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**THE SOUTHERN  
AFRICAN**

MIGRATION MANAGEMENT  
PROJECT

**Republic of Namibia  
Tripartite Dialogue on Labour Migration  
Governance  
01-03 June 2022  
Windhoek Country Club Resort,  
Windhoek, Namibia**

**Dialogue Report**



## Opening Session

*The Opening Session of the Dialogue was moderated by Minister of Labour, Industrial Relations and Employment Creation Director Labour Mr. Albius Mwiya*

### ***Welcome Remarks: MLIREC's Acting Deputy Executive Director, Ms. Aune Mudjanima***

She welcomed all to the Dialogue and noted that Namibia was very passionate about labour and mixed migration issues at the national level, hence the country had launched its labour migration policy and implementation plan in 2020. The Policy was set to promote and enhance labour migration in the country and ensuring that the country benefited from labour migration while at the same time addressing its diversity impact. With support from the IOM a short- and long-term plan was put in place and key actors identified.

She emphasized the importance of the Dialogue to Namibia and the country's commitment to the work on labour migration. She wished the participants a fruitful dialogue that would bring results to the nation.

### ***Remarks by Organised Labour***

***Mr Job Muniaro Secretary General NUNW:*** There is need for the nation to clearly define, what labour and mixed migration is. Thus put in place the right mechanisms and systems that strengthen labour migration governance in the country and promote decent work for both national and migrant workers in the country. There is to make it clear as a nation on how we manage labour migration and avoid the coming in of migrant workers for cheap labour. There is need for capacity building for all social partners in the implementation of the labour migration policy. He noted the need to review legislation on the regulation of PrEAs, as some are embedded in labour migration, and some of these organizations operate outside the country, he concluded by noting that it was important to ensure the full participation of all social partners in all stages of the implementation of the policy and actions from the Dialogue.

***Mr Mahongora Kavihuha, Secretary General TUCNA:*** He noted the need to ensure that all actions that are agreed in the arena of labour migration should be actioned to show the seriousness of the country on the issues. He noted the need to address labour migration issues as developmental issues and not as threats to national security. Mr. Kavuvha noted that there was need to ensure that migrant workers are treated equally and fairly as nations emerge out of the COVID-19 pandemic and have access to social protection. As a point to end gender inequality, he highlighted that the country has to ensure that in its discussions on labour migration, gender issues are at the centre. He went on to applaud the government for ratifying C190, and the actions that it was taking to implement the provisions of the convention and raising awareness.



***Remarks – Dr. Gloria Moreno-Fontes, Chief Technical Advisor SAMM Project, International Labour Organisation***

Dr. 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).

She went on to welcome all to the Dialogue and noted that the SAMM project was guided by, and contributed to the realisation of (i) SDG Target 8.8 which states the objective to “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”; and, (ii) SDG Target 10.7 which mentions the need to “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”. She noted that the SAMM Project was bringing together four UN agencies with the aim to improve migration management, considered as one of the most pressing issues of our day.

Dr. Moreno-Fontes noted that labour migration is a cornerstone of the economic development of the African continent, and a key feature of movements in Africa and particularly, of the Southern African Development Community region. With the growing precariousness of the labour force, many African workers are moving to main economic hubs, as they seek employment and other economic opportunities. It will also be important to identify national focal points responsible for each of the thematic areas covered by the SAMM project to support follow-up. The dialogue also served to prepare the ground for the forthcoming “High-Level Tripartite Dialogue on Labour Migration Governance in the SADC region”, which the SAMM Project was organizing, which will be a milestone in advancing all this important work.

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. She 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.



***Keynote Address- MLIREC's Ambassador Balbina Daes Pienaar, Acting Executive Director***

She welcomed everyone to the Dialogue and thank the SAMM Project and its partners for their support in ensuring that the Dialogue happened. She went on to thank all the participants for availing themselves to participate in the Dialogue. Madam Ambassador noted the Government of Namibia was committed to the work around labour migration, hence it was once of the first countries to responded to the call to develop labour migration policies, in 2020. The policy was developed to manage labour migration flows to and from Namibia. She noted that the Government in recognizing the impact of labour migration to the country, it hopes to fully implement the labour migration policy to improve the management of labour migration as part of the national development agenda. The aim of the government as a nation of origin, transit and destination, is to facilitate orderly, safe, regular and responsible migration through implementation of an integrated labour migration policy which is in line with international framework of labour migration. The Acting Executive Director noted the importance of social dialogue, and the inclusion of all partners in the development and implementation of action plans on labour migration.

She highlighted that in 2021, the government had a meeting with the support of the SAMM Project and identified the following key activities: (a) establishment of a dedicated labour migration unit, within the Ministry of Labour; (b) benchmarking policy implementation; (c) improve boarder control and management; (d) enhancing data collection and availability on labour migration; and (e) reviewing the human resource plan. She noted that this Dialogue should feed into the work that is already underway in the Ministry. She thanked all and wish all a fruitful Dialogue.



*The Dialogue was moderated by Mr.  
Hombwani, Ministry of Labour*

## **A. Labour Migration**

### **The GCM, the AU Revised Migration Policy Framework, the AU Free Movement of Persons Protocol, SADC's Protocol on the Facilitation of Movement of Persons and the SADC Labour Migration Policy Framework**

**Presentation:** 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 number of migrants in Namibia is estimated at around 109,000 in 2020 (4.3 per cent of the population, estimated at 2.5 million in 2020). Around 48,000 Namibians are estimated to be abroad (UNDESA). Most migrants in Namibia are from other SADC countries.

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).

### **Overview of the National Migration Policy and Identified key priority areas for implementation**

**Presentation:** An overview of the draft National Migration Policy was presented. It was noted that the policy is meant to mainstream migration into the national development agenda. The national policy takes account of international, continental and regional instruments and frameworks. The policy also speaks to the establishment of a National Committee on Migration Management, which is responsible for the implementation of the National Migration Policy.

The Policy covers the following thematic areas: internal migration, migration data and statistics, labour migration, skill development, international border control, cross border trade, human trafficking and smuggling, refugees, diaspora and remittances, forced migration, and stateliness.

#### *Discussions:*

The discussions focused on the inclusion of labour migration into the policy and the observation of migrant workers' rights. It was highlighted that once a migrant worker is issued a work permit, they have the same privileges as a national in the world of work. It was also noted that the



constitution of the country noted that once the country ratified an international instrument and became part of the national legislation. It was noted that they were certain limitation in rights for migrant workers, as they could not participate in political arrangements such as voting or becoming a regional councilor. Migrant workers do not have limitations when it comes to, for example, freedom of movement, and freedom of association. Migrants have the liberty to enroll their children in school, visit healthcare facilities etc. on the issuance of work visas and work permits it was highlighted that these were being issued only to scarce and rare skills not to people who want to do regular jobs. The Ministry of Home Affairs informed the Dialogue that the Electronic Documents and Records Management System (EDRMS) had not been effective in some borders due to power issues, but this was being worked on to make it more effective.

### **National Labour Migration Policy: Advancements made and identification of Gaps and Challenges in its implementation**

**Presentation:** It was highlighted that the purpose of the NLMP is to effectively manage the lawful labour migration of workers to and from Namibia, to ensure adequate protection of these workers and to enable Namibia to benefit from the development and skills enhancement contribution of immigration workers and Namibian workers abroad. In terms of advancement made it was noted that: Awareness raising on the policy was undertaken; Stakeholder consultation was undertaken; A study tour to Nigeria was undertaken; There was upgrade of the Employees Compensation Bill to provide social security for migrant workers to and from Namibia; and The National Migration Policy was adopted.

The following challenges were noted: Absence of a labour migration unit; Data shortages on mixed migration; Lack of migration data; Lack of reporting on the implementation of the policy; and, Technical and financial constraints. As way forward, the following was noted:

- a. Establishment of a labour migration unit;
- b. Strengthening data collection;
- c. Mainstreaming NLMP into the NDP;
- d. Capacity building on effective LM governance; and,
- e. Implementation of the agreed road map on the implementation of the policy.

#### *Discussions:*

It was noted that the Policy seemed to focused on only the formal arrangements and neglected to take into account that there were a huge number of migrant workers in the country who came in irregularly. The migrant workers were noted to be in the villages, subject to all kinds of abuses and they could not report to the police to report, as they face arrest. Their children could not go to school because they do not have birth certificates. Participants to the Dialogue also noted to also look into the issue of internal migration within Namibia.



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

**Presentation:** 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:

- Decision-making, planning and preparation: Ensuring that migration policies provide women with equal opportunities to safe, fair and regular migration channels, pre-departure training (e.g. language skills, etc.) and information about legislation and rights' protection in countries of destination.
- Recruitment and placing : Ensuring fair recruitment and placing, safe transportation, provision of legal assistance in case of abuse.
- Journey or transit to country of destination : Safe transportation protecting them from physical and sexual abuse and protection on fundamental human and labour rights.
- Working and living conditions abroad : Ensuring equal opportunities and treatment concerning labour market integration, respect for contracts, non-withholding of i.d. papers, respect for working conditions, fair wages,
- Return and re-integration to country of origin : Ensuring equal opportunities in terms of training and provision of entrepreneurship skills

It was highlighted that women migrants need specific legal protection, due to:

- Low regard for women and the types of mostly low-skilled and semi-skilled jobs they perform, thus often resulting in de-skilling and other discriminatory practices.
- More likely to face multiple discrimination and various forms of exploitation and abuse (e.g. non-payment or withholding of wages, lowest wages, workplace violence, non-freedom of movement, bad working conditions) and inequality (no right to family reunification, nor to family life, neither to child care support services).
- Often no right to contribute to social security, mainly health coverage and pension (e.g. domestic workers).
- Relatively more job opportunities for men migrant workers into safe, orderly and regular channels of migration





- Remain outside the scope of national legislation
- Too dependent on the employer for their working and residence permit

In terms of the scope of coverage it was highlighted that unless otherwise specified, *all ILO Conventions apply to both women and men workers irrespective of their nationality*. It was noted that Namibia had ratified ILO C189 and C190.

*Discussions:*

It was noted that gender issues were not included in the labour migration policy and will need to be captured in the implementation plan to ensure that issues of gender equality are embedded in the policy and do not become an afterthought issues.

## Key Priority Area 2. Social Protection for Migrant Workers

**Presentation:** the presentation covered the following key areas in relation to migration and social protection (i) Key arguments for extending social protection to migrant workers and their families; (ii) Legal and practical barriers, and other challenges; (iii) Policy options for the extension of social protection to migrant workers; (iv) Unilateral Measures; and, (v) SADC Guidelines on portability of social security benefits. It was noted that Social security is a basic human right that migrant workers, refugees and their families should enjoy throughout their life cycle. Yet, despite progress, 4.1 billion individuals worldwide do not have access to social protection, including migrant workers, refugees, and their families.

Key arguments for extending social protection to migrant workers and their families include, may: improve the general health of the public; help improve the demographic situation of a country as migrant workers are often net contributors to the social security system over their lifetime; facilitate employee mobility and attract highly skilled migrants workers for the proper functioning of labour markets; facilitate the formalization of the labour market as well as the regularization of migrant workers; fill labour shortages particularly in economies with ageing workforces and can contribute to the development and GDP growth of host and home countries; improve labour productivity; and, build stronger and financially healthier social security systems.

The legal and practical barriers (underlying causes) to non-access of social protection for migrant workers were noted as, the principle of territoriality (which looks at the scope of application of social security legislation is limited to the territory of the country where it was enacted) and the principle of nationality (which looks at the coverage and entitlement to benefits limited to nationals of a country)

SADC developed guidelines on the portability of social security benefits, addressing the obstacles faced by migrant workers. The ILO has been supporting participating countries, in particular the 5 piloting countries (Eswatini, Lesotho, Malawi, South Africa, Zimbabwe) and Botswana,



Comoros, DRC, Madagascar, Mauritius and Seychelles in the development of Action Plans for the implementation of the SADC Guidelines.

**Main discussion points:** It was noted that the Social Security Act does not recognize workers in the informal economy where the majority of national and migrant workers are, therefore there was need for the nation to relook at legislation on social protection and expand coverage to workers in the informal economy and migrant workers. It was also noted that there was need to also work on the portability of social security benefits for migrant workers to and from Namibia.

### **Key Priority Area 3. Bilateral Labour Migration Agreements**

**Presentation:** It was noted that bilateral labour migration agreements (BLMAs) referred to cooperation frameworks between countries of origin and destination to ensure that labour migration is regulated according to agreed principles and procedures. They were also defined as cooperation agreements 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 most frequently used formats in Africa are bilateral labour migration agreements (and Memoranda of Understanding (but they also include Framework Agreements and Cooperation Agreements, among others BLMAs create legally binding rights and obligations governed by international law and describe in detail the specific responsibilities of, and actions to be taken by, each of the parties to accomplish their goals.

MOUs are usually non-binding frameworks which may be more general in content, referring to broad principles of cooperation, concepts of mutual understanding, goals, and plans shared by the parties. Framework agreements may cover a broad range of migration topics in addition to labour migration, such as irregular migration, readmission, and development cooperation.

The rationale for BLMA were noted as: (a) Economic reasons -to organize the matching of supply and demand for labour (well-organized, regulated, and managed—greater impact); (b) Political reasons -to promote friendly relations among States by encouraging orderly movements of labour (less irregular migration as a result); and, (c) Development reasons -to prevent the “brain drain” phenomenon (target specific sectors based on labour market surveys/analysis/assessments—contribute to development). Linkage to diaspora interventions.

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.



### *Discussions:*

In terms of BLMAs, participants noted that the country had benefited from a programme that was in the medical field, where nurses from different countries came in the country during the COVID-19 pandemic and were able to provide a service to rural communities where there was a shortage of nurses. BLMAs have been able to ensure that the country get the skills that it has required and send skills to areas that nationals do not want to go (like the rural areas).

It was noted that the shortage of data regarding people in the diaspora is mainly due to the lack of trust that people in the diaspora have towards their governments. There was need to build that trust and ensure that people in the diaspora also found value in informing their governments on where they had migrated to. There was a call for a national skills audit to ensure that nationals understood the skills gap in the country and deal with the negative perception that migrant workers were taking jobs away from nationals.

### **Key Priority Area 4. Labour Migration Statistics**

**Presentation:** It was highlighted that ILOSTAT had labour market data from the 2018 Labour Force Survey, including labour migration *stock* data (disaggregated by age, sex, country of birth, status in employment, broad occupational and sectoral categories.). *Inflows* are disaggregated by sex, citizenship, economic activity and occupation. Data on *nationals abroad* is not available. A 2015 migration report based on 2011 Census data (NSA, 2015) as well as IOM Migrant Profile (IOM, 2015) provide information on aggregate migrant stocks by sex and age, and even some comparisons of occupational and sectoral disaggregation, but analysis remains limited. Both reports provide strong recommendations for improving and harmonizing (internal and international) labour migration statistics. International Migrants in Namibia were estimated at 103,000 as of the end of 2019 (using UNDESA Statistics). The UNDESA figures (103 thousand) might vary from national estimate of 93 thousand in 2011, but all other figures suggest that the trends are a good representation of changes over time. It is estimated that emigration figures are roughly comparable to immigration figures, so the decline in the share of migrant population reflects general population growth and not a significant change in immigration numbers. It was also noted that 78% of migrants in Namibia in 2019 were of working age.

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.

### *Discussion*

It was noted that the country had long periods between labour force surveys, and this impacted the quality of data available. This saw the country requesting assistance from the ILO in updating its questionnaire to include more information on labour migration, but at the same time ensuring that the questionnaire did not become too bulky. In relation to limited analysis of data on labour migration, it was noted that from the 2011 Census Questionnaire, the migration status was derived from 3 questions which were: (a) place of residence; (b) place of birth; and (c) duration in the previous residence. Therefore, the analysis was limited because they were only able to derive the migration status from those particular questions. It was highlighted that the SAMM Project could offer training and assistance in piloting a questionnaire with a more integrated questions on labour migration.

## **Overview of the Draft Diaspora Policy**

**Presentation:** It was noted that the Namibian Diaspora comprises of individuals and families that have left Namibia under different circumstances and events that unfolded in Namibia before and after independence. According to records from Namibian Embassies, the highest number (in each country) of Namibian Diaspora are found in South Africa, followed by Zambia and the USA. Quite several Namibians also live in Europe, particularly the United Kingdom and Germany.

In March 2021, the Cabinet, through Decision no 3rd/09,03,21/005, directed that a “Policy on Government’s engagement with the Namibian Diaspora” be developed, also in light of the adoption of the “Decade on African Roots and Diaspora (2021-2030) by the 34th Ordinary Session of the African Union Assembly of Heads of State and Government. The Ministry of International Relations and Cooperation (MIRCO) then established a committee to spearhead the development of the Policy. The objective of the policy is to provide a comprehensive framework and to create an enabling environment for the effective and meaningful engagement with Namibia’s Diaspora, for national development.

In terms of the Institutional Arrangements, the policy will take on a whole-of-government-approach in dealing with Diaspora matters. The Policy envisages a dedicated Diaspora Unit to be set up in the Ministry of International Relations and Cooperation, to be designated as focal point. The Unit will also be responsible for the monitoring and evaluation (M&E) processes related to the implementation of the Diaspora Policy. The Policy is also sent to build trust with the people in the diaspora to be able to ensure that the objectives of the policy are met.

### *Discussions*



There is need for a link between the labour migration policy and the diaspora policy, this is due to the fact that people in the diaspora- the majority are employed in those countries, hence labour migrants from Namibia. It was noted that there was a gap in the inclusion of all stakeholders in the national discussion, thus social partners and the people in the diaspora must be part of the discussion. There is need for a comprehensive integration of all in the process to ensure that no-one is left behind and the policy becomes national owned.

The policies need to come up with clear strategies so that people in the diaspora trust their government and register themselves to their embassy and the benefits of doing so, so that they do not go through abuse. It was noted that there is need to provide portability of social security and the expansion of national social security to those in the diaspora.

### **Key Priority Area 5. 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.

#### *Discussion*

The discussion on skills focused on the need for the country to establish a skills anticipation system, as this will allow for the country to undertake skills audits and skills development. In terms



of skills development and long-life skills, it was noted that this will largely be best on the country's need and demographics. It was important for a country to have a national qualification system, as this would allow it to participate in regional qualifications systems that have been established.

### **Key Priority Area 6. 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. It was also noted that the Montreal Declaration enables governments to ensure that there is ethical recruitment of migrant workers if put in practice.

#### *Discussion*

It was noted that there was need for awareness programmes on the dangers of using uncredited employment agencies, and the need to build awareness on the importance of notifying government before one move to another country for employment under employment agencies. The need for capacitation of the relevant stakeholders on issues of ethical and fair recruitment was noted.

- Capacity building of Ministry personnel on IRIS Standards and guiding principles to stakeholders is an urgent need; and,
- Capacity building on ethical and fair recruitment.

### **Key Priority Area 7. International Labour Standards on the protection of migrant workers**

**Presentation:** The protection of migrant workers, has been a concern of the ILO from the beginning, hence the development of instruments that regulating labour migration and equal treatment of migrant workers. This has also seen the establishment of specific International Labour Standards or provisions applying to migrant workers. The instruments aim to address, "a dual problem"-migration of workers and the treatment of foreign workers.



- *Migration for Employment Convention (revised), 1949 (No. 97)* - provides for equality of treatment and non-discrimination in respect of nationality, race, religion or sex between migrant workers who have been regularly admitted and nationals, arising out of laws or regulations or the practices of the administrative authorities in four areas: living and working conditions, social security, employment taxes and access to justice. The provisions include, among others, equal remuneration, membership of trade unions, and enjoyment of the benefits of collective bargaining.
- *Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143)* - aims to eliminate illegal migration and illegal employment and sets requirements for the respect of rights of migrants with an irregular status, while providing for measures to end clandestine trafficking and to penalize employers of irregular migrants. The Convention is aimed at protecting migrant workers from working in abusive conditions. It seeks to promote equality of opportunity and treatment of migrant workers.

Conventions Nos 97 and 143 **recognize a very important set of labour rights for migrant workers**, laying the foundations for promoting a rights-based approach to achieving fair labour migration. Recognizing that migrant workers are workers endowed with labour rights can also help to promote tolerance and reduce discrimination and xenophobia in and outside the workplace and enhance economic productivity and social cohesion.

*Private Employment Agencies Convention, 1997 (No. 181)* - One purpose of this Convention is to allow the operation of private employment agencies as well as the protection of the workers using their services, within the framework of its provisions. Convention No.181 states that a Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies

*Discussions:*

### National Labour Migration Policy: Identification of Priority Activities/Interventions per KPA on the 2022-23 implementation of the NLMP

Objective	Priority activity	Responsible Unit
To develop a labour migration system that benefits optimally from the developmental impact of migrating to and migration from Namibia	Develop and implement binding / enforceable Bilateral labour Agreements ( BLAs)	MLIREC (Lead), MHAISS, OAG, EEC, NPC, NSA, OPM, NEF, Unions
	Establish Unit on labour migration	MLIREC (Lead), MHAISS, OAG, EEC, NPC, NSA, OPM, NEF, Unions



	Undertake study tours and implement recommendations	MLIREC (Lead), MHAISS, OAG, EEC, NPC, NSA, OPM, UIONS NEF
To ensure effective border control, and sound management of migration flows, including the eradication of human trafficking smuggling child labour and forced labour and irregular migration	Strengthen boarder control Technology, infrastructure and staff training	MHAISS (Lead), MLIREC, MOT, Trade Unions, EEC
	Amend the Immigration Control Act	MHAISS (Lead), MLIREC, MOT, Trade Union, EEC
	Enforce immigration control Act	MHAISS, MLIREC, MOT, Trade Unions, EEC
To have an informed well-regulated legal mandate and dedicated policy context which are appropriately aligned to relevant international and regional standards	Review relevant Legislation and Policies such as Labour Act No 11 of 2007, Immigration Control Act No 7 of 1993, Public Services Act No 13 of 1995, Social Security Act No 34 of 1994, Employment Policy	NPC, OPM. MHAISS, MOE, MOJ, SSC, NSA, Trade Unions, EEC, NEF
To employ immigration labour to provide and transfer critical skills in the absence of available human resources	Review Affirmative Action reports in line with the provision of section 19 (3) & (4) of the Affirmative Action Act No 29 of 1998 (Under study assessment at end of migrants contract)	EEC
To appropriately regulate the selection and recruitment of migrant workers through supervised Private Employment Agencies (PEAs)	Provide employment services to migrant workers	MLIREC
To effectively include and make efficient use of the ability of Namibian workers abroad to support development in Namibia and impact skills to other Namibians	Conduct situational analysis (Accurate and updated data for migrant profile & diaspora survey)	MIRCO, MHAISS, MLIR MIRCO, MHAISS, MLIREC, UNIONS and EMPLOYERS, MURD
	Establish Diaspora liaison Unit (Formulate diaspora migrant policy)	MIRCO, MAWLR, MURD
	Engage diaspora association (Manage diaspora association)	MIRCO, MHAISS MLIREC





To extend rights-based protection to migrant workers, as well as to victims of human trafficking, refugees and asylum seekers in the form of among others labour and social protection and access to justice	Conduct situational Analysis on Social Security benefits	SSC, MLIREC, MIRCO, Trade Unions, Employers
To ensure positive health outcomes for migrant workers and affected households and communities	Develop a strategic framework on migration and health	Ministry of Health, SSC, NPC, Trade Unions, MIRCO, Employers
To ensure the collection, analysis and dissemination of reliable labour migration statistics	Conduct regular skills audit survey	MIRCO, OPM, Trade Unions Employer, MLIREC (Lead)
	Skills assessment survey	
	Inclusion of labour migration indicators in all survey such as labour force survey	MLIREC (lead), NSA, MIRCO, Trade Unions, Employers
	Update the development of the Labour Market Information System (LMIS)quarterly	NPC, MLIREC, NSA (lead), MHAISS
To improve the skills of Namibians to bridge the skills gap in the country through training (including internship, mentorship and apprenticeship programme) and project of demand and supply of human resources.	Update the National Human Resources Development Model	MLIREC (Lead), NPC, Education, MIRCO, Trade Unions, Employers SSC, Universities
	Update Namibia Standard Classifications of Occupation book	MLIREC (lead), MIRCO, Trade Unions, Employers SSC, Universities
Monitoring and Evaluation	Monitor and evaluate the implementation of the Policy	MLIREC (lead) TGW Team
Review the implementation plan		



## B. Mixed Migration

### SAMM Media Campaigns on promoting a positive image of migrants by highlighting their contribution to development

The SAMM Project had launched a media campaign to address issues of: (i) Negative perception of labour migration/ migrant workers, including seeing migrant workers as stealing jobs, taking social security benefits away from national workers, etc; (ii) Existing discrimination practices in countries of destination (Xenophobia, racism); (iii) Lack of evidenced-based labour migration data to mitigate negative perceptions and contribute towards policy development and implementation; (iv) Lack of understanding that labour migration is part of the development agenda including its causes and effects.

The SAMM Awareness Raising Campaigns #WeAllBelong Initiative had three components:

<i>SAMM Media Campaigns</i>	<i>SAMM Media Toolkit</i>	<i>SAMM Media Awards</i>
<ul style="list-style-type: none"> <li>▪ Raising Awareness on Migrant Workers' Rights and Remediation Mechanisms as a well as recognizing migrant workers' contribution to development</li> <li>▪ Promoting the Portability of Social Security Rights for Migrant Workers</li> <li>▪ Rights and responsibilities of Persons of Concern (PoC) as outlined in both domestic and international laws and considering country pledges</li> <li>▪ Fair Recruitment of Migrant Workers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Following the Media Training a SADC Media Toolkit focusing on balanced reporting of migration in the SADC and IOC region will be produced in 2022. TOR is being prepared and work will commence in June 2022</li> <li>▪ Reporting on combatting xenophobia</li> </ul>	<ul style="list-style-type: none"> <li>▪ Outstanding stories on migration and how it contributes to development and realisations of SDGs. Visual (Short film) Audio (Podcast and Vox pops)</li> <li>▪ Promote balanced reporting on Migration in the SADC Region</li> </ul>

### Protection Assistance to vulnerable individuals in mixed flows

**Presentation:** the presentation noted that human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. Everyone is entitled to all the rights and freedoms set forth in the UN Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.



Most human rights are guaranteed irrespective of any individual migration status and personal status is an irregular migrant does not exclude him/her from the protection of human rights. Like all citizens, non-citizens are entitled to the rights that are absolute and rights whose denial would never be justified. These rights include the right to life, prohibition against cruel and torture, inhuman and degrading treatment or punishment, the right to due process of the law and the freedom of thought, conscience and religion. All these rights are protected by international and regional laws which obligate the state to observe and protect the rights of individuals who enter their territory and look beyond the documentation required for entry.

In mixed migration flows vulnerable individuals are categorised under the following groups: refugees and asylum seekers, rejected asylum seekers, victims of trafficking (including present trafficked persons and potential traffic persons), stateless persons, accompanied and separated children, stranded migrants, and other vulnerable migrants.

**Main discussion points:** the discussions noted that, there was-

- limited understanding on mixed migration and the need for the protection of all migrants and refugees, thus there was need for capacity building across all government ministries;
- need for a fully-fledge training and education meeting/programme on mixed migration and human rights;
- need to build nation-wide awareness on the rights of migrants regardless of their status of migration, as they being human beings first entitles them to human rights and the protection of such; and,
- need to establish a national referral mechanism for mixed migration.

### Counter Trafficking: IOM's Perspective and Basic concepts

**Presentation:** It was noted that the approach on all our counter-trafficking activities is based on three principles: (a) Respect for human rights; (b) Physical, mental and social well-being of the individual and his or her community; and, (c) Sustainability through institutional capacity building of governments and civil society. The approach on IOM's intervention is also based on the following SDG's: 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking [...]; 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour[...]; (c) 10.7: Facilitate orderly, safe, regular and responsible migration [...] and mobility of people; and, (d) 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children.

In 2000 the UN Drafted, The Convention Against Transnational Organized Crime & The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol). The two provides a globally accepted, comprehensive definition to TIP Came into force: 25 December 2003 and Namibia signed 13 December 2000 and ratified on 16 August



2002. Protocol Purposes (Art. 2): prevent and combat trafficking, special attention to women and children; protect and assist victims, with full respect for their human rights; and, promote (international) cooperation 3Ps or 4? -Prevention, Protection, Prosecution, (Partnership).

Article 3 states 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.

### 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. Namibia has 6,863 asylum seekers and 133,664 potential stateless persons.

Can a refugee and stateless person work in Namibia?

- Requirements of work permit and related documents and applicable criteria;
- Informal sector work, in settlements, on farms, etc;
- Formal sector work- examples: teachings, hospitals, business traders;
- Freedom of movement restrictions;
- Situation with respect to access to employment and labour markets;
- Situation on access to financial institutions and services

What would an enabling migratory labour environment look like for refugees and stateless persons in Namibia?

- Registration and documentation
- Recognition of documentation and facilitation of access to services
- Lifting of restrictions and enacting legislation
- Public awareness and sensitization on thematic issues concerning refugees and stateless persons
- Capacitation where applicable — education and technical conversions. completion of studies, etc

*Discussions*



It was noted that stakeholders need to work together to ensure that accurate and up-to-date statistics were provided for in the area of mixed migration. It was also noted that there was need to build capacities of stakeholders to understand mixed migration and their roles.



**Annex 1: Dialogue Pictures**





## Annex 2: Participants List

	<b>Name</b>	<b>Occupation</b>	<b>Female / Male</b>	<b>Ministry/ Organization</b>
1	Amb. Balbina Daes Piennar	Acting Executive Director	F	MLIREC
2	Ms Aune Mudjanima	Acting Deputy Executive Director	F	MLIREC
3	Mr Albius Mwiya	Director	M	MLIREC
4	Mr David Iigonda	Deputy Director	M	MLIREC
5	Ms Josephine Sifani	Deputy Director	F	MLIREC
6	Ms Wilhelmine Shigwedha	Chief Economist	F	MLIREC
7	Ms Susanna Amutenya	Economist	F	MLIREC
8	Dr Daleen Kavezepa	Economist	M	MLIREC
9	Mr. Arnold Ngeama	Chief Employment Officer	M	MLIREC
10	Mr Deon Scott	Director	M	MHAISS
11	Mr Job Muniaro	Secretary General	M	NUNW
12	Mr Severin Tame	Deputy Secretary General	M	NUNW
13	Mr Mahongora Kavihuha	Secretary General	M	TUCNA
14	Mr Reginald S. Kock	Deputy: Treasurer	M	TUCNA
15	Mr Matheus Haakuria		M	TUCNA
16	Ms Emilia Kambundu	National Development Advisor	F	NPC
17	Mrs Jennifer Tawana	Chief Human Resource Practitioner	F	OPM
18	Ms Elina Sheehama	Statistician	F	NSA
19	Mr AvShalom Nghifitikeko	Director: Multilateral Relations and Cooperation	F	MIRCO
20	Mr Benedictus Dundee	Manager: Research and development	M	SSC





21	Mr Sakaria Alweendo	Manager	M	SSC
22	Mr Gibson Kamuaruuma	Chief Development Planner - Food Security	M	MURD
23	Ms Anna Isaacs	Deputy Director - Human Resources Management	F	MoHSS
24	Ms Manny Kandjii	Control Social Worker	F	MoHSS
25	Ms. Waltraud Munkando	Chief Health Program Officer	F	MoHSS
26	Mr Johannes Kantana	Director: General Services	M	MoEAC
27	Mr Gottlieb Kaperu	Chief Educational Officer	M	MHETI
28	Ms Agnes Nicodemus	Senior Statistician	F	NCHE
29	Mr Immanuel Nashivela	Deputy Director: Fiscal, Monetary Policy and Financial Market Development	M	MoF
30	Mr Lucky Pieters	Dean: Faculty of Strategic Management and Leadership	M	IUM
31	Prof. Godfrey Tawodzera	Associate Professor	M	UNAM
32	Mr Tobias Shinyemba	Lecturer: Population Studies program	M	UNAM
33	Mr Cathbert Manyando	Senior Employee Relations Consultant: Human Resources	M	NUST
34	Ndaudomulombo Shikuma		M	Welwitchia University
35	Mr Willbard Paulus	Statistician	M	MLIREC
36	Mr Benisius Mushingi	Statistician	M	MLIREC
37	Mr. Theo Sparreboom	Labour Migration Specialist	M	ILO
38	Ms. Gloria Moreno-Fontes	SAMM Chief Technical Advisor	F	ILO



39	Ms. Amanda Mejia Canadas	International Labour Standard Specialist	F	ILO
40	Ms. Princelle Dasappa-Venketsamy	Migration Statistics Specialist	F	IOM
41	Ms Florence Situmbeko,	Head of Office	F	IOM Namibia
42	Mr. Andrew Allieu	Social Security Specialist	M	ILO
43	Mr. Jesse Mertens	Labour Migration Statistics Specialist	M	ILO
44	Ms. Alice Vozza	Skills Specialist	F	ILO
45	Ms Samira Roberts		F	UNHCR
46	Ms Sheila Ngoveni		F	ILO
47	Ms. Makungu Baloyi		F	ILO
48	Mr. Nyasha Muchichwa		M	ARLAC

