











Republic of Angola Tripartite Dialogue on Labour Migration Governance

27 November to 01 December 2023

Hotel Alvalade/TD Hotels, Luanda Dialogue Report



1. Brief Description of the Sessions and Summary of Main Discussion Points, Conclusions and Recommendations

Dialogue on Labour Migration Governance

Moderator: The Ministry of Labour and Social Security

Opening Session

Opening Remarks – Ms. Gloria Senior Moreno Fontes, Chief Technical Advisor SAMM Project, International Labour Organisation

Ms. Moreno-Fontes noted that the country-level dialogues were organised within the framework of the Southern Africa Migration Management (SAMM) project that is financed by the European Union. This four-year project (2020-2023) is designed to improve migration management in the Southern Africa and Indian Ocean region. The SAMM Project is a UN Multi-Agency programme composed of the International Labour Organization (ILO), the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC).

SAMM's overall objective is to improve migration management in the Southern Africa and Indian Ocean region. The project targets the 16 SADC Member States: Angola, Botswana, Comoros, Democratic Republic of the Congo (DRC), Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe.

He noted that the objective of this Tripartite Dialogue on Labour Migration Governance is to:

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

Remarks by Organised Labour – Mr. Franscisco Jacinto, representing the Central Geral dos Sindicatos Livres de Angola (CGSILA)

Mr. Jacinto, thanked workers for the invitation and involvement of the trade unions in this important dialogue. According to him, it is an opportunity to guide the unions to do their part in the process of developing policies on mixed migration, so that the design of policies and regulation



of labour migration will stop the disorderly invasion of migrant workers in the Angolan labour market, ensuring safe and orderly labour migration.

Remarks by Organised Business – Mr. José Tondela, Executive Secretary of the Angolan Chamber of Commerce

Mr. Tondela, greeted the participants and expressed his happiness at the dialogue, mentioning the Victoria Falls Declaration, which called for the creation of a Technical Working Group to reflect on and design strategies for drawing up a labour migration policy in Angola; He defended the need for Angola to invest in good management of labour migration as it has joined the African Free Trade Zone and the labour migration aspect is at the top of the list of priorities.

Remarks by Organised IOM – Mr. Alberto Muxa, Head of the IOM Office in Angola

Mr Alberto Muxa, began by pointing out that Angola serves as a transit point and destination for many immigrants. He also said that currently around 251 million international migrants in the world are irregular, which is why there is every need for the members of the IOM and the United Nations, which are the member states, to draw up policies in order to control, monitor and manage migration for the benefit and development of all countries.

Alberto Muxa considered that, within the migratory movement, the highest number is of irregular migrants, who have brought "various problems in the governance of associated groups, not only Angola, but also members of the IOM and at SADC level and cited the high levels of informality as one of the problems that is also fueled by immigration.

Official Opening Remarks- Ms. Ana Celeste the Secretary of State for the MAPTESS

As an official opening, the Secretary of State for the MAPTESS, Ana Celeste, began her speech by greeting and welcoming the participants from the Migration Service, SAMM, trade union representatives, the Angolan Chamber of Commerce, the ILO, the IOM and the UNHCR. She reminded the participants that they should be aware of the responsibility and sensitivity of the issue in question and that reaffirming the agreement should not be confined to speeches, but should lead to concrete actions aimed at changing the situation, which will require greater commitment from everyone.

She explained that the migration process in Angola has a legal basis in national legislation, mentioning Article 25 of the Constitution of the Republic of Angola, which guarantees that "foreigners and stateless people enjoy fundamental rights, freedoms and guarantees as well as the protection of the state". On the other hand, she said that in the southern region of the continent, the Angolan Executive has been committed to adhering to legal instruments and labour legislation to improve the working conditions of nationals and migrants in the country.

She stressed that the success of this cause does not depend exclusively on the intervention of the government, "but rather, and necessarily, on the mobilization of all the living forces of the nation, namely the different ministerial departments, employers' organizations, as well as civil society in



general". She also spoke about the steps taken by the Angolan government to improve migration management, and said that, at SADC level, Angola is in the process of adhering to the SADC Protocol on Employment and Labour, which, among various aspects, addresses the issue of labour migration.











Presentations and Discussions

The GCM, the Revised AU Migration Policy Framework, the AU Free Movement of Persons Protocol, the SADC Protocol on Facilitating the Movement of Persons and the SADC Labour Migration Policy Framework

<u>**Presentation:**</u> It was noted that the term international migrant worker refers to both international migrants and non-resident foreign persons who are employed or unemployed in the country of measurement. The ILO estimated that there were 169 million migrant workers in 2019, an increase by 5million from the 2017 estimate. The number of migrant workers in Africa increased from 9.5 million in 2010 to 14.5 million by 2019, and the average share of women migrant workers was 38 percent.

The following were noted as the global and regional framework for evidence-based labour migration policy: (i) Agenda 2030 and the Social Development Goals; (ii) Global Compact for Safe, Orderly and Regular Migration (GCM) and Global Compact on Refugees; (iii) Migration Policy Framework for Africa and Plan of Action (2018-2030); and, (iv) SADC Labour Migration Policy Framework (2014) and Action Plan (2021-25). It was noted that labour migration in Africa is largely intra-regional, often characterized by significant shares of both low-skilled and high skilled workers. Consolidation of South-South migration corridors to neighbouring labour markets in the search for a job and better wages.

Key Priority Area 1. Gender-sensitive and evidence-based labour migration policies, gender equality & women migrant workers' empowerment

<u>Presentation</u>: Gender-sensitive labour migration policies take into account the differences in socio-cultural roles, needs, opportunities, constraints and vulnerabilities of women and men. They guarantee that human rights, including labour rights, are enjoyed equally by women and men migrant workers, and that migration legislation, policies and programmes promote equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any discrimination based on sex. The main elements of such policies include: rights should be enjoyed by men and women migrant workers respecting the principles of gender equality and non-discrimination. Not necessarily mean equal treatment in all instances. Promoting gender equality in labour migration policies may include special gender-specific provisions (e.g. preferential treatment or affirmative action to compensate for long-term discrimination, particularly that suffered by women).

It was noted that the examples GSLMP during the 5 phases of the migration cycle were:

- i. Decision-making, planning and preparation: Ensuring that migration policies provide women with equal opportunities to safe, fair and regular migration channels, predeparture training (e.g. language skills, etc.) and information about legislation and rights' protection in countries of destination.
- ii. Recruitment and placing : Ensuring fair recruitment and placing, safe transportation, provision of legal assistance in case of abuse.
- iii. Journey or transit to country of destination : Safe transportation protecting them from physical and sexual abuse and protection on fundamental human and labour rights.









v. Return and re-integration to country of origin : Ensuring equal opportunities in terms of training and provision of entrepreneurship skills

Discussions

- a) At a regional level, which countries are the most advanced in implementing labour migration policy;
- b) Where does the ILO have information on the massive occurrence of gender-based violence?

Answers

- \checkmark The ILO has compiled a list of gender issues identified in labour policies in the region;
- ✓ We recently held a conference on gender in which we analysed whether the gender policies of the 5 countries that have adopted the labour migration policy were strong or weak and presented them;
- ✓ We are working with the countries that are in the process of formulating migration policies to ensure that in this process they take into account the aspects and gaps identified in our compilation of gender aspects.
- ✓ There is work underway to domesticate the international conventions that Angola has ratified;

David Quingica, representing MAPTSS, shared the ongoing work carried out by the Angolan government in the following terms:

- ✓ Angola has paid special attention to women in respect for their rights and also for their active participation from the national liberation struggle to the present day;
- ✓ A recent study indicates that in Angola there are more women than men in the various companies, organisations and other fronts of the labour market, but in terms of opportunities they are still below men;
- ✓ The Angolan Constitution enshrines equal treatment between men and women;
- ✓ The new general labour law has a specific chapter on the protection of women and this is the result of domesticating the provisions of ratified international conventions;
- ✓ There is work being done to guarantee equal opportunities in Angola, but the challenge remains to adjust the laws to the reality of the labour market

Key Priority Area 2: International Labour Standards

<u>Presentation</u>: It was noted that international Labour standards are an atypical body of standards with a pioneering supervisory system. ILS provide: (a) "Rules of the game" through international tripartite dialogue; (b) Application is supervised by means of: Periodic reports and Proceedings upon request; and, (c) Supervision entails two types of assessments: Technical, and Tripartite.

There are two specific standards on the protection of migrant workers: the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). These are supported by three more ILS, of particular







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relevance to labour migration issues, these are: The Private Employment Agencies Convention, 1997 (No. 181); the Domestic Workers Convention, 2011 (No. 189); and the Violence and Harassment Convention, 2019 (No. 190).

Discussions:

a) What is the best way to inform migrant workers about their rights and services?

Answers

Angola has a human rights commission, which can be approached. Other countries in the region have free legal aid services. You can also turn to alternative sources such as consular services - these services can also assist you even from a distance.

David Quingica, representing MAPTSS, shared the ongoing work carried out by the Angolan government in the following terms:

- ✓ There is also work being done to legislate and penalise violence and harassment in the world of work, as well as extending maternity leave and protecting women in labour and their children;
- ✓ Angola is in the process of ratifying conventions 102, 122, 156, 161, 187, 189, 190, and the MLC 2006.

In response to the challenge of implementing the laws, it was recommended the need to draw up an action plan to monitor the implementation of the laws and carry out research to prove that the laws are not being effectively implemented. Therefore, she indicated that there is a need for a mechanism to collect information to prove the violation of laws.

Key Priority Area 3: Bilateral Labour Migration Agreements (BLMAs)

Presentation: Bilateral labour agreement were 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. BLAs create legally binding rights and obligations and are more action-oriented. Whereas, Memorandum of Understanding, were noted to be a less formal instrument entailing general principles of cooperation. The MOU describes broad concepts of mutual understanding, goals and plans shared by the parties. They are softer, non-binding instruments. Other types of bilateral arrangements, were noted as Framework agreement, Inter-agency understanding, Protocols, Statement of mutual cooperation, Trainee scheme, Cross-border worker agreements, among others.

The objectives of bilateral labour migration agreements are to manage the process of meeting labour market needs quickly and efficiently especially the sectors in which they are severe labour shortages. They may also be useful in supporting broader regional, commercial and economic relations by aiding the development of the country of origin and facilitating its regional integration. They also strengthen ties between countries that share culturally or historical links. BLMAs prevent and reduce irregular migration by offering alternative regular channels to migrate for employment. They also act as regularisation agreements that might be worked out with countries of origin.









- ✓ Do you have any examples of bilateral agreements on labour migration? We don't have any records, but we do have some agreements in the area of labour;
- ✓ He gave the floor to his colleagues from Angola to answer about bilateral agreements and they replied that there are no bilateral agreements on labour migration; this is a new topic, but they do have social security portability agreements in the context of the Portuguese-speaking countries (PALOP); therefore, they are not regional agreements, but agreements of the linguistic community;
- ✓ Angola needs support from the ILO and IOM to draw up a National Policy on Labour Migration;
- ✓ At the regional level there are many people who work with cross-border trade because of the shared borders and this is where some bilateral agreements can emanate from.
- ✓ The IOM will work to support Angola in drawing up the Labour Migration Policy and this policy will not only look at migrant workers in Angola, but also at Angolan workers in the diaspora.

Key Priority Area 4: Labour Migration Statistics

Presentation: Under the SAMM Initiatives, it was noted that SADC was developing a Labour Market Observatory (LMO) a mechanism for the collection, consolidation, storage and management of regional labour market information from Member States, including information on labour migration and skills. The aims of the LMO were to: (i) harmonize labour market statistical regimes across Member States; and, (ii) ensure aggregation and the availability of up-to-date and comparable labour market information, based on international statistical standards. The following challenges were noted, most countries still only have limited data availability, and not all countries have the same priorities in terms of reporting on labour migration trends/indicators. It was noted that the SAMM Project was providing support this process, through:

- Capacity-development for data producers and data users;
- Support to data collection activities (statistics as well as administrative data); and,
- Strengthening regional collaboration and exchange.

Discussions

- a) Difficulties for countries to provide quality data what has been done to overcome this problem? Strengthen data collection using official statistical institutions and the IOM. Strengthen methodologies and create quality samples. Use surveys of migrant workers themselves. Extend the samples to guarantee quality.
- b) On this subject, the Angolan authorities explained that the Angolan Migration Service is working with the IOM and in 2024 they will carry out a population census so that the country will have reliable statistical data on labour migration. This year they are training specialists and trainers in statistics.
- c) What kind of information are you going to collect to identify migrant workers? We will use the variables learnt here to collect this information.
- d) How do you deal with data from administrative statisticians at border points? The information we collect is for the internal use of the migration services and the interior ministry and then we ask the statistics services to give it a technical quality stamp.



Key Priority Area 5: Fair Recruitment of migrant workers

Presentation: Well managed migration benefits all. Labour recruiters play an important role in matching jobseekers with employment opportunities. However, exploitation of workers during recruitment is far too common. Unethical recruitment practices expose labour recruiters to the risk of losing business, incurring reputational costs, and facing legal liabilities. Challenges in labour migration commence from the recruitment stage. The vulnerability of migrant workers is caused by language in cultural barriers, living family and support networks behind, discrimination and social isolation, lack of awareness of their legal rights and protections, employer-specific work permits, fear of deportation, lack of access to justice, and, migration costs.

The IOM has established the International Recruitment Integrity System (IRIS), which is a consortium of international stakeholders committed to the fair recruitment and selection of migrant workers. The goal of IRIS is to make international recruitment fair for everyone involved: migrant workers, employers, recruiters and countries of origin and destination. It does this by: Promoting respect for the rights of migrant workers; Enhancing transparency and accountability in recruitment; Advancing the Employer Pays Principle; Strengthening public policies, regulations and enforcement mechanisms.

Discussions

- a) Why do we advocate ethical recruitment? Because we want a well-governed, orderly and fair migration.
- b) Why are migrants vulnerable? Because of language barriers, discrimination and social isolation, fear of deportation.
- c) What is the responsibility of employers in the international recruitment process? -Check if the requirements for their employability are met; Granting salary conditions and discounts for remittances; Ensuring housing, transport and other conditions for employees;

The MAPTSS representatives explained that Angola doesn't have a problem with ethical recruitment, but the big problem is with the informal sector (informal migrants) whose remittance process is not controlled, even though they carry out big business and high-income ventures.

- i. If a migrant worker signs a contract without knowing the terms of the contract, is it possible to cancel it at the destination? We have to work harder to sensitise our population, which is very vulnerable, and ensure that there are few cases in the country we've had situations that could even be mistaken for slavery due to a failure to read the contracts. But all because of a lack of information. So awareness-raising is essential.
- ii. In which sectors of the economy is exploitation most common? Mining, fishing, the informal economy and domestic labour are where most exploitation takes place.
- iii. What are the protection mechanisms for these workers, given their vulnerability? -There are legal and police sanctions and they even publish some cases and work in







Key Priority Area 6: Social protection for migrant workers and the implementation of the SADC Guidelines on Portability of social security benefits

Presentation: An overview of migration trends and patterns in Africa, focusing on subregional patterns, showed South Africa as a major receiving country but also a significant number of South Africans leaving abroad across SADC countries – underscoring the need for social protection for migrant workers. The normative and policy framework for extension of social protection to migrants and their families and existing bilateral and multilateral social security agreements involving African countries, and on-going and planned studies on the functioning of these agreements was highlighted.

The SADC Guidelines on Portability of Social Security - the sub-regional framework for social protection for migrant workers, adopted by SADC Minsters in March 2020 was presented, underscoring that South Africa was one of five countries that volunteered to pilot the Guidelines. The presentation on the Guidelines included the negotiation process, objectives, scope of application and core principles and elements. The presentation concluded with an overview of support the SAMM project is providing countries (including South Africa) on implementation of the Guidelines. The key areas of support include unpacking the Guidelines, identifying country priorities and developing related Action Plans, regional and country level dialogues, awareness and communications and capacity building.

Discussions

- a) What is the biggest barrier to extending social protection for migrants in Angola? -Restrictive legislation, social security agreements without portability, irregular status, informality, weak social protection systems, complex administrative procedures, limited contributory capacity and discrimination are the biggest obstacles;
- b) What strategies should be adopted to extend social protection? -Creating a national social security system that includes migrant workers; Signing bilateral and multilateral social security agreements that include social security portability;

Key Priority Area 7. Skills Development and Labour Migration

Presentation: it was highlighted that the link between labour migration and skill development, could be explored in the following manner; (i) the lack of employment opportunities in countries of origin, would see skilled people moving to other countries; (ii) there was underutilization of migrants' skills in countries of destination; and, (iii) there may exist be weak skills system and policies which does not allow for the recognition and utilisation of the skills in the country held or provided by migrant workers.

It was noted that there was need for policies, initiatives and frameworks that look at Skills Anticipation, Skills Recognition, Skills Partnership, and, Skills Development within the country and this was key in the nation moving progressively towards achieving decent work. The process of skills development should be tripartite and should have all the social partners fully and effectively participating in the process. The recognition of prior learning was also key in ensuring decent work for migrant workers.





It was highlighted that the key priorities for capacity building under the SADC Study on Skills Recognition were:

- ✓ Data gathering and analysis;
- ✓ High-level coordination with regard to skills development and migration systems;
- ✓ Qualification recognition for the purpose of employment systems for migrants with high levels of qualifications and skills need to be streamlined; and,
- ✓ There is a need for an understanding of how best to recognize the qualifications and skills of migrants with lower levels of skills e.g. need to provide job seeker support to migrants, RPL mechanisms, among others.

Discussions

In a brief comment, the Angolan authorities emphasised that Angola has a skills certification institute created in 2022 and already in operation, and they are working on adapting it to regional standards.

Formulating Migration Policy - Sharing Good Practices

Presentation: the presentation was on the techniques for formulating national policy on labour migration and shared best practices, highlighting the need to look at cross-cutting issues during the policy development process. The effects of orderly and well-managed migration, such as facilitating the development of economic activities for emigrants, documentation and registration, were emphasized. The factors that drive migration in the countries of origin, such as the search for income, historical ties between nations, flight, political and religious persecution, climatic factors and wars. The driving forces behind migration in destination countries, pointing to the lack of skilled labour, the regulation of regular flows, including demographic factors, were also highlighted.

Discussions on Formulating a Labour Migration Policy

Group I

Definition

✓ A group of highly qualified specialists with the technical capacity to draw up a proposal for a National Labour Migration Policy.

Mandate

✓ Elaboration of the PNML with a 5-year mandate;

Purpose

 ✓ Creation of conditions for comfort, inclusion, stability and integration into the labour market based on international standards;

Objectives

General

✓ To draw up the PNML;

Specific

- \checkmark To guarantee the protection of migrant workers;
- ✓ Combat xenophobia, racism and discrimination against migrant workers;
- ✓ Controlling the migrant labour force;

Group II









Functions

- ✓ Draw up the proposal for the PNML;
- \checkmark Propose the conventions on migration to be ratified;
- ✓ Consult and collect contributions;
- \checkmark Monitor the implementation of the PNML

Structure and Accountability

 $\checkmark\,$ Distribute tasks and responsibilities according to the speciality of the bodies, services and agents involved;

Composition

✓ MAPTSS (INSS, INQ) MININT, MJDH, MIREX, MINFIN, BNA, Social Partners

Group III

- \checkmark Proposal for an order formalising the TWG;
- \checkmark Drawing up the action programme and timetable;
- ✓ Quarterly meetings, without prejudice to extraordinary meetings whenever necessary.

Composition

✓ The Secretariat is made up of: MAPTSS, MININT, BNA, MJDH, Civil Society

Duties

- ✓ Drawing up the minutes;
- ✓ Checking attendance;
- ✓ Drawing up notices of meetings;
- ✓ Technical and administrative support;
- ✓ Monitoring the level of execution of tasks;









Dialogue on Mixed Labour Migration

Labour exploitation of victims of human trafficking and smuggled migrants

Presentation: The presentation noted that Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

It was noted that the following were the role of labour inspectors:

- ✓ While the most important function of labour inspectors is to ensure compliance with national labour law, labour inspectors can play a crucial preventative, advisory and enforcement role in the fight against human trafficking;
- ✓ In carrying out their functions, labour inspectors are likely to come across situations of trafficking/forced labour at workplaces or situations that indicate a risk of exploitation;
- ✓ Given their responsibilities, labour inspectors are well placed to engage in antitrafficking action, including prevention, identification of trafficked persons, as well as investigation of suspected cases of trafficking;
- ✓ Labour inspectors usually have the power to enter freely at any time of the day or night any workplace liable to inspection without prior notice; and,
- ✓ They can carry out inquiries freely and in particular speak to workers alone, examine documents and take samples.

Discussion

i. Does Angola have migrant traffickers/convicts or victims of trafficking? - There have been cases that started with trafficking in human beings in 2017, before that the SIC was the one working on this issue and even now they continue to collaborate with the SIC.

The Angolan authorities explained that: one of the difficulties is identifying the nationalities of some people who arrived in Angola as children. Angola, through the Migration Services, is trying to protect these people by nationalizing or legalizing them. Granting a temporary visa. They reported on the existence of an inter-ministerial commission to deal with trafficking in human beings.

Assistance to vulnerable vulnerable individuals in mixed flows

It was highlighted that the mixed nature of these movements, consisted of different groups of migrants with differing motivations to travel and different protection needs, makes it necessary to put in place migration policies, legislation and referral mechanisms that respond to individual needs. Individuals of different categories traveling in mixed migration flows shared the same journey and therefore face the same dangers and hardship on the way. Thus, she noted that the journey was usually harsh and dangerous, may create new vulnerabilities, including physical injuries or emotional trauma.



Vulnerable individuals in mixed migration flows included: refugees and asylum seekers; rejected asylum seekers; victims of trafficking (including 'presumed' trafficked persons and 'potential' trafficked persons); stateless persons; unaccompanied and separated children (UASC); stranded migrants; and, other vulnerable migrants.

Concretising the UNHCR Mandate: Protecting and Assisting its Persons of Concern

Presentation: it was noted that based on the 1951 Geneva Refugee Convention, UNHCR's core mandate is to ensure the international protection of uprooted people worldwide. The organization promotes the basic human rights of refugees and ensures they will not be returned involuntarily to a country where they face persecution. Persons under UNHCR Mandate include- Refugees; Asylum seekers; Stateless persons; and, Internally displaced persons.

Discussions

- i. In the absence of a Migration Court, how does UNHCR support or assist migrant workers or asylum seekers in the event of a refusal to grant asylum? We turn to the international system, which are the conventions for the asylum system, and we draw attention to violations of these instruments.
- ii. If an adult is disqualified from applying for asylum, how do you deal with the issue of children who need assistance? This question has to do with family unity, so separating the family is not accepted and the principle of family unity is invoked. For example, if a family has a refugee with status, all the other members of the family enjoy this right.

Closing and conclusions of the Labour and Mixed Migration Governance Dialogues

IOM thanked all the participants and government departments that participated in the Dialogue. In terms of the next step it was noted that the implementation of the action plans that emerged from the dialogue.

Participants were encouraged to send in their action plans in two weeks to the IOM and ILO.