they were found to be significant predictors.

4.8 Moderating effect of political diplomacy on the relationship between labour recruitment regulation process and upholding Human Rights of Kenyan Migrant Domestic Workers

A moderated Hierarchical regression was performed with Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process as the independent variables, upholding Human Rights of Kenyan Migrant Domestic Workers for the dependent variable and the political diplomacy for moderating variable.

Table 4.17: Regression Model summary for the moderated model

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.966[a]	.933	.930	.22041

a. Predictors: (Constant), X3_MV, Statutory Requirements, X1_MV, Coordination in Government Agencies, Labour Regulation Enforcement Process, X2_MV
Source: Research Data (2022)

The Table 4.17 explains that efficient of determination (r-square) value for the moderated model was 0.933 which was an increase from 0.928. This was a 0.5% increase and although it was a small margin that seemed insignificant, it showed that political diplomacy after moderating the relationship brought about a higher explanatory power to the relationship.

Further, an ANOVA model further was conducted to establish the significance of the model in predicting performance.

Table 4.18: ANOVA Table

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	90.719	6	15.120	311.222	.000[b]
	Residual	6.510	134	.049		
	Total	97.229	140			

a. Dependent Variable: Upholding Human Rights of Kenyan Migrant Domestic Workers

b. Predictors: (Constant), X_3_MV, Statutory Requirements, X_1_MV, Coordination in Government Agencies, Labour Regulation Enforcement Process, X_2_MV

Source: Research Data (2022)

Table 4.18 on the ANOVA results indicate significance models in predicting Upholding Human Rights of Kenyan Migrant Domestic Workers. The model was found to significantly predict Upholding Human Rights of Kenyan Migrant Domestic Workers since the p-value ($p < 0.05$) associated was statistically significant ($p < 0.05$) at 5% level of significance, $F_{(6, 134)} = 311.22$, $p < 0.05$.

Table 4.19 explains that a study variables' significance and explains the moderation in the relationships.

Table 4.19: Model Coefficient Table

Model		Unstandardized Coefficients		Standardized Coefficients		
		B	Std. Error	Beta	t	Sig.
1	(Constant)	-1.164	.126		-9.236	.000
	Statutory Requirements	-.108	.218	-.086	-.493	.623
	Coordination in Government Agencies	1.068	.246	.792	4.336	.000
	Labour Regulation Enforcement Process	.454	.186	.463	2.438	.016
	X_1_MV	.069	.053	.238	1.306	.194
	X_2_MV	-.008	.060	-.031	-.141	.888
	X_3_MV	-.087	.048	-.342	-1.806	.073

a. Dependent Variable: Upholding Human Rights of Kenyan Migrant Domestic Workers

From Table 4.16 the following regression equations were extracted:

$Y = -1.164 - 0.108X_1 + 1.0686X_2 + 0.454X_3 + 0.069X_1\_MV - 0.008\ X_2\_MV - 0.087\ X_3\_MV$

(moderated model)

Where Y= Upholding Human Rights of Kenyan Migrant Domestic Workers, X_1= Statutory Requirements; X_2 = Coordination in Government Agencies and X_3 = Labour Regulation Enforcement Process. X_1_MV, X_2_MV and X_3_MV refer to the moderated variables of Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process respectively.

The regression model in Table 4.16 indicate that all variables were statistically significant at 5% level of significance. However, in the above Table 4.17, after interacting the variables with political diplomacy, the interacted terms (X_1_MV, X_2_MV and X_3_MV) were found to be statistically insignificant at 5% level of significance. This showed that there was no moderating effect of political diplomacy on the relationship between labour

recruitment regulation process and the upholding human rights of Kenyan migrant workers. This notwithstanding, the government has an obligation to ensure that workers are protected and shielded from fraudulent and abusive environment (Atong, Mayah, & Odigie, 2018)

From the descriptive statistics, it was found that Kenya as a country has put in place internal structure that promote the development of political diplomacy towards ensuring the upholding of human rights of Kenyan in diaspora however there is inefficient bilateral relations contribute to abuse of human rights of Kenya domestic workers in diaspora. This finding largely compliments Mong'ina (2018) research that showed that, the government actions to assist the victims are constrained by absence of proper policy work and bilateral agreements with host countries. Political diplomacy therefore is crucial and critical for ensuring that workers from Kenya are protected abroad.

CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1   Introduction

This chapter delved in the empirical data examination. It offers a thorough evaluation of the research's outcomes, including a thorough analysis of the themes, patterns, and trends identified.

5.2   Summary of Findings

This research studied the effectiveness of labour recruitment regulation for the protection of human rights for the Kenyan migrant domestic workers. This section expounds on the respective objective.

5.2.1   Statutory Requirements and Upholding of Human Rights of Kenyan Migrant Domestic Workers

Through the first objective the researcher worked to NEA conduct vigorous vetting of labour recruitment agencies that recruit Kenyan Migrant workers before their registration and licensing and if so, whether the registration and licensing of labour recruitment agencies is effectively done. From the study, there was a positive significant and strong linear relationship between statutory requirements and upholding human rights of Kenyan migrant domestic workers. The findings further showed that, statutory requirement as a variable for studying human rights of migrant domestic worker was statistically significant predicting factor.

The study acknowledged that there is presence of internationally set labour standards that encompasses, civil, cultural, and eco-social and other human rights of migrant workers

has continued to ineffective due to lack of political will and cooperation by partner countries. However, this study established that, there isn't adequate relevant policy work that guide the enforcement of labour recruitment in Kenya despite there being overarching set standards and guidance globally. Further, the findings indicate that legislative environment is lacking, and the institutional capacity needs improvements so as Kenyan migrant domestic workers continue to be under the protection of the government and have their human rights upheld. From the findings made, it is clear that it is the responsibility of a government, and the employers ensure that workers are protected and shielded from fraudulent and abusive environment."

The study made note of the both operational and applied obstacles that restrict implementation, obstacles that if implemented would pave way for transnational market-based reforms. This study also indicated that oversight of recruitment is challenging owing to the fragmentation of various policy documents and duplication of efforts and also lack of adequate monitoring. Most respondents had doubt on whether NEA had enough capacity to ensure there is effective enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers. The case is worse especially with the rising number of people moving to Asian countries as domestic workers despite the misalignment and lack of inter countries coordination mechanisms necessary to safeguard these migrants.

This study made a realization that there is a big mismatch between the internationally acclaimed human rights advocacy and policy work with what is actually happening on the ground. The study observed that the number of Kenyan domestic workers that are still

undergoing human rights abuses including physical abuse, rape and death has continued growing despite there being overarching laws that should protect them.

5.2.2 Coordination in Government Agencies and Upholding of Human Rights of Kenyan Migrant Domestic Workers

The second objective was to determine the extent to which coordination in government agencies influences the upholding of human rights of Kenyan migrant domestic workers. From the findings, it is evident that the inter-ministerial and inter organisational coordination is very weak and there is policy incoherence and thus there is inefficiencies in the regulation of labour recruitment process. Fragmentation of efforts across government agencies therefore drives thriving of ungovernable labour recruiters who in most cases mislead desperate job seekers. It is unfortunate that scattered government function and uncoordinated policies creates a gap that is easily exploited by uncredited labor recruitment agencies. While this is the case, the study made a finding that Kenya has made strides in upholding international standards for labour regulations.

This study noted that safeguarding human rights is not merely a legal need; it is also a matter of public interest and is inextricably tied to human development. The ability of migrants to gain from migration and their capability to contribute to the development of the societies in which they live or are connected are both undermined if they lack access to human rights. In order to encourage the social participation and integration of migrants and enable them to have economically fruitful as well as culturally and socially fulfilling lives, it is vital to protect human rights. The study, therefore, made note of the growing importance in ensuring that government to government bilateral on the issue of human

rights of migrant workers are intensified and memorandum of understanding put in place to ensure seamless associations by the two people.

5.2.3   Labour Regulation Enforcement Process and Upholding of Human Rights of Kenyan Migrant Domestic Workers

The third objective assessed how labour regulation enforcement process influence the upholding of human rights of the migrant domestic workers from Kenya. The study found out that, the labour regulation enforcement process remains very important factor in safeguarding and upholding the human rights of Kenyan migrant worker. It was a statistically viable variable for this study. The findings showed that Kenya has made great strides in putting in place structures and framework necessary to guide the labour recruitment regulations for exporting domestic labour.

The study also showed that financial allocation continues to be less than one percent of the annual national budget, the Ministry of Labor and the line agencies tasked with protecting workers' interests lack the necessary financial and organizational capacity to effectively implement and enforce the current laws and regulations.

5.3   Conclusion

The study makes the following conclusion,

5.3.1   Statutory Requirements and Upholding of Human Rights of Kenyan Migrant Domestic Workers

Human rights for Kenyan migrant domestic workers are significantly influenced by statutory regulations. Kenyan domestic workers frequently experience a variety of difficulties while working abroad, including exploitation, discrimination, and abuse. Lack

of legal protection and poor application of current rules frequently make these problems worse.

One of the key issues that affect the protection of human rights for Kenyan migrant domestic workers is the lack of adequate monitoring and enforcement mechanisms. In many cases, migrant domestic workers are employed in private households, making it difficult for authorities to monitor working conditions and address any violations of their rights. Additionally, the lack of standard employment contracts and employment regulations for domestic workers in both sending and receiving countries creates a legal vacuum that often exposes domestic workers to abuse and exploitation. This lack of legal protection makes it difficult for domestic workers to assert their rights or seek redress when their rights are violated.

The systemic discrimination and stigmatization of domestic work as a low-skilled and low-wage occupation perpetuate the exploitative conditions that domestic workers face. The social and economic devaluation of domestic work contributes to the lack of legal protection and enforcement mechanisms for domestic workers, making it difficult for them to demand fair wages and decent working conditions.

To address these challenges, there is a need for a comprehensive approach that recognizes the rights of workers and promotes their social and economic empowerment. This approach should include legal reforms to strengthen the welfare of workers, such as the ratification and effective implementation of international human rights conventions and the adoption of domestic legislation that recognizes domestic work as work and provides legal protection to domestic workers. Furthermore, initiatives that promote the social and

economic empowerment of domestic workers, such as skills training, access to education, and social protection schemes, can help to reduce their vulnerability to exploitation and abuse.

A legal framework for the protection of domestic workers' rights is provided by statutory requirements such as labor laws, immigration regulations, and international human rights treaties. To guarantee that domestic workers completely exercise their human rights, these rules must be implemented effectively. In Kenya, for instance, the Domestic Workers Bill 2019 seeks to provide legal protection to domestic workers and promote their rights, including access to decent working conditions, fair wages, and social protection. However, the bill is yet to be passed into law, and domestic workers in Kenya continue to face numerous challenges.

Kenya has ratified international human rights conventions that protect the rights of migrant workers, such as the ILO, among others including Convention on Domestic Workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, implementation of these conventions remains inadequate, particularly in destination countries where domestic workers are vulnerable to exploitation and abuse.

While statutory requirements provide a legal and policy framework for the welfare of domestic workers' human rights, the effective implementation of these laws is crucial to ensure that domestic workers enjoy their rights fully. There is a need for enhanced collaboration between corresponding countries, civil society, and other stakeholders to improve the protection and promotion of domestic workers' rights. Additionally,

awareness campaigns and capacity-building programs for domestic workers can empower them to assert their rights and protect themselves from exploitation and abuse.

5.3.2 Coordination in Government Agencies and Upholding of Human Rights of Kenyan Migrant Domestic Workers

Coordination among government agencies has a big influence on the upholding of human rights for Kenyan migrant domestic workers. Migrant domestic workers often face multiple challenges, including exploitation, discrimination, and abuse, while working in foreign countries. These challenges are compounded by the lack of coordination among government agencies responsible for protecting the rights of domestic workers.

Effective coordination among government agencies can lead to enhancement of workers' rights. The lack of coordination among government agencies can create gaps in the legal and policy frameworks that are necessary to protect domestic workers' rights. Additionally, lack of coordination can lead to inadequate enforcement of existing laws and regulations.

In Kenya, various government agencies are responsible for protecting the rights of domestic workers, including the MoL and Social Protection, the Department of Immigration Services, and the Kenya Association of Private Employment Agencies. These agencies have different mandates, yet they are all responsible for ensuring the protection of domestic workers' rights. Therefore, coordination among these agencies is crucial to ensure that domestic workers' rights are fully protected.

Coordination among government agencies is crucial for monitoring and enforcement of labor and immigration policies that impact domestic workers. For instance, the

Department of Immigration Services is responsible for monitoring the movement of people across borders, while the Ministry of Labor is responsible for enforcing labor laws and regulations that protect workers' rights. Therefore, coordination among these agencies is crucial to have a united front in safeguarding all interest of Kenya and its people.

Effective coordination among government agencies is fundamental for the upholding protection of Kenyans abroad. There is a need for enhanced collaboration and information sharing among government agencies responsible for protecting the Kenyans abroad especially those working casual and domestic jobs. Additionally, there is a need to build government agencies capacities to elevate their understanding of the unique challenges faced by domestic workers and their rights. Ultimately, effective coordination among government agencies is critical to ensuring that Kenyan migrant domestic workers enjoy their human rights fully.

5.3.3. Labour Regulation Enforcement Process and Upholding of Human Rights of Kenyan Migrant Domestic Workers

In regard to objective three, it can be concluded that the enforcement of labour regulations plays a critical role in ensuring respect for and the upholding rights of all Kenyan domestic workers abroad. Kenya has several laws and regulations that are designed to promote the welfare of its citizen abroad. Good examples are the Acts on Employment, Labour Relations and the Occupational Safety and Health. However, despite these laws, many Kenyan migrants working in domestic environment abroad are always experiencing wide spectrum of violations disrespect and torture. In addition most have complained of long working hours, low wages, physical and verbal abuse, and

restrictions on their freedom of movement. These violations are often exacerbated by a lack of enforcement of labour regulations.

To improve the respect for human rights of all migrant domestic workers from Kenya, it is important to strengthen the enforcement of existing labour regulations. This can be achieved through increasing the resources and capacity of labour inspection agencies, providing training to labour inspectors, and raising awareness among employers and workers about their rights and responsibilities under the law.

In addition, it is important to ensure that underlying problems facilitating violations of human rights, such as poverty and lack of access to education and training opportunities. This may involve developing programs and policies to support economic empowerment and education for domestic workers, as well as working to eliminate discriminatory attitudes and practices that contribute to the marginalization of domestic workers.

Overall, effective enforcement of labour regulations is crucial for upholding rights of all humans more so, Kenyans abroad. This requires a coordinated effort from government agencies, civil society organizations, employers, and workers themselves.

5.4   Recommendations

This study recommends the effective implementation of labour recruitment regulations. Overall, implementing these policy recommendations can help improve the effectiveness of labour recruitment regulations and protect the human rights of Kenyan migrant domestic workers. It requires a coordinated effort from government agencies, civil society organizations, employers, and workers themselves.

Under policy recommendations, the following may apply:

1. Strengthening Labour Recruitment Regulations

It is very necessary and needful to ensure that labour recruitment regulations are comprehensive and responsive in protecting the rights of domestic workers. This may involve updating existing regulations and enacting new ones to address gaps in the current legal framework.

2. Establishing and Empowering Labour Inspection Agencies

Governments should establish and empower labour inspection agencies with adequate resources and capacity to effectively enforce labour recruitment regulations. This includes recruiting and training labour inspectors, providing them with the capacity to work, and creating a system for reporting and investigating labour recruitment violations.

3. Monitoring and Enforcement of Regulations

There should be regular monitoring of labour recruitment agencies and employers to ensure that they comply with labour recruitment regulations. This can be achieved through regular inspections and audits, as well as the establishment of penalties and sanctions for non-compliance.

4. Awareness Raising and Training

It is important to raise awareness among Kenyan migrant domestic workers, employers, and recruitment agencies about their rights and responsibilities under labour recruitment regulations. This can be done through training programs, outreach campaigns, and public education initiatives.

5. Collaboration with Stakeholders

Governments should collaborate with civil engagement organizations, trade unions, and all other key stakeholders to improve the effectiveness of labour recruitment regulations.

This includes engaging with these stakeholders in the development of regulations, as well as working with them to monitor and enforce compliance with regulations.

6. Addressing Root Causes of Exploitation

This is necessary and direly needed for protecting the rights of all workers within and abroad especially those working in domestic set-up. This includes tackling poverty, increasing access to education and training opportunities, and addressing discrimination and social exclusion.

Under practice recommendations the following are key factors that may be put into practical use.

1. Strengthening Public-Private Partnership

Governments should strengthen public-private partnerships to better protect the rights of Kenyan migrant domestic workers. This includes working all stakeholders to develop and implement labour recruitment regulations that prioritize human rights.

2. Strengthening the Role of Recruitment Agencies

Recruitment agencies play crucial role in protecting the rights of Kenyan migrant domestic workers. Governments should work with recruitment agencies to ensure that they are following ethical recruitment practices, including charging reasonable fees, providing accurate information to workers, and ensuring that workers are not subjected to debt bondage or forced labour.

3. Providing Access to Justice

Governments should provide Kenyan migrant domestic workers with access to justice and remedies for labour recruitment violations. This includes establishing accessible and

effective complaint mechanisms, providing legal aid services, and ensuring that workers are able to seek compensation for labour exploitation and abuse.

4. Promoting Ethical Recruitment Practices

Governments, employers, and recruitment agencies should work together to promote ethical recruitment practices and ensure that workers are recruited in a fair and transparent manner. This includes establishing codes of conduct, providing training to recruitment agencies and employers on ethical recruitment practices, and monitoring compliance with these practices.

5. Improving Data Collection and Research

Governments should improve data collection and research on labour recruitment practices and the experiences of Kenyan migrant domestic workers. This may be instrumental in informing the development of effective policies and interventions to protect the rights of these workers.

6. Raising Awareness

Governments, civil society organizations, and employers should raise awareness about the issues faced by Kenyan domestic workers abroad and benefits of protecting their rights. This includes providing information on labour recruitment regulations, workers' rights, and complaint mechanisms, as well as conducting outreach campaigns to reach workers and employers.

5.5 Recommendations for Further research

The role of political diplomacy in influencing the upholding of human rights for the Kenya domestic workers was studied as a moderating variable. The study therefore notes that the issue of political diplomacy was not adequately studies as key variable. This

study recommends a study that is more focused on the role and importance of political diplomacy in upholding human rights of Kenyan domestic workers abroad.

Secondly, this study made a finding that there is a gap in as far as countries are collaborating to ensure that the human rights upheld for domestic workers. It is therefore very critical that further research work is done on how countries can better coordinate in ensuring that there is respect for all kind of migrant workers and more so, in ensuring their basic human rights are upheld.

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APPENDICES

Appendix A: Questionnaire for NEA Respondents

The purpose of this questionnaire is to aid an academic research work on labour recruitment regulation in protection of the human rights of Kenyan migrant domestic workers. This study is being conducted through School of Human and Social Sciences, of Kenyatta University, Nairobi, Kenya.

You are invited to take part in this study through completing the questions by putting a tick against the preferred response where applicable. Your participation is voluntary, and you may decline to answer any question that makes you uncomfortable. Kindly be assured that the information gathered is purely for academic purposes and will be treated in confidence.

Section A. Background Information

1. Do you agree to participate in this study voluntarily? Yes { } No { }

2. What is your Gender? Male { } Female { }

3. What is your age?

19-29 years	
30 -39 years	
40 -50 years	
Above 50	

4. What is your highest level of education

High school certificate	
Diploma	

First Degree	
Second degree and higher	

Other specify…………………………………………..

5. Position held in the Organisation ………………………………………………..

6. Department you work in within the organisation…………………………………

7. Which level in the organisation do you work in?

Strategic Level	
Operational Level	
Technical Level	

8. Years of experience?

Less than 1 year	
1 to 5 years	
6 to 10 years	
Above 10 years	

SECTION B: **Statutory requirement influence on the upholding human rights of Kenyan migrant domestic workers.**

1) Does NEA conduct vigorous vetting of Labour recruitment agencies that recruit Kenyan Migrant workers before their registration and licensing? Yes { } No { }

2) If yes, would you agree that the registration and licensing of labour recruitment agencies is effectively done? Yes { } No { }

3) Using a scale 1-5, where; [strongly agree =5, Agree= 4, Neutral = 3, Disagree = 2 and Strongly Disagree =1]; How does registration and licensing influence the

effectiveness of the labour recruitment regulations in protection of the human rights of Kenyan migrant domestic workers? Put a tick against your preferred response.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Registration and licensing of Labour recruitment agencies contributes to protection of the rights of Kenyan migrant domestic workers					
There are clear procedures and guidelines necessary for the registration and licensing of Labour recruitment agencies in Kenya					
NEA has sufficient legal framework to guide the registration and licensing of recruitment agencies for Kenyan migrant domestic workers					
NEA has sufficient legal mandate to revoke and prosecute non-compliant recruitment agencies					
There are post registration monitoring framework for enforcement of law and good practices for the recruitment agencies					

SECTION C: Efficiency of enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers.

1) Is NEA involved in the enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers? Yes { } No { }

2) Using a scale 1-5, where; [strongly agree =5, Agree= 4, Neutral = 3, Disagree = 2 and Strongly Disagree =1]; How efficient is the enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers? Put a tick against your preferred response.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers is properly done					
There are sufficient policies that guide the enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers					
NEA has mechanisms in place to extend the enforcements of labour recruitment regulations to countries with Kenyan migrant domestic workers					

There is sufficient legislative background for the enforcement of labour recruitment regulations					
NEA lacks capacity to ensure there is effective enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers					

3) Using a scale 1-5, where; [strongly agree =5, Agree= 4, Neutral = 3, Disagree = 2 and Strongly Disagree =1]; the following are the challenges affecting the enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers? Put a tick against your preferred response

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
NEA lacks capacity to ensure effective enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers					
Political diplomacy is not well developed to ensure there is protection of Kenyan Migrant workers					

Lack of advocacy inhibits efficiency in enforcement of labour recruitment regulations in protection of the human rights of Kenyan migrant domestic workers					
Civil society engagement is lacking hence promoting lack of efficiency in enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers					

4) Mention any other enforcement challenges that inhibit the protection of the rights of the Kenyan migrant Domestic workers

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5) What recommendations would you suggest in enhancing the efficiency of enforcement of labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers?

SECTION D: Extent to which coordination in government agencies influences the labour recruitment regulations in protection the human rights of Kenyan migrant domestic workers.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
There is inter-ministerial and inter organisational coordination in ensuring protection of labour recruitment regulations					
There is policy coherence within the ministry of labour and organisations that deal with labour regulation for Kenyan Mirant workers					
Kenya has partnered with International Labour organisation (ILO) and UN Human Rights Council in ensuring international standards for labour regulations are maintained in Kenya					
There is sufficient government to government bilateral in ensuring that Kenyan Migrant workers' rights are upheld.					

SECTION E: Political Diplomacy

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Kenya has put in place internal structure that promote the development of political diplomacy towards ensuring the upholding of human rights of Kenyan in diaspora					
Inefficient bilateral relations contribute to abuse of human rights of Kenya domestic workers in diaspora					

SECTION F: Upholding Rights of Kenyan Migrant Domestic Workers

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Among the Kenyan abroad, domestic workers are more prone to abuse and violation					
Ignorance and poverty are the greatest contributors to high mobility of Kenyans regardless of reported abuse and violations of Kenyan Domestic workers					
Sexual abuses, bodily harms, deaths, confiscation of documents, enslavement, being overworked are some of the major human rights abuses and violation faced by Kenyan migrant domestic workers					

Thank you for your response

Appendix B: Key Informant Interview Guide

The purpose of this interview is to aid an academic research work on effectiveness labour recruitment regulation in upholding the human rights of Kenyan migrant domestic workers.

Your participation is voluntary, and you may decline to answer any question that makes you uncomfortable. Kindly be assured that the information gathered is purely for academic purposes and will be treated in confidence

1. Do you think that Kenya has adequately institutionalized the political commitment necessary for the protection of the human rights of the Kenyan Migrant Domestic workers?

2. Do you think the legislative process in Kenya is effective in influencing the effectiveness of the labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers?

3. What is the statutory requirement for the registration and licensing of Labour recruitment agencies in Kenya

4. How is the process of monitoring the Labour recruitment agencies and how does NEA ensure compliance?

5. Does NEA any mechanism of ensuring that the Kenyan Migrant workers are protected abroad?

6. Would you say that the country has in place mechanisms, to ensure that laws, policies, plans, programmes to ensure that there is effective labour recruitment regulations in protecting the human rights of Kenyan migrant domestic workers is effective

7. What are the main enforcement challenges and what are your key recommendation for ensuring the rights of Kenyan Migrant Domestic workers are upheld

Appendix C. Research Permit

REPUBLIC OF KENYA

NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Ref No: **748365**

Date of Issue: **08/November/2022**

RESEARCH LICENSE

This is to Certify that Ms.. **Grace Njambi Kimani** of Kenyatta University, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Nairobi on the topic: **EFFECTIVENESS OF LABOUR RECRUITMENT REGULATION FOR THE PROTECTION OF HUMAN RIGHTS FOR THE KENYAN MIGRANT DOMESTIC WORKERS** for the period ending : **08/November/2023.**

License No: **NACOSTI/P/22/21669**

748365
Applicant Identification Number

Director General
NATIONAL COMMISSION FOR
SCIENCE,TECHNOLOGY &
INNOVATION

Verification QR Code

NOTE: This is a computer generated License. To verify the authenticity of this document,
Scan the QR Code using QR scanner application.

Appendix D. Research Approval from Graduate School Kenyatta University

KENYATTA UNIVERSITY
GRADUATE SCHOOL

E-mail: dean-graduate@ku.ac.ke

Website: www.ku.ac.ke

P.O. Box 43844, 00100
NAIROBI, KENYA
Tel. 810901 Ext. 4150

Internal Memo

FROM: Dean, Graduate School

DATE: 21st October, 2022

TO: Grace Njambi Kimani
C/o Public Policy and Administration Dept.

REF: C153/CTY/PT/28057/2018

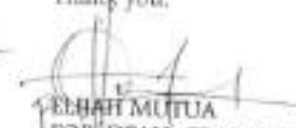SUBJECT: APPROVAL OF RESEARCH PROJECT PROPOSAL

This is to inform you that Graduate School Board at its meeting 19th October, 2022 approved your Research Project Proposal for the M.PPA Degree Entitled, "Effectiveness of Labour Recruitment Regulation for the Projection of Human Rights for the Kenyan Migrant Domestic Workers".

You may now proceed with your Data Collection, Subject to Clearance with Director General, National Commission for Science, Technology and Innovation.

As you embark on your data collection, please note that you will be required to submit to Graduate School completed Supervision Tracking and Progress Report Forms per semester. The Forms are available at the University's Website under Graduate School webpage downloads.

Also, please ensure that you publish article(s) from your project before submitting it to Graduate School for examination as per the Commission for University Education and Kenyatta University guidelines.

Thank you.

ELIJAH MUTUA
FOR DEAN, GRADUATE SCHOOL.

c.c. Chairman, Public Policy and Administration Department.

Supervisors:

1. Dr. Weldon Ng'eno
C/o Department of Public Policy and Administration
Kenyatta University

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