



Effectiveness of Labour Recruitment Regulation for the Protection of Human Rights for the Kenyan Migrant Domestic Workers

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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 SDGs 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. 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 Authority (NEA), Ministry of Foreign and Diaspora Affairs (MFA) and Ministry of Labour (MoL). Key Informant interview guides and self-administered questionnaires were used to collect the research data and analysis done by Statistical Package for the Social Sciences (SPSS). 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.

Keywords: Human Rights, Immigrant Domestic Workers, Forced Labour, Labour Migration, Recruitment Agencies

1. Introduction

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 different countries to interdependence in line with labour supply [21]. 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 [21]. 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 centred on the basic principles and guidelines which demand among other rights the freedom to associate, unionism, effective the abolition of forced and child labour, and the elimination of all forms of discrimination in regard to work [16]. 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.

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 [22]. 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 [22].

The Arab region has, however, in recent years been a major destination for migrant workers with the International Labour Organization (ILO) in 2021 reporting estimates of over 23 million migrant labourers in the Arab States [20]. The majority came from Asia, and Africa noting a significant increase from African blocs [20]. 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 [2].

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 [3]. According to the 2017 World Migration Report, Africa was second after Asia as the largest origin of international migrant workers between 2000 and 2017 [31]. 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 [18].

The Kenya Diaspora Policy of year 2014 has acknowledged the necessity of integrating Kenyans living abroad into the processes and programs for national development [25]. 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 is accorded the facilitation and necessary engagement as stipulated within the Kenyan Constitution [14]. 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 interventions for employment promotion, enhancing access to employment for young, minorities, and marginalized groups, as well as for related goals [26]. However effective these policy works are, is still a

question that may need further research.

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 [12]. A report by International Labour Office, 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 [19].

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 [1]. 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.

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 labour recruiters and unscrupulous recruitment agencies have increased globally [13]. In severe circumstances, these wrongdoings amount to human trafficking, forced or mandatory labour, 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 labour [17]. This was clearly explained in the 3rd Global Report on Forced Labour, published in 2009, noting that the existing conditions and arrangements for recruiting unskilled persons is still deficient [17]. These are partly a result of gaps in the existing labour laws, which did not explicitly specify the duties of eventual employers and recruiting agents in providing safeguards against unfair activities, such forced labour. 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 [4].

In Kenya, the government is yet to have a proper management system for the Kenyans in diaspora, which leads to lack of proper accountability [25]. 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 [25]. 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 and less on how the process can be effectively regulated and managed [9, 23, 5]. This study therefore provides a systematic analysis 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.

2. Literature Review

2.1. Theoretical Framework

Neoclassical Economics theory was the first theory that guided his study. Developed in the late 19th century, this theory was coined from the term 'neoclassical' by Thorstein Veblen [8]. It has since then accentuated modern economics and its extensions. In defining neoclassical economics, Weintraub 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 [32]. 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 [24]. 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.

The second theory used was the 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 [27]. 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 [28]. According to Klimczuk, 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 [27].

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 New Economics of Labour Migration (NELM) theory stating that the demand for labour stems out of the developed countries structural features rather than wage differences [10]. 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 [15].

2.2. Empirical Review

The subject of protection of the human rights for migrant workers is an area that has not been well researched academically [9]. Cernadas, LeVoy and Keith, 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 [9]. Cernadas, LeVoy and Keith, 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 [9].

Through his work, Karlsson concludes that there is indeed a big gap in the internationally acclaimed migrant workers' human rights and the reality on the ground [23]. Migrant workers are often denied any rights, and this provides an arena for political movement and change [23]. Further, Karlsson 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 [23].

The government has an obligation, and likewise the employers ensure that workers are protected and shielded from fraudulent and abusive environment [5]. In a study on Africa labour migration to the Gulf Cooperation Council (GCC) States, the case of Ghana, Kenya, Nigeria and Uganda, Atong, Mayah and Odigie 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) [5].

Mobility of labour, while being a positive development trend, comes with high cost when left ungoverned [4]. 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 [4]. In the study on regulating labour recruitment for the prevention of human trafficking, According to Andrees, Nasri,

and Swiniarski, 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 [4]. 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 [4]. In addition, it is challenging to coordinate policy work as Labour Migration issues are fragmented in various policy documents and implemented through different agencies. Because of this, there has been uncoordinated implementation of the policies.

Bett, 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 [7]. Bett 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 [7]. 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 [2]. But while that stands, there are relatively very few states have signed multilateral treaties on migration [7].

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 [29]. Martin pointed out that there was a patchy but nonetheless expanding body of international law and practical methods that emphasized globally acknowledged mechanisms for cooperation in managing international migration [29]. 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 [29]. 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 into 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.

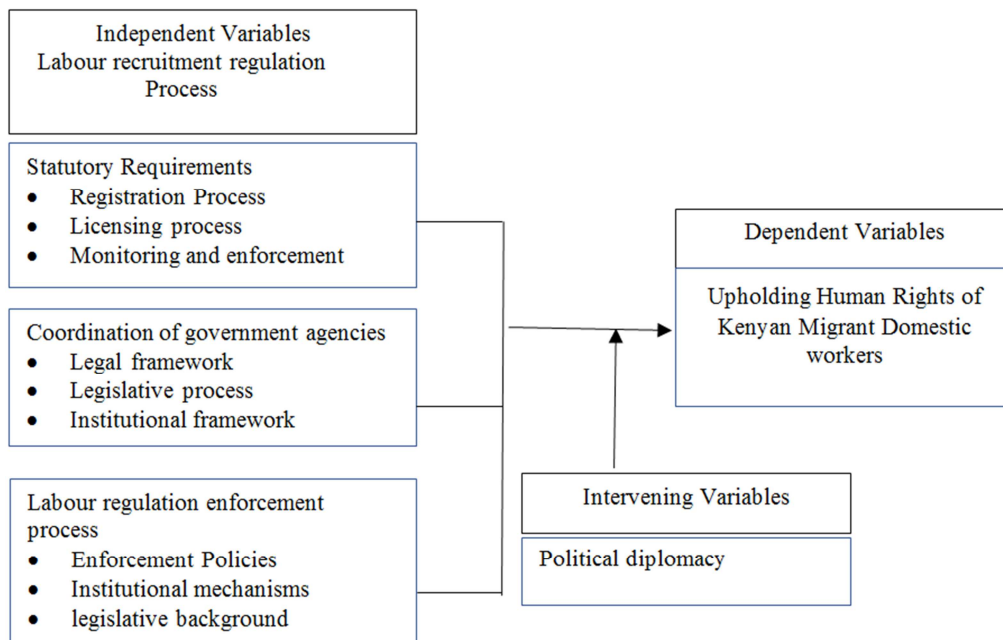


Figure 1. Conceptual Framework. Source Author (2023).

2.3. Conceptual Framework

Figure 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.

3. Methodology

A combination of descriptive and inferential research methodologies was 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 [30]. Inferential research design was also preferred to bring out relationship between the dependent and independent variables. Target population was drawn from NEA, MFA and MoL and summed up to about 153 people directly specifically involved the regulation and management of labour migration and management. These included, foreign and diaspora affairs officers, immigration officers and labour officers in the respective study institutions. Census sampling technique was utilized to ensure that the researcher listed and studied all persons and as such provided higher degree of accuracy. Both the self-administered questionnaire and key informant interview guides were used to raise the necessary research data.

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.

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 $X_1 \dots X_3$

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.

4. Results

The study investigated the effectiveness of labour recruitment regulation for the protection of human rights for the Kenyan migrant domestic workers. The study targeted participants from NEA, MFA and MoL organizations of which 153 respondents were sampled. The study managed a response rate of 92.2% which according to Baruch and Holtom is sufficient given that it is above 50% necessary for quality research [6].

4.1. Demographic Information

Table 1 shows the demographic information of the respondents.

Table 1. 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

		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
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)

The results in Table 1 clearly show that the majority of the respondents comprised of males gender (53.2%) than females, who represented 46.8%. However, no big variation revealed gender balance during the recruitment and selection process. Most of the respondents were aged 30 to 39 years (55.3%), noting that the respondents were relatively young since most were below 40. Those with a second degree or higher (61.7%) were more than those with a first degree (38.3%). The selected respondents were well educated and hence had the requirements to respond to the research issues. It was also found that most of them worked at the technical level (44.6%), followed by those working at 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%). Again, the immigration officers were the majority (35.5%), followed by the foreign affairs officers (33.3%), while the least were labour officers (31.2%). However, it was noted that the number of officers was almost equal, as there were no large

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

4.2. Descriptive Statistics

The study determined how statutory requirements, coordination in government agencies, labour regulation enforcement process and political diplomacy influenced the upholding of human rights of Kenyan migrant domestic workers.

The information on statutory requirements, coordination in Government agencies, the labour regulation enforcement process, political diplomacy and upholding of human rights of domestic workers was summarised using mean and standard deviation descriptive statistics. The data was collected using a 5-point Likert scale, with one being strongly disagreed and five as strongly agree. A standard deviation of 1 and above showed great variance in the respondents' responses, while a value below 1 showed a narrow variability.

Table 2. Descriptive Statistics.

Variable	N	Mean	Std. Dev
Statutory Requirements	141	3.66	1.004
Coordination in Government Agencies	141	3.43	1.07
Labour Regulation Enforcement Process	141	3.18	1.11
Political Diplomacy	141	3.91	0.891
Upholding Human Rights of Kenyan Migrant Domestic Workers	141	3.85	1.09

Source: Research Data (2022)

The results in Table 2 show the existence of statutory requirements concerning upholding the human rights of Kenyan migrant workers (M=3.66, SD=1.004). Also, the respondents moderately agreed that in their institution, there was coordination among Government agencies in relation to upholding the human rights of Kenyan migrant workers (M=3.43, SD=1.07). The respondents were undecided as to whether the labour regulation enforcement process was in place in relation to upholding the human rights of Kenyan migrant workers (M=3.18, SD=1.11). The findings also highlight an urgent need to uphold the human rights of Kenyan migrant domestic workers (M=3.85, SD=1.09). A high prevalence of abuse and violations faced by migrant workers was observed. This called for urgent actions to protect the workers' civil rights and ensure their

well-being.

4.3. 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 the 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 3.

Table 3. 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)

The results show a positive significant, and strong linear relationship between Statutory Requirements and Upholding the Human Rights of Kenyan Migrant Domestic Workers, $r=0.697$, $p<0.05$. It was also noted that there was a strong and positive relationship between Coordination in Government Agencies and Upholding the 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 the Human Rights of Kenyan Migrant Domestic Workers, $r=0.809$, $p<0.05$. However, there was a significant but negative relationship between Political Diplomacy, the moderating variable, and Upholding the Human Rights of Kenyan Migrant Domestic Workers, $r=-0.405$, $p<0.05$.

The significance was explained by significant probability values that were less than 0.05 at a 95% confidence level. This denoted that the labour recruitment regulation process was significantly related to the Upholding of the Human Rights of Kenyan Migrant Domestic Workers. From this finding and according to Farbenblum, labour governance is important despite barriers that affect the enforcement of regulations [11].

4.4. Regression Analysis

A linear regression analysis was performed to determine the relationship between the dependent variable, Upholding Human Rights of Kenyan Migrant Domestic Workers, and the independent variables: Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process.

From the Model Summary, the coefficient of determination R square was 0.928, which shows that the 92.8% change in the 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.

The ANOVA results showed the significance of the combined model in predicting the Upholding Human Rights of Kenyan Migrant Domestic Workers. It was found that the model was statistically significant, $F(3, 137)=588.243$, $p<0.05$. This suggested that Labour Regulation Enforcement Process, Statutory Requirements, and Coordination in Government Agencies were essential when predicting the Upholding Human Rights of Kenyan Migrant Domestic Workers.

Table 4. Regression Analysis Predicting Upholding Human Rights of Kenyan Migrant Domestic Workers.

	Unstandardized Coefficients		Standardized Coefficients	t	p
	B	Std. Error	Beta (β)		
(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

Note: Constant=-1.249, $F(3, 137)=588.243***$, $p<0.05$, $R^2=.928$

Source: Research Data (2022)

The established equation therefore became.

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

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.

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

The results also showed that Coordination in Government Agencies influenced the upholding of the Human Rights of Kenyan Migrant Domestic Workers, $\beta=0.996$, $p<0.05$. A unit increase in Coordination in Government Agencies led to a rise in upholding the Human Rights of Kenyan Migrant Domestic Workers by 0.996 units.

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

In conclusion, the labour recruitment process measured as Statutory Requirements, Coordination in Government Agencies and Labour Regulation Enforcement Process was found to influence upholding the Human Rights of Kenyan

Migrant Domestic Workers. In addition, they were found to be significant predictors.

4.5. Moderating Effect of Political Diplomacy

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

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

Further, an ANOVA model was conducted to establish the significance of the model in predicting performance. The results indicate significant models in predicting the Upholding Human Rights of Kenyan Migrant Domestic Workers. The model was found to significantly predict the Upholding Human Rights of Kenyan Migrant Domestic Workers since the p-value ($p<0.05$) associated was statistically significant ($p<0.05$) at a 5% level of significance, $F(6, 134)=311.22$, $p<0.05$.

Table 5. Regression Analysis for the Moderating Effect of Political Diplomacy.

Model	Unstandardized Coefficients		Standardized Coefficients	t	p
	B	Std. Error	Beta (β)		
(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

Note: Constant=-1.249, $F(6, 134)=311.22^{***}$, $p<0.05$, $R^2=.933$

Source: Research Data (2022)

From Table 5 the following regression equations were extracted:

$$Y = -1.164 - 0.108X_1 + 1.0686X_2 + 0.454X_3 + 0.069X_1_MV - 0.008X_2_MV - 0.087X_3_MV \text{ (moderated model)}$$

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 indicates that all variables were statistically significant at 5% level of significance. However, in the above Table 5, 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 [5].

5. Conclusion

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 labour laws, immigration regulations, and international human rights treaties. To guarantee that domestic workers completely exercise their human rights, these rules must be implemented effectively.

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.

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.

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 are addressed. 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 the workers themselves.

References

- [1] Abella, M. (2004). The Role of Recruiters in Labour Migration. In *International Migration* (pp. 201-211).
- [2] African Union Commission. (2017). *Africa Migration Report*. Addis Ababa, Ethiopia: The African Union Commission.
- [3] African Union Commission. (2019). *Report on Labour Migration Statistica in Africa Second Edition (2019)*. Addis Ababa, Ethiopia: African Union Commission.
- [4] Andrees, B., Nasri, A., & Swiniarski, P. (2015). *Regulating labour recruitment to prevent human trafficking and to foster fair migration: Models, challenges and opportunities*. Geneva, Switzerland: International Labour Organisation.
- [5] Atong, K., Mayah, E., & Odigie, A. (2018). *Africa Labour Migration to the GCC States: The Case of Ghana, Kenya, Nigeria and Uganda*. African Trade Union.
- [6] Baruch, Y., & Holtom, B. C. (2008). Survey Response Rate Levels and Trends in Organizational Research. *Scientific Research publishing*, 61, 1139-1160. doi:<https://doi.org/10.1177/0018726708094863>
- [7] Betts, A. (2011). *Global Migration Governance*. UK: Oxford university press.
- [8] Boerger, L. (2016, December 18). *Neoclassical Economics*. Retrieved from [exploring-economics.org: https://www.exploring-economics.org/en/orientation/neoclassical-economics/](https://www.exploring-economics.org/en/orientation/neoclassical-economics/)
- [9] Cernadas, P. C., LeVoy, M., & Keith, L. (2015). *Human Rights Indicators for Migrants and their Families*. Global Knowledge Partnership on Migration and Development.

- [10] European University Institute. (2020). *Dual Labour Market Theory and World Systems Theory*. Retrieved from futurelearn: <https://www.futurelearn.com/info/courses/migration-theories/0/steps/35080#:~:text=According%20to%20dual%20labour%20market,a%20permanent%20supply%20of%20labour.&text=The%20secondary%20labour%20market%20is%20filled%20with%20migrant%20workers>.
- [11] Farbenblum, B. (2016). Governance of Migrant Worker Recruitment: A Rights-Based Framework for Countries of Origin. *Asian Journal of International Law*, 1 (01), 1-33. doi: 10.1017/S2044251316000011.
- [12] Global Alliance Against Traffic in Women. (2019). *CDTD, Kenya: Empowering Domestic Workers through Community Advocacy and Domestic Training Services*. Bangkok: GAATW International Secretariat.
- [13] Gordon, J. (2014). *Global Labour Recruitment in a Supply Chain Context*. Geneva.
- [14] Government of Kenya (GoK). (2010). *The Constitution of Kenya*. Nairobi: Government printers.
- [15] Hirsch, E. (2007). Dual Labor Market Theory: A Sociological Critique. *Sociological Inquiry*, 133-145. doi:<http://dx.doi.org/10.1111/j.1475-682X.1980.tb00381.x>
- [16] ILO. (1998, 2010). ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. *International Labour Conference at its Eighty-sixth Session*. Geneva: United Nations.
- [17] ILO. (2009). *The cost of coercion*. Geneva: International Labour Office.
- [18] ILO. (2010). *International Labour Migration - A Rights-Based Approach*. Geneva: International Labour Office.
- [19] ILO. (2013). *Domestic workers across the world: Global and regional statistics and the extent of legal protection*. Geneva: International Labour Office.
- [20] ILO. (2021). *ILO Global Estimates on International Migrant Workers – Results and Methodology – Third edition*. Geneva: International Labour Office.
- [21] IOM. (2008). *Labour-Migration-Infosheet-2008: IOM and Labour Migration*. Geneva: International Organization for Migration.
- [22] IOM. (2020). *World Migration Report*. Geneva: International Organisation for Migration.
- [23] Karlsson, E. (2012). Migrant Workers as Subjects of Human Rights. *Faculty of Law Lund University*, 52.
- [24] Kenton, W. (2020, September 24). *Neoclassical Economics*. Retrieved from investopedia.com: <https://www.investopedia.com/terms/n/neoclassical.asp#:~:text=Neoclassical%20economics%20is%20a%20broad,earlier%20theories%20of%20classical%20economics>.
- [25] Kenya, Ministry of Foreign and Diapora Affairs. (2014). *Kenya Diaspora policy*. Nairobi: Government Printers.
- [26] Kenya, Ministry of Labour and Social Protection. (2016). *National Employment Authority Act*. Nairobi: Government printers.
- [27] Klimczuk A, M. K. (2016). Dual Labour Market. *The Wiley-Blackwell Encyclopedia of Gender and Sexuality Studies*, 1-3. doi:<http://dx.doi.org/10.1002/9781118663219.wbegss529>
- [28] Launov, A. (2004). *An Alternative Approach to Testing Dual Labour Market Theory*. Bonn: Institute for the Study of Labour.
- [29] Martin, S. (2005). The legal and normative framework of international migration. *Institute for the Study of International Migration*, 1-41.
- [30] Nassaji, H. (2015). Qualitative and Descriptive Research: Data Type versus Data Analysis. *Language Teaching Research. Scientific research*, 19, 129-132. doi:<https://doi.org/10.1177/1362168815572747>
- [31] United Nations. (2017). *International Migration Report 2017*. New York: United Nations.
- [32] Weintraub, R. (2002). Neoclassical Economics. *The Concise Encyclopedia of Economics*.