

ESWATINI • LESOTHO • NAMIBIA
SEYCHELLES • ZIMBABWE



GENDER-RESPONSIVENESS IN ADOPTED LABOUR MIGRATION POLICIES IN FIVE SADC COUNTRIES



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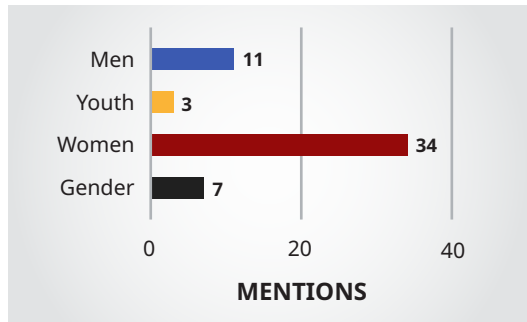
ESWATINI

National Labour Migration Policy

Adopted in 2023, the policy notes that the current regulatory framework on labour migration in the Kingdom has a number of gaps which impede on the ability of the government to benefit fully from migration. This included among others, no gendered approach to labour migration.

Coverage of Gender and Women Issues

The Policy highlights that the socio-economic context has transformed the migratory profile of the country, and this has seen many Emaswati, especially women and girls, being pushed into irregular



migration toward South Africa. This has seen women in precarious employment and vulnerable to trafficking and smuggling into the South African sex industry.

The high levels of poverty and inequality in the country have witnessed a substantive increase in female cross border trading. The burden of HIV and TB, and their impact on household structures, have exacerbated the vulnerability of children, girls and young women to child labour, forced labour and trafficking especially given the lack of adequate social protection in the country.

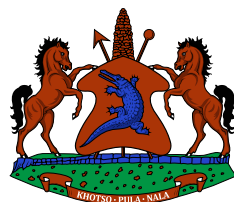
Rural Emaswati women at greater risk of contracting HIV, due to the proximity of the country to mines in South Africa.

Policy direction on Gender and Women Issues

One of the guiding principles informing this NLMP, speaks to Gender sensitive and inclusive policy and implementation – recognizing the gendered nature of employment and migration at local, national and sub-regional level, and its associated impacts on rights.

The Aim of the Policy is a non-discriminatory labour migration framework that ensures equal opportunities for all, *promotes gender empowerment* and contains provisions for workers, and work seekers regardless of level of skills.

There are no specific objectives or actions noted in the policy aimed specifically to gender issues in migration or women as a vulnerable group.



LESOTHO

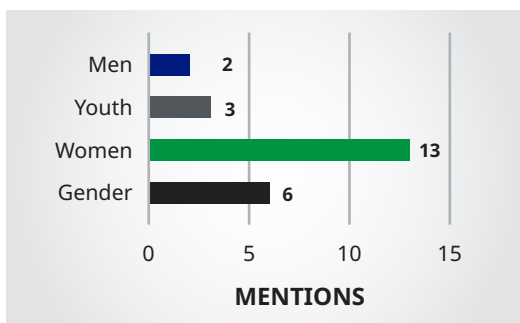
National Labour Migration Policy

Adopted in 2018, the Labour Migration Policy's mission is to establish robust frameworks and processes to ensure effective and efficient protection of Basotho migrant workers and their families throughout the migration cycle and supports quality bilateral labour agreements with countries subscribing to similar values and principles whilst enforcing the principles of equality of treatment between Basotho and migrant workers in Lesotho and attracting and retaining skills which will benefit Lesotho's economy and society.

As part of its objectives, the policy is set to ensure that governance of labour migration in Lesotho is in line with relevant international labour standards and good practices and adheres to the regional provisions on labour migration; and, safeguard the human rights of migrant workers and their families within and outside Lesotho's territorial boundaries.

Coverage of Gender and Women Issues

The Policy highlights that the migration of female low-skilled workers to South Africa started as early as the 1980s, and has been on the increase ever since. By 2006, female



migrants constituted 30 per cent of total Basotho migrant workers in South Africa. This female migration to South Africa has been mostly undocumented exposing these workers to precarious conditions of employment and living between the two countries. The Policy notes that more and more women are considering labour migration especially for domestic work and cross-border trade; seasonal agricultural workers are now employed as far as the Western Cape in South Africa.

Policy direction on Gender and Women Issues

The Policy offers no policy direction aimed specifically to gender issues in migration or women as a vulnerable group, while noting the vulnerability of women in the migration arena.

It is under its Action Plan that the Policy gives specific actions on gender and women issues in labour migration, which include:

- a. Building the country's approach to labour migration as a rights-based, ***gender-sensitive***, employment and development oriented labour migration policy; and
- b. Design ***gender sensitive training module*** on education to labour rights, non-discrimination and violence prevention and cultural diversity and Lesotho's specificities to be proposed to employers for inclusion in their orientation programmes to prepare migrant workers for integration.



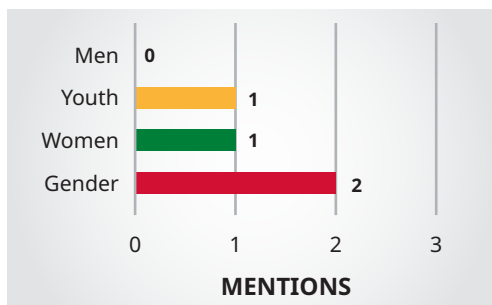
NAMIBIA

National Labour Migration Policy

Adopted in 2019, the vision of the Policy is to have a country where well-managed labour migration makes a significant contribution to Namibia's economic development and Skilled work force and where both immigrant workers and Namibian workers abroad are gainfully employed and enjoy concrete protection. The Goal of the Policy is to ensure the sound development and implementation of a migration system, which has a positive impact on human resource development, economic growth and decent work for all in Namibia.

Coverage of Gender and Women Issues

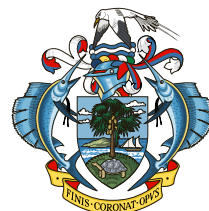
The Policy notes that there is a shortage of critical skills and skills mismatch in the country which is leading to high unemployment particularly among women and youth. The Policy document outside the mentioned section above is hugely gender-neutral.



Policy direction on Gender and Women Issues

The Policy offers no policy direction aimed specifically to gender or women issues in labour migration.





SEYCHELLES

National Labour Migration Policy

Adopted in 2019, the long term vision of the National Labour Migration Policy is to contribute to the sustainable development of the country through the equitable distribution of the benefits of labour migration for all. Its mission is to provide a coherent and responsive framework for regulating labour migration at national level, contributing to improved balance of labour supply and demand, and ensuring decent and productive work for all workers.

The key areas of intervention relate to: (i) the governance of labour migration; (ii) the protection of the rights of all workers, based on the principles of equality of treatment and non-discrimination; (iii) actions to attract, retain and develop the skills needed for the Seychelles' labour market, *in response to both quantitative and qualitative shortages in labour*; and, (iv) ensure fair and effective recruitment for all workers *that is in line with labour market needs and does not displace local workers or undermine working conditions*.

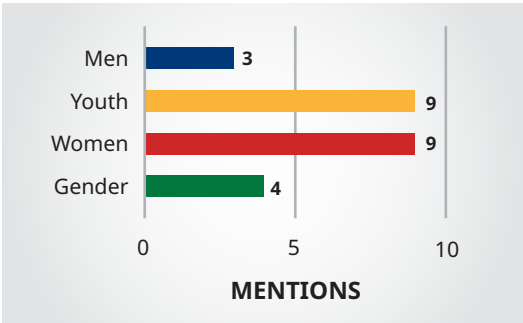
Coverage of Gender and Women Issues

The Policy highlights that female migration represents approximately 30 per cent of international migration stocks, as there has been an increase in demand for female migrant workers to fill positions in light manufacturing as well as domestic work and home care. The lack of sex-disaggregated statistics on work permits made it difficult to assess the extent of this trend.

The Policy notes that the Government of Seychelles recognizes that specific categories of migrant workers particularly at risk of rights violations include migrant women, migrants in low-skilled positions, in an irregular

situation and in informal employment. Without proper protections for the rights of migrant workers, all workers are at risk of suffering from downward pressures on wages and working conditions.

The Policy commits to ensuring that skills assessment and development interventions are not gender biased and do not reflect the existing occupational gender segregation of the labour market.



Policy direction on Gender and Women Issues

The policy directions on gender and women issues as highlighted in the policy document are capture in the table below:

| KEY AREAS OF INTERVENTION | EXPECTED OUTCOMES AND ACTIONS |
|--|---|
| Governance of labour migration | <p><i>Quality sex-disaggregated data on labour migration is produced and utilized for evidence-based policy decision making.</i></p> <p>ACTION: Form an inter-ministerial working group to identify priority labour migration indicators with harmonized definitions and coordinated methods for data collection. Priority indicators can include quantitative data on the magnitude of migration stocks and flows disaggregated by age, sex, country of origin, and duration of stay.</p> |
| Protection of the rights of all workers | <p><i>Existing regulations for the protection of workers in particular concerning the respect of equal treatment and non-discrimination principles in terms of working conditions are enforced, and access to decent living conditions, taking into account the specificities of migrant workers, including gender differences.</i></p> |

| KEY AREAS OF INTERVENTION | EXPECTED OUTCOMES AND ACTIONS |
|--|--|
| Protection of the rights of all workers | <p><i>Sex-disaggregated data on abuses and violations of labour and immigration laws and regulations is systematically collected and applied</i></p> <p>ACTION: Systematic collection and dissemination among relevant ministerial departments of data on violations of labour legislation and OSH disaggregated by sex, age, sector, occupation, and nationality of workers, as well as of violations by private employment agencies of recruitment regulations, including of the sanctions applied.</p> |
| | <p><i>Migrant workers have access to information and support services enabling them to enjoy their rights in practice, including access to justice and specific services and information targeting women migrants.</i></p> <p>ACTION: Conduct information campaigns targeted at migrant workers, taking into account gender differences, to raise awareness on their rights, legal services available, and channels for registering grievances and seeking remedies in case of rights violations.</p> |
| | <p><i>Relevant authorities, social partners, and the general public are sensitized to the positive contributions of migration as well as to the specific needs of migrant workers</i></p> <p>ACTION: Conduct sensitization campaigns targeted at employers' and workers' organizations, focusing on issues such as the illegal retention of passports and consequences of non-respect of minimum wage, violence and harassment at work.</p> |
| Attracting, retaining and developing skills | <p><i>Active labour market programmes</i></p> <p>ACTION: Implementing a number of labour market programmes, targeting youth and women in particular.</p> |



ZIMBABWE

National Labour Migration Policy

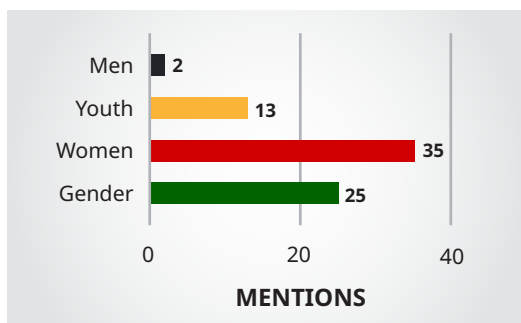
Adopted in 2019, it provides a framework to establish a well-managed, sustainable and inclusive labour migration management system that promotes good governance and effective regulation of labour migration, and protects the rights of labour migrants and their families. The Policy aims to maximise the benefits of both inward and outward labour migration through safe migration, provision of decent working conditions for labour migrants especially female labour migrants and protection of their fundamental human and labour rights and those of their families.

Coverage of Gender and Women Issues

The Policy is built on a rights-based approach, which is cognizant of the need to prevent and protect women from abusive recruitment practice that may be targeted specifically at women and girls. Noting the rise in feminization of international labour migration, the Policy has a section dedicated to gender-sensitive approach to labour migration (Section 2.8).

The Policy notes that labour migration affects women and men differently, and the impact of labour migration is not gender neutral. Highlighting that women are disproportionately affected by a variety of risks due to their increased dual vulnerability (as migrants and women). Also, women have less access to information on migration/job opportunities, recruitment channels, and often have less preparation than men to cope with the working and living conditions

in the countries of destination. Hence, the need to have gender-specific and women-specific strategies in the policy to ensure the full protection of all migrant workers, especially women migrant workers.



Policy direction on Gender and Women Issues

The Policy advocates for the principle of equality of treatment with regard to access to migrant workers' social protection. It promotes a rights-based approach cognizant of the need to prevent and protect women from abusive recruitment practice that may be targeted specifically at women and girls.

It proposes some of the following actions:

- Promote human and labour rights for female and male migrant workers.
- Strengthen the role of consular services by establishing labour attachés, with an inclusive recruitment approach that is sensitive to gender, disability and youth. These attachés should be trained on inclusive rights-based approach to the protection of migrant workers.
- Timely availability in the public domain of official information and gender-disaggregated statistics on labour migration is critical for the development of sound policies on labour migration.
- Develop tools for pre-departure and institutionalize pre-departure training covering safe working and living environments in host countries, legal assistance and shelter for distressed migrant workers at the embassies as far as resources permit.
- Expanded social security coverage for labour migrants especially female labour migrants.
- Implement mandatory gender training for agencies that have most contact with female migrants, including immigration authorities, the police and health service providers.

- Implement livelihood community development projects for returnees especially for the most vulnerable groups (such as women, youth, physically challenged and people living with HIV and AIDS).

In terms of a coordinated approach to labour migration information system, the Policy notes that a comprehensive and gender-sensitive labour migration information system is a crosscutting foundation for the formulation, monitoring and evaluation of policies related to labour migration.



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