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**THE SOUTHERN
AFRICAN**

MIGRATION MANAGEMENT
PROJECT

**Republic of Zimbabwe
Tripartite Dialogue on Labour Migration
Governance
30 August to 01 September 2022
ARLAC, Harare, Zimbabwe**

Dialogue Report



Opening Session

The Opening Session of the Dialogue was moderated by Chief Director Labour Administration and Employment Services Promotion Mr Matorera.

Remarks by Organised Labour – Mr. Michael Kandukutu, National Organiser (ZCTU)

Mr. Kandukutu noted that it was a well-recognised fact that migration as a historical and human phenomenon has benefited societies (host, transit and destination economies), as well as the migrants and members of their families. He highlighted that to advance effective global migration governance processes, there must be conscious efforts to build synergies and understanding at different levels (national, regional and international). These would need open, genuine and conscious and sustained efforts at mobilizing, consulting and collaborating with different and relevant stakeholders.

He highlighted that the COVID-19 pandemic, adversely affected migrant workers in several and hard ways – losses of jobs and incomes; exposure to infection without or limited personal protection equipment; stranded and locked away from families and loved ones during the various lockdowns imposed, as well as being unable to renew expired visas and other work and travel documents, among other challenges.

Mr. Kandukutu informed the Dialogue that organised labour/ trade unions valued tripartism and social dialogue as tools for advancing industrial relations in the world of work and for advancing shared development at different levels. They have been active in the different migration processes and levels. In this regard we wish to extend our profound gratitude to the social partners and our development partners the ILO and SAMM for managing to extend their financial and technical support to us.

Remarks by Organised Business – Mrs. Nester Mukwehwa, Executive Director (EMCOZ)

Mrs. Mukwehwa welcomed all to the dialogue and noted that EMCOZ was proud to be part of the tripartite dialogue on labour and mixed migration governance in Zimbabwe and Africa at large. She noted that labour migration is an employers' issue! The importance of labour migration to individual employers and to employers' organizations is evident, at both ends of the international migration process, employers have an important stake in 'what kind' and 'in how' much labour migration takes place.

She went on to note that effective labour migration governance was bound to respond to the changing needs of business and workers, including addressing skills, education and training gaps, with particular attention to the vulnerable groups which includes women and youth, and persons with disabilities.



Mrs. Mukwehwa highlighted that labour and mixed migration governance issues were of concern at national, regional and global levels. For that reason, the tripartite debate on labour migration policy and legislative framework in Zimbabwe, anchoring on the SAMM project, is not only necessary, but essential. Thus, the tripartite dialogue would be a build-up on various foundations at national, regional and global levels on labour and mixed governance.

Remarks by IOM

Welcome Remarks by ILO Country Office for Zimbabwe and Namibia – Ms. Hopolang Phororo, Director C/O Harare

Ms. Phororo welcomed 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.

Ms. Phororo 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. She highlighted that the convening the Country-level Dialogues, is to facilitate a platform to discuss the implementation of labour migration policies, in this case for Zimbabwe and to have a roadmap. 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 is organizing for 29 to 30 November 2022 in Victoria Falls, which will be a milestone in advancing all this important work.

She went on to thank all present and wished successful and fruitful deliberations, and looked forward to days packed with insightful engagements.

Opening Remarks by Ministry of Public Service, Labour & Social Welfare– Hon. L. Matuke (Sen.) Deputy Minister

Hon. L. Matuke (Sen.) welcomed all to the Dialogue. He noted that during the the past decades, the country had witnessed the significant flow of skilled personnel from different sectors to other countries in the region and abroad in search of better opportunities. These migrants have faced different challenges along the migratory route and in their preferred countries of destination including exploitation, abuse, forced labour as well as being exposed to slavery like working conditions without payment of agreed wages and salaries.



Hon. L. Matuke (Sen.) highlighted that the Government of Zimbabwe in 2019 adopted the National Labour Migration Policy to improve Zimbabwe's governance of labour migration and implement the Global Compact for Safe and orderly migration. The policy is forward looking and rights based and aims to foster empowerment of migrant workers whilst ensuring that migration contributes significantly to the country's socio-economic development in line with national aspirations espoused in the national economic blue-print, the National Development Strategy 1 (NDS1). The policy signifies the commitment and resolve of the Second Republic to promote safe, orderly and regular migration of our people in a dignified manner that protects their safety and rights.

He went on to noted that the Government was prioritizing the conclusion of Bilateral Labour Migration Agreements (BLAs) with countries that were seeking to recruit migrant workers from Zimbabwe. This was expected to significantly promote the safe and regular migration of our people for employment purposes.

He concluded by noting that the linkage between migration and development could-not be over-emphasized, as the country besides the regular benefits from remittances flow from our diaspora the country was also benefitting from migration through skills transfer and philanthropic work that workers in the diaspora.



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 migrant workers in Lesotho is estimated at around 12,000 in 2020, with around 200,000 Basotho abroad.

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 in 2018, Lesotho established a labour migration policy, and had requested the assistance of the SAMM Project in the development of its implementation of its labour migration policies action plan.

Progress in the Implementation of the National Labour Migration Policy

Presentation: It was noted that a situational analysis study on Labour Migration in Zimbabwe was conducted in 2011. The outcome of the situational analysis was reviewed and validated by stakeholders who included representatives of organised labour and organised employers' organisations. The stakeholders offered their valuable inputs that were used to inform the draft policy which was further enhanced until the policy document was adopted by Cabinet on 5 February 2019 and officially launched by His Excellency the President, Dr. Emmerson Dambudzo Mnangagwa on 9 June 2021.

Pillars of the NLMP:

- *Governance of Labour Migration*-divided into four areas namely international, legislative, institutional and regulatory frameworks. Highlights the significance of social dialogue in developing appropriate frameworks for labour migration governance.



- *Protection and Empowerment of Migrants workers-* Highlights the importance of safeguarding the rights and welfare of labour migrants.
- *Harnessing Labour Migration for Development-* Recognition of the positive contribution of labour migration towards development, growth and poverty reduction. Labour migration is a coping mechanisms adopted by individuals faced by challenges.
- *Labour Migration data-*timeous availability of gender disaggregated statistics on labour migration to assist in evidence based policy-making.

Progress in the implementation of the NLMP

- Migrant Resources Centre being established with support from IOM. These are aimed at being information hubs for potential migrants to disseminate relevant information to migrants. Current proposal is to establish MRCs in Harare and Bulawayo. These will be complemented others in Plumtree and Beitbridge. An assessment for the feasibility of establishing MRCs in these areas has already been undertaken.
- Standard Operating Procedures (SOPs) for Fair and Ethical Recruitment for Private Employment Agencies have been developed. These are imperative as they guide the fair and ethical recruitment of labour from Zimbabwe to other countries.
- Migration Mainstreamed in the National Development Strategy 1. Migration has been identified as a key enabler to drive socio-economic development not only through remittances but also through promoting investments in the country.
- Establishment of Institutional Structures i.e the Policy Implementation Cell (PIC) has been established. Work is in progress to Constitute the Subcommittee on Labour Migration which will feed input into the Inter-Ministerial Committee on Migration
- Enhanced convenience to the travelling migrants through improved processing of travelling documents such as passports, decentralisation of the passports issuing office across the country.
- Conclusion of Bilateral labour Agreements with countries that seek to recruit skilled Zimbabweans into their countries. This promotes formalised migration that ensures the safety and rights of migrant workers. Recently concluded and is implementing the MOU with Rwanda for the export of educational personnel and experts.
- To promote availability of migration data, Gvt with support from ECA is undertaking a project on migration statistics and recognition of skills for migrant workers. The project is aimed to promote evidence-based policy making by strengthening data collection systems on migration matters as well as skills recognition which helps to improve fair and ethical recruitment procedures.

Challenges:

- Impact of the COVID-19 pandemic had the effect of delaying the implementation of the policy
- The perspective in which migration is viewed as a social and security issue rather than a developmental issue which militates on the positive impacts that migration can contribute to the country.



- Resource constraints
- Lack of up-to-date data on migration- number of Zimbabwean labour migrants in other countries.

Main discussion points:

- ✓ What are the incentives in place to promote remittances by the diaspora? It was noted that the government is in the process of developing investment tools for people in the diaspora, the diaspora bond. Currently working with commercial banks they are offering interest on funds sent. There also has been a housing project through Homelink, that was sent to facilitate the acquisition of land and houses by people in the diaspora through the Reserve Bank.
- ✓ What has been the level of involvement or participation of the Social Partners in the implementation of the NLMP and the development of BLMA, MoU and accompanying procedures? It was noted that there has been minimum participation of Social Partners and other stakeholders in the implementation of the NLMP, development of BLMAs, development of MoUs and activities including the Development of the SOPs.
- ✓ Is there a sustainability plan in place on the operations and existence of MRC? It was highlighted that the funding of MRCs beyond the donor support was to be included in the budget of the Ministry and funds requested from the Treasury. This would ensure the sustainability of the MRC and coverage was to be increase from just Beitbridge and Plumtree to cover Harare and Bulawayo in the immediate future before decentralisation to districts. It was also highlighted that a visibility plan was being developed and would include participation of the media, including community radio stations.

Recommendations: There is need to-

- Improve on the participation of social partners and other stakeholders in the implementation of the NLMP. *Social Partners were asked to formally write letter expressing interest to participate in the processes.*

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*. To be specific the framework of protection composed especially of:

- ✓ 6 Gender Equality Conventions;
- ✓ 10 Fundamental Conventions;
- ✓ 2 Migrant Workers' Conventions: C.97 and C.143.

Main discussion points:

- ✓ Does the NLMP speak to gender issues? It noted that the NLMP spoke to gender issues and had section specific on Gender-Sensitive Approach to Labour Migration and gender



disaggregated statistics on labour migration. It was also noted that through the IOM, the government of Zimbabwe is undertaking the Gender Sensitive National Assessment of Labour Migration Policies, Legislation and Practices in Zimbabwe.

Recommendations: There is need to-

- ✓ Continuously ensure that gender issues are mainstreamed in all labour migration policies, processes and procedures. The need to have gender-sensitive policies cannot be overemphasized, hence ensuring that the negotiated MoUs with other countries on labour migration are gender-sensitive **is key**.

Key Priority Area 2. 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

It was highlighted that Zimbabwe had not yet ratified the following convention on labour migration:

- Migration for Employment Convention (Revised), 1949 (No. 97);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and,
- Private Employment Agencies Convention, 1997 (No. 181).

Main discussion points: during the meeting the following issues were discussed:

- What is the challenge in countries ratifying key labour migration convention? It was noted that the ratification of labour migration convention is stalled by the fact that labour migration is viewed as a complex and political issue, and also by the fact that a lot of countries have limited knowledge of the content and purpose of the conventions.
- Why has not Zimbabwe ratified the convention and what are the current strides towards ratification? It was noted that for Zimbabwe, the country was working on domesticating the provisions of ILS and their inclusion into labour migration policies.

Recommendations: the need for support to

- undertake gap analysis of current legislation visa vis ILS, to facilitate for the ratification and domestication of ILS that protect the rights of migrant workers; and,
- ensure that finalisation of the SOP takes into account the provisions of ILS and ensures the protection of migrant workers.

Key Priority Area 3. Bilateral Labour Migration Agreements

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.

Main discussion points: the Dialogue discussions noted that:

- What has been the experience of Zimbabwe with MoUs and their implementation? Zimbabwe has just finalised an MoU with Rwanda for teachers. The implementation of the MoU is through a Joint Technical Committee comprising of Permanent Secretaries in the Ministries of Labour, Education and Foreign Affairs. The migrant workers will go through a pre-departure training and will have a team in Rwanda to assist them as and when they face any challenges. The countries have developed an implementation plan that is being followed in the implementation of the MoU.
- Which countries has Zimbabwe entered into MoUs with or is working on MoUs with? Zimbabwe was noted to be in the process of negotiating MoUs with Angola and Kuwait for English teachers. It will soon be starting negotiations with UK, Australia, and New Zealand. It will work on reviewing MoUs with SA, Botswana, Mozambique, Namibia and Malawi.

Recommendations: the dialogue recommended the following-

- Capacity building and involvement of social partners of the development and content of BLMAs; and,
- Support from the IOM in the development of a pre-departure tool for migrants leaving for countries where the country had agreed MoUs or BLMAs.

Key Priority Area 4. 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: the dialogue noted that in Zimbabwe is in the process of developing a framework with the South African Government that will facilitate how pension benefits for ex-mine workers under WENELA can get their benefits sent to them. Eswatini, there existence huge gaps in terms of access to social protection for migrant workers both as a host or destination country. It was highlighted that there were no mechanisms that existed that would ensure that workers employed by PEAs were accorded access to social security. The existing BLMAs and MoUs did not address issues of social protection and need to be review. The dialogue also noted that the access to social protection should not be attached to a migrant worker being an irregular or regular migrant, given that access is a human right.

Key Priority Area 5. Labour Migration Statistics

Presentation: Zimbabwe has produced some labour migration statistics, this has enabled ILOSTAT to have labour market data from the 2014 and 2019 Labour Force Survey consisting of labour migration *stock* data (disaggregated by age, sex, *citizenship*, status in employment, and broad occupational and sectoral categories). It is important to note that data on *inflows* and *nationals abroad* is not available. An IOM Migration Profile published in 2018 covers the period 2010 – 2016. It highlights the difficulty of producing data on Zimbabweans abroad, and provides superficial recommendations on strengthening data collection.

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.

Main discussion points: the following were noted, the following -

- that there was a joint technical committee that was working on labour statistics including labour migration statistics. There was need to resuscitate the meeting of the technical committee as it has been dormant;
- the census survey was used to collect data on labour migration, a pilot was undertaken to collect data on the number of migrants that had left the country.

Recommendations: In terms of the way forward it was note that the following will need to be implemented:

- ✓ Technical support and capacity building to harmonizing statistical indicators with international statistical standards;
- ✓ Supporting integration of up-to-date migration modules in upcoming surveys (LFS, Census, NHIES, Financial Inclusion);
- ✓ Support to capture skills, as this is integral to labour migration statistics;
- ✓ Technical support to analyzing existing data and data sources; and,
- ✓ ZimStat to provide micro-data to the ILO to allow for the updating of the ILOSTAT.

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.

In terms of work/progress made by the Government of Zimbabwe in promoting ethical and fair recruitment the following had been established:

- a. Developed a gender-sensitive action plan on ethical and fair recruitment between April-July 2022;
- b. Developed Standard Operation Procedures on ethical and fair recruitment between April-July 2022; and
- c. There is going to be training and capacity building before the tool on ethical and fair recruitment are rolled out.

Main discussion points:

- The need to raise awareness on ethical and fair recruitment;
- The need for capacitation of the relevant stakeholders on issues of ethical and fair recruitment;
- Establishment of guarantee facilities for PrEAs which will be withdrawn by government in the event that the PrEAs violates the rights of migrant workers;
- Establish an association of PrEAs in the country and capacitate them.

Recommendations: The Dialogue noted that, there was need to:

- Capacity building of Ministry personnel on IRIS Standards and guiding principles to stakeholders is an urgent need;
- Implementation of the SOP Action Plan;
- Capacity building of Law Enforcement Agents on SOP and regulations on ethical and fair recruitment.

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.

Main discussion points: the following issues were discussed-

- ✓ Zimbabwe is part of the Skills Initiative for Africa (SIFA) and is undertaking skills anticipation programmes which also takes into account migrant workers skills in the country.
- ✓ The country will have in place a National Skills Anticipation System in place by the end of October 2022.
- ✓ The TVET Policy is in development and should be completed before the end of the year.

Recommendations: there is need to

- ✓ include a Skills Module in the Labour Force Survey to ensure that there is available data on the skills in the country; and,
- ✓ develop a skill recognition framework in the country and a National Qualifications Framework that is in line with the SADC Qualifications Framework.

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"> ▪ Raising Awareness on Migrant Workers’ Rights and Remediation 	<ul style="list-style-type: none"> ▪ Following the Media Training a SADC Media Toolkit focusing on 	<ul style="list-style-type: none"> ▪ Outstanding stories on migration and how it contributes to development



<p>Mechanisms as a well as recognizing migrant workers' contribution to development</p> <ul style="list-style-type: none"> ▪ Promoting the Portability of Social Security Rights for Migrant Workers ▪ Rights and responsibilities of Persons of Concern (PoC) as outlined in both domestic and international laws and considering country pledges ▪ Fair Recruitment of Migrant Workers 	<p>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</p> <ul style="list-style-type: none"> ▪ Reporting on combatting xenophobia 	<p>and realisations of SDGs.. Visual (Short film) Audio (Podcast and Vox pops)</p> <ul style="list-style-type: none"> ▪ Promote balanced reporting on Migration in the SADC Region
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National Labour Migration Policy: Identification of Priority Activities/Interventions per KPA on the 2022-23 implementation of the NLMP

Key Priority Area	Area of Support
Gender sensitive policies and/or strategies regulating labour migration	Development of communication strategy Development of M&E framework to monitor compliance of gender mainstreaming
International labour standards on labour migration and fundamental principles and rights at work	Capacity building and strengthening of roles for all institutions involved in labour migration governance Awareness raising and stakeholder engagements on the domestication and ratification of ILS (Convention, 102, 97 and 143)
Bilateral Labour Migration Agreements	Capacity building in the development of BLMAs and MOUs
Social protection of migrant workers and the SADC guidelines on portability of social security benefits	Capacity building in piloting the SADC guidelines on portability of social security benefits Support engagements with regional social security institutions to promote portability of social security benefits Support for repatriation and re-integration of irregular migrants
Labour migration statistics	Supporting of conducting migration survey



	<p>Conducting labour force survey (inclusions of skills anticipation and skills mismatch modules)</p> <p>Strengthening of institutions that produce migration data (administrative data)</p> <p>Harmonisation/standardisation of data collection instruments, mostly on administration data</p>
Fair recruitment of migrant workers	<p>Capacitating Foreign Recruitment Committee in order to monitor recruitment and transfer of skills.</p> <p>Establish and capacitate MRCs</p> <p>Development of a communication strategy to publicise the services of the MRCs and to demystify the negative narratives on migration.</p>

Discussions on the plan- The ILO and IOM noted that the following in support to the plan:

- There will be a capacity building workshop on BLMAs and mixed migration, for government officials;
- An assessment on the use of administrative data was being conducted;
- Support for the full usage and implementation of MRC will be provided;
- Partnership with UNECA will be discussed on the work around skills development; and
- Assistance on the development of labour migration statistics template s development and use.



B. Mixed Migration

National Overview on the Free Movement of Persons in Zimbabwe, inter-alia Trafficking of Persons, Case Studies.

The Department of Immigration falls under the Ministry of Home Affairs. Its mandate is to administer the Immigration Act [Chapter 4:02] /Regulations SI 195/98. This includes: (i) Regulate the entry of persons into and the departure of persons from the country; (ii) Prohibit the entry into the country; (iii) Provide for the removal of certain persons; (iv) Provide for the control of aliens; and (v) Matters incidental.

Mixed Migration Governance Set-Up in Zimbabwe was noted as comprising the following:

- MOHACH- Houses TiP Secretariat – TiP Act 2013, NAPLAC, Decentralization, Emerging as Source
- **A Compliance Section which manages:** Investment, Expatriates, Spouses, Refugees, Prosecution, Returnees, Research & Policy, Migration Data, Counter- Trafficking and Smuggling, Specified Nationals, Legal and Pre-Post Entry Monitoring
- Decentralized System: 9 Regions. Each Region headed by a Regional Immigration Officer. Each Port headed by an Assistant Regional Immigration Officer.
- 29 Borders (Mulambapele/Binga) possibility Chikwarara
- Headquarters: Clients Services Centre: Students, Scholars, Employment, Investment, Spouses Permits.
- Visa Section managing the country's 3 tier visa system
- I.T Section managing the Department's Integrated Border Management System
- Public Relations & Protocol: Attends to diplomatic accreditation and queries.
- Coordination- Manages all project related aspects of Immigration Management.
- Records & Information
- Accounts

The following gaps were noted as existing:

- ✗ Discourse biased towards (imm) vs. (emi) and the unexploited statutory opportunities
- ✗ Foreign Recruitment Policy (inept)- absence of (emi- pf) weakens computation of hemorrhage. Israel, Egypt- as referrals.
- ✗ Expatriate recruitment uninformed by skills gap in the market
- ✗ No national formula of expatriate skill and qualification verification
- ✗ Partial adoption and implementation of Migration Related Trade Agreements
- ✗ Investment projects detached from market realities
- ✗ Rights based approach at the expense of migrant obligations (refugees etc)
- ✗ Inept investment thresholds (195/98)
- ✗ Restrictive permit options
- ✗ Contemporary IBMS (case studies)



- ✘ Segmented Regional approaches to international conventions resulting in state burdening
- ✘ Liberalization detached from practice

The International Framework on labour exploitation, human trafficking and smuggling of persons (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.”

Female victims continue to be the primary targets for Trafficking in Persons. In 2018, most women and girls detected were trafficked for sexual exploitation, whereas men and boys were mainly trafficked for forced labour. Victims are exploited across a wide range of economic sectors, particularly in those where work is undertaken in isolated circumstances including agriculture, construction, fishing, mining, and domestic work.

In terms of trends in Zimbabwe it was noted that:

- Child vendors, some of whom walk more than 25 kilometres per day to sell goods, are exploited by sex traffickers in illegal mining areas.
- Adult women increasingly exploit girls as young as 12 in sex trafficking in gold mining communities in Mashonaland East, Mazowe, and Shurugwi.
- During the pandemic, organizations and media identified hundreds of children in sex trafficking near the Mazowe mines.
- Traffickers use false promises of legitimate employment opportunities, including through social media and messaging applications, to lure Zimbabwean adults and children into sex trafficking and forced labour in neighbouring countries, particularly South Africa.
- In South Africa, traffickers exploit Zimbabweans for months of labour without pay in agriculture, construction, factories, mines, information technology, and hospitality businesses.
- Traffickers have exploited Zimbabwean women in domestic servitude, forced labour, and sex trafficking in Iraq, Kenya, Kuwait, Saudi Arabia, and Uganda.

Zimbabwe has put in place the following Legislative and Policy Framework:

- ✓ Trafficking in Persons Act, 2014



- ✓ Zimbabwe National Strategic Framework and Action Plan to Combat Trafficking in Persons in place
- ✓ Money Laundering and Proceeds of Crime Act (Chapter 9:24 of 2019):
- ✓ Criminal Law (Codification and Reform) Act (Chapter 9:23 of 2004):
- ✓ Labour Relations Act (Chapter 28:01):

Recommendations: the Dialogue noted the following recommendations-

- Implement the National Action Plan on Combating Trafficking in Persons;
- Enact the Smuggling of Migrant Legislation;
- Train law enforcement, prosecutors, and judiciary officials on human trafficking investigations and prosecutions;
- Strengthen Cross –border bilateral engagements on combating TIP/SOM with neighbouring countries especially South Africa; and,
- Engagement with Ministry of Labour, Private Sector etc on ethical recruitment.

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

The key applicable conventions and laws in Zimbabwe, were noted as follows:

- the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, with reservations on Article 17 – right to wage earning employment and Article 26 - freedoms of movement and choice of place of residence;
- 1969 Convention Relating to Specific Aspects of Refugee Problems in Africa; and,
- 1954 Convention Relating to the Status of Stateless Persons.

In terms of national laws, Zimbabwe has enacted the Refugee Act and Immigration Act.

Zimbabwe hosts about 22,786 persons of concern (as of 31 July 2022), of which 10,045 are refugees, 11,827 are asylum seekers, and 914 other of concern. There are no official Government stats on persons at risk of statelessness (study underway). Refugees can only work in the country within the formal sector, as Lecturer, doctors, Lawyers and other professions but require work permits – issued for critical skills. Freedom of movement restrictions/encampment policy poses a challenge. It was noted that the country has made pledges under the Global Compact on Refugees[GCR], which include:

- Legal review and policy reform;
- To facilitate inclusion of refugees and asylum seekers in sport and cultural programmes;
- To improve the asylum process;



- To strengthen the institutional capacity of the national civil registry;
- Self-reliance and settlement approach; and,
- Access to tertiary education.

Recommendations: the Dialogue noted the following recommendations-

- Lifting of reservations to allow for:
- Waiving requirement for work permit for refugees
- Equality of treatment of [Social security] vis-a vis ILO Labour Standards [including refugees and stateless persons, if specifically accepted] ...reciprocity
- Local integration
- Inclusion of refugees in development plans
- Increasing self-reliance activities/options for Refugees; currently agro-based in camp

Flow monitoring data within the context of mixed movement in Zimbabwe

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.

Regional Migration Data Hub for Southern Africa (RMDHub) is a central repository of migration data and information gathered through studies, research, surveys, administrative processes, and operational activities in the Southern Africa Region. The overarching Goal of the RMDHub, is to support relevant stakeholders and ensure that reliable migration data are available, shared, communicated and utilized more effectively for evidence-based programming and policy development. The Displacement Tracking Matrix (DTM) is a system which aims to gather and analyze data to disseminate critical multi-layered information on the mobility, vulnerability and needs of displaced and mobile populations that enables decision-makers and responders to provide these populations with better context-specific assistance.

It was noted that the Flow Monitoring aims to derive quantitative estimates of the flow of individuals through specific locations and to collect information about the profiles, intentions and needs of the people moving.

- ✓ To improve the understanding of profiles, migration routes and migration drivers of populations on the move;
- ✓ To expand partners' awareness of immediate and medium-term needs of population on the move, so to inform humanitarian and resilience programming; and,
- ✓ To inform and development strategies and activities in the community of origin or in other areas.



Annex 1: Dialogue Pictures



Annex 2: Participants List

No	Name and Surname	Ministry/Organisation	Title	Male/Fe male
1	Hon. L. Matuke (Sen)	Ministry of Public Service, Labour & Social Welfare	Deputy Minister	M
2	Mr. T. Mudakureva	Ministry of Public Service, Labour & Social Welfare	Chief Research Economist	M
3	Mr. S. Hobwani	Ministry of Public Service, Labour & Social Welfare	Deputy Director- Research and Economics	M
4	Ms. T. C Jongwe	Ministry of Public Service, Labour & Social Welfare	A/Deputy Director- International Relations	F
5	Mr. D. Munikwa	Ministry of Public Service, Labour & Social Welfare	Senior Labour Officer	M
6	Mr. L.T. Mudima	Ministry of Public Service, Labour & Social Welfare	Senior Labour Officer- International Relations	M
7	Ms. M. Chikumbu	Ministry of Public Service, Labour & Social Welfare	Senior Labour Officer- International Relations	F
8	Ms. M. Zishiri	Ministry of Public Service, Labour & Social Welfare	Employment Officer	F
9	Ms. C. A. Muchunga	Ministry of Public Service, Labour & Social Welfare	Labour Officer	F
10	Mrs. B.N. Madamombe	Ministry of Environment Tourism and Hospitality Industry	Director Human resources	F
11	Mr T. Pasipamire	Ministry of Higher and Tertiary Education, Innovation, science and technology development	Director Human resources	M
12	Mr Taurai Muendesi	Ministry of Women Affairs, Gender, Community, Small and Medium Enterprises Development	Business Development Officer	M
13	Mr T. Dzvukutu	Ministry of Finance and Economic Development	Chief Economist	M
14	Mrs N.Mukwehwa	EMCOZ	Executive Director	F
15	Mr Micheal Kandukutu	ZCTU	National organiser	M
16	Mr Jacob Mupeti	ZFTU	Secretary of policy implementation and research	M
17	Mr Tidings Matangira	ZIMSTAT	Acting Manager Labour Statistics	M
18	Mr Mudarikwa	Home affairs		M
19	Mrs Deborah Bvure	Registrar Department	Registrar	F
20	Mr P. Kambarami	Department of immigration	Immigration Officer	M



21	Mr Enias Muradzvi	Ministry of Industry and Commerce	Deputy Director	M
22	Mr. Lloyd Kabara	Ministry of Justice, Legal and Parliamentary Affairs	Legal Officer	M
23	Mr S.Nyakoty	Ministry of Foreign Affairs and International Trade	Director Legal and Consular Services	F
24	Mr. Honondo	Ministry of Local government and Public Works		M
25	Ms. Hopolang Phororo	ILO/Co-Harare	Director	F
26	Mr. A. Chinomwe	ILO	Senior Programmes officer	M
27	Mr. T Mucheri	IOM	Consultant-National Labour Migration Policy	M
28	Ms. E. Weiseman	IOM	Project Officer	F
29	Mr. Theodoor Sparreboom	ILO/DWT/Co-Pretoria	Labour Migration Specialist	M
30	Ms. Gloria Moreno-Fontes Chammartin	ILO/DWT/Co-Pretoria	Chief Technical Advisor	F
31	Ms. Makungu Baloyi	ILO/DWT/Co-Pretoria	Communication & Information Management Officer	F
32	Ms. Sheila Ngoveni	ILO/DWT/Co-Pretoria	Financial Administrative Assistant	F
33	Mr. Christopher ZAPP	IOM-Pretoria		M
34	Mr. Nyasha Muchichwa	ARLAC	Consultant	M
35	Mr Patrick Nalere	ARLAC	Executive Director	M
36	Mrs. Memory Sadzana	Ministry of Public Service, Labour & Social Welfare		F
37	Mrs. F. Matarise	Department of Immigration		F
38	Brian Chigawa	ILO		M
39	Mr. Ensign Musamba	Ministry of Public Service, Labour & Social Welfare		M
40	Ms. Chantel Mandonye	Ministry of Public Service, Labour & Social Welfare		F
41	Mr. Bothwell Mutonzi	Office of the President and Cabinet		M
42	Mr. Kudakwashe Mazipetele	Ministry of Public Service, Labour & Social Welfare		M
43	Mr. McDonald Zinyama	Ministry of Public Service, Labour & Social Welfare		M
44	Mr. Tunde Omoyeni	IOM	Regional Project Coordinator	M



45	Ms. Yolanda Chilimanzi	UNHCR		F
46	Mr. Tichaona Mabanga	UNHCR		M

