

A large, repeating geometric pattern in various shades of blue, consisting of squares, diamonds, and circles with internal lines and smaller shapes.

THE SOUTHERN AFRICAN

MIGRATION MANAGEMENT
PROJECT

Republic of Madagascar-

Activity report

Tripartite Dialogue on Labour Migration and Mixed Migration

9th to the 10th of December, 2021





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Background & Rationale

The Southern Africa Migration Management (SAMM) project is a model of a ONE-UN approach collaborative effort between 4 UN development and humanitarian agencies: the ILO, the IOM, UNODC and UNHCR. The (SAMM) project forms part of the European Union Regional Indicative Programme (11th EDF RIP) for Eastern Africa, Southern Africa and the Indian Ocean (2014–2020) which focuses on South-South migration flows, identifying positive spill-over effects of international migration on regional integration and regional economic development. Its overall objective is to improve migration management in the Southern Africa and Indian Ocean region guided by, and contributing to, the realisation of the 2030 Development Agenda (goals 8 and 10).

It is comprised of two main project components: (a) Labour Migration; and (b) Mixed Migration. The first component supports the implementation of the UN Global Compact on Safe, Orderly and Regular Migration and the second one the application of the UN Global Compact on Refugees. The SAMM project includes seven main thematic areas (labour migration policy formulation and implementation; fair recruitment of migrant workers; skills recognition; bilateral labour migration agreements; international labour standards and the protection of migrant workers; labour migration statistics; and the social protection of migrant workers). The seven thematic areas covered by the SAMM project are also incorporated in Seychelles labour migration Action Plan.

From the 9th to the 10th of December, 2021 the Republic of Madagascar held a Hybrid Tripartite Dialogue on Labour Migration and Mixed Migration, to identify Priority Actions for the aimed at improving the Labour Migration and Mixed Migration and management of migrant workers, refugees of displaced persons, among others in the country.

The Methodology

The methodology used during the discussion adhered to a one-hour discussion per Key Area of Intervention (KAI), a total of three (3) KAI were discussed during the Dialogue. A minimum of 4 priority actions per KAI were to be recognised per year or a total of 12 covering the 4 years' period. Each action identifies the institutions involved in its implementation, but should mention source of budget available and gaps, as well as budget estimate. The timeframe of each action needs to be included, too.

Labour Migration Activities by the Ministry

It was noted that that country through the Ministry of Labour has been undertaking work on labour migration. This has seen the country ratifying conventions that speak to the rights of migrant workers, in 2001, the Migration for Employment Convention (Revised), 1949 (No. 97) and recently in 2019, the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

The Ministry has also been working on the recognition of skills held by migrant

workers, with a view to promoting better governance of migration, and intends to develop a migration policy. The protection of migrant workers is important, hence the need to have all the key actors concerned participating in the process.

The Process

The Dialogue took place encompassing objectives and expected outcomes under the following Key Thematic Areas, namely: (i) Gender-sensitive approach to labour migration; (ii) Legislative and regulatory frameworks on the protection of migrant workers; and, (iii) Labour migration statistics. (iv) Social security for migrant workers, (v) Fair Recruitment and decent work for Migrant Workers, (vi) Bilateral agreements on labour migration

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Objectives of the workshop, Expected Results

The objectives of the event

The main objective of the Tripartite Dialogue on Labour Migration and Mixed Migration was to identify the actions to be implemented during the period 2021 to 2024 and if necessary specific activities related to those actions. The specific objectives of the dialogue were to:

- Explain the SAMM project activities, learn about past and ongoing related work in the countries, and identify together Member States' priorities that are demand-driven and achievable, given the capacity of each country's human and financial resources.
- Identify the focal points (names, email addresses and phone numbers) for each country that are responsible for the thematic areas of the project.
- If possible, put together a roadmap on the support that the SAMM project could provide under each of the thematic areas identified as priority.

Expected Results

Based on the country-level report resulting from the SAMM Inception Workshop (mid-January, 2021) and identified priorities during the SAMM-organised e-course on Labour Migration Governance (mid-March-beginning of April, 2021), national key priorities areas comprising of the expected results include the following:

1. **Gender-sensitive approach to labour migration** +Mainstream labour migration policy in national and sectoral development plans + Tripartite labour migration dialogue + Integration of the diaspora population into national development policies;
2. **Improvement of institutional, legislative and regulatory frameworks for better migration governance and protection of migrant workers** (Ensure adequate legislation and regulation that protect the rights of migrant workers);
3. **Labour migration statistics** and coordinated approach to labour migration information system;
4. **Enhancing social security for migrant workers** (Extend social protection to Malagasy Migrant workers);
5. **Support Fair Recruitment and decent work for Migrant Workers;**
Promote the formulation, negotiation and effective implementation of bilateral agreements on labour migration.



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Developments, Recommendations and Conclusions


A summary of the developments, recommendation and conclusions are embedded within the Key Area of Interventions provided below:

Key Area of Intervention no.1 “Gender-sensitive approach to labour migration” has the objective to ensure that issues of discrimination in world of work are addressed and women also have equal access to decent work.

During the Dialogue it was noted that migrant women workers face discrimination in recruitment, employment and enumeration among other types and forms of discrimination. Migrant women workers are being subjected to compulsory pregnancy test and lack maternity protection. During the Dialogue the following actions were noted:

Action 1.1: Develop strategies national gender sensitive policies on labour migration, to ensure that gender issues are mainstreamed into the national development discourse and in key policies that have a bearing on the world of work.

Action 1.2: Roadmap on the professional migration developed, thus ensure that the second generation of a roadmap on professionalism in the recruitment process is monitored and issues of gender-based discrimination are addressed.



Key Area of Intervention no.2 “Legislative and regulatory frameworks on the protection of migrant workers” has the objective to ensure decent work for all and the respect of rights for migrant workers.

The Dialogue noted that there were limited legislative and regulatory frameworks in the country and the country depended on the Immigration law to address most labour migration related issues. The country did not have a national labour migration policy. During the discussions around KAI 2 also noted that due to the fact that there were limited legislative frameworks in place, the protection of rights of migrant workers in law and in practices, a gap existed. Hence the need to:

Action 2.1: Development of national laws and regulations in line with International Labour Standards on the protection of migrant workers – the need to develop national laws and regulations in line with International Labour Standards on the protection of migrant workers was noted as a welcomed development.

Action 2.2: Development of a national action plans on rights of migrant workers: this will ensure migrant workers' rights protected, and bring about transparency and speed of file processing, hence assist in the fight against the abuses and various exploitations job.

Action 2.3: Improve the regulations for a better labor migration governance: develop regulations on migrant workers leaving the territory Malagasy emigrants. The text of the regulations should protect the rights of Malagasy emigrants. Thus providing a regulatory framework to be used by public/ private actors affected by the migration issue, migrant workers, agencies of employment private; and technical/financial partners.

Action 2.4: Develop national consultative forum, this forum will allow for the extension of consultation to national level prior to commitment to the process of ratification of any conventions for migrant workers or any refugees/statelessness persons.

Key Area of Intervention no.3 “Labour Migration Statistics”- timeous availability of official information and gender disaggregated statistics on labour migration is critical for development of sound policies on labour migration.

During the Dialogue it was noted that there limited labour migration statistics in the country, with latest labour migration statistics being of the year 2012. It was also noted that the flow of statistics on labour migration was low, hence the was no administrative statistics on the number of people crossing in and out of the borders. The Dialogue noted the following actions:

Action 3.1: Harmonizing labour migration statistics - through (i) technical support and capacity building to harmonize statistical indicators with international standards; and, (ii) strengthening labour market and labour migration data collection at national level in collaboration with the ILO Statistical Coordination Unit and IOM.

Action 3.2: Strengthening collection and analysis of data- through (i) integration of migration module into a household surveys, and (ii) supporting analysis of data for instance through impact analysis.

Action 3.3: Develop harmonized guidelines for collecting and managing data, thus have gender disaggregated indicators on migration and labor migration demographics through the Regional Migration Data Center (RMDhub) and the Labor Migration Observatory and RMDhub.

Action 3.4: Development of the second plan national action of struggle against human trafficking, this will see the further implementation of an improved struggle against trafficking and will see the training of focal points and decentralized technical services of each ministry key on collecting data on trafficking.

Key Area of Intervention no.4 “Social Security for migrant workers”- access to social security is key to migrant workers. As such, by extending social protection coverage to migrant workers, refugees and their families, governments achieve the following across an individual’s life cycle: alleviate poverty, reduce inequality, mitigate vulnerability, and reduce insecurity.

During the Dialogue it was highlighted that migrant workers have limited access to social security and in some cases are barred by legislation in accessing social security. Hence the following actions were noted:

Action 4.1: Develop agreements bilateral security social, there was need to develop agreements with countries that are either host countries or countries of origin to ensure that migrant workers have access to social security and such are portable.

Action 4.2: Carry out social reintegration worker professional return migrants, it was noted that there should be a programme for social reintegration, ensuring that the standard of living of returning migrant workers is improved and opportunities increased access to employment for returning migrant workers.

Action 4.3: Ratification of key ILS, the ratification and implementation of the relevant ILO Conventions and Recommendations as a first step towards incorporation of the principles and standards established therein into domestic law.

Key Area of Intervention no.5 “Fair Recruitment and Decent Work” encompasses the objective to protect the rights of migrant workers and the promotion of fair recruitment practices.

The following actions were noted during the Dialogue as promoting fair recruitment and decent work :

Action 5.1: Develop national legislation on fair recruitment, this will support recruitment fairness and employment decent worker migrants in the whole sub- region.

Action 5.2: Develop nation awareness programmes, this will ensure a better raising awareness of the risks and protection of irregular and vulnerable migrants through systems, national guidance, direct assistance and participatory protection frameworks.

Action 5.3 : Expansion of recruitment information points workers’ fair immigrants, sensitization of public and private actors as well as migrant workers on their rights and obligations in matter of migration from labor

Action 5.4: Development of the second plan national action of struggle against human trafficking, this will see the further implementation of an improved struggle against trafficking and will see the training of focal points and decentralized technical services of each ministry key on collecting data on trafficking.

Key Area of Intervention no.6 “Bilateral Labour Migration Agreements” encompasses the objective to protect the rights of migrant workers and uphold high standards of working conditions for all.

A Bilateral Labour Migration Agreement was defined as a cooperation agreement between origin and destination countries establishing the specific responsibilities of, and actions to be taken by each of the parties, with a view to accomplishing its goals. The Dialogue highlighted the need to ensure that BLMAs entered by the country provided for the protection of rights of migrant workers, this saw the Dialogue identifying the following actions:

Action 6.1: Development of BLMAs, there is need to develop and finalise BLMAs that the country is entering into and ensure that they are in line with ILO ILS and protect the rights of migrant workers, promote decent work and national economic development.

Action 6.2: Study to monitoring and evaluation mechanism of existing and past BLMAs- it was noted that there was need to undertake a study to monitoring and evaluation mechanism of existing and past BLMAs so as to improve the formulation, negotiation and implementation of BLMAs

Action 6.3: Develop agreements bilateral security social, there was need to develop agreements with countries that are either host countries or countries of origin to ensure that migrant workers have access to social security.

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Annexes

Agenda

Timeframe	Discussion agenda item	Institution/Organisations	Moderator
8:30 to 9:00	<p>Welcoming remarks</p> <p>Opening Remarks (The SAMM Project)</p> <p>(Group Photo)</p>	<p>Host/Moderator from the Employment Department of the Ministry of Labour</p> <p>CO Director or CTA of SAMM</p>	TBA (Government Official)
9:00 to 10:00	Key Thematic Area 1. Gender-sensitive approach to labour migration	<p>Presentation¹ by IOM (10 min)</p> <p>Discussions: Tripartite partners</p>	
10:00 to 11:00	Key Thematic Area 2. Legislative and regulatory frameworks on the protection of migrant workers	<p>Presentation by ILO (10 min)</p> <p>Discussions: Tripartite partners</p>	
11:00 to 12:00	Key Thematic Area 3. Labour migration statistics	<p>Presentation by IOM (10 min)</p> <p>Discussions: Tripartite partners</p>	
Lunch	12:00 to 1:00		
1:00 to 2:00	Key Thematic Area 4. Social security for migrant workers	<p>Presentation by ILO (10 min)</p> <p>Discussions: Tripartite partners</p>	
2:00 to 3:00	Key Thematic Area 5. Fair Recruitment and decent work for Migrant Workers	<p>Presentation by IOM (10 min)</p> <p>Discussions: Tripartite partners</p>	
3:00 to 4:00	Key Thematic Area 6. Bilateral agreements on labour migration	<p>Presentation by ILO (10 min)</p> <p>Discussions: Tripartite partners</p>	
4:00 to 4:30	<p>Presentation of Priority Activities per KTA to be included in the Labour Migration Roadmap, Wrap-up and Closing</p>	Ministry of Labour and Employment	

¹ Presentation on each Thematic Area should not last more than 10 minutes. 3-4- questions should also be prepared by the Presenter to instil discussions or sharing of information on the subject being debated.

