

“Namibia Employers and Trade Unions Labour Migration Network (NETUMN)”

Common Charter and Action Plan

18th APRIL 2024

Common Charter of Social Partners for the Protection of the Rights of Migrant Workers and Refugees and Members of their Families and the Strengthening of Social Dialogue on International Labour Migration in Namibia

Preamble:

This Charter constitutes the reference of the social partners involved (Employer, Trade Union Federations and other social partners) to promote and protect the rights of migrant workers with regard to the entire Namibia legislative framework (labour law, fundamental rights, etc.) and international labour standards and for the strengthening of social dialogue on labour migration in Namibia.

The Namibian context includes the following: ILO migrant workers conventions, continental and regional frameworks on labour migration, international labour standards: Conventions 97, 143, 181, and 189, African Union free movement of persons protocol, African Union revised migration policy framework and SADC Labour migration policy framework and action plan.

At the global level, the context is characterized by the adoption by the international community of the Sustainable Development Goals (SDGs 8 and 10¹) and the Global Compact for Safe, Orderly and Regular Migration (GPC) with consideration of the notion of decent work. At the African level, it is characterized by the adoption of Agenda 2063 of the African Union Commission (AUC), the Ouagadougou + 10 declaration and the AUC Action Plan on

Employment, Poverty Eradication and Inclusive Development in Africa, as well as the AU Revised Migration Policy Framework for Africa and its Action Plan (2018-2030), Namibia having actively participated in the consolidation of this plan of action.

¹ Particularly, the 2030 Sustainable Development Agenda goal 8 on decent work and economic growth and goal 10 on reducing inequalities, and notably the following two targets:

- **SDG target 8.8** “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment”;
- **SDG target 10.7** “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

This context is also characterized by the social, health and economic impact of the crisis linked to the COVID 19 pandemic and its contribution to the rise in unemployment for all workers and in particular migrant and refugee workers, who in some cases find themselves in situations of painful precariousness.

Social dialogue constitutes the institutional and legal framework necessary for the active participation of social partners which allows them to fully play their role. It is a key instrument for promoting and achieving decent work, inclusive development, and social cohesion. It encompasses all forms of negotiation, consultation, or exchange of information between representatives of governments, employers and workers, including migrant workers and refugees, on issues of common interest linked to economic and social policy.

This charter refers to the definition of “migrant workers”, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, still to be ratified by Namibia, as being “people who go exercise, exercise or have exercised a remunerated activity in a State of which they are not a national” and the definition of C97 (revised), 1949 on migrant workers of the ILO, still to be ratified by Namibia,: “a person who emigrates from one country to another country with a view to taking up employment other than on his own account; it includes any person lawfully admitted as a migrant worker.”

The Charter recalls the common values and principles in the name of which the social partners decide to meet and act together, the common objectives, the modalities of action and the historical and statutory role that they play in matters of respect, protection and promotion of the rights of all workers, including migrant and refugee workers, but also in the process of defining, developing and implementing public policies relating to international labour migration.

And therefore, on the basis of respect for the specificity and independence of each of our organizations, we are committed to carrying out joint advocacy while consolidating exchanges and sharing of information between us and to creating synergy the resources and means available to each partner.

Common values and principles:

We, social partners, signatories of this Common Charter, share the following values according to which we want to act together:

- **The universality of human rights in their indivisibility and interdependence; - The legitimacy of international law, international conventions, United Nations resolutions**, and in line with those of the ILO which take into account the local specificities of the country.
- **Attachment to the principle of tripartism in order to promote dialogue and cooperation between governments, employers, and workers** for the implementation of policies dealing with all real, effective social issues including the question of international labour migration.

We, social partners, participate, through our values and actions, in the process of consolidating and perpetuating a joint position for the respect, protection and promotion of the rights of migrant workers in Namibia and have agreed on the following principles:

- **Primacy of human rights:** primacy of international conventions over national laws as stipulated in Chapter 3 of the Namibian Constitution while respecting national identity and national interests.
- **Non-discrimination and equal treatment:** Non-discrimination against migrant workers Non-discrimination is a founding principle that we undertake to respect in our independent actions, in accordance with the provisions of international instruments relating to human rights. Human Rights, which call on States Parties to promote, respect and guarantee the human rights of all migrant and refugee workers and members of their families within their territory and under their jurisdiction without any distinction, in particular of sex, race, colour, language, religion or belief, political opinion or any other opinion, national, ethnic or social origin, nationality, age, situation economic, financial, marital status, birth or any other situation. This implies that migrant workers benefit from the same rights as nationals, any exception having to be duly justified;
- **Independence:** Independence from all ideological, political and religious ties. This independence also translates into respect for the autonomy and differences between all partners;
- **Involvement:** While taking into consideration national interests, active involvement in all initiatives at the national and regional level which concern international labour migration and the protection of the rights of migrant workers;
- **Benefits of cultural diversity:** Benefits of cultural diversity within companies, especially the opening of international markets and support for international labour migration and professional mobility policies concerned with the match between skills needs and job seekers and facilitating regularization pathways based on actual needs and existing employment relationships.

- **Territorial decentralization:** Territorial decentralization for the development of knowledge and field experiences throughout the Namibia territory with the aim of ensuring balanced participation adapted to local contexts.
- **Valorisation:** Valorisation of migrant workers as an advantage for the Namibian economy and not as obstacles.

Common objectives:

Drawing on the richness brought by the diversity of our experiences and our approaches, and in line with our historical and statutory role, we are committed to:

- **Invite public authorities to continue and strengthen their efforts to respect the rights of migrant workers and members of their families** in Namibia in the same way as national workers in accordance with international standards and ensure their social integration; **Contribute significantly to discussions around migration issues within all national social dialogue bodies and support tripartite negotiations at national and regional level**, particularly within the framework of mobility partnerships, bilateral and multilateral agreements on migration work or programs focused on the governance of international labor migration implemented by international organizations;
- **Monitor the development and evaluate the implementation of national policies in terms of consistency between migration policy and employment, social protection, education and vocational training policies** in general.
- **Strengthen the capacities of partners in terms of monitoring migration policies, protecting the rights of migrant workers and refugees and promoting freedom of association** in Namibia.
- **Strengthen the synergy and coordination of the actions of social partners and consolidate exchanges and the development of partnerships with civil society bodies and organizations** at the national, regional and international level, to improve care, monitoring and support for migrant and refugee workers in terms of access to rights and basic services, unionization and membership of employers' organizations, as well as the provision of services provided by social partners.
- **Improve access to unionization for migrant and refugee workers in the Namibian labour market.**

- **Establish lasting mechanisms for exchanges between social partners for regular discussions about migrant and refugee workers in Namibia.**

Modalities of action:

We will carry out the missions provided for by this Charter through the following actions:

- **Carry out, taking into account national interests, advocacy actions for good governance of migration policies** integrated into national and regional development and planning strategies while strengthening cooperation with government institutions, civil society organizations (CSO) and regional and international organizations.
- **Develop studies and publish periodic reports** on the rights of migrant and refugee workers and present the recommendations of the reports produced to decision makers, aiming at the harmonization of the legal framework in force with the international conventions still to be ratified by Namibia and the ratification of those relevant to international labour migration;
- **Communicate the positioning of social partners and develop national and international advocacy memoranda.**
- **Establish (given the critical situation that migrant workers and refugees may experience in certain cases) targeted services for the benefit of migrant workers and refugees, and awareness and information campaigns** on the “Fair Recruitment”, on the rights of migrant and refugee workers, as well as the risks of labor exploitation and human trafficking, often linked to irregular migration routes, particularly of female workers and domestic workers or migrant workers in agriculture, services and the entire informal economy.
- **Organize capacity building sessions for the benefit of members of different trade union and employer organizations** around the migration issue for better awareness and popularization of information.
- **Share good practices regarding the protection and promotion of workers' rights and especially the rights of migrant and refugee workers**, both on the part of employers' organizations and on the part of workers' organizations.
- **Award annual prizes to employer organizations committed to protecting the rights of migrant and refugee workers** and making efforts to create balance in terms of investment and protection of the latter.

- **Organize awareness-raising, advice and support activities for the respect and promotion of the rights of migrant and refugee workers**, within unions and employers' organizations.
- **Undertake awareness and communication actions** to improve access to unionization for migrant workers and refugees in the Namibian labour market;
- **When possible, include discussion points about migrant workers** in the agenda of cyclical meetings of social partners.

The signatory social partners undertake to respect the provisions of the Common Charter in an approach of goodwill and to participate in the implementation of its objectives but also to lead a reflection on the establishment of a body and an annual monitoring work plan for the application of the Charter.

NETUMN DRAFT PLAN OF ACTION 2024 – 2027

(in terms of the founding Articles the Committee will serve for three years, hence the 3 year)

Strategic Objective	Key Activities	Key Performance Indicator	Baseline	Targets	Challenges	Recommendations
Launch advocacy campaign to market NETUMN and create awareness about labour migration	Develop social media footprint Create flyers, online magazine	Flyers distributed Facebook page, Twitter/X platforms, WhatsApp Business Account Online Magazine	0			
Ensure ratification of Social Security Conventions	Lobby Ministry of Labour for the Ratification of Conventions	1.Social Security (Minimum Standards) Convention 1952, No: 102 ratified 2. Equality of Treatment (Social Security) Convention, 1962 No: 118 3.Refugees Convention, 1951 (<i>Namibia noted a reservation on the free movement of refugees</i>)	0	all		
Improve access to unionisation for migrant and refugee workers	TUCNA and NEF affiliates engagement on C98, C87, LA and Constitution Reduce social dumping in our labour market	Increased RPA signed Increased collective bargaining				
Develop studies and periodic	Produce reports for					

reports on the rights of migrant and refugee workers	decision makers Commission studies					
Ensure ratification of Labour migration Conventions	Lobby Ministry of Labour for the Ratification of Conventions	1. Migration for Employment Convention 1949 2. Migrant Workers (Supplementary Provisions) 1975	0			
Enhance the capacity of network members in various critical areas related to labour migration and migrant worker support	Capacity building	Train Network executives and affiliate executives on labour migration governance, international labour standards, cultural integration, xenophobia, discrimination, portability of social security benefits and social dialogue for effective labour migration management	0	Annual		
1. Ensure sufficient protection of Namibian workers abroad: pre – departure, while abroad and	Commission a survey/study of countries of origin of migrant workers in Namibia and countries of destination of	Development of BLA Signing of BLA Monitoring Activities and Evaluation of the	0			

upon return, and Labour migrants: arrival, stay in Namibia and returning procedure	Namibian migrant workers Identify trade union and employers Federations in identified countries starting with SADC, rest of Africa, Central Asia, EU etc BLA with trade union and employers federations of Namibia (<i>NEF and TUCNA</i>) and the countries of origin of labour migrants 2. BLA between Namibian government and Countries of Origin of labour migrants.	implementat ion of the BLA				
2. Assess impact of and integrate remittances in socio economic framework	a) Commission research on the socio – economic impact of remittances in Namibia b) Promote investments by Namibian diaspora in the local economy	Research /study / survey conducted Increased inflow remittances Noted real investments by diaspora in local economy				
3.Establish NETUMN Communication Strategy	a) Establish Online Portal: Register all Namibians labour migrants and internal labour migrants from	Online Portal launched Database of Namibian diaspora and labour migrants in				

	<p>other countries in Namibia (online registration) Reporting Hotline ILO Conventions and Recommendations on migration</p> <p>b) Links with other structures international and local with similar aims and objectives</p> <p>c) Engage and sign MoU's with Recruitment Agencies to ensure attainment of objectives</p>	<p>Namibia launched Database of Recruitment Agencies in and outside Namibia established</p> <p>Engage with diaspora associations</p> <p>Engage with Namibian foreign mission</p> <p>Liaise with IOM for data management</p>				
Establish partnership with service providers, PEA, NGO's, FBO and CSO to offer comprehensive support	<p>Sign collaborative agreements with partner organisations</p> <p>Hold regular coordination meetings with partners</p> <p>Provide training to partners on existing labour migration legislation</p>					
Become a port of call for migrant workers	Create a central hub to provide comprehensive support and education on labour rights and links with other support organisations	Migrant Workers Resource Center				

Establish an incentive scheme for compliance by employers	Award annual prize to employers who protect the rights of migrant labourers	Awards framework developed Employers awarded				
5. Monitor the implementation Labour Migration policies by the state	NETUMN to serve on Labour Migration Committee Gather and analyse data to inform evidence based advocacy strategies and policy recommendations					
6. Identify skills needs	Proactively engage the state with regard to the HRDP to influence NETUMN skill mapping Launch a NETUMN Skills Portal(Online) Provide an Occupation in – Demand List	Do skill mapping Launch Skill Portal				
7. Address irregular migration	documentation of irregular migrants thru Migration Regularisation or Amnesty programs b) Ensure access to health and educational service for the children of irregular migrants c) Ensure portability of social security benefits of	Lobby government for amnesty period for to register irregular migrants Legislation to ensure enjoyment of social security benefits by migrant labourers				

	irregular migrants					
8. Participate in ensuring that the legal framework support the objectives of NETUMN	Identify legislation that governs labour migration Immigration Control Act, Social Security Act, Labour Act					
Advocacy campaign to defeat push factors	Collaboration with NGO and CSO in countries of origin Raise awareness on unemployment , poor wages and violent conflicts	Reduced levels of migration				

