

THE LABOUR MARKET SITUATION OF

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# WOMEN MIGRANT WORKERS IN THE SADC REGION



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# **WOMEN MIGRANT WORKERS IN THE SADC REGION**

Amy Tekié and Tara Polzer Ngwato

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# ACRONYMS

<b>AU</b>	African Union
<b>BLA</b>	Bilateral Labour Agreement
<b>CCMA</b>	Centre for Conciliation Mediation and Arbitration (South Africa)
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination against Women
<b>COIDA</b>	Compensation for Occupational Injury and Disease Act (South Africa)
<b>COMESA</b>	Common Market for Eastern and Southern Africa
<b>CRC</b>	Convention on the Rights of the Child
<b>DRC</b>	Democratic Republic of Congo
<b>ICRMW</b>	UN International Convention on the Protection of the Right of All Migrant Workers and Members of Their Families
<b>ILO</b>	International Labour Organisation
<b>ILOSTAT</b>	ILO database of labour statistics
<b>LEP</b>	Lesotho Exemption Permit
<b>MoU</b>	Memorandum of Understanding (in reference to labour and migration agreements)
<b>NLMP</b>	National Labour Migration Policy
<b>PEA</b>	Private Employment Agency
<b>SADC</b>	Southern African Development Community
<b>SDGs</b>	Sustainable Development Goals
<b>UN</b>	United Nations
<b>UK</b>	United Kingdom
<b>UNDESA</b>	United Nations Department of Economic and Social Affairs
<b>UIF</b>	Unemployment Insurance Fund (South Africa)
<b>ZEP</b>	Zimbabwe Exemption Permit



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# EXECUTIVE SUMMARY

# I. Executive summary

Migration is on the rise globally, and this is reflected in Africa and in the SADC region. In the years between 2000 and 2017, the number of international migrants in Africa increased by 67%, from 15 million to 25 million. (UNCTAD 2018, 42) High youth unemployment levels drive economic migration between African countries and to other continents. At 45% in 2018, Southern Africa's youth unemployment rate is by far the highest on the continent, and South Africa's unemployment is amongst the highest in the world. However, major economic hubs in the region continue to demand migrant labour, due in part to skills deficits, and economic, social and political factors in destination countries continue to push working age men and women to migrate. In many countries in the SADC region, national migration policies do not effectively address the dynamics and realities of labour migration, and data shortages and complications make it difficult to determine accurate statistics.

Migration patterns in high-income countries worldwide have shown a significant increase in the proportion of migrants who are women, termed the "feminisation of migration". Data from the SADC region, however, shows remarkable continuity in the proportion of female migrants over time. While the region saw an increase of 1.4 million migrants between 1990 and 2020, the percentage of these who were women remained steady at 47%. This confirms the UNCTAD migration data suggesting that feminisation of migration is not as evident in Africa as in other regions.

Migration patterns in high-income countries worldwide have shown a significant increase in the proportion of migrants who are women, termed the *feminisation of migration*.

Women labour migrants in the SADC region, and throughout the continent, have long been, and remain, critical players in driving economic growth and cross-border trade, serving as breadwinners and primary caregivers for families. However, as women they face significant challenges that impact their migration experiences and their labour market opportunities. With historically lower rates of access to education, higher levels of care responsibilities, increased vulnerability to violence and abuse, and entrenched social and institutional gender biases, women labour migrants in the region are more likely than men to migrate irregularly and be informally employed. As both women and migrants, they face a double wage penalty, and are more likely to be subjected to substandard employment arrangements. Furthermore, studies of wage data worldwide found that the wage gap

for migrants in the care sector is almost double that of those in other sectors, penalising the large numbers of SADC migrant women working in domestic work, health care, and elder care. (Amo-Agyei 2020, 77)

There is therefore a clear and urgent need to develop and implement gender-responsive, evidence-based policies to bridge gender gaps in migration policies, labour regulation, and data collection. The following key findings and recommendations of this study can inform such policies, as well as the research needed to better understand the labour market experiences of migrant women in the region.

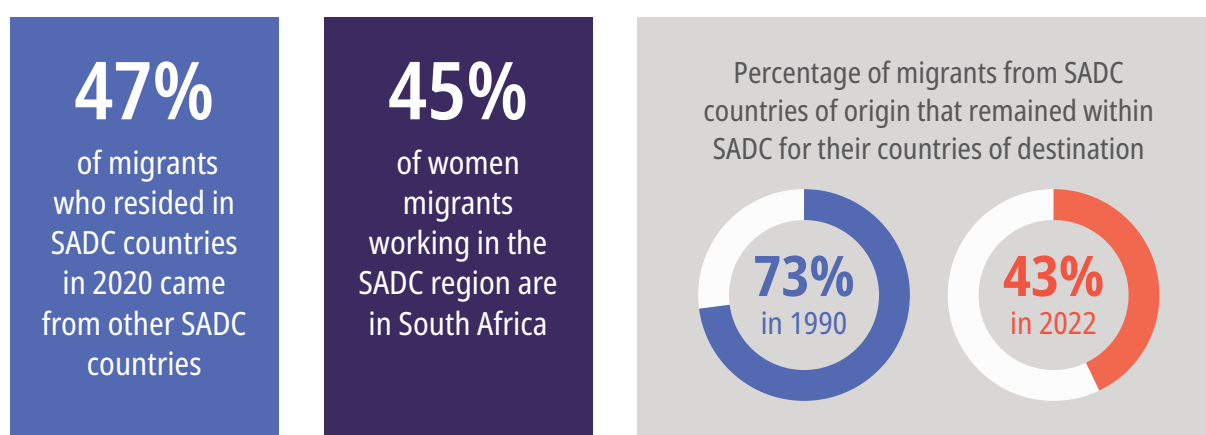
Women migrants face a double wage penalty, and are more likely to be subjected to substandard employment arrangements.

## A. Key Findings

1. **Three primary labour migration flows can be described within the region.** The dominant migration **flow** in the region is the **South-Central Channel**, with migrants from Zimbabwe, Malawi, Mozambique, Lesotho and Eswatini migrating to the more prosperous economies of South Africa, predominantly, as well as Botswana and Namibia. In the **West-Central Channel**, migrants from Angola, DRC, and Zambia move between these countries and into Namibia (and sometimes further south into South Africa). In the **Eastern (Indian Ocean) Channel**, migrants from Madagascar, Mozambique and outside the region travel to work in Seychelles and Mauritius. These channels apply equally for women and for men migrants.
2. **More women migrants are moving out of the region.** There has been an 'internationalisation' of SADC migration over time. In 1990, 73% of migrants from SADC countries of origin remained within SADC for their countries of destination, in contrast to only 43% in 2022. Southern African migrants are more likely to move out of Africa than migrants from East, Central and West Africa, with 48% leaving the continent as opposed to less than 30% of migrants from other sub-Saharan regions. Under half (47%) of migrants who resided in SADC countries in 2020 came from other SADC countries of origin. (The general pattern for women migrants is the same as for migrants overall.) Notably, 45% of women migrants working in the SADC region are in South Africa.
3. **Women migrant workers in the region are concentrated in several key employment sectors.** These include domestic work, agriculture, informal trade, hospitality, and manufacturing (in the Indian Ocean region), with more highly skilled women migrating to work in health care, education, and other professional services.



4. **Labour migration in the region is shaped by irregular migration, and women migrants are more likely than men to be in an irregular situation.** Irregular migration is fuelled by high unemployment rates in destination countries (which result in limited regular migration avenues for low-skilled workers), as well as by porous borders, shared ethnic and linguistic communities across borders, inadequate migration management policies, and poor border management. While migration can offer avenues to economic opportunity and personal empowerment for women workers, irregular migration of women migrant in the region often results in dangerous migration journeys, exploitation in the workplace, exclusion from labour rights enforcement and social protection mechanisms, and exclusion from social services such as health and education.
5. **Labour force participation of women migrant workers varies greatly by country.** As has been seen in migration data on women globally, women migrants in most countries in the SADC region are more likely to be unemployed than their male counterparts. However, the labour force participation levels of women migrants compared to non-migrant women varies greatly by country, influenced by factors such as local skills availability, regular and irregular migration, and key sectors of employment. This suggests that discussions of labour force participation must take into account country-level contextual factors.
6. **Variation in skill levels of women migrant workers.** Women migrants in the region work at a wide variety of skill levels, with distinct country-level patterns in how this compared with non-migrant women's skill profiles. In higher income countries of destination, women migrants are more likely than non-migrant women to work in low-skilled professions, whereas in some lower income countries, women migrant workers are more likely than their non-migrant counterparts to work in medium and high-skilled professions. While this follows global trends on skill levels for women





migrants, the pattern in the region is not entirely consistent. As with labour force participation, debates and policy recommendations must be conducted based on specific evidence per country rather than on generalisations.

7. **SADC Members States have checked commitments to international and regional guidelines on women and migrant workers.** The SADC region has developed an array of protocols and frameworks to localise the relevant UN, ILO and AU conventions protecting migrant and women workers. Beyond the core ILO conventions, ratification of other international conventions which impact migrant and women workers has been limited. This is also the case for relevant SADC protocols. While some of these explicitly address the gender dynamics of labour migration, ratification remains inadequate. For those conventions and protocols which have been ratified, Members States are, in many cases, still in the early stages of domestication and enforcement at the national level.
8. **Progress in developing National Labour Migration Policies (NLMPs) and other policies to harmonise national laws with regional and international conventions.** With the support of the SAMM project, five countries in the region have NLMPs in place, and several more are in various stages of development. All countries in the region have mixed-migration policies, and five countries have agreed to pilot in their social protection schemes the guidelines of the SADC Code on Social Security.
9. **Increasing numbers of bilateral labour agreements and MoUs are being negotiated between SADC Members States, and with countries outside the region.** Although some of these date back to colonial times, many contemporary agreements are being established to facilitate skilled migration, set standards for minimum labour protections, create a framework for portability of social protections, and facilitate regular migration (or regularise or facilitate the return of migrants already in an irregular situation). More effort is needed to ensure these agreements are sensitive to issues faced by women migrants, and to advocate for agreements in sectors and migration channels where women migrant workers are being exploited.
10. **Skilled emigration of healthcare and education workers is resulting in “brain drain” and “brain waste”.** Higher income countries within and beyond the SADC region are actively recruiting healthcare workers and teachers from Zimbabwe and other countries in the region, impacting the provision of health and education services within countries of origin. Furthermore, deskilling of migrant workers due to insufficient skills recognition mechanisms, skills mismatch, or irregular migration frequently leads to the underemployment of qualified migrant workers, limiting the migration benefits to themselves and their countries of origin and destination.

11. **Unfair fraudulent practices dominate recruitment of migrant women workers.** Channels for recruitment of women migrant workers in the region include private employment agencies, especially in cases of regular migration and skilled workers, direct recruitment by employers, and informal agents or intermediaries. Low-skilled and irregular migrant workers are particularly vulnerable to fraudulent and exploitative recruitment practices, including coercive recruitment and human trafficking. While some regulation is in place in most countries to prevent these practices, there are significant regulatory gaps and enforcement is weak.
12. **Non-standard employment relationships are increasing in many sectors employing women migrants.** Sectors such as agriculture, hospitality and, to some extent, domestic work, are increasingly employing workers as casual, fixed-term, or part-time, in order to bypass labour protections due to permanent and full-time workers. Both women workers and migrant workers are particularly targeted for these reduced contracts due to discrimination, increased precarity, familial responsibilities, and rights to maternity benefits. Although efforts are being made by trade unions and civil society organisations to extend labour protections to non-standard employment, workers in such situations remain likely to fall through the cracks of labour regulations and social protection schemes.
13. **Despite labour law coverage, women migrants workers experience barriers to accessing justice and redress mechanisms for labour violations.** Although migrant workers in regular situation are protected under the labour laws of most countries in the region, women migrant workers are less likely than nationals to be able to access justice and redress mechanisms. This is due to a variety of factors including irregular migration status, informal employment relationships, fear of deportation (including for migrants in a regular situation), discrimination by labour institutions, and cumbersome or inaccessible claims processes. Sectors with high levels of employment of women migrants, such as domestic and farm work, also have additional industry-specific barriers to successfully reporting labour violations. Furthermore, both women and migrant workers are underrepresented in trade unions.

## B. Recommendations

Our recommendations relate to the mandate of the ILO Southern African Migration Management (SAMM) Project<sup>1</sup> to support:

- ▶ Strengthened and informed decision-making
- ▶ Improved policy environment and
- ▶ Better management of labour migration and mixed migration flows

### 1. Data collection and analysis

1. Efforts should be continued to ensure continuity of migration data collection through regular labour force survey modules or dedicated migration surveys, including special sampling procedures targeting migrants, so that the ten-year period between census rounds does not result in renewed data gaps.
2. More consistent measurement of migration across the region, by both citizenship status and place of birth, would enable greater ease of comparison across countries.
3. National labour force data should be collected with sufficient migrant sample sizes to enable disaggregation by gender and migration status, including information on employment levels, education levels, occupations and working conditions needs.
4. At SADC level, ongoing efforts to improve collective migration management should include advocacy for a simple and regionally standardised module of migration questions in labour force surveys (and equivalent multi-purpose surveys) across the region. This module should include ways of measuring informal work, especially in sectors with many female migrants such as domestic work, agriculture and trading.
5. The ILO should deepen a training programme for NSO officials responsible for population statistics (which traditionally include migration) and labour statistics on the specifics of designing samples and appropriate questions for measuring migrant work and ensure that this training includes sensitivity to gendered experiences of migration and work.

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1 [https://www.ilo.org/africa/countries-covered/south-africa/WCMS\\_758857/lang--en/index.htm](https://www.ilo.org/africa/countries-covered/south-africa/WCMS_758857/lang--en/index.htm)

## 2. Regional and national migration policy

1. Governments should ratify, domesticate, and enforce the relevant international labour Conventions and SADC protocols which promote the protection of migrant workers and gender equality in the workplace.
2. Governments should develop gender-sensitive national labour migration strategies to ensure strategic coordination between immigration and labour policies, and to prevent exploitation of migrant workers. These should be developed and implemented in close cooperation with social partners.
3. Existing and future bilateral labour agreements and MoUs should pay specific attention to gender concerns including equality of opportunity, access to health care, maternity protection, and protection from violence and harassment.
4. Bilateral labour negotiations should specifically address labour standards in sectors with large numbers of women migrant workers and high levels of exploitation, such as domestic work and agriculture.
5. Destination countries should explore avenues for regularization of migrants in an irregular situation to regularise their status, as well as formal channels for the migration of low-skilled workers. Countries of origin should also be proactive in creating policies and social protection systems to provide greater stability for their workers as well as protections from exploitation.



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Governments should develop gender-sensitive national labour migration strategies to ensure strategic coordination between immigration and labour policies, and to prevent exploitation of migrant workers.

### 3. Labour market access and working conditions

1. Regulation of private employment agencies and third-party intermediaries should be strengthened and enforced, including national awareness initiatives to prevent trafficking and other abusive and fraudulent recruitment practices.
2. Gender responsive pre-departure services should be provided for women migrants in both formal and informal employment. This includes information sessions and pre-departure trainings that prepare women migrating within and outside of the SADC region, especially to high-risk countries.
3. National skills development and skills recognition programmes, including recognition of prior learning, should be reinforced, aligned with the SADC Qualifications Framework, and made more accessible to women migrant workers, to reduce deskilling and improve the development benefits of women's migration.
4. Special effort should be made to ensure labour law coverage and enforcement in sectors with high levels of exploitation of migrant and women workers, such as agriculture, domestic work, and hospitality.
5. National labour regulations should be amended to protect and enforce the basic labour rights and access to benefits and social protection of workers in non-standard forms of employment, including temporary and part-time work, as well as workers employed by temporary employment services.



Maternity rights and protections should be enforced for all women and migrant workers.



6. Maternity rights and protections should be enforced for all women and migrant workers.
7. Migrant workers should be eligible for inclusion in national social protection schemes, and regional and bilateral agreements should facilitate portability of benefits between countries in the region.
8. Labour institutions should enforce the workplace rights of migrants regardless of their migration status.
9. Concerted effort should be made to integrate migrant workers into trade unions and worker organisations, and to ensure fair representation of women in membership and leadership structures.



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# II

## INTRODUCTION

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## II. Introduction

### A. Purpose and objectives of the study

The objective of this report is to provide an overview of the situation of women migrant workers in the sixteen countries belonging to the Southern African Development Community (SADC). This includes a review of laws, regulations, policies, and existing data, and highlights the gender dimensions of and gender gaps in decent work outcomes for migrant workers in the region.

This study will contribute to the following Sustainable Development Goals (SDG) targets:

- ▶ **Target 5.1** End all forms of discrimination against all women and girls everywhere;
- ▶ **Target 5.2** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;
- ▶ **Target 5.4** Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate;
- ▶ **Target 8.5** Achieve full and productive employment and decent work for all women and men, and equal pay for equal work;
- ▶ **Target 8.8** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment;
- ▶ **Target 10.4** Adopt policies, especially fiscal, wage and social protection policies, and achieving gender equality; and
- ▶ **Target 10.7** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.



## B. Methodology

The information reported here is collected through literature research and interviews. These included:

1. A review of recent literature on global, continental, regional and country-specific studies of women migrant workers.
2. A review of relevant international, continental and regional conventions and policies and national legislation on migration management and labour rights.
3. Interviews with key informants from civil society, multilateral institutions, trade unions, and academia.

For the data analysis in this report, we combine documentation review, secondary data analysis and key informant interviews with migration experts, organisations providing services to (women) migrants and representatives of national statistics offices in the region.

For the secondary data analysis, we draw on two main data sources: UNDESA 2020 datasets for overall migration flows and stocks (UNDESA 2020a, UNDESA 2020b), and ILOSTAT datasets on labour force participation, skill levels and occupation sectors disaggregated by migration status (ILO 2023a). UNDESA and the ILO respectively compile these from official statistics generated by national statistics offices in each country in the region. While the UNDESA data is modelled to provide estimates across countries for the same year (in our case, we report mostly on the 2020 estimates with some references to change over time since 1990), we use the unmodelled ILOSTAT datasets which report on each country's most recent datasets. Limitations of both datasets, and the approach taken to interpreting available datasets and data sources, are discussed in the chapter IV of the report, below.

## C. Navigating this report

This report is organised into eight sections:

- I. **Executive Summary:** Summarises the findings and recommendations of the study.
- II. **Introduction:** Presents the purpose and objective of the study, and an overview of the methodology and report structure.
- III. **Background on women's labour migration in the SADC region:** Provides context on women's labour migration, key geographical flows of migrants in the region, and information on key sectors of employment for women labour migrants.

- IV. **Data on women migrant workers in the SADC region:** Presents and analyses available data on women's labour migration, including key migration stocks and flows, labour force participation, skill patterns and key sectors of employment by country.
- V. **Labour migration policy review:** Reviews international, regional and sub regional conventions and policy frameworks for the protection of women migrant workers, as well as their adoption, and presents migration policy case studies for Namibia, South Africa and Zimbabwe.
- VI. **Women's migration in practice:** Discusses the benefits, risks and drivers of migration, the reasons for irregular migration and avenues to regularisation, aspects of skills recognition and mobility, the nature and impact of skilled migration, and finally, barriers to fair recruitment and equal employment opportunities.
- VII. **Labour rights of women migrant workers:** Presents key findings on increasing trends toward non-standard employment of migrant and precarious workers, working conditions of women migrant workers in comparison to men and non-migrant workers, challenges to accessing justice and trade union participation for women migrants, and access to social protections.
- VIII. **Conclusions:** Details recommendations and areas for further research.





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# III

## CONTEXT OF WOMEN'S LABOUR MIGRATION IN THE SADC REGION

### III. Context of women's labour migration in the SADC region

#### A. Flows of migration

Women's labour migration in the SADC region cannot be understood outside of its historical context. Countries in the region have been sending and receiving migrant workers since the mid-nineteenth century, under colonial regimes — first for mines, then for agriculture, construction, domestic work, and other sectors. Only the male-dominated mining industry established a formal contract labour system, so employers in other sectors often had to hire migrant workers informally and without formal work permits. In fact, the contract labour system and colonial regulations only allowed men to migrate formally, while women were forced into irregular migration. The nature of borders in the region are long and porous, and cut through ethnic and linguistic and geographic communities, further contributing to the irregular nature of migration. Until the 1960s there were no border controls between some SADC states. (Williams, 2006)

In fact, the contract labour system and colonial regulations only allowed men to migrate formally, while women were forced into irregular migration.

Since the mid-1980s, migration flows into South Africa have changed extensively, with a reduction in mine migration and large increases in other forms of migration including forced migration from Mozambique during the civil war (mid-1980s to early 1990s), migration driven by Zimbabwe's economic collapse since the early 2010s, and economic migration (high, medium and low skilled) from countries across the continent. Other countries in the region have also experienced major shifts in their migration patterns, including Angola and the DRC due to conflicts; Zimbabwe's economic collapse, and related shift from primarily a destination to a sending country; Malawi losing attractiveness as a migration destination; and countries like Botswana, Mauritius and the Seychelles greatly increasing their economic attractiveness for migrant workers (Crush, et al, 2017, 9). The table below notes migration patterns to and from countries in the region.<sup>2</sup>

<sup>2</sup> Note that, for consistency, these totals include all country statistics as per UNDESA 2020 datasets, even though the data for some countries may need additional interpretation in terms of whether it accurately represents current migration levels. See Box 1 on Zimbabwean migration numbers.



**TABLE 1:** Percentages of in- and out-migrants per country moving from or to other SADC countries and especially to South Africa (2020)

Country/ Region	Total in- migrants	Total in- migrants from SADC	% in- migrants from SADC countries	Total out- migrants	Total out- migrants to SADC countries	% out- migrants into SADC countries	Total migrants to SA	% out- migrants to South Africa
Angola	656 434	98 184	15%	668 066	337 621	51%	47 945	7%
Botswana	110 268	81 926	74%	63 561	56 521	89%	50 475	79%
Comoros	12 496	9 748	78%	150 823	12 920	9%	234	0%
Democratic Republic of the Congo	952 871	177 028	19%	1 832 069	321 102	18%	63 892	3%
Eswatini	32 858	23 793	72%	50 039	46 391	93%	45 435	91%
Lesotho	12 060	5 571	46%	202 164	200 613	99%	192 008	95%
Madagascar	35 563	12 153	34%	193 526	13 797	7%	515	0%
Malawi	191 362	139 595	73%	311 052	286 759	92%	94 119	30%
Mauritius	28 893	3 052	11%	182 973	11 318	6%	10 243	6%
Mozambique	338 850	268 263	79%	640 160	539 219	84%	350 463	55%
Namibia	109 391	74 491	68%	47 770	39 902	84%	36 671	77%
Seychelles	13 050	1 638	13%	29 258	18 266	62%	804	3%
South Africa	2 860 495	1 617 492	57%	914 901	89 667	10%		
United Republic of Tanzania*	426 017	102 027	24%	327 863	34 885	11%	11 544	4%
Zambia	187 955	126 235	67%	200 700	106 936	53%	22 901	11%
Zimbabwe	416 141	286 702	69%	1 243 314	911 981	73%	690 243	56%
<b>SADC Total</b>	<b>6 384 704</b>	<b>3 027 898</b>	<b>47%</b>	<b>7 058 239</b>	<b>3 027 898</b>	<b>43%</b>	<b>1 617 492</b>	<b>23%</b>

Source: UNDESA 2020a,b

SADC overall has become a net out-migration region. Levels of migration from SADC countries toward other regions have increased over time. In 1990, 73% of all out-migrants from SADC countries of origin remained in the SADC region, compared with only 43% in 2020 (UNDESA). According to UNDESA (2020) data, 21% of SADC emigrants are living in other (non-SADC) countries in Africa and 36% of SADC emigrants are living outside of Africa. This is higher than for other sub-Saharan African regions, where less than 30% of emigrants left the continent (UNCTAD 2018).

Table 1 also shows that there is great variation across countries concerning the extent of SADC migration linkages. Some countries are almost entirely oriented towards an inner-SADC migratory flow, with over two-thirds of both in- and out-migrants remaining in the region. This includes Botswana, Eswatini, Malawi, Mozambique, Namibia and Zimbabwe. Some countries, like Angola, Comoros, Lesotho, Seychelles, South Africa and Zambia, have predominantly SADC in-migration or out-migration but not both. Finally, the Democratic Republic of the Congo, Madagascar, Mauritius and Tanzania have few migration touchpoints with the rest of the region.

When analysing bilateral migration flows between countries in the region, three distinct labour migration channels emerge:

1. **South-Central Channel**, with migrants from Zimbabwe, Malawi, Mozambique, Lesotho and Eswatini migrating to the more prosperous economies of South Africa, predominantly, as well as Botswana and Namibia. This is the primary migration channel in the region;
2. **West-Central Channel**, with migrants from Angola, DRC, and Zambia moving between countries, as well as into Namibia (and sometimes further south into South Africa);
3. **Eastern (Indian Ocean) Channel**, with migrants from Madagascar, Mozambique and outside the region (especially South Asia) moving to Seychelles and Mauritius.

External flows into and out of the region include:

1. Women from Madagascar and Tanzania (and to a smaller degree, other countries such as Malawi, Mozambique Zambia, and Zimbabwe) migrating to the Arab States, especially for domestic work;
2. Filipinas, Sri Lankans, and Kenyans migrating into the Seychelles for domestic work and Bangladeshi, Nepalese, Sri Lankan and Indian women into Mauritius;
3. Flows of skilled workers out of SADC countries. This includes Zimbabwean, South African and Malawian health and care workers and educators, often women, who are recruited to countries including the UK, Canada and New Zealand. Professional South Africans, often white, also move to English-speaking developed countries, such as UK and Australia, in significant numbers.

More information on the statistical breakdown of these flows follows in Section IV(C).

**BOX 1:** Zimbabwe's stateless "migrant" workers

While the UNDESA statistics show over 120,000 Mozambican, 100,000 Malawian and 30,000 Zambian migrants in Zimbabwe for 2020, which is presumably based on Zimbabwean census or household survey data, the official government statistics on migrant workers (from Labour Force Surveys) record only 25,963 total migrant workers for 2023 (ZimStat 2023). A major reason for the scale of this discrepancy is that a majority of those counted in the UNDESA migration numbers are not actually migrants, but are Zimbabwean-born children and grandchildren of migrant workers who came from Malawi, Mozambique and Zambia, primarily in the 1950s and 60s. They have never lived in their migrant ancestor's country of origin and they do not have any documentation regarding their citizenship there. However, neither are they Zimbabwean citizens. They can be issued with Zimbabwe ID documents, but those will be marked A for Alien, and they are generally still referred to in society as Malawians or Mozambicans. Until 2013, Zimbabwe did not allow dual citizenship. Therefore, in order to be recognised as full Zimbabwean citizens, these workers would be required to renounce their 'other' ancestral citizenship, but since they have no documentation they cannot fulfil the administrative requirements for renouncing it. Although dual citizenship is now permitted, there are geographic and administrative barriers for those in rural areas far from the relevant offices. They are thus living as residents of Zimbabwe but are effectively stateless.<sup>3</sup>

The situation of these "migrant workers", who are not actually migrants, highlights the complicated nature of national identities, data collection and analysis, and labour arrangements. Interviews for this research suggested that descendants of migrant workers in South Africa and other countries in the region are in a similar situation. Furthermore, the literature on migrant workers hosted in SADC countries outside of South Africa is very limited. In order to accurately interpret data and policy, much more localised research is needed to uncover situations like that in Zimbabwe.

3 Other possible reasons for the discrepancy between UNDESA and Zimbabwe's LFS numbers are that the LFS has a minimum working age cut-off (usually 15) under which migrants are not counted. Moreover, the usual LFS sampling procedures do not capture large groups of migrants living communally (such as on farms) or in institutions, or who actively refuse to take part. However, the age element is likely to explain only a small part of the variation in numbers, and other countries also have the same limitations in their LFS versus census data, not explaining the especially large difference in the Zimbabwean case.



## **B. Key economic sectors of employment**

The following are highlights of some of the key employment sectors for women migrant workers in the region.

### **1. Domestic work**

A recent study on domestic workers in the SADC region by the ILO (2022b) estimated that in the range of 185,000 to 243,000 migrant domestic workers are employed in the SADC region, with up to 200,000 of those residing in South Africa. This is almost half of the total estimated population of migrant domestic workers in Sub-Saharan Africa (580,000) but represents only 2% of the estimated global population of migrant domestic workers (11,500,000). (ILO 2015b)

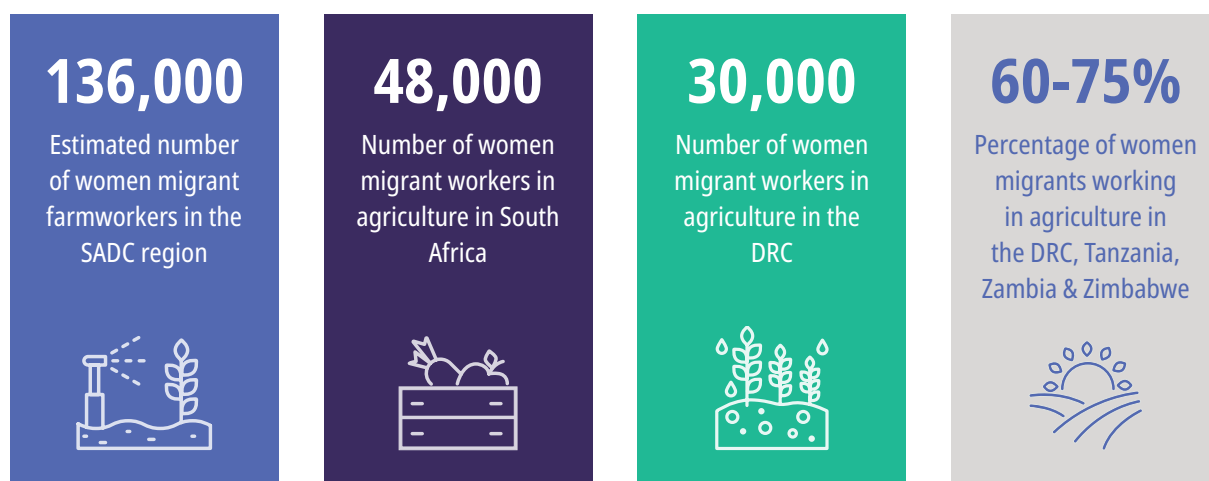
As in most developing contexts, domestic work in SADC countries is most commonly done by locals. However, due to the mix of low, middle and high-income countries in the region, migration for domestic work exists within the region, primarily to South Africa, Botswana and Namibia. The largest nationality migrating into domestic work in the region are Zimbabweans. In addition, the Seychelles receive some migrant domestic workers from Asia. Domestic workers from Madagascar and Tanzania are recruited to work in the Arab States, despite their nations' efforts to curtail such migration due to high levels of exploitation. Other countries in the region, such as Malawi, Zambia and Zimbabwe are now also seeing pockets of informal recruitment of workers to Arab States.

All countries in the region include domestic work in the general labour laws, and nine countries have sector-specific labour regulation for domestic work. However, in many countries, these laws remain problematic due to gaps in regulation or specific legal exclusions. Levels of enforcement are weak across the region. Most countries have unions or other forms of rights support for domestic workers, but these incorporate a very small percentage of workers, due to the isolation and vulnerability of workers, and under-resourced condition of organisations.

Despite formal coverage under the labour laws, in practice the sector is highly informal, with very limited enforcement of labour regulations. Because hosting countries in the region do not offer legal immigration pathways for low skilled labour, the proportion of migrant domestic workers in an irregular situation is very high. In many countries in the region, migrant domestic workers are excluded from social protection schemes, on the basis of either their employment sector or their migration status.

## 2. Agriculture

Establishing reliable numbers for migrant women in agriculture in the region is challenging, given the data considerations described in Section IV(A).<sup>4</sup> Recognising this, an analysis of available statistics shows 136,000 women migrant farmworkers in the region, equalling 22% of the total 620,000 recorded women migrant workers for whom there is occupation data. South Africa and the DRC have the highest absolute numbers of women migrant workers in agriculture (48,000 and 30,000, respectively). In the DRC, Tanzania, Zambia and Zimbabwe agriculture is the dominant sector for women migrants with 60-75% working in agriculture. In other countries, like Angola, Lesotho, South Africa and Madagascar, agriculture is an important employment sector, but alongside other options such as domestic work and trade.



Like domestic work, agriculture is an entry point into the labour market for women migrant workers in the region. Women and men from Angola cross into Namibia to work on both communal and commercial farms, as do Zimbabweans and Zambians. Farmers in the Limpopo region of South Africa have arrangements with border control, and cross into Zimbabwe with trucks to recruit women for seasonal labour, especially on citrus, flower, and other farms. At the end of season, many of those workers go south to work on wine and fruit farms in the Western Cape, which also employ migrant workers from Malawi, Mozambique and Lesotho.

<sup>4</sup> Data on migrant employment, as consolidated in ILOSTAT datasets, is partial - especially for sectors with high levels of informal employment such as agriculture (see below for a discussion of data quality challenges). When combining regional ILOSTAT data on occupations by citizenship (which does not include data for Malawi, Mozambique and South Africa) and by place of birth (which does not include data for Botswana, DRC, Seychelles and Madagascar) and selecting the higher number of agricultural workers where countries report on both, a total of 136,000 women migrants are recorded in agricultural work.

Zimbabwe's population of stateless workers includes a large number of former and current farmworkers, many of whom have integrated into rural communities. Recent studies show that farmworkers in Zimbabwe have experienced increasing casualisation of labour since the 'Fast Track Land Reform' of the early 2000s.

*Land reform has dramatically reshaped the relationships between land and commercial production, as well as patterns of social reproduction, gender and class relations, and with this, labour. This has major implications for how we understand 'labour' in the new rural context, and what types of service and policy support are required. ... [T]hose who were formerly farmworkers — both women and men — on white-owned, large scale commercial farms are pursuing a whole range of livelihood activities, including farming, off-farm employment, natural resource extraction, as well as selling labour to new settlers on small-scale farms.*

(Scoones et al, 2018, 806-807)

A trend away from full time permanent labour is also reported on commercial farms in South Africa. Farmers are using labour brokers as middlemen to provide a casual supply of labour, especially during harvest periods. The farmer thereby avoids having to provide comprehensive employment benefits to workers. Data on employment in agriculture shows that women are more likely to be hired as seasonal or casual workers, especially during the high labour seasons, where the average rate of ~30% female employment increases dramatically, a trend referred to as the feminisation and casualisation of the agricultural labour force in South Africa. (Fortuin 2021, 36).

### 3. Informal trade

According to UNCTAD (2018), 70% of cross-border trade in Southern Africa is undertaken by women migrants, accounting for as much as 30–40% of SADC trade.<sup>5</sup> In South Africa and other SADC destination countries, informal trade is an important livelihood option for migrant women. However, because these traders are either micro-entrepreneurs or are informally employed by other traders, they are excluded from labour regulations and social protection schemes. As both women and migrants they are subject to biases which directly impact their security and ability to earn. According to the Socio-Economic Rights Initiative of South Africa, women traders have their goods confiscated more frequently

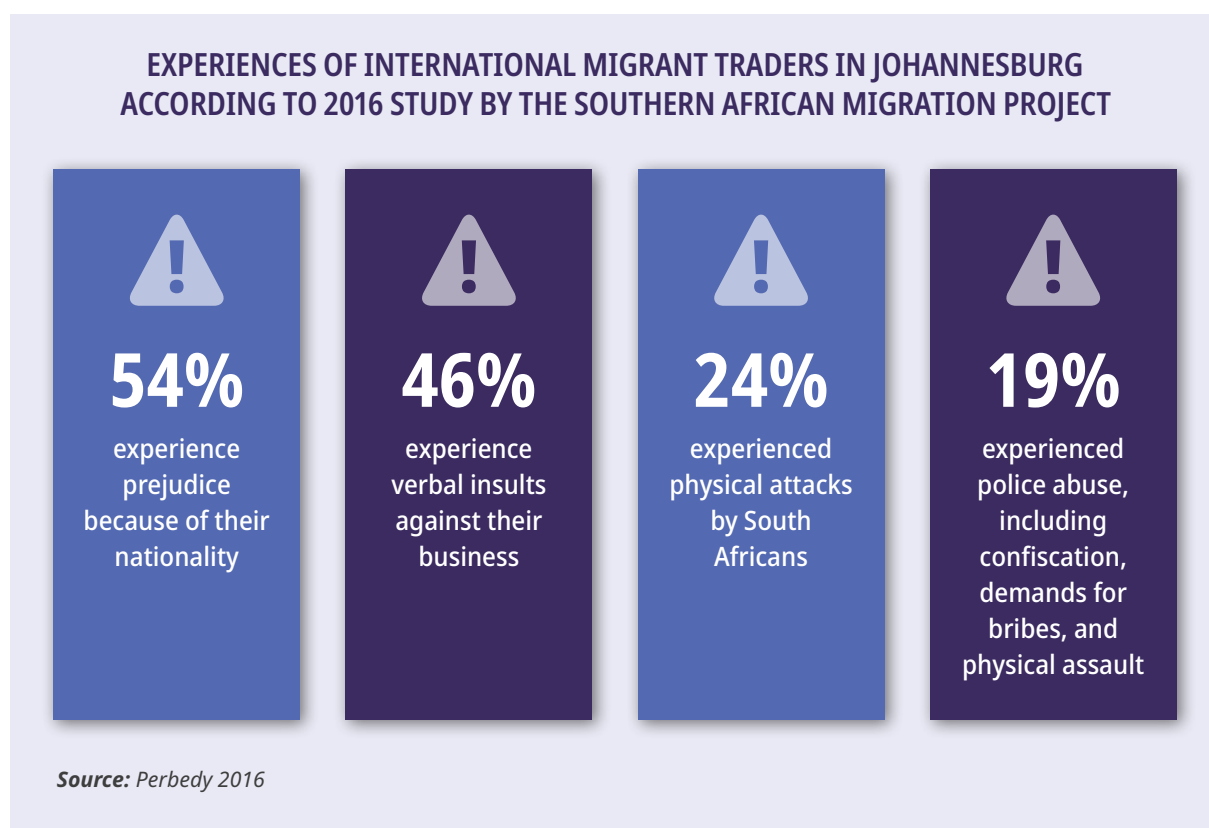
<sup>5</sup> Definition of cross-border and informal trade overlap in literature and data. Many cross-border traders continue to live in their country of origin, as distinct from the migrant informal traders living full-time in a destination country. The latter are included in this study.

than men, as men are better able to pack up and run at the sight of police. Migrants are also more likely than citizens to have their goods confiscated, since they are less likely to be members of traders organisations, which provide some limited protection against confiscation. Although there are a few traders forums in Johannesburg which accept migrants, many explicitly exclude non-South Africans from membership.

The City of Johannesburg enforces immigration compliance for traders, most of who are asylum seekers, refugees, or holders of the Zimbabwe or Lesotho Exemption permits. However, the city is increasingly insisting that migrant traders must have a Business Permit; these permits are not designed for microbusiness and are logistically and cost prohibitive, requiring a R5 million investment. This is forcing migrants out of the informal trade sector.

In Namibia, women refugees from the DRC travel to urban areas to work as vendors, selling produce they have grown in the camp, as well as other items. In some cases, women migrant workers from Zimbabwe and other neighbouring countries are hired for wages by informal traders (some of whom are migrants themselves) to manage the selling of their goods.

**BOX 2:** Experiences of international migrant traders in Johannesburg



Additional key sectors of employment for women migrants include:

1. **Manufacturing**, particularly in Mauritius and the Seychelles, with formal recruitment from countries such as Bangladesh, Nepal, and Madagascar. In 2020, 87% of women migrant workers working for large establishments in Mauritius were employed in manufacturing, mostly of textiles. (Statistics Mauritius, 2021)
2. **Hospitality**: Zimbabweans and other Southern African migrants are heavily employed in restaurants and hotels in South Africa.
3. **Health Care**: Nurses, doctors and other healthcare professionals are recruited from Zimbabwe, South Africa and Malawi (and possibly other countries) to work in the United Kingdom, Canada, New Zealand and other countries both within and beyond the SADC region. This is one of the primary corridors for skilled migration of women out of the SADC region.
4. **Education**: Zimbabweans work as teachers in many SADC countries, including South Africa, Rwanda, and Namibia. In the early 2000s, large numbers of South African teachers were also recruited to work in the UK. (SACE 2011)





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# IV

## DATA ON WOMEN MIGRANT WORKERS IN THE SADC REGION

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## IV. Data on women migrant workers in the SADC Region

In this chapter, we discuss some methodological challenges with interpreting data about migration in the SADC region and how this applies to data on women migrant workers. We then present and interpret available UNDESA data on migrant stocks of women migrants by country,<sup>6</sup> and group countries into distinct migration ‘channels’ based on major flows between countries. We consider what various ILOSTAT datasets reveal about women migrants’ labour force participation (compared to non-migrant women and migrant men), their skill levels and major occupation sectors.

### A. Data considerations

In the last ten years, the amount and quality of available data on women’s migration has improved markedly in the region. Nonetheless, there are a number of data quality considerations that must be taken into account when interpreting the available data. These include the following:

1. differing data timelines
2. incomplete data for some countries
3. lack of standardisation for how migration is measured
4. country-specific challenges in interpreting some migration data
5. large variations in extent of labour data coverage in relation to total migrant populations
6. limitations in estimate reliability due to labour force sample survey sizes
7. lack of accessible and relevant administrative data on skilled migration

These are each described in more detail in the Annexes 1 and 2.

Beyond these technical considerations relating to the available data is the challenge of documenting informal forms of migration and work. There has been extensive effort globally on determining how to measure informal work, given its importance for improving working conditions of vulnerable workers and women in particular. The data

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<sup>6</sup> UNDESA provides the most comprehensive global migration data available. There are, however, some data anomalies, including considerable variations in total migrant figures per country, especially in South Africa, in the 2019 and 2020 versions of the dataset. We nonetheless use the 2020 dataset as the most recent version.

that is available on informal work for SADC countries on ILOSTAT does not include any disaggregation by migration status. It is therefore not included in the current report.

This gap necessitates a careful interpretation of the available data on employment, since the extent of inclusion of informal work may be different from country to country. Furthermore, this form of data blindness may have gendered implications, to the extent that women migrants are more likely to be informally or non-permanently employed than male migrants. The extent of this bias is difficult to ascertain with certainty without reliable data, but it is suggested by qualitative information on sectors such as agriculture.

## **B. Summary of available data**

The UNDESA migration series, which starts in 1990, shows remarkable continuity in the proportion of female migrants over time. An average of 47% of migrant stock in SADC countries in 1990 were female (similar to the global 1990 estimate of 49% and the Sub-Saharan estimate of 47%), suggesting that female migration in the region had already been high for some time prior to 1990. While the total stock of migrants in the SADC region has increased by over 1,4 million between 1990 and 2020, the proportion of migrants who are female has not changed significantly, with a 2022 SADC average of 46%.<sup>7</sup>

Therefore, to the extent that there has been a ‘feminisation’ of migration to developed countries (as extensively referenced), this trend is not evident in the African or SADC context. This overall continuity in proportions between male and female migrants does not, however, mean that the nature of migration or the migration experiences of women migrant workers have remained constant.

### **1. Stocks of women migrant workers within countries**

According to UNDESA statistics, the total migrant stock in SADC countries in 2022 is 5,88 million, 2,7 million of whom are women (UNDESA 2020a).<sup>8</sup> While the average proportion of female migrants in SADC countries has remained largely stable in the last three decades, as described above, there is some variation across countries in the region (Table 2), with

<sup>7</sup> Some of this continuity may be due to estimates between censuses, but almost all of the countries in the region have recently run censuses, which provide empirical (not estimated) sex disaggregated statistics for female migration and so we believe that this stable patterns is indeed reliable.

<sup>8</sup> The unedited DESA 2020 estimates of international migrants for the region come to 6.4 million, but this includes 500,000 migrants in Angola who are categorized as ‘other’ in terms of region and country of origin and who are not corroborated in other migrant stock estimates, such as the 2015 World Development Indicators estimates for Angola (which record 140,000 international migrants). In this report we have therefore excluded these 500,000 migrants in Angola.



2020 data showing 30% in the Seychelles and 52% in the Comoros and the Democratic Republic of the Congo.

**TABLE 2:** Total migrant stock, female migrant stock and proportion of female migrants per country

COUNTRY	Total migrant stock (DESA 2020)	Female migrant stock (DESA 2020)	% of female migrants
Angola	154 000	65 922	43%
Botswana	110 268	47 451	43%
Comoros	12 496	6 452	52%
DRC	952 871	493 819	52%
Eswatini	32 858	15 937	49%
Lesotho	12 060	5 523	46%
Madagascar	35 563	15 301	43%
Malawi	191 362	97 750	51%
Mauritius	28 893	12 890	45%
Mozambique	338 850	173 360	51%
Namibia	109 391	50 367	46%
Seychelles	13 050	3 914	30%
South Africa	2 860 495	1 233 201	43%
Tanzania	426 017	213 010	50%
Zambia	187 955	90 399	48%
Zimbabwe	416 141	179 580	43%
<b>SADC Total/Average</b>	<b>5 882 270</b>	<b>2 704 876</b>	<b>46%</b>

Source: UNDESA 2020

Table 2 shows that the countries with the largest number of women migrants in SADC are South Africa, the DRC, Tanzania, Mozambique and Zimbabwe, with the rest falling below 100,000 in absolute terms. To interpret these numbers, it is important to note that:

1. A large proportion of the migrants in DRC, Tanzania and Mozambique are in refugee-like circumstances, rather than having moved into those countries as labour migrants

per se. In many cases they are in refugees camps, but in some cases they do work in the country of destination.

2. Tanzania's migration is primarily with East African, rather than Southern African, countries, which is detailed further below.
3. A large proportion of the people enumerated as migrants in Zimbabwe are actually Zimbabwean-born, stateless residents, as explained in Sec III(A) above. This makes them 'foreign' workers, but not necessarily migrants.
4. When looking specifically at labour migration, meaning women who have crossed a border with the intent to work (as distinct from forced migration), Botswana and Namibia are important as destinations for women migrant workers, in addition to South Africa which remains by far the dominant destination country for labour migration in the region overall and for women migrant workers.

Apart from the absolute numbers of migrants, it is also important to consider the relative impact of migration in relation to the population size of each country. On average for the region, migrants (male and female combined) make up 1,6% of the total population. This varies, however, between 0,1% of the population in Madagascar and 13% in the Seychelles. The percentages are also relatively high in South Africa (4,8%), Botswana (4,7%) and Namibia (4,3%), with other countries falling below this.

## 2. Flows of women migrant workers between countries

As shown in Table 1 (Sec III(A)), almost half (47%) of migrants who resided in SADC countries in 2020 came from other SADC countries of origin. Similarly, 43% of migrants who left SADC countries of origin moved to countries of destination with the SADC region. UNDESA estimates that in 2020, just over 7 million people migrated out of the 16 SADC countries into all countries in the world (including into other SADC countries) and a total of 6,385,000 migrated into SADC countries from any country in the world (including from other SADC countries), meaning about 670,000 net out-migration for the region. The general pattern for women migrants is the same: in all countries in the region, the percentages for migrant women who remain in or leave SADC are less than five percent different than for migrants overall.

In all countries in the region, the percentages for migrant women who remain in or leave SADC are less than five percent different than for migrants overall.



Within the SADC migration channels, the primary and secondary flows of women migrants include:

1. Zimbabweans (310,000), Mozambicans (116,000), Basotho (106,000), Congolese (30,000), Malawians (25,000) and Liswati (23,000) into South Africa (with smaller numbers from all other mainland Southern African countries),
2. Zimbabweans (27,000) into Botswana,
3. Angolans (16,500), Zimbabweans (7,500) and refugees from the DRC (8,000)<sup>9</sup> into Namibia.

Smaller flows between immediate neighbours in the region include:

1. South Africans (8000) and Mozambicans (4000) into Eswatini,
2. South Africans (2000) into Lesotho,
3. Zimbabweans (51,000), Malawians (31,000) and Angolans (20,000) into Mozambique,
4. Mozambicans (19,000), Zambians (18,000) and Zimbabweans (15,000) into Malawi,
5. Congolese (37,000), Mozambicans (6500) and some Zambians and Malawians into Tanzania. Tanzania (also a net in-migration country) is more closely linked into the East Africa migration channel than into the Southern African one, but is also a transit route for migrants to the Horn of Africa making their way South.

In these contexts, in contrast to migration into the economies of South Africa, Botswana and Namibia, it is more difficult to disentangle the extent to which women migrants have moved for work, as part of a forced migration/refugee flow, for family reasons, or as part of cross-border ethnic and linguistic communities. Whatever the primary reasons for moving, however, many migrant women end up being economically active in their country of destination and so we consider them in this report about migrant workers.

The second migration flow links Angola and the Democratic Republic of the Congo closely with each other (88,000 Angolans women in the DRC and 36,500 Congolese women in Angola), as well as West Africa (for Angola) and East Africa (for the Democratic Republic of the Congo). Zambia also hosts 24,000 Congolese women and 15,000 Angolan women. This migration channel is a combination of historical (and current) forced migration, family/linguistic linkages and cross-border trading patterns.

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<sup>9</sup> UNDESA statistics mention 2200 Congolese in Namibia but other sources estimate 8000 from the DRC in Namibia, including refugees living in camps.

Third, the island nations of the Comoros, Mauritius, Madagascar and the Seychelles provide a distinct set of migration dynamics, with strong ties to each other and to Asia above connections with their mainland neighbours. Only 11% (Mauritius), 20% (Seychelles) and 34% (Madagascar) of women migrants originate on the continent. In Mauritius and the Seychelles, 74% and 63% of women migrants, respectively, are from Asia (UNDESA 2020b). Comoros and Madagascar have a migration channel flowing in both directions between them, with very little interaction with other countries in the region (UNDESA 2020b). Madagascar also has a relatively large population of European and North American women migrants (28%).

External flows into and out of the region are important in terms of worker protection dynamics. They include:

1. Women from Madagascar and Tanzania (and to a smaller degree, other countries such as Malawi, Mozambique, Zambia, and Zimbabwe) migrating to the Arab States, especially for domestic work, and
2. Filipinas, Sri Lankans, and Kenyans migrating into the Seychelles for domestic work and Bangladeshi, Nepalese and Indian women into Mauritius.

## C. Data on labour force participation

In the following sections we move from data about women's overall migration (using UNDESA datasets) to data about women migrant's employment (using ILOSTAT datasets). Before doing so, it is useful to reinforce that the overall working age (15-65) migrant population rate in SADC destination countries varies between 0,2% (Madagascar) and 6,4% (Botswana) of the total population, with an average of 2,6%. This is below the global average of 4,3% working age migrant population rate. Female working age migrants in SADC countries make up an even smaller ratio of the working age female population with an average of 2,3% compared to the male working age migrant population rate of 2,9% (UNDESA 2020: International Migrant Stock 2020: Age, sex and destination).<sup>10</sup>

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<sup>10</sup> The UNDESA 2020 International Migrant Stock dataset does not include the Seychelles.







**BOX 3: Methods note on labour force participation data****METHODS NOTE**

1. ILOSTAT uses data produced by national statistics offices through a range of data collection exercises, often labour force surveys or the equivalent. Countries record migration differently in their labour force surveys. Some record country of birth and others record citizenship. Some record both.
2. Many of the estimates recorded in ILOSTAT for female migrants (either foreign-citizen or foreign-born) by employment sector are marked as statistically 'unreliable'. This is because the sample size of the underlying sample survey is too small to be reliably disaggregated by sex, citizens/birth status and employment sector and then extrapolated back to population-level estimates.
3. As noted above, ILOSTAT datasets only capture employment-related information about a fraction of the total population of women migrants in any country. This is unlikely to be a fully representative sample of what women migrants do, probably excluding many forms of informal work, and so should be interpreted with caution.

Women's participation in the labour force is a function of a range of social and economic factors, including social norms, maternal healthcare provision, public child-care provision, and the structure of the economy (REF). As shown in Table 3 below, levels of female labour force participation vary greatly in the region, from 41% in the Comoros to 78% in Mozambique.<sup>11</sup>

<sup>11</sup> Table 3 uses unmodelled data as reported on ILOSTAT rather than modelled ILO data for labour force participation to enable more direct comparison between the foreign-born labour force participation data (unmodelled) and the total national labour force participation. The modelled ILO data is in some cases significantly different from the unmodelled data, including increasing the female labour force participation rate in Zimbabwe by 20% and decreasing it in the Comoros by 8,5%.

**TABLE 3:** Labour force participation rate by sex, age and place of birth (or citizenship) (%)<sup>12</sup>

		Native-born labour force participation rate (15+)		Foreign-born labour force participation rate (15+) (Botswana and Madagascar foreign citizens)		Difference in labour force participation rate (foreign LFPR – total LFPR)	
COUNTRY	YEAR						
Angola	2021	74,7	78	74,7	89,7	0	11,5
Botswana	2022	60,2	68	56,1	90,5	-4	20,8
Comoros	2021	41,3	60,2	34,4	25,9	-6,7	-33,5
Democratic Republic of the Congo	2020	60,3	66,8	74,9	40,9	14,6	-25,9
Eswatini	2021	45,9	52	42,3	80,9	-0,8	31,5
Lesotho	2019	49	67,1	39,5	70	-9,4	2,9
Madagascar	2022	68,9	81,6	56,9	64,9	-12	-16,7
Malawi	2020	63,2	74	65,3	73,2	2,1	-0,8
Mauritius	2021	40,4	64,3				
Mozambique	2015	78,1	80,1				
Namibia	2018	55,1	62,1	62,4	75,3	7	12,6
South Africa	2017	51,4	65	60,3	84,4	9,5	20,9
Tanzania, United Republic of	2020	76,2	85	75,1	88,1	-1,1	3,1
Zambia	2021	54,2	66,3	53,8	76,6	-0,4	10,2
Zimbabwe	2021	60,1	71,7	47,4	52,4	-12,6	-19,2

Source: ILOSTAT 2023

12 Note that data from the Seychelles is not included in ILOSTAT datasets. There is no data on foreign-born workers in the ILOSTAT datasets for Mauritius and Mozambique since this data is not collected by the respective national statistics agencies. Botswana and Madagascar record the citizenship of labour force participants, while all other countries in the region record the country of birth. While South Africa has 2022 data for total labour force participation rates, the most recent data on labour force participation by country of origin is from 2017 (although new data will be publicly available later in 2023)

Table 3 compares the labour force participation rates of native born and foreign-born workers, disaggregated by sex. The columns on the right show the extent of difference between native and migrant populations. Where migrant labour force participation is higher than native (by sex), this is coloured blue and where it is lower, it is red. There is a complex relationship between labour force participation of local women and that of migrant women. In some cases, as local women increase their participation in the paid economy, the unpaid care and family farming work they did previously is translated into paid work, often performed by migrant women.

Overall, female migrants have lower labour participation rates than male migrants (apart from in the Comoros and DRC). Furthermore, in most countries the gap between female and male migrants is larger than the gap between female and male locals. Apart from this similarity across countries, however, there is significant variation in how migrant and native labour force participation compare. This challenges generalised assertions about women migrants generally being either disadvantaged (due to discrimination) or preferred (due to lower wage levels or greater exploitability) to native women workers. The specific conditions depend on the country:

1. In South Africa and Namibia, both female and male migrant workers have higher labour force participation rates than locals.
2. In the Comoros, Madagascar and Zimbabwe, both female and male migrant workers have lower labour force participation rates than locals, with male migrants even more excluded than female migrants.
3. In Botswana, Eswatini, Lesotho, and to some extent Angola, Tanzania, and Zambia, male migrants are more likely than male locals to be working, and female migrants less or equally likely than female locals to be working.
4. In the DRC and to a lesser extent Malawi, female migrants are more likely than locals to be working and male migrants less so.

Some examples suggest that these patterns are stable over time within the same country. In Zimbabwe, female migrants were 10,7% and 12,2% less likely than local women to be participating in the labour force in 2014 and 2019 respectively, and male migrants were 13,3% less likely to be participating than local men in both years, which is similar to 2021 levels. This level of difference remains stable despite large changes in the Zimbabwean economy and reductions in overall labour force participation for men and women in the country.

In Zimbabwe, female migrants were 10,7% and 12,2% less likely than local women to be participating in the labour force in 2014 and 2019 respectively





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Similarly, Eswatini's 2016 data shows the same pattern as in 2021 with little difference between local and migrant women, but much higher labour force participation for migrant men than for locals. Malawi's pattern, however, has inverted over time, with 2013 data showing lower female migrant participation rates and higher male migrant participation rates compared to locals.

## D. Data on skill levels of women migrant workers

Discussions of female migration tend to focus on occupations with lower skills and/or argue that women migrants, and migrants in general, are pushed into lower skilled occupations by a range of structural factors. From a rights perspective, this remains an important concern, since the working conditions in lower skilled work are often of a lower quality, which compounds the vulnerabilities experienced by migrants.

However, an analysis of ILOSTAT data on employment by sex, occupation and citizenship status shows that women migrant workers (female non-citizens) are not necessarily more likely to be in low skilled occupations than female citizens in the same country. Each country has its own pattern. Table 4 below is coloured green when there is a higher proportion of migrant women in a category than local women, and red when there is a lower proportion of migrant women than local women.

**TABLE 4:** Difference between Employed Female Foreign-Citizens and Employed Female National Citizens(%)<sup>13</sup>

COUNTRY	DATA YEAR	SKILL LEVEL 1 LOW	SKILL LEVEL 2 MEDIUM	SKILL LEVELS 3 AND 4 HIGH
Eswatini	2021	5%	-34%	30%
Lesotho	2019	6%	-22%	16%
Angola	2014	-1%	-19%	13%
Zambia	2020	-7%	-9%	10%
Seychelles	2020	11%	-18%	7%
Namibia	2018	21%	-23%	2%
Botswana	2022	26%	-26%	-1%
Tanzania	2020	-13%	3%	-2%
Madagascar	2022	7%	-6%	-4%
South Africa	2017	16%	-5%	-5%
Democratic Republic of the Congo	2020	-2%	1%	-7%
Zimbabwe	2021	6%	-6%	-8%

*Source: ILOSTAT 2023, Employment by sex, occupation and citizenship*

Table 4 shows that in Eswatini, Lesotho, Angola and Zambia, women migrant workers are more likely to be in highly skilled occupations than local women (and therefore less likely than local women to be in medium skilled occupations). At the other end of the spectrum, in Botswana, Namibia, South Africa and to some extent the Seychelles, women migrants are more likely than local women to be in low-skilled occupations. In Tanzania, Madagascar, the DRC and Zimbabwe there is no great difference between migrant and local women in terms of employment skill level but migrant women seem not to be prevalent in the more highly skilled sectors.

<sup>13</sup> This table combines data from ILOSTAT datasets on foreign citizens and foreign-born workers. South African data is based on place of birth instead of citizenship. Neither citizenship or date of birth datasets have data categorising skill levels for Mozambique, Malawi or Mauritius. Comoros data on categorising skill level is incomplete. Foreign-born numbers for the various skill levels do not add up to the total for foreign-born employed.

The multi-country data suggests that there are significant differences in migrant employment patterns and skill levels depending on whether the country has a more or less developed economy, and whether the less developed economies are open to skilled migration. In the more developed economies in the region (South Africa, Botswana and Namibia), migrants may be concentrated in lower skilled roles since there are enough qualified locals for higher skilled functions, locals prefer not to take on lower skilled (and therefore lower waged) work,

and social protections like government grants give locals options apart from low skilled work. In some of the less developed economies, which are also open to skilled migrants (such as Eswatini and Lesotho), migrants (including women) may come in as technical and professional workers given that lower skilled roles are filled by locals. In these cases, the absolute numbers of migrants are smaller, but they play important developmental roles in the economy and society. Other countries with less developed economies, however, do not seem as open to skilled migrants or do not attract them, as evidenced by the examples of Tanzania, Madagascar, the Democratic Republic of the Congo, and Zimbabwe.

In some of the less developed economies, migrants (including women) may come in as technical and professional workers given that lower skilled roles are filled by locals.

These skills patterns vary slightly by sex. While Lesotho, Seychelles and Angola also have high proportions of male migrants in highly skilled jobs, and Botswana and Namibia retain a higher proportion of low skilled roles, there is virtually no difference in the skills distribution of male migrants and male locals for South Africa, which stands in contrast to the skewed distribution towards lower skilled roles for female migrants.

Sec V(E) of this report discusses the implications of these patterns, and provides more data on the skills levels of migrant women workers, especially in South Africa.

It is important to note, however, that different data sources offer different views on skills, depending on whether they record both formal and informal employment (like ILOSTAT data) or only formal employment. In Botswana, for example, the Statistics Botswana report on the Quarterly Multi-Topic Survey for Q4 2022 (Statistics Botswana 2022) provides data on formal employment by industry, citizenship status and sex, along with education level and monthly average earnings. In terms of education level, 59% of non-citizen females employed in the formal sector have university-level education, compared with 30% of formally employed citizen females. Notably, only 30% of male non-citizens have university educations, although this is still higher than the 20% of male citizens with such qualifications (Statistics Botswana 2022, 43).

## E. Data on major employment sectors

**TABLE 5:** Economic Activity (Aggregate) by sex (female) and citizenship and/or country of birth

Country	Migration measure	Year	Agriculture	Construction	Manufacturing	Non-Market Services	Market Services	Total
Angola <sup>14</sup>	Place of Birth	2021	10 614			1 945	30 318	44 878
Botswana	Citizenship	2022	1 663			10 110	3 092	15 808
Comoros	Citizenship	2021				387	441	1 064
Comoros	Place of Birth	2021				1 140	836	2 451
Congo, DRC	Citizenship	2012	30 035		2 609		8 262	41 003
Eswatini	Citizenship	2021				982	290	1 273
Eswatini	Place of Birth	2021			90	1 499	290	1 880
Lesotho	Citizenship	2019				355	485	1 090
Lesotho	Place of Birth	2019	551		529	334	904	2 361
Madagascar	Citizenship	2022	4 846				4 212	10 637
Namibia	Citizenship	2018	1 978			6 926	2 595	11 788
Namibia	Place of Birth	2018	3 645		491	9 991	5 421	20 216
Seychelles	Citizenship	2020			141	336	239	746
South Africa	Place of Birth	2017	47 865	6 486	29 357	196 460	142 997	429 396
Tanzania	Citizenship	2020	14 697			1 247		19 532
Tanzania	Place of Birth	2020	20 494			1 559	5 114	28 822
Zambia	Citizenship	2020	15 480				3 939	22 941
Zambia	Place of Birth	2021	10 577		1 925		3 914	16 499
Zimbabwe	Citizenship	2021	5 331				3 475	9 150
Zimbabwe	Place of Birth	2021	6 147			770	2 824	9 741

Source: ILOSTAT 2023

<sup>14</sup> Angola also reports on employment sector by citizenship, but there is a high number of 'not classified' workers, so this data is not reported here.

The largest employment sector for women per country is highlighted in green. As per standard employment sector categories, Non-Market Services include Public Administration, Community, Social and other Services and Activities (this includes domestic work) and Market Services includes Trade, Transportation, Accommodation and Food, and Business and Administrative Services.

Table 5 combines data from two ILOSTAT datasets — one disaggregating employment sector by citizenship and the other disaggregating it by place of birth. In previous tables, where countries report on both migration measures we have generally used only the ‘citizenship’ data, adding in data from South Africa which only reports on ‘place of birth’. However, when looking at the employment sector data, we see that some countries report different results depending on the migration measure used, and so we report on both together in the same table. This mostly affects the estimated size of the migrant worker population (only the female migrant worker numbers are included in this table), as with the example of Namibia, Tanzania and Zambia, but in the case of Comoros it also affects which dominant sectors are identified.

The countries in the region are divided into three major groups: countries where women migrant workers are mostly employed in

1. **Agriculture**<sup>15</sup>: DRC, Madagascar, Tanzania, Zambia, Zimbabwe
2. **Non-Market Services** (Public Administration, Community, Social and other Services and Activities): Botswana, Comoros, Eswatini, Namibia, Seychelles, South Africa. This occupation sector includes domestic work but also professional sectors such as education and health care.
3. **Market Services** (Trade, Transportation, Accommodation and Food, and Business and Administrative Services): Angola, Lesotho. While not recorded as the largest occupation in these countries, ‘market services’ is also an important sector in Botswana, DRC, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe. This occupation sector includes a wide range of trading and service types and includes self-employed and employed activities.

Noting these large recorded employment sectors by country for women migrant workers does not, however, detract from the existence of other important employment sectors which may or may not be fully recorded in the data above. For example, women migrants

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<sup>15</sup> This occupation data predominantly captures agricultural employment and excludes work in subsistence farming



are well documented in the agricultural sector in South Africa, but since the majority are seasonal or temporary or informal workers, they may not be included in national statistics and therefore not be captured in ILOSTAT datasets.

There are several reasons for treating the available employment sector data for women migrant workers with caution. First, as mentioned above, there is wide variation in the percentage of women workers, out of all estimated women migrants, enumerated and categorised by occupation sector in ILOSTAT datasets (Table 6 below). While Madagascar reports on employment sector data for 70% of the women migrants estimated to be in the country, Zimbabwe only does so for 5%. Major destination countries like Botswana, South Africa and Namibia categorise only 33%-40% of women migrants into occupations.

**TABLE 6:** Comparison of UNDESA (2020) female migrant stock and ILOSTAT female migrant occupation data<sup>16</sup>

Country	ILOSTAT Migration measure	ILOSTAT data year	ILOSTAT Total of Female Employment by Occupation data	UNDESA total female migrant stock 2020	% of female migrant stock captured with occupation data
Angola	Place of Birth	2021	44 878	65 922	68%
Botswana	Citizenship	2022	15 808	47 451	33%
Comoros	Place of Birth	2021	2451	6452	38%
Congo, DRC	Citizenship	2012	41 003	493 819	8%
Eswatini	Place of Birth	2021	1880	15 937	12%
Lesotho	Place of Birth	2019	2361	5523	43%
Madagascar	Citizenship	2022	10 637	15 301	70%
Namibia	Place of Birth	2018	20 216	50 367	40%
Seychelles	Citizenship	2020	746	3914	19%
South Africa	Place of Birth	2017	429 396	123 3201	35%
Tanzania	Place of Birth	2020	28 822	213 010	14%
Zambia	Citizenship	2020	22 941	90 399	25%
Zimbabwe	Place of Birth	2021	9741	179 580	5%

<sup>16</sup> ILOSTAT does not include migrant occupations data for Malawi, Mauritius and Mozambique



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Some of this discrepancy is due to women who do not participate in the labour force or are unemployed, but given the statistics shown in Table 3, labour force participation by foreign-born women is well above 50% in most SADC countries. Some of the gap may be explained by high levels of informal employment in all three dominant sectors (agriculture, domestic work/ services, and trading) which may not be fully captured in surveys of employment. It is notable that ILOSTAT data on informal employment does not include disaggregation by migration status.

Labour force participation by foreign-born women is well above 50% in most SADC countries. Some of the gap may be explained by high levels of informal employment in agriculture, domestic work or trading.

Second, as mentioned above, sample sizes for labour force surveys are often not large enough to enable reliable disaggregation by multiple dimensions, such as sex, citizenship status and occupation.

In addition to applying caution about whether occupation data comprehensively covers all women migrant workers, the meaning of the existing data must also be interpreted carefully. The aggregate employment sector categories consolidate many different forms of employment and skill levels. As discussed above, it cannot be assumed that women migrant workers are only or even predominantly in low skilled occupations. For example, women migrant workers categorised under Non-Market Services (Public Administration, Community, Social and other Services and Activities) in Eswatini are more likely to be professionals working for government (given the skills profile shown in Table 4) than domestic workers. Similarly in South Africa, where there is a wide range of skill levels among women migrant workers, the category of Non-Market Services is likely to include a significant number of nurses, teachers and other professions in addition to domestic workers, and the category of Market Services will include both corporate professionals in sectors such as finance, and small-scale cross-border traders.





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# LABOUR MIGRATION POLICY REVIEW

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## V. Labour migration policy review

Much work has been done by multilateral institutions at the global and regional levels to promote migration that is safe, regular, and has a positive impact on countries of origin, destination, and the migrant workers themselves.

The layers of international oversight and regional integration efforts form a critical foundation and monitoring mechanism to harmonise policies across the region and encourage minimum standards in national legislation. When such standards are domesticated and enforced, they can have a direct impact on the labour market experiences of women migrant workers.

This section reviews what standards have been put in place by the ILO and United Nations (UN), the African Union (AU), and SADC to provide for women migrant workers to migrate regularly and safely, and to prevent discrimination in the workplace based on gender and on migrant status. It also reviews the role of bilateral labour migration agreements in the region, and how National Labour Migration Policies (NLMPs) of three countries reflect these standards, addressing the migration and gender considerations which impact the experiences of women migrant workers.

### A. International standards and regulatory frameworks

Three key international policy instruments set minimum standards for the protection of the rights of migrant workers. These are the ILO **Migration for Employment Convention of 1949 (C97)**, the ILO **Migrant Workers (Supplementary Provisions) Convention of 1975 (C143)**, and the UN **International Convention on the Protection of the Right of All Migrant Workers and Members of their Families, 1990 (ICRMW)**.

1. The ICRMW emphasizes the principle of equality among all persons and guarantees the access to human rights regardless of migration status. General comment No. 1 recognizes that women represent the overwhelming majority of migrant domestic workers and highlights the risks and vulnerabilities they face. General comment No. 2 acknowledges that migrant workers in irregular situation, particularly women, are at greater risk of mistreatment, sexual, physical and psychological violence, and denial of access to medical care by private and public actors.



2. ILO C97 calls for migrant workers to receive equal treatment to nationals in regards to remuneration, trade union membership, collective bargaining, and social protection, and emphasizes non-discrimination in respect of nationality, race, religion or sex.
3. ILO C143 extends equal treatment to include equality of opportunity and calls for the protection of human rights of migrant workers and their families, regardless of their migration status.

Significantly, in the SADC region only Madagascar and Comoros have ratified all three of these conventions, while Angola, Botswana, Eswatini, Namibia, South Africa and Zimbabwe have not ratified any at all. Of the countries in the region that have National Labour Migration Policies, none have ratified C97 or C143, the ILO core conventions protecting migrant workers.

All SADC states have ratified the eight core ILO Conventions required for membership (not listed above), which address **forced labour (C29, C105)**, **child labour (C138, 182)**, **freedom of association and collective bargaining (C87, C98)**, and **non-discrimination (C100, C111)**.

Table 7 shows which countries in the region have ratified other ILO and UN conventions relevant to the protection of women migrants. Those conventions enforcing social security are critical for workers in low-skilled sectors, such as domestic work and agriculture, as they are earning low wages and are often contracted without a benefits package. **C48 (Maintenance of Migrants' Pension Rights Convention, 1935)** aims to ensure social protections explicitly for migrant workers. **The 2011 Domestic Workers Convention, C189**, is also highly relevant as it is a primary sector of employment for women migrant workers in the region.

The conventions which address gender equality include, in addition to C100 and C111, **C156 (Workers with Family Responsibilities Convention, 1981)**, **C183 (Maternity Protection Convention, 2000)**, and **C190 (Violence and Harassment Convention, 2019)**. These provide standards for non-discrimination, a foundation for maternity leave and family rights, and protections against violence and harassment.

The majority of the above conventions have not been ratified in the SADC region. Mauritius is the only country to ratify key conventions on maternity and family rights, and only Namibia and South Africa have signed onto C190 to eliminate gender-based violence. These three countries, as well as Madagascar, have ratified C189, which protects the rights

**TABLE 7:** SADC Country ratification of ILO and UN conventions most relevant to women migrant workers

COUNTRY	MIGRATION INSTRUMENTS			SOCIAL SECURITY		FAMILY RESPONSIBILITIES		RECRUITMENT			GENDER EQUALITY		DOMESTIC WORKERS	VIOLENCE AND HARASSMENT	UN HUMAN RIGHTS CONVENTIONS				
	ICRMW	C097 (54)	C143 (3)	C118 (38)	C102 (65)	C156 (45)	C183 (43)	C181 (38)	C096 (42)	C88 (92)	C100 (174)	C111 (175)	C189 (36)	C190 (36)	CEDAW	ICERD	ICESCR	ICCPR	CRC
	International Convention on the Rights of Migrant Workers	Migration for Employment	Migrant Workers (Supplementary)	Social Security (Minimum Standards)	Social Protection Floors Recommendation	Family Responsibilities	Maternity Protection	Private Employment Agencies	Fee-charging employment agencies	Employment Services Convention	Equal Remuneration Convention	Discrimination (Occupation and Employment) Convention	Domestic Workers	Violence and Harassment	Elimination of Discrimination against Women	Racial Discrimination	Economic Social & Cultural Rights	Civil & Political Rights	Rights of the Child
Angola	-	-	-	Y	-	-	-	-	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y
Botswana	-	-	-	-	-	-	-	-	-	-	Y	Y	-	-	Y	Y	-	Y	Y
Comoros	Y	Y	Y	-	Parts II, III, IV, V, VI, VII, VIII, IX and X	-	-	-	-	-	Y	Y	-	-	Y	Y	-	-	Y
DRC	Y	-	-	Y	Parts V, VII, IX and X	-	-	-	-	Y	Y	Y	-	-	Y	Y	Y	Y	-
Eswatini	-	-	-	-	-	-	-	-	Y	-	Y	Y	-	-	Y	Y	Y	Y	Y
Lesotho	Y	-	-	-	-	-	-	-	-	-	Y	Y	-	-	Y	Y	Y	Y	Y
Madagascar	Y	Y	Y	Y	-	-	-	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y
Malawi	-	Y	-	-	-	-	-	-	-	-	Y	Y	-	-	Y	Y	Y	Y	Y
Mauritius	-	Y	-	-	-	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mozambique	Y	-	-	-	-	-	-	-	-	Y	Y	Y	-	-	Y	Y	-	Y	Y
Namibia	-	-	-	-	-	-	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y
Seychelles	Y	-	-	-	-	-	-	-	-	-	Y	Y	-	-	Y	Y	Y	Y	Y
South Africa	-	-	-	-	-	-	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tanzania	-	Y	-	-	-	-	-	-	-	-	Y	Y	-	-	Y	Y	Y	Y	Y
Zambia	-	Y	-	-	-	-	-	Y	-	-	Y	Y	-	-	Y	Y	Y	Y	Y
Zimbabwe	-	-	-	-	-	-	-	-	-	-	Y	Y	-	-	Y	Y	Y	Y	Y

Source: ILO n.d., OHCHR n.d.

and working conditions of domestic workers. This is especially important for Namibia and South Africa, as migrant workers comprise over 10% of the domestic worker population in these countries, and most of these are women. (ILO 2022)

The UN human rights treaties provide a set of robust and comprehensive standards that apply to some of the most widespread abuses women migrants face. These include the Conventions on the Elimination of Discrimination against Women (CEDAW), Elimination of Racial Discrimination (ICERD), Economic, Social and Cultural Rights (ICESCR), Civil and Political Rights (ICCPR), and Rights of the Child (CRC). With only a few exceptions, all of these have been ratified by all SADC member states.<sup>17</sup>

## B. African protocols and frameworks for migration and gender equality

Gender discrimination in African labour markets, in both employment opportunities and working conditions, has a significant impact on the experiences of women migrants. Ensuring safe regular migration and decent work for women migrant workers requires institutional regulations to both improve migration processes and to eliminate discrimination against women in the workplace. The standard set by the ILO and UN on these matters are reinforced in a number of multilateral initiatives addressing migration on the African continent.

1. The **2015 Declaration on Migration by the African Union (AU)** reflects a commitment by member States to speed up the implementation of the continent-wide visa free regimes, create a system for mutual recognition of qualifications and skills, support the empowerment of African women and youth in education, and increase efforts to combat trafficking in persons, which disproportionately impacts women and girls.
2. The AU's 2018 Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (**AU Free Movement Protocol**) aims for a related set of agreements which facilitate free movement of persons, right of residence, portability of social security, mutual recognition of skills, and related provisions.
3. **The Migration Policy Framework for Africa & Plan of Action, 2018-2030** (MPFA) calls for African states to ratify and domesticate all ILO conventions on labour migration.

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<sup>17</sup> Botswana, Comoros and the DR Congo have not ratified the ICESCR, Comoros has not ratified the ICCPR, and DR Congo has not ratified the CRC.

The MPFA pillar on Labour Migration and Education specifically highlights the importance of ensuring that women migrant workers, especially domestic workers, have equal rights and protections as all other workers in the country. The Framework directly provides a number of recommendations relevant recommendations that are relevant for women migrant workers. (See Annex 3).

4. The **AU's Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** provides for a comprehensive set of workplace rights which directly address the employment barriers, labour market discrimination, and inequality experienced by both native and migrant women.

While almost all SADC Members States, excluding Botswana and Madagascar, have committed to the Maputo Protocol on the rights of women in Africa, none has accepted the AU Free Movement Protocol on the Free Movement of Persons.

## C. SADC Labour migration policies

The international conventions and African frameworks noted above provide numerous yet coherent guidelines and policy recommendations to promote safe regular migration and decent work for women migrant workers. The intent is for these to be reflected in regional agreements, and then domesticated and enforced in national laws.

Accordingly, the SADC regional body has proposed several instruments which promote labour migration for economic development and protect women migrant workers. The chart below notes the specific recommendations impact women's access to safe regular migration and decent work.

**TABLE 8:** Gender Focus in SADC instruments addressing labour migration

PROTOCOL	GENDER FOCUS
<b>Charter on Fundamental Social Rights in SADC (2003)</b>	<p>Article 6 calls for</p> <ol style="list-style-type: none"> <li>1. Gender equity and equal treatment for men and women</li> <li>2. Equal opportunity in employment, remuneration, working conditions, social protection, education, vocational training and career development</li> <li>3. Reasonable measures to reconcile occupational and family obligations</li> </ol>

PROTOCOL	GENDER FOCUS
<b>Protocol on the Facilitation of Movement of Persons (2005)</b>	No direct reference to gender.
<b>SADC Labour Migration Policy Framework (2020)</b>	Recognises gender specific vulnerabilities in sectors such as hospitality and domestic work.
<b>Protocol on Employment and Labour (2014)</b>	<p>Article 7 calls for equality of opportunity and elimination of discrimination based on gender and other grounds, as well as occupational segregation.</p> <p>Requires legislative and administrative measures to</p> <ol style="list-style-type: none"> <li>1. Ensure equal remuneration for men and women,</li> <li>2. Eradicate of occupational segregation,</li> <li>3. Reasonable measures to reconcile family obligations,</li> <li>4. Specific measures for reporting gender discrimination in the workplace.</li> </ol>
<b>Protocol on Gender and Development (2008, Revised 2016)</b>	<p>Provides for the empowerment of women, to eliminate discrimination and achieve gender equality and equity through gender responsive legislation, policies, programmes and projects in the SADC region.</p> <p>Relevant requirements include:</p> <ol style="list-style-type: none"> <li>1. Equal remuneration for jobs of equal value for women and men;</li> <li>2. Women and men receive equal employment benefits, irrespective of their marital status including on retirement</li> <li>3. Eradication of occupational segregation and all forms of employment discrimination;</li> <li>4. Maternity and paternity benefits,</li> <li>5. Prohibition of recruitment or dismissal on the grounds of pregnancy or maternity leave</li> </ol> <p>Specifically calls for labour protections and minimum wage in agricultural and domestic work, and recognises women's contribution in the informal sector.</p>
<b>Protocol on Education and Training (1997)</b>	Calls for gender equality in education and training.
<b>Portability of Accrued Social Security Benefits Draft Policy Framework (2016)</b>	Specifically mentions vulnerable employment sectors such as mining, agriculture, domestic and informal workers, which are relevant for women migrant workers.



PROTOCOL	GENDER FOCUS
<b>Code on Social Security (2007)</b>	<p>Article 13 focuses on gender, including calls for: (Khumalo 2022):</p> <ol style="list-style-type: none"> <li>1. Equal coverage of and access to social security between men and women.</li> <li>2. Non-discrimination and alignment with the 1997 SADC Declaration on Gender and Development and the 1999 Plan of Action for Gender in SADC.</li> <li>3. Gender sensitisation in the social security system, inclusive of addressing women's special needs and circumstances</li> <li>4. Appropriate affirmative action programmes.</li> <li>5. Elimination of all discriminatory laws, customs and practices in their respective social security systems. Strategies for the eradication of poverty and the economic empowerment of women.</li> <li>6. Policies that ensure that workers, particularly female workers, are able to balance occupational and family obligations.</li> </ol>

*Source: Compiled by author from original texts, except where otherwise noted.*

These protocols and frameworks broadly align with the international and African instruments described above, but are not all yet in force, and most have not been ratified by all SADC Member States. There is recognition of the slow pace at which Member States sign, ratify and accede to regional protocols and other legal instruments, and the need to remove bottlenecks and deal with challenges to advance regional integration of standard. (SARDC 2022)

## **D. Labour migration policy at the national level**

### **1. Bilateral labour agreements**

There are increasing numbers of bilateral labour agreements (BLAs) in the region, or, in place of formal BLAs, less detailed Memoranda of Understanding (MoUs). These reflect, to some extent, the regional migration flows described in Section III(A) of this report, but also include numerous agreements with countries outside the region, including those in the Arab States, South Asia, Europe and elsewhere.

Bilateral labour agreements can be an effective tool for facilitating migration to meet demands in certain sectors and skills, setting standards for minimum labour protections, creating a framework for portability of social protections, and facilitating regular migration (or regularising migrants already in an irregular situation). Following are some examples of bilateral negotiations impacting labour migration for women in the SADC region:

1. Two of the most important outputs of bilateral negotiations in the region for low-skilled women migrants are the Lesotho Extension Permit (LEP) and Zimbabwean Extension Permit (ZEP), which offered a rare route to regularisation for low-skilled migrant workers in South Africa.
2. Bilateral agreements facilitating free or expedited movement have been signed between Namibia and Botswana, Zimbabwe and the DRC, and Zimbabwe and Zambia. (Amnesty International, 2023; IOM 2021c)
3. Madagascar is in the process of negotiating BLAs with Saudi Arabia, Kuwait and Lebanon, to address the working conditions of Malagasy migrants to these countries, who are predominately women domestic workers. (ILO 2022a)
4. Zimbabwe has an MoU with Rwanda for the exchange of skilled education personnel between countries, which has started with the provision of Zimbabwe teachers to work in Rwanda. (Sabiiti, 2021) A BLA between Zimbabwe and Namibia aims at enhancing socioeconomic development, including through skills transfer of highly skilled Zimbabwean migrants. (IOM 2021b).
5. The DRC has several agreements in various stages of negotiation to facilitate the return home of irregular Congolese migrants in Angola and European countries. (IOM 2021a)
6. Mauritius has signed circular labour migration agreements with France and Canada to allow Mauritian migrant workers to gain skills and experience before returning home to work in Mauritius (IOM 2021b).
7. The Seychelles signed a labour agreement with Bangladesh in 2019, setting out the framework for the recruitment of Bangladeshi workers to the Seychelles. The agreement includes proper employment and repatriation procedures, protection of migrant workers and their rights, and prevention of human trafficking and illegal employment.
8. Malawi signed an MoU in 2013 with a UAE-based private employment agency for the export of labour from Malawi to Gulf countries over ten years. In the same year they signed an MoU to for improved administration of employment of Malawian workers in the UAE over four years. (Crush, et al, Forthcoming e)

Globally, there is a new trend towards dedicated BLAs governing domestic work, given the high levels of both migration and exploitation in this sector, and widespread lack of labour law coverage or enforcement for domestic work in many destination countries. These may set relevant precedents for certain sectors in the region, including domestic work, with high levels of informal employment and precarity.

Most bilateral labour agreements are not publicly available, and so it is difficult to assess the extent to which they address gender considerations. However, an ILO (2015) review of BLAs globally found that most agreements largely ignore gender issues and lack gender-sensitive monitoring. Of the agreements reviewed from the African continent, not one included gender-specific regulations.

## **2. Gender responsive National Labour Migration Policies**

Once international regional standards have been agreed to, the domestication and enforcement of these policies at the national level is a critical and difficult process. Individual countries in the region have largely approached the issue of labour migration from different perspectives, based on their own needs, with varying degrees of compliance to multilateral guidelines. National Labour Migration Policies provide the framework for coherent national strategies on recruitment, employment, skills recognition, and social protection for migrant workers.

These policies should include strategies for assessing labour market needs, ensuring fair recruitment of migrant workers, regulating fair working conditions, extension of social protection schemes to migrant workers and ensuring portability of social security benefits, and mechanisms for recognition of skills and qualifications of migrant workers.

To adequately respond to the specific vulnerabilities of women migrant workers in the region, and meet the standards laid out in the key Migration Conventions (C97, C143 and the ICRMW), NLMPs should include provisions which address the following (Moreno-Fontes, 2023):

1. Ensure safe, orderly and regular migration opportunities, through BLAs, formal channels for low skilled migration, and regularisation programmes.
2. Extend labour protections and social protection, as well as portability of payments, to all economic sectors and occupations with high concentration of women migrant workers;

3. Legislate and enforce fair recruitment practices and prevent human trafficking. This should include the flexibility for migrant workers to change employers, workers' right to retain their ID documents, and access to justice when rights are violated.
4. Prevent deskilling (workers entering the labour market and obtaining a job below their skills or qualifications level).
5. Enact regulations to prevent 'social dumping'<sup>18</sup> and a 'race to the bottom' approach by businesses which aim to increase competitiveness by cutting wages and labour protections.
6. Make effective use of tools such as critical skills lists, labour market tests and migration quotas.

In recent years, significant progress is being made to align national law and policies to international standards, through tools such as National Labour Migration Policies, bilateral labour agreements, and mixed migration policies.

- ▶ All 16 countries in the region have established mixed-migration policies, which recognise the diversity of drivers and types of migration, and the need for variegated response, as well as appropriate protection for vulnerable migrants.
- ▶ Five SADC Member States (Eswatini, Lesotho, Namibia, Seychelles and Zimbabwe) have adopted and are implementing a national labour migration policy, and two (Malawi and South Africa) are very near adoption. Botswana, Comoros, Madagascar and Zambia are in the process of developing a labour migration policy, while Angola Mozambique and Tanzania have expressed interest in doing the same. 75% of SADC countries are thus in various stages of NLMP development.
- ▶ Five SADC countries (Eswatini, Lesotho, Malawi, South Africa and Zimbabwe) decided to pilot the SADC Guidelines on the portability of social security benefits in March 2020. Botswana, Comoros, DRC, Mauritius, Madagascar and Seychelles have recently shown interest in joining this effort.

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<sup>18</sup> Social dumping occurs when businesses abuse free movement in the single market to undercut or evade existing labour standards and regulations, gaining a competitive advantage over bona fide companies.

The table below notes what actions and objectives targeting gender-equity are included in each of the region's five NLMPs:

**TABLE 9: Targeted actions on gender in SADC NLMPs**

NLMP COUNTRY	TARGETED ACTIONS ON GENDER AND WOMEN ISSUES IN THE NATIONAL LABOUR MIGRATION POLICY
<b>Eswatini</b>	The NLMP recognises the importance of gender-sensitive and inclusive policy and implementation, but offers no specific objectives or actions regarding gender or women issues in labour migration.
<b>Lesotho</b>	<ol style="list-style-type: none"> <li>1. Build the country's approach to labour migration as a rights-based, gender-sensitive, employment and development-oriented labour migration policy; and</li> <li>2. Design gender sensitive training module on education to labour rights, non-discrimination and violence prevention and cultural diversity and Lesotho's specificities to be proposed to employers for inclusion in their orientation programmes to prepare migrant workers for integration.</li> </ol>
<b>Namibia</b>	<p>The NLMP is gender neutral, with almost no mention of women's issues. However, some strategies relevant to women migrant workers, particularly domestic workers and those in an irregular situation, include:</p> <ol style="list-style-type: none"> <li>1. Strengthening labour inspection at workplaces to ensure compliance with work permit conditions and obligations;</li> <li>2. Extending services rendered by private employment agencies to migrant workers, with particular focus on promoting ethical recruitment;</li> <li>3. Finalising legislation to deal with the human trafficking;</li> <li>4. Ensuring access to and portability of social security benefits for migrant workers; and</li> <li>5. Ensuring enhanced collection, analysis and availability of labour migration data.</li> </ol>
<b>Seychelles</b>	<ol style="list-style-type: none"> <li>1. Form an inter-ministerial working group to identify priority labour migration indicators with harmonized definitions and coordinated methods for data collection. Priority indicators can include quantitative data on the magnitude of migration stocks and flows disaggregated by age, sex, country of origin, and duration of stay.</li> <li>2. Systematic collection and dissemination among relevant ministerial departments of data on violations of labour legislation and OSH disaggregated by sex, age, sector, occupation, and nationality of workers, as well as of violations by private employment agencies of recruitment regulations, including of the sanctions applied.</li> </ol>



NLMP COUNTRY	TARGETED ACTIONS ON GENDER AND WOMEN ISSUES IN THE NATIONAL LABOUR MIGRATION POLICY
<b>Seychelles (Continued)</b>	<ol style="list-style-type: none"> <li>3. Conduct information campaigns targeted at migrant workers, taking into account gender differences, to raise awareness on their rights, legal services available, and channels for registering grievances and seeking remedies in case of rights violations.</li> <li>4. Conduct sensitization campaigns targeted at employers' and workers' organizations, focusing on issues such as the illegal retention of passports and consequences of non-respect of minimum wage, violence and harassment at work, and</li> <li>5. Implementing a number of labour market programmes, targeting youth and women in particular.</li> </ol>
<b>Zimbabwe</b>	<ol style="list-style-type: none"> <li>1. Promote human and labour rights for female and male migrant workers.</li> <li>2. Strengthen the role of consular services by establishing labour attachés, with an inclusive recruitment approach that is sensitive to gender, disability and youth.</li> <li>3. Ensure timeous availability in the public domain of official information and gender-disaggregated statistics on labour migration.</li> <li>4. Develop tools for pre-departure and institutionalize pre-departure training covering safe working and living environments in host countries, legal assistance and shelter for distressed migrant workers at the embassies as far as resources permit.</li> <li>5. Expanded social security coverage for labour migrants especially female labour migrants.</li> <li>6. Implement mandatory gender training for agencies that have most contact with female migrants, including immigration authorities, the police and health service providers.</li> <li>7. Implement livelihood community development projects for returnees especially for the most vulnerable groups (such as women, youth, physically challenged and people living with HIV and AIDS).</li> <li>8. In terms of a coordinated approach to labour migration information system, the Policy notes that a comprehensive and gender-sensitive labour migration information system is a crosscutting foundation for the formulation, monitoring and evaluation of policies related to labour migration.</li> </ol>

**Source:** Summarized from ILO 2023b and ILO 2022c

## E. Country case studies

The following case studies explore in more detail the context of women's migration in each country, an overview of its National Labour Migration Policy, and the extent to which women migrant workers are covered by labour rights and social protection legislation.

### 1. Namibia

#### ➔ Migration context and policy

Namibia is predominantly a destination country for migrant workers in the SADC region, with labour migrants coming primarily from Zimbabwe and Angola, as well as refugees from the Democratic Republic of Congo. The border with Angola is porous, and communities on either side share ethnic and family ties, making it relatively easy for Angolans to cross into Namibia seeking work opportunities in rural areas, or further south in the cities. Zimbabweans also migrate to Namibia in numbers. Women and men from both countries often work on farms, and women work as domestic workers. Additionally, many skilled Zimbabweans, and some South Africans, migrate to Namibia with official permission to study or work in education, health, and other professional sectors, which value their high levels of education and English language ability.

The country practices encampment of refugees, which takes place at Osire Refugee Settlement in the northeast. Although they need an exit permit to leave the camp, refugees are legally allowed to work in Namibia. Many women refugees go to more populated areas to sell as street vendors, while men go during work on farms in the region.

According to the Immigration Control Act (1993), non-nationals in Namibia may only work in the country if granted a work permit, a permanent residence permit, or refugee status and migrants from the region can enter legitimately on a SADC three month visa. Those working in low-skilled trades, including women in farm work and domestic work, are not eligible for work permits, and so often overstay their visa and work without documents. Living under threat of deportation results, they are often hesitant to report labour abuses and therefore endure difficult working conditions.

A World Bank (2021) assessment suggested that immigration controls in Namibia are limiting private sector growth by preventing import of foreign skilled workers. The need to assess and address skills shortages is addressed in the recent National Labour Migration Policy.

It is worth noting that in recent decades, Namibia has experienced high rates of internal, rural-urban migration, which shares many characteristics with cross-border migration (Venditto, 2018). Research and policy responses to rapid urbanization in Namibia have explored the drivers of migration, rural-urban linkages, migrant livelihoods, remittances, gender and migration, migrant health, and the use of mobile technology by migrants. Much of this experience can impact Namibia's response to increasing international migration. (Crush et al., Forthcoming b)

### ➔ **National Labour Migration Policy**

Namibia's Migration Policy was formally launched in July 2020, with an Implementation Plan for the period 2020/21 to 2024/25. Like other countries in the region which have adopted NLMPs, Namibia's policy is geared towards managing labour migration for socio-economic development. Objectives include the development of a labour migration system to harness the benefits of inward and outward migration, effective border control, and control of human trafficking, smuggling, child labour, forced labour and irregular migration. (ILO 2022c)

Managing the skills shortage in the country is a current priority for migration policy in Namibia "The policy reflects on a shortage of critical skills and a mismatch of skills, as many people acquire qualifications but not necessarily for occupations where their skills are required." (IOM 2020b)

Each of the policy's objectives has implementation strategies which are developed in a detailed, time-bound implementation plan. The NLMP is gender neutral, with almost no mention of women specifically. However, some strategies relevant to women migrant workers, particularly domestic workers and those in an irregular situation, include:

1. Strengthening labour inspection at workplaces to ensure compliance with work permit conditions and obligations;
2. Extending services rendered by private employment agencies to migrant workers, with particular focus on promoting ethical recruitment;
3. Finalising legislation to deal with the human trafficking;
4. Ensuring access to and portability of social security benefits for migrant workers; and
5. Ensuring enhanced collection, analysis and availability of labour migration data.

Namibia's policy includes an Implementation Plan with very detailed timeframes and targets, budgets and responsible institutions thus signifying a commitment by the government to ensure the effective implementation.

### ➔ Labour regulation

The Namibian constitution underlines the importance of sound labour relations, fair employment practices, workers' right to organise, and right to a living wage. It also notes the importance of "where possible, adherence to and action in accordance with the international Conventions and Recommendations of the ILO", signalling a commitment to international standards in fair labour practices. The Namibian Labour Act (2007) operationalises these commitments, legislating basic conditions of employment, parameters for dismissals, labour relations, and complaints mechanisms.

Namibia is the most recent SADC Member State to have ratified the Domestic Worker's Convention, ILO C189. As domestic work is a target sector for women migrant workers to Namibia, the ratification of C189 is an important step. The country has also ratified the SADC Protocol on Gender and Development, and it is one of only two countries in the region which has ratified the ILO Violence and Harassment Convention (190). However, while the Labour Act explicitly prohibits sexual harassment in the workplace, it fails to explicitly prohibit violence against men or women in the workplace. (ILO 2019). The National Gender Policy (NGP) was launched in 1997 and revised in 2010. It outlines the framework and sets out principles for the implementation, coordination and monitoring of gender sensitive issues, including standards for gender equity and the prevention of gender based violence.

Migrant workers with permission to work in Namibia are protected under the labour law, and have access to complaint mechanisms, although concerns about retaining their status often prevents them from reporting labour violations. Migrant workers in a regular situation are also included in contributory social protection schemes. However, those migrant in an irregular situation usually fall through the cracks of labour protections and are not eligible for social protection schemes. Furthermore, protections are lacking for self-employed workers, such as women informal traders.

## 2. South Africa

### ➔ Migration context and policy

South Africa hosts nearly 3 million migrants, the largest number on the African continent. 57% of South Africa's migrant are from other SADC states. South Africa hosts more than 90% of migrants from Lesotho and Eswatini, and more than 75% of migrants from Botswana and Namibia. Overall, the migrant population is incredibly diverse, with origins in 149 countries. South Africa's legal and policy frameworks play a central role in shaping migration in the region: both directly, as they impact the daily lives of migrant workers in South Africa, and indirectly, by setting legal precedents for its neighbour states.

While South Africa hosts about 250,000 refugees (UNHCR), the vast majority of migrants to the region come seeking work, and refugees also have permission to work. Meanwhile, the country's unemployment is among the highest in the world. This drives some anti-migrant sentiment in the country, referred to as xenophobia, as well as tension between South Africa's migration policies and its labour policies. The former aim to tighten borders and limit economic activity of migrants, while the latter uphold the country's liberal and inclusive Constitutional commitment to human rights.

Data on economic activity of migrants in South Africa shows a decline in employment in the formal sector between 2012 and 2017, from 48% to 36%, as well as increase in informal sector employment from 30% to 39%. The proportion owning their own business declined from 20% to 11%. There was also a decline in agricultural employment (from 9% to 7%) and an decrease in domestic work employment (from 23% to 18%). In 2017, the population of migrants in skilled occupations in South Africa was around 30%. (StatsSA, 2020)

The Immigration Act (2002) governs migration into South Africa. It allows for the arrest and deportation of irregular migrants and makes it a legal offence to employ or educate irregular migrants. Art. 42 states explicitly makes it an offence to assist or help an "illegal foreigner", in any way, except for necessary humanitarian reasons. Although the Immigration Act does not specifically address women migrants, the prohibition of access to social services (particularly health and education) impacts women especially, who are more likely to need these services for childcare and maternity.

In contrast to the Act's strict stance on irregular migration, the Constitution grants the right to education and other social services to "everyone", and this is frequently used by civil society organisations to ensure that all migrants, regardless of status, are able to



access health care, education for their children, and fair labour practices, among other provisions.

Over the last thirty years, post-Apartheid government has granted immigration amnesties for hundreds of thousands of migrants, including migrant gold miners (1995); SADC migrants (1996); Mozambican ex-refugees (2000), Zimbabwean migrant workers (2010), migrants from Lesotho (2015), and Angolan refugees (2018, renewed in 2021). (Crush, et al., 2017)

In particular, the Zimbabwe Exemption Permit and Lesotho Exemption Permit have been the most effective example of regularised migration for low-skilled labour in the region. The permits are a reaction to the difficult political and economic circumstances in the two countries which have resulted in large numbers of their citizens moving to South Africa in search of better economic opportunities. Many of the migrants are persons whose skills, qualifications, or socio-economic status would not enable them to get work or business visas for South Africa. The special dispensation permits prohibit their holders from obtaining permanent residence in the country. (ILO 2022c)

### **Draft National Labour Migration Policy**

In February 2022, South Africa released its first National Labour Migration Policy (NLMP) for public comment. The policy notes the vulnerability of women workers and migrant workers and commits to upholding the international guidelines setting standards for their protection. It also increases restrictions on migration, foreign owned businesses, and employment of foreign workers.

Key proposed measures include:

1. Introduction of quotas on foreign nationals employed in certain sectors (including Agriculture, Hospitality, and Tourism, which are currently important employment sectors for women migrants);
2. Limits on the sectors in which foreign nationals can establish small, medium, and micro enterprises, and would limit the duration of critical skills visas, with employers responsible for programmes to transfer skills from foreign workers to citizens;
3. Strengthening of the border management authority to secure porous borders, and increasing inspections for immigration and labour law enforcement;

4. Enforcing labour law compliance among industries with a track record of exploiting migrants, including agriculture, domestic work, and hospitality, among others;
5. Initiatives to strengthen the ability of labour institutions to engage with and support the labour rights of regular and irregular migrant workers;
6. Disaggregation of labour court and CCMA data by migratory status in order to allow for analyses of trends;
7. Ensuring equal access for migrants to social protections, including the state's role in facilitating payment of benefits to those who have returned to their country of origin.

The Draft National Labour Migration Policy and Draft Employment Services Amendment Bill are currently under review and have not yet been passed into law.

### Labour regulation

South Africa's progressive and inclusive labour legislation has been a pillar in post-apartheid governance. The Constitution of South Africa (Ch. 23/1 and 27/1) explicitly protects the right to fair labour practices and social protection for "everyone".<sup>19</sup> The Basic Conditions of Employment Act (1995), Labour Relations Act (1995), National Minimum Wage Act (2019), and industry specific Sectoral Determinations provide a comprehensive foundation inclusive of minimum standards for wages, working hours, rest periods, annual leave, sick leave, maternity leave, family responsibility, requirements for fair dismissal and retrenchment, and other basic conditions for decent work. In principle, labour protections apply to all workers in South Africa, regardless of their nationality and visa status.

Discrimination according to gender is prohibited under the Employment Equity Act (1995), as is gender-based violence and harassment. Furthermore, in March 2022, the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace took effect, providing specific guidance on the policies and procedures to be implemented in cases of harassment.

All migrant workers, including those in an irregular situation, are provided for in the Compensation Fund for Occupational Industry and Diseases, while only those with

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<sup>19</sup> Malawi, which followed South Africa's example, is the only other SADC country with a constitutional right to fair labour practices.

permanent residency, asylum seeker, or refugee status<sup>20</sup> are eligible for the Unemployment Insurance Fund (UIF). Migrant workers who were registered for UIF also access to the Covid-19 wage support Temporary Employer Relief Scheme. (This includes ZEP and LEP holders.) However, migrant workers face numerous bureaucratic and operational challenges registering for and claiming these funds, especially if they return to their country of origin with outstanding benefits. Non-citizens are excluded from the Department of Social Development's social grants and pension programme.

### 3. Zimbabwe

#### ➔ Migration context and policy

Historically, Zimbabwe was a major regional destination for labour migrants and forced migrants. White settlers from Europe and South Africa settled in the country to farm expropriated land, and migrant workers from neighbouring countries were employed in the colonial economy as farmworkers, mineworkers and domestic workers. Other migrants transited through the country and worked for a period en route to South Africa. In the 1980s, after independence, Zimbabwe received large numbers of refugees from Mozambique as well as skilled migrants from other countries to help build the post-colonial economy (Chikanda & Crush, 2016).

However, starting in the 1990s and continuing to the present, Zimbabwe has become the largest origin country of migrant workers in the region, with UNDESA reporting 911 981 migrants of Zimbabwean origin resident in other SADC countries (UNDESA 2020).<sup>21</sup> Zimbabwe is also a transit route for migrants from neighbouring countries on the way to South Africa. Labour migration in Zimbabwe has been characterised by many challenges, including brain drain, irregular migration, lack of a mechanism for social protection of migrant workers and lack of up-to-date statistics on labour migration (IOM 2021c).

The entry and presence of non-nationals in the country is governed by the Immigration Act of 1979 and the Immigration Regulations of 1998. These govern the issuance of study permits, temporary employment permits and residence permits. Only migrants with legal residence status have equal access to employment as nationals and do not require an

<sup>20</sup> Asylum seekers and refugees were only included in UIF after litigation, in the 2017 case *Saddiq v Department of Labour and Others* (Case number: EQ 04/2017)

<sup>21</sup> While the Democratic Republic of the Congo has more out-migrants overall (1 832 069 in 2022), most leave the SADC region (see Table 1 in this report)

employment permit in Zimbabwe. Other non-nationals wishing to undertake employment must apply for a temporary employment permit (TEP). TEPs are issued on the condition that there are no suitable or qualified nationals willing to take an available position. Moreover, under the Immigration Regulations, TEP holders may take only employment opportunities for which the permits are specifically issued. (IOM 2021c). In terms of section 12(1) of Zimbabwe's Refugees Act, recognised refugees are entitled to the right to employment.

The issue of Zimbabwe's population of generations of stateless residents, described in Sec. III(A) and IV(A) of this report, is not explicitly addressed in the law. Zimbabwe has ratified the UN's 1954 Convention relating to the Status of Stateless Persons, but not the 1961 Convention on the Reduction of Statelessness.

Zimbabwe is also one of only four countries (and the only SADC members state) to have committed to the 2001 COMESA<sup>22</sup> Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence.

### ➔ National Labour Migration Policy

Zimbabwe's National Labour Migration Policy was adopted in 2020. Its strategic objectives are:

1. To enhance labour migration governance for strengthened protection and empowerment of Zimbabwean migrant workers in line with international norms on safe migration and decent work for all.
2. To harness and maximise the benefits of (inward and outward) labour migration for national development, including through remittances and investment promotion and functional labour market information systems

These reflect the policy's predominant focus on protecting Zimbabwean emigrants and harnessing the benefits of outward migration. Section 2 of the policy notes the following challenges experienced by Zimbabwean migrant workers (Crush et al., Forthcoming f):

1. Multiple abuses, malpractice and exploitation of Zimbabwean migrant workers, particularly women, in most destination countries especially in the face of globalization and the search for cheaper labour;

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2. Limited awareness among migrant workers, especially female migrants, of their legal rights and social provisions in the host countries;
3. Irregular status, lack of travel documents and work permits among many Zimbabwean workers abroad, as well as foreign nationals employed in Zimbabwe;
4. Employment in “three D” (dirty, dangerous and degrading) jobs, which are characterized by the lack of employment contracts, exploitative wages and long working hours, lack of social protection, absence of unionization and lack of representation;
5. Weak complaints mechanisms (at origin and destination countries) to bring forward claims against abuse during recruitment, employment and termination of employment;
6. Some of the workers who end up being deported have no access to unpaid wages and savings and are unable to retrieve personal belongings from their homesteads; and
7. Emergence of challenges in migration, such as social exclusion, xenophobia and covert human trafficking processes that require both the sending and receiving countries to take explicit action.

The NLMP aims to enact measures and bilateral agreements to address these challenges. Some of those relevant to this report include:

1. Recognises the standards set for migration and decent work by international, continental and regional frameworks and treaties, and states that the State will consider ratifying the ILO migrant workers conventions C97 and C143.
2. Discusses the importance of a gender-sensitive approach to labour migration.
3. Explicitly recognises the urgency of domesticating CEDAW.
4. Commits to a rights-based approach, including facilitation of social protection benefits for migrant workers in the host countries and for foreign workers in Zimbabwe.
5. Aims to facilitate more efficient payment methods for remittances from Zimbabwean migrant workers, and reintegration programmes for return migrants.
6. Notes the importance of pre-departure training and guarding against propaganda in recruitment.



7. Calls on countries of destination to enact legislation that prohibits and punishes xenophobic discrimination and violence

### ➔ Labour regulation and social protections

As in South Africa, the Zimbabwean Constitution explicitly protects the rights of women workers, including clauses such as (Sec. 65):

(1) Every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage. [..]

(4) Every employee is entitled to just, equitable and satisfactory conditions of work. [...]

(6) Women and men have a right to equal remuneration for similar work. [...]

(7) Women employees have a right to fully paid maternity leave for a period of at least three months.

These rights are enacted in the Labour Act (1985), which provides the framework for employment contracts, conditions of employment, termination of employment, and other related matters. Migrant workers are considered employees and thus have equal access under the law to labour protections. In practice, accessing rights may come with specific challenges for migrant workers, depending on migration status, sector of employment, and employment agreements.

In terms of fair recruitment for migrant workers, Crush, Williams and Dhakal (Forthcoming f) note that

*The recruitment industry in Zimbabwe exists in a regulatory vacuum with limited oversight, weak implementation and enforcement of existing legislation, insufficient institutional capacity, and guidance for employment officers with respect to both facilitation and monitoring and enforcement. ... There are significant loopholes in the existing labour laws, chief amongst them the failure to articulate the respective responsibilities of recruiting agents and final employers in providing safeguards against abusive practices, including forced labour.*

The Zimbabwe Gender Commission, in partnership with the European Union and United Nations agencies, developed a five-year Strategy for the Elimination of Gender Based Violence and Harassment in the Workplace (2021-2025). The Strategy notes specific vulnerabilities of migrant workers, suggesting the education materials disseminated include the languages of migrant workers.

The NLMP notes that “the principle of equality of treatment with regard to access to migrant workers’ social protection will prevail”. Under the National Social Security Authority Act (1989), migrant employees have equal access to social security benefits as nationals. However, it is worth noting that domestic workers in Zimbabwe (a sector which includes many women ‘stateless’ workers mentioned above) are excluded from the government pension scheme and Workers’ Compensation Insurance Fund.





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VI

## WOMEN'S MIGRATION IN PRACTICE



## VI. Women's Migration in Practice

In Southern Africa, the growing number of women migrants is due in large part to ongoing dynamics in socioeconomic structures, the decline in traditional, men-centred forms of livelihood and a rise in women-headed households. Other evidence points to changes in labour market dynamics in developed countries, arising from ageing populations, with demand for highly skilled labour from the developing world, including from Africa, creating new opportunities for women doctors, nurses, teachers and other professionals. (UNCTAD 2018, 60)

### A. Drivers of migration

A core set of push factors and pull factors influence the decision of women in the region to migrate.

#### BOX 4: Key drivers for women's migration in the Southern Africa region

 <b>PUSH FACTORS</b>	 <b>PULL FACTORS</b>
<ul style="list-style-type: none"> <li>▶ Poverty and unemployment</li> <li>▶ Civil and political unrest</li> <li>▶ Gender based discrimination and violence</li> <li>▶ Climate change</li> </ul>	<ul style="list-style-type: none"> <li>▶ Economic opportunities</li> <li>▶ Family member and social networks</li> <li>▶ Health and education services</li> <li>▶ New experiences</li> </ul>

Economic opportunity is the most significant driver for women choosing cross border migration in the region, especially with the economic collapse of Zimbabwe in the early 2000s. Migrant domestic workers in South Africa and Namibia reported (ILO 2022c, 89):

*"I am able to feed a family of twenty back home."*

*"I can save money and send to my mom to pay for school fees for my kids."*

However, according to the StatsSA study, over 40% of women migrants in South Africa moved for family reasons, including marriage, family relocation, and coming to live with a relative. Many of these will seek work upon arrival, but the migration decision is purely an economic one.

Other factors driving migration include civil and political unrest, and persecution. Women migrants to South Africa from the DRC, Angola, and African countries outside the region reference conditions of terrorism, and violence, including personal experiences of rape, beatings, bombings, loss of family members, detention over personal beliefs, and repeated threats. (Mbiyozo 2018)

Climate change induced droughts and flooding are also driving women's migration, such as from southern Angola into Namibia, and out of Mozambique.

*"If the rains come, we will go back. However, it will be hard for me to cultivate the land because my two brothers have left to find work in Namibia. I will make it though. It's my home."*

(UNDP 2022, 7)

Domestic violence is another cause for women to leave their homes, as was explained by women farmworkers in the South African Cape province (Fortuin 2021, 21):

*"Sometimes someone is being abused by their husband, and she doesn't have a mother or any family to run to, she is alone. So, she has to run away ..."*

Some women migrate not out of desperation but looking for new opportunities and exposure. As explained by a migrant domestic worker in South Africa,

*"The money helps us to look after ourselves and we learn a lot of things like cooking and different cultures."*

(ILO 2022, 89)

Wage differentials between origin and destination countries are a key driver of migration. For example, substantial income disparities between South Africa and Zambia, fuel the migration of health professionals to South Africa. (UNCTAD 2018)

The table below shows the reasons given for migration by South African women moving within the country (labelled as "non-migrant women"), and by international women migrants to South Africa. The latter are significantly more likely to be seeking work (as opposed to already having secured it), and to move due to marriage or in order to start a business. South Africans migrating internally are more likely than international migrants to move for study and training purposes.



**TABLE 10:** Comparative drivers of migration of internal and international migrants in South Africa

	NON-MIGRANT WOMEN		MIGRANT WOMEN	
	Q3: 2012	Q3: 2017	Q3: 2012	Q3: 2017
To work	23.8	21.7	34.1	13.3
Job transfer	3.4	1.8	0.9	0.7
Look for paid work	13.8	19.3	20.3	34.3
To start a business	1.2	0.0	1.7	3.9
Look for land for farming	0.0	0.2	0.0	0.0
Family moved	15.2	16.3	15.0	17.8
Marriage	7.6	5.5	8.0	14.5
School/Training	10.5	15.6	9.5	1.0
To live with a relative	20.2	15.4	10.3	12.2
Divorce/ Separation	1.9	1.5	0.2	1.0
Adventure	2.5	2.7	0.0	1.4

Source: StatsSA 2020

## B. Rewards and risks of women's migration

For many women, labour migration can be a tool for empowerment, allowing them to make independent decisions, build financial autonomy, and gain status in their communities. This applies to cross-border migration as well as to internal rural-urban migration. Through exposure to urban, multi-cultural environments, options for education and training, and work experiences, women migrants can gain access to new economic and social opportunities, for themselves and their families. Migrants are even able to influence dynamics and norms around education, marriage or gender roles in their home communities, impacting broader social development in both countries of origin and of destination (Venditto 2018, Mbiyozo 2018).

In the words of a Namibian migrant,

*“At home and in the village I was a very shy and a quiet person, now I am open to everyone and enjoy my freedom with no fear. The major change this has produced is the respect people inside and outside the family are showing to me. They say that now I am responsible as a man. [...] [B]efore I had to follow what my parents used to tell me, whatever their decision was. Now I am also part of the decisions.”*

(Venditto 2018, 99)

Migrants in the SADC region maintain strong connections with their origin countries. The Southern African Migration Program established that nearly 90% of migrants in the region return home at least annually (Pendleton et al 2006, 21), although these links may be weakening as migration to countries outside the region increases. There is evidence that return migration brings knowledge and skills that can spur economic productivity in origin countries. According to an UNCTAD (2018) report on economic development in Africa, an increase in migration takes place in parallel with improvements in education and health, especially for women.

Migration is most likely to generate these rewards for women and their communities when it occurs through regular channels. They need to be able to make informed choices, with the support of regulatory protections, social networks, and access to public services. (O’Neil et al, 2016) These factors, and thus the migration experience, are shaped by the specific legal, policy, and operational context of their host country.

However, when migration is forced into irregular channels and workers are excluded from legal or social protections, the experience can threaten the livelihoods, dignity, and security of women. Globally, female migrants are more likely to be exploited and abused, are at greater risk of trafficking than male migrants. They are also more likely to work in less regulated, less visible sectors than men, with higher rates of unemployment, and lower average wages than men. (UNCTAD 2018)

## C. Skills and Migration

Formulating gender responsive migration policies requires an understanding of the gendered migration flows, skill levels of women migrants, and migration drivers for women. Globally, data on skilled migration of women is scarce. An IOM (2012) report on deskilling amongst women migrants globally notes their “invisibility” in data collection, due to redundant research methodologies, lack of gender-disaggregated data, and insufficient attention to highly skilled feminized sectors of the economy such as health care.

In the SADC region, statistics on education levels and sectors of employment, disaggregated by gender or migration status, are insufficient — and often non-existent — at a regional or country level. Without these, it is difficult to map the skill levels of women migrants, determine their level and transferability of qualifications, and assess their employment situation in destination countries in light of those skills and qualifications.

The following section highlights research findings on skill and education levels of women migrant workers in the region, especially in South Africa. It then looks at skilled migration flows in some sectors with high levels of women migrants, the phenomenon of deskilling, and the mechanisms for skills recognition in destination countries.

## **1. Skill and employment levels of women migrants in the region**

Globally, migrant workers in high-income countries are more likely to work in lower-skilled and low-paid jobs that do not match their education and skills. Those with high levels of education are also less likely to work in higher occupational categories relative to non-migrant workers. In contrast, among lower and middle-income countries, migrant workers tend to have higher wages than nationals on average, with notable exceptions. (Amo-Agyei 2020)

A study of migration in OECD and EU countries (OECD, EC 2023) substantiates this analysis, finding that women migrant workers have higher levels of education than their male peers, but lower labour market outcomes, in terms of both employment status and level of skilled work. Only 57% of migrant women in the EU have a job against 73% of their male peers and 65% native-born women. Immigrant women also have lower-skilled jobs than the native-born in most countries.

While the picture is not entirely consistent for countries in the SADC region, it does reflect the suggested differences between skill levels of migrants in higher and lower income countries. The region's high- and middle-income countries are Seychelles, and Botswana, Mauritius, Namibia, and South Africa, with the rest of the region classified as low-income countries. In the predominant countries of destination, including Botswana, Namibia, Seychelles and South Africa, the UNDESA data found women migrants are more likely than local women to work in low-skilled professions, as in OECD and other high-income countries. Meanwhile, in some low-income SADC countries, such as Eswatini, Lesotho, Angola and Zambia, migrant workers, including women, are more likely to be in high skilled occupations. Other countries, including Tanzania, Madagascar, the DRC and Zimbabwe showed no great difference between migrant and local women in terms of employment skill level. More detail on this is provided in Section IV(D) above.

UNDESA data analysed for this report found that migrant women are 26% more likely than non-migrant women to work in low-skilled sectors (which are often characterised by informal employment and irregular migration), and 26% less likely to work in medium-skilled sectors. Yet migrant women employed in the formal economy in Botswana are highly educated compared to their peers. Statistics exclusively from the formal economy show that 60% of women migrant workers employed in the formal sector have university-level education, compared with only 30% of non-migrant women. (Statistics Botswana 2022) These differences may reflect the extent to which informal sectors and employment arrangements are included in the data. Notably, only 30% of male migrants have university educations – only half of their female counterparts, but still higher than the 20% of non-migrant men with such qualifications (Statistics Botswana 2022, 43).

In many cases, the employment of women migrants in low-skilled labour does not necessarily directly reflect a lack of skills or qualifications on the part of workers but may be due to skills mismatch and/or difficulties transferring their skills and experience across countries. “Deskilling” refers to skilled workers taking positions for which they are significantly overqualified, or which are not in sectors where they already have skills and qualifications.

*“This means that workers end up working in lower-skilled jobs and are often badly paid. If they stay in that same job, which is often the case, they become less and less likely to climb the occupational ladder. The result is an unfair loss of the time and money that the worker spent in obtaining (eventually unused) qualifications and the waste of funds that his/her family and country spent on human resources.”*

(Marock and Allais 2022, 66)

This phenomenon has been termed “brain waste”, as it results in loss of productivity for both the destination country, the country of origin, and the worker herself. In the words of a Zimbabwean migrant worker in South Africa,

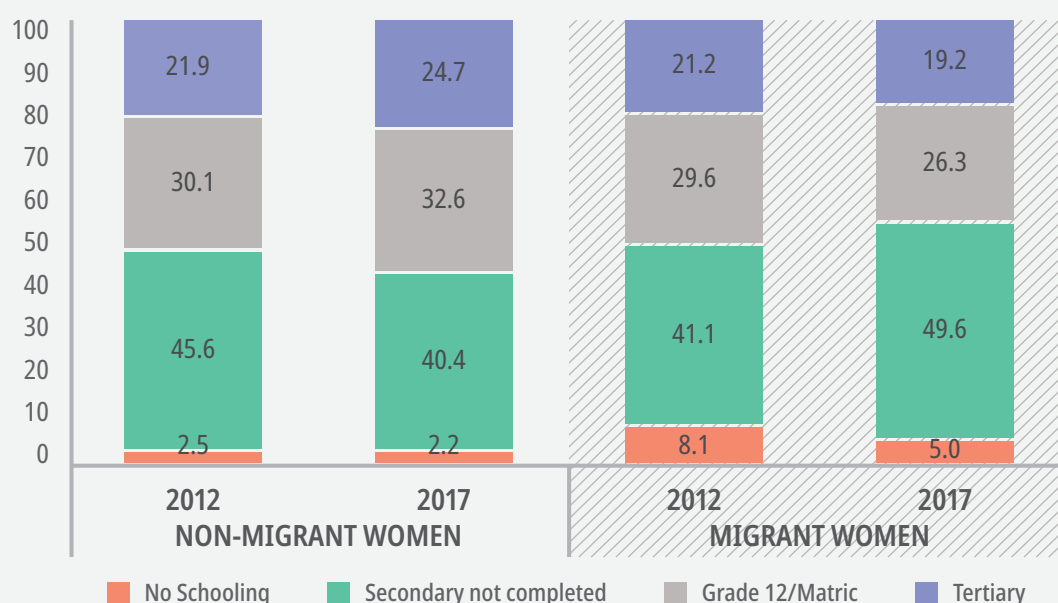
*“I worked as a nurse for ten years, but now, I work on a farm due to papers. If I had papers, I was supposed to work here, in any hospital. Here are many soldiers, many teachers, many nurses, working on farms here. No papers....”*

(Fortuin 2021, 19)

### Comparing migrant and non-migrant women workers in South Africa

As nearly half (45%) of all women migrants in the region are in South Africa, it is worthwhile to provide more detail on the situation of women migrant workers there. The following table from StatsSA (2020) notes that employed migrant women in South Africa (aged 20-64) are more likely than employed South African women to have had no schooling at all, and are less likely to have completed secondary or tertiary education. Interestingly, a similar comparison of all women (including unemployed) shows equal levels of tertiary education amongst non-migrant and migrant women. This may be impacted by the large number of migrant students in South Africa's universities and colleges.

**FIGURE 1:** Comparative education levels of employed non-migrant and migrant women in South Africa



Source: StatsSA 2020

The data shows that while migrant women are more likely than non-migrant women in South Africa to be employed, they are also more likely to be employed in the informal sector.<sup>23</sup> This indicates higher numbers of migrant women in low-skilled professions, with a willingness to work in undesirable positions rather than remain unemployed. (This is

<sup>23</sup> This includes 1) Employees working in establishments that employ fewer than five employees, who do not deduct income tax from their salaries/wages; and 2) employers, own-account workers and persons helping unpaid in their household businesses who are not registered for either income tax or value-added tax.

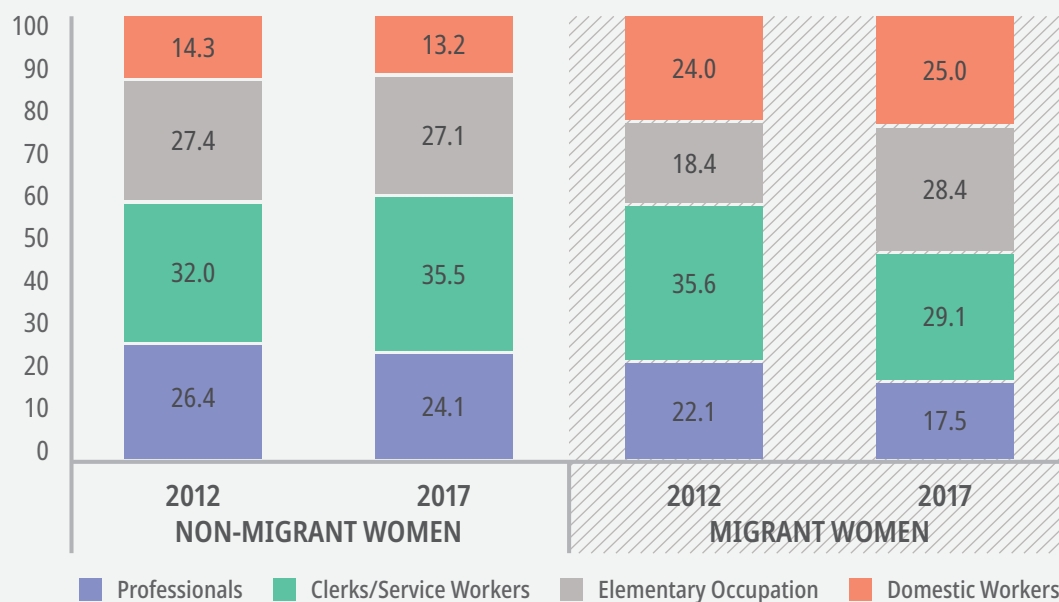


corroborated by comparative findings on the working conditions of migrant and non-migrant women, reported in Section VII(B) below.)

Figure 2 notes the occupation categories of women workers. The variables included in occupation are (i) Professionals (legislators, senior officials, managers, professional, technical and associate professionals); (ii) Clerks and service workers (clerks, service workers, shop and market sale workers); (iii) Elementary occupation (skilled agricultural, fishery workers, craft and related trade workers, plant and machine operators and assemblers, elementary occupation); and (iv) Domestic workers.

In the 2017 data, 25% of women migrant workers are employed as domestic workers (in contrast to 13% of non-migrant women workers). Only 17.5% of women migrant workers in the 2017 data worked as professionals (legislators, senior officials, managers, professional, technical and associate professionals), as compared to 24% of South African women. 2021 data from StatsSA found that 66,9% of workers in a managerial position were men, compared to 33,1% of women. (StatsSA 2021)

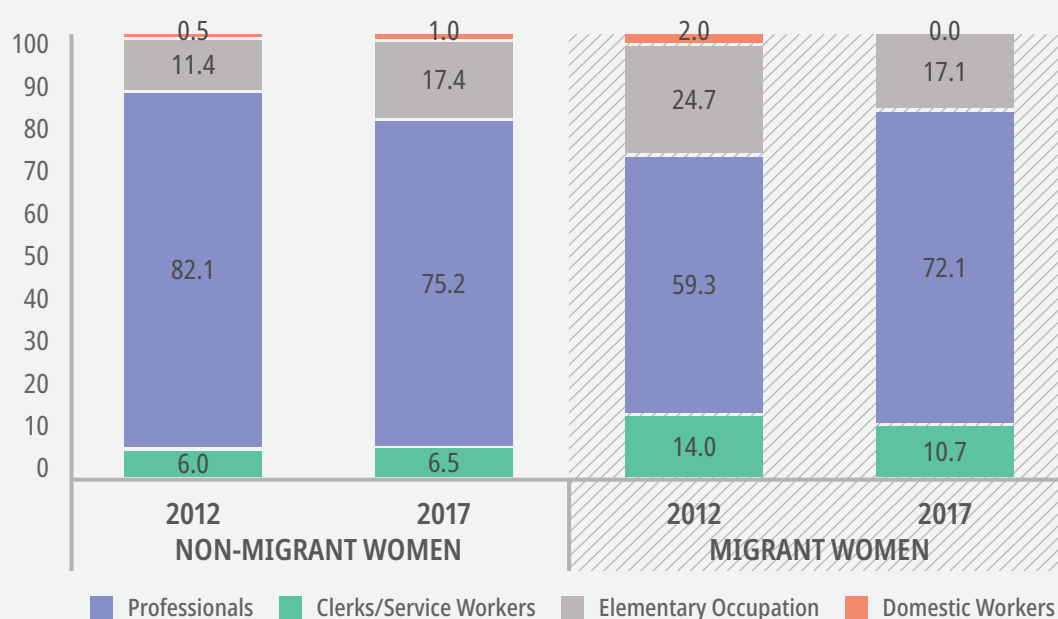
**FIGURE 2: Occupations of migrant and non-migrant women in South Africa**



Source: StatsSA 2020

In 2012, 2% of migrant domestic workers in South Africa were estimated to have some tertiary education. These numbers dropped by 2017, and the percentage of those having completed secondary education also decreased. (More research would be needed to determine whether this is due to those with tertiary education finding more highly skilled jobs, or to lower skill levels of the migrating population as a whole.)

**FIGURE 3:** Comparative education levels of migrant and non-migrant domestic workers in South Africa



Source: StatsSA 2020

More information on the relative education levels and employment situations of migrant and non-migrant women workers in South Africa is summarised in Box 5 below.

**BOX 5: Comparative findings on migrant and non-migrant women workers in South Africa****MIGRANT AND NON-MIGRANT WOMEN WORKERS IN SOUTH AFRICA:  
COMPARATIVE FINDINGS ON EMPLOYMENT STATUS AND EDUCATION LEVELS***(Data from South Africa's 2017 Quarterly Labour Force Survey)***1**

4.5% of women in South Africa in 2017 were foreign-born migrants. (This is up from 3.1% in 2012.)

**2**

Migrant women are more likely than non-migrants to be employed (exact percentage increase varies by definition of employment).

**3**

Of unemployed women, non-migrant workers are more likely than migrants to be in long-term unemployment (of 12 months or more).

**4**

Working migrant women in South Africa (aged 20-64) are more likely than working South African women to have had no schooling and are less likely to have completed secondary or tertiary education.

**5**

When comparing all women (including employed and unemployed), migrant and non-migrants have equal levels of tertiary education.

**6**

Almost half of women migrant workers (49%) are in informal employment, while this is the case for only 29% of non-migrant women

**7**

25% of migrant women in South Africa are employed in domestic work.

**8**

17% of women migrant workers in South Africa are professionals.

**9**

While 22% of young South African women (aged 15-24) are not engaged in employment, education, and/or training, this is true for only 44% of young migrant women.

**Source:** Compiled from StatsSA 2020

## 2. Skills recognition and mobility

In addition to irregular migration status, a primary cause of deskilling in the region is the lack of effective and efficient skills recognition systems. Marock et. al lists several means used by SADC governments to improve the recognition of migrants' skills. Some of these include

- ▶ Skills recognition agreements (unilateral, bilateral or multilateral) which may be stand-alone or part of larger trade agreements;
- ▶ Qualification frameworks, which are developed by government qualification authorities, accredited training bodies, or assessment bodies;
- ▶ Professional and occupational standards; and
- ▶ Recognition of prior learning, through which formal, informal and non-formal learning outcomes are certified against standards of formal education and training.

The SADC region has some of the most advanced frameworks for skills recognition and qualifications evaluation on the continent. The SADC Qualifications Framework (SADCQF) was established in 2011 under the SADC Protocol on Education and Training, to evaluate learning outcomes and certifications, with an emphasis on accommodating all learning, including out of school, formal, non-formal and informal learning, general education, TVET, higher education and various modes of learning such as face-to-face, distance and on-line. Its purpose is to facilitate the movement of workers and learners both within the region and internationally. This is supplemented by several related policy frameworks, on areas such as harmonisation of standards, continuing education, online and distance learning, and support for educators. The importance of skills recognition and mobility is also noted in various SADC Protocols. The overarching purpose of the SADCQF is to facilitate the movement of workers and learners within the region and beyond. (Marock et al., 43)

The SADC region has some of the most advanced frameworks for skills recognition and qualifications evaluation on the continent.

Most countries in the region have developed national qualification frameworks (NQFs); however, implementation of these frameworks has been delayed in many countries. NQFs of South Africa and Mauritius have formally aligned to the SADCQF, and those of several other countries are in various stages of that process. Utilisation of such frameworks by migrant workers is often limited by cumbersome processes and documentation requirements, lack of awareness of and access to the relevant government bodies, and insufficient recognition systems for low skilled occupations.

There is very little data to determine whether recipients of skills and qualification certifications through these processes are more likely to access employment commensurate with their qualifications. There is also very little data on how women specifically are using the NQF systems.

*[A]t present the majority of qualifications that are submitted for recognition are in typically male dominated occupations such as: accountants, architects, agronomists, geologists, engineers, legal experts, IT experts, medical and health related services. The respondent observed that, "Indeed, with the exception of nurses, the rest of the occupations are in large numbers occupied by male workers".*

(Marock et al., 64)

Formal skills development and recognition programmes can play an important role in professionalising low-skilled occupations, leading to greater formalisation of employment arrangements. For example, "[s]kills training and professionalization could enable negotiation on the part of domestic workers to request registration and legal compliance to an existing framework." (Paterson, et al. 2022)

Zimbabwe has recently developed national qualifications standards for domestic work. This includes occupational standards and competencies, and assessment of learners for certification aligned to the Zimbabwean NQF. Aligned training programmes are expected to increase recognition of the sector as decent work, and promote better wages and working conditions for domestic workers. (Paterson, et al.). South Africa also has two NQF level qualifications relating to domestic work.

### 3. Skilled migration and "brain drain"

Roughly half of SADC emigrants are now migrating out of the region. (See Section III(A) of this report.) Many of these are migrants in medium- and high-skilled sectors working in health care and education, sectors with high rates of women workers. Known as "brain drain", the emigration of skilled workers from countries of origin can lead to stunted economic growth in countries of origin due to lack of skilled workers.

Work in the care sector currently represents 1/5<sup>th</sup> of women's employment globally. (UNCTAD 2018b), and is one of the most important channels for emigration of skilled labour both within and out of the SADC region, including men and women doctors, nurses and skilled caregivers. In the Seychelles, over two-thirds of medical doctors are migrants,



and in Botswana, the health care and education sectors account for the employment of 70% of women migrants formally employed. (Crush et al., Forthcoming c and f)

Data on work visas issued in 2022-2023 by the United Kingdom shows South Africans are among the top five nationalities to receive the most “Skilled Worker” visas, and Zimbabweans are the second highest recipients globally of UK visas for “Skilled Worker (Health and care only)”. (Oxford University, 2023) Ten SADC countries, including Zimbabwe, are on the World Health Organization’s “Health Workforce Support and Safeguards List”.<sup>24</sup> This list includes 55 countries which face pressing health workforce challenges, including density of healthcare workers below the global median, and insufficient universal health coverage. The intention is to discourage destination countries from recruiting healthcare workers from these nations, in order to protect their local health workforce. (WHO 2023) Although the UK prohibits recruitment from “red listed” countries, in practice employers and agencies continue to hire from Zimbabwe and its neighbours. According to a recent statement by its Vice-President, Zimbabwe is exploring policies which would criminalise the recruitment of health care workers from within its borders. (Africanews 2023)

In the education sector, the late 1990s and early 2000s saw an exodus of South African teachers to work in the UK and other non-African countries, due to a government assessment that there was an oversupply in South Africa. This resulted in a shortage of teachers in the country, and South Africa then recruited teachers from other countries in the region, especially Zimbabwe. (SACE 2011) Zimbabwe also has a recent bilateral agreement with Rwanda, “for the exchange of educational personnel and expertise including primary and secondary school teachers and lecturers in institutions of higher and tertiary education.” It also includes provisions for Zimbabwean lecturers to teach in nursing schools and medical colleges. (Sabiiti 2021)

In a 2009 survey comparing in-country with out-of-country employment by sector, 70% of all Zimbabwean health workers were migrants working outside of Zimbabwe, as were over 40% of professional workers, service workers, managerial office workers and mineworkers. Between 30- 40% of office workers and farm workers were also migrants. With teachers, the proportion was 28% and domestic workers 25%. (Tevera and Chikanda 2009, 51)

The impact of brain-drain on economic growth and quality of public sector service delivery is a concern not only for Zimbabwe, but for most countries in the region.

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24 Angola, Comoros, DRC, Lesotho, Madagascar, Malawi, Mozambique, Tanzania, Zambia, Zimbabwe

*High population growth, large unemployment rate, and low salaries for professionals within the region make the emigration of skilled professionals particularly attractive for young people in Malawi. The country loses more nurses than the ones it trains, causing a strain on the local health system and hindering its chances to achieve the health-related Sustainable Development Goals plan. Some estimates showed that Malawi trains 60 nurses a year, but loses at least 100 of them during the same period of time, and more than half of them go to the United Kingdom.*

(The Vatican, 2021)

Most countries have developed critical or scarce skills lists to guide immigration policies, and the need to encourage skilled immigration is a core component of National Labour Migration Policies in the region. The SADC Labour Migration Policy highlights the problem, and the need to import skilled labour into the region through bilateral agreements.

## D. Recruitment

Given the high rates of irregular migration and informal employment which characterise migration in the region, both women and men workers are vulnerable to fraudulent and exploitative recruitment practices. This is especially the case for women, who carry additional risks in both the migration journey and in the process of securing work.

*Gender norms that emphasize women's lower status, the low value assigned to domestic and care work, and expected gender behaviours like obedience and submission to the authority of men and elders make women migrant workers particularly vulnerable to fraudulent recruitment practices. Thus, migrant women, are at a disproportionate risk of facing abuses in recruitment and placement, whether it be in the country of origin, transit, or destination.*

(Muchichwa 2022, 12)

The migration journey itself entails gender-specific hazards and requirements. Refugee women travelling from the DRC and Angola to Namibia are routinely subject to violence from boat and truck drivers, forced to endure sexual abuse in return for transportation. One organisation reported that truck drivers taking migrants to from the DRC to Namibia may choose a woman as a companion and force her to stay with him as he makes multiple trips and routes, only dropping her at her destination weeks or months later.

While women on the well-travelled route from Zimbabwe to South Africa are generally able to travel independently, those making the longer journeys from Malawi and elsewhere are more likely to use a 'transporter' who can assist with transport arrangements, border crossing, and safety. A Malawian migrant to South Africa explained:

*For men, it is easier. You see, sometimes, men can come with trucks that come here. Us, we cannot take a truck, it is too dangerous.*

(Fortuin 2021)

## 1. Recruitment channels for women migrants

An ILO report (Muchichwa 2022) on fair recruitment in the SADC region notes that recruitment can happen through the following channels:

- a. Public Employment Services;
- b. Private Employment Agencies (PEAs);
- c. Direct recruitment by enterprises or employers;
- d. Independent and/or informal intermediaries or subagents offering labour recruitment and placement services;
- e. A combination of a) and b).

Of these, the most commonly used by migrants are private employment agencies, direct recruitment by employers, and independent and informal intermediaries.

When effective and well regulated, Private Employment Agencies can play a vital role in the establishment of labour market that is human-centred with opportunities for decent work. PEAs are responsible for a substantial amount of recruitment in the SADC region, particularly in medium and high skilled sectors, migration to Indian Ocean countries, and migration out of the SADC region. PEAs dominate in instances of recruitment for regularised labour migration.

Direct recruitment by employers is also common. This may include published job announcements, word of mouth through family and friends, and advertising on social media. For example, in the domestic work sector Facebook groups are established especially to allow employers to post job descriptions and be linked to interested workers.

Informal intermediaries, such as unregistered independent agents, are very active in the Southern Africa region. These are usually not registered and often do not comply with legislation or standards for ethical recruitment. However, they are central in the migration process because they provide information on jobs, offer assistance and advice, and sometimes provide financial support to migrant workers to facilitate their migration and job placement (Muchichwa 2022). For example, independent, informal agents in South Africa use Whats App groups or media to advertise positions and facilitate postings. Zimbabweans in Namibia may encourage friends or family members back home to come to Namibia, promising to find them work. In Mauritius, there are various types of middle men and local contractors (in addition to PEAs) who orchestrate difficult and often corrupt recruitment processes, often deceiving both the job seekers and the employers. Labour brokers help to link Mozambican workers with seasonal farm jobs in the Mpumalanga region of South Africa, also assisting with practical arrangements for travel, documentation, and even payment of remittances.

PEAs or employers may recruit the worker directly from his/her country of origin, so that the worker only migrates once the job is secured. This is the case, for example, with Bangladeshis recruited to work in Mauritian factories, Zimbabwean women recruited to work as care workers in the UK, or Southern African farmers crossing the border from Limpopo into Zimbabwe to recruit seasonal farmworkers. In other cases, workers undertake the journey first, seeking work on arrival in the destination country. This is often the case for low-skilled women and men migrant workers looking for domestic work or farm work, and for migrants in an irregular situation.

## **2. Unfair recruitment practices**

Fair recruitment should align with the following principles (summarised from ILO 2019):

1. The human rights and labour rights of workers should be protected.
2. Workers should not be recruited to displace an existing workforce or to undermine decent working conditions.
3. Legislation on recruitment should apply to all workers, recruiters and employers.
4. Recruitment practices and processes should be efficient and transparent, such as in the mutual recognition of skills and qualifications.
5. Regulation of employment and recruitment activities should be transparent and enforced.
6. Recruitment across borders should respect applicable national laws and agreements of countries of origin and of destination.
7. No recruitment fees should be charged to workers.

8. Terms and conditions of employment should be specified in a clear and accessible manner, and should comply with relevant legislation.
9. Workers' agreements to the terms and conditions should be voluntary and free from deception or coercion.
10. Workers should have access to free and accurate information.
11. Workers should be free to move within a country or leave a country, and should retain their identity documents.
12. Workers should, irrespective of their presence or legal status, have access to grievance and dispute resolution mechanisms.

In evaluating the enforcement of ILO C97 (the Migrant Workers' Convention) by SADC Members States which have ratified it, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted that

*Migrant workers should benefit from flexibility to be able to change employer and from protection of fear of retaliation by the employer. Particular attention should be paid to women workers and notably domestic workers, who are in a very vulnerable situation, subject to all forms of exploitation and discrimination given the hidden nature of their employment and the low social consideration of their work.*

(Holmgren forthcoming, 15)

#### **BOX 6:** Forms of unfair recruitment

The ILO report, *The Recruitment of Migrant Workers To, Within and From Africa* identifies various forms of unfairness in the recruitment process. In practice, these are often overlapping. Forms of unfair recruitment include:

1. **Deceptive recruitment**, in which the worker is deliberately caused to believe something that is not true, such as the terms and conditions of employment and living conditions.
2. **Coercive recruitment**, in which the recruitment is imposed on the worker under the threat of penalty and to which the worker does not agree voluntarily, notably using violence or its threat, abduction, forced marriage, forced adoption or selling of the victim, confiscation of documents, and debt bondage.



3. **Abusive recruitment**, in which the position of vulnerability of the worker is abused, with such vulnerability possibly related to difficult socioeconomic situation, irregular migration status, lack of education, lack of information or economic reasons.
4. **Discriminatory recruitment**, in which equality of opportunity and treatment in recruitment is nullified or impaired, notably on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership in a workers' organization.
5. **Corrupt recruitment**, in which the recruiter or a third party influencing the recruitment acts dishonestly in return for money or personal gain, with such acts possibly including offering, promising, giving, requesting or accepting bribes, including bribes from workers or bribes to employers or government officials.
6. **Fake recruitment**, in which the private employment agency or the job advertised do not exist, or the job exists but what is depicted as the recruitment process that the worker goes through is unrelated to the job.
7. **Worker-fee-charging** recruitment, in which recruitment fees and related costs are borne by the worker.

Box 6 details various types of unfair recruitment, and all of these have been reported to occur in the various parts of the SADC region. Some common practices that impact women migrant workers are described below (taken primarily from Muchichwa 2022, ILO 2022c, IOM 2022a)

- ▶ **Charging fees to workers:** This practice is widespread, especially by informal and unregistered agents. As noted by a women migrant domestic worker in South Africa, "Job searching agents promise us work, take our money, then block us without getting the job. Robbery [by agents] is very high here." (ILO 2022c, 95). Zimbabweans in Namibia have been reported to retain part of the monthly salaries of fellow migrants who they place in jobs. While charging workers fees is prohibited in the Seychelles, PEAs there still push costs that should be covered by employers, such as work permit fees and return tickets, onto the workers themselves.
- ▶ **Recruitment to illegal working conditions:** Abusive recruitment practices target especially vulnerable workers, such as irregular, low-skilled, and women migrant

workers, to be exploited in jobs with illegal conditions. For example, individual employers and informal agents in South Africa use Facebook groups to recruit women workers into domestic work positions with sub-minimum wages and working hours well beyond labour law allowance.

- ▶ **Fake and deceptive recruitment:** These practices are prevalent in South Africa, in sectors with high concentrations of women migrants, such as domestic work and hospitality. Fraudulent 'agents' use what's app or social media to advertise positions that do not exist, accept payment for placement or application fees from interested workers, and then disappear. In Botswana and Tanzania, recruitment agencies also exploit migrant workers by advertising fake positions, or promising working conditions different from the actual job. In Mauritius, agents recruit workers to positions in manufacturing, but change the terms of the contract on arrival. (Mauritius Research Council 1999) Advertisements on social media for fake positions are used to trap women and men into situations of human trafficking in Botswana and Mozambique.
- ▶ **Coercive recruitment:** Trafficking in the region is widespread, especially of women and girls. Basotho women are frequently promised jobs in domestic work in South Africa, and then forced into sex work or drug trading on their arrival. In the Seychelles and Mauritius, employers retain migrant workers' passports to prevent them from changing jobs prior to the expiration of their contracts, increasing their vulnerability to forced labour. Exorbitant and fraudulent recruitment fees can also leave workers in the Seychelles with significant debts, limiting their ability to leave abusive positions. Migrant workers in the Seychelles are also sometimes forced to sign recruitment or employment agreements in languages they cannot read.
- ▶ **Discriminatory recruitment:** In the Seychelles, women are rejected from jobs in some sectors (such as construction) based purely on their gender. In South Africa, younger women seeking domestic work sometimes experience age discrimination, as employers explicitly advertise for older women in order to avoid maternity leave responsibilities.

Human trafficking of women migrants happens throughout the region, at all stages of the migration process, in countries of origin, transit and destination.<sup>25</sup> South Africa is a key destination for trafficking in the region, with South Africa, Malawi and Mozambique

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25 For more on human trafficking in the SADC region, see IOM 2022a.

having the most trafficking in persons victims within their borders (26.5 per cent, 23.8 per cent and 5.8 per cent respectively.) (IOM 2022a)

There are numerous trafficking corridors within, into, and out of the SADC region. One area of Malawi has become a haven for traffickers who hire out irregular migrants for farm labour, domestic work and sex work. In the domestic work sector, women from Lesotho, Malawi, Mozambique, Zimbabwe and South Asian countries are trafficked into South Africa, Botswana, and the Seychelles. In some cases they are forced into exploitative positions as domestic workers, while in other cases they are promised jobs as domestic workers but forced to work in sex work or drug trading. In the DRC, foreign and Congolese business owners trap migrant workers into forced labor in domestic service and vending for informal traders. Authorities have found fraudulent agents in countries as far as Benin and Gabon to recruiting workers to the DRC. Women recruited from SADC countries to work in the Arab States, usually as domestic workers, are frequently subject to limitations on their freedom of movement, employer retention of their passports, debt bondage, and exploitative working conditions. (See ILO 2022c)

There are numerous trafficking corridors within, into, and out of the SADC region. One area of Malawi has become a haven for traffickers who hire out irregular migrants for farm labour, domestic work and sex work.

There are also issues with recruitment of children below working age, such as young girls from Burundi brought to work in Tanzania as domestic workers. Child labour in the domestic work sector is widespread, impacting national and/or migrant girls in almost all countries in the region. (See ILO 2022c). Women jobseekers are especially vulnerable to physical, sexual and verbal abuse at all stages of the process, by transporters, recruiters, and employers.

As the largest population of emigrant workers in the region, Zimbabwean women are the most impacted by these practices. Under high pressure to succeed, migrant workers often over-report their conditions to friends and family on social media. This encourages others to follow their migration routes, under the sometimes mistaken impression that decent work and well paid opportunities are readily available in the destination country.

### 3. Regulation of recruitment and prevention of trafficking

The ILO Conventions relating to recruitment are not widely ratified in the region, with only two members states each ratifying C181 on private employment agencies, and C96 on fee-charging employment agencies. C88, the employment services convention has by 5 SADC countries. However, key countries of destination including South Africa, Namibia, Botswana, and the Seychelles have not ratified any of these conventions, and Mauritius has only ratified C88.

**TABLE 11: SADC Ratification of ILO conventions on recruitment**

COUNTRY	C181 (38)	C096 (42)	C88
	Private Employment Agencies	Fee-charging employment agencies	Employment Services Convention
Angola	-	Y	Y
Botswana	-	-	-
Comoros	-	-	-
DRC	-	-	Y
Eswatini	-	Y	-
Lesotho	-	-	-
Madagascar	Y	-	Y
Malawi	-	-	-
Mauritius	-	-	Y
Mozambique	-	-	Y
Namibia	-	-	-
Seychelles	-	-	-
South Africa	-	-	-
Tanzania	-	-	-
Zambia	Y	-	-
Zimbabwe	-	-	-

Source: ILO n.d.

Most countries in the region do have legislation to register and regulate PEAs. However, in many cases there are sizeable regulatory gaps. For example, Botswana and Mauritius do not have legislation to prevent PEAs from charging fees to workers. (Muchichwa 2022)

Furthermore, enforcement of existing regulations tends to be weak. This is exacerbated with internet-based recruitment, which state institutions often do not have the systems or capacity to track.

In terms of anti-trafficking legislation, IOM (2022a) notes that “most member countries are still in the early stages of developing an understanding of the nature, magnitude and scale of the problem of trafficking and forced labour, and in implementing measures to combat these criminal activities.” All SADC countries have enacted trafficking in persons acts and established coordination mechanisms and bodies (except for Madagascar). However, most of the legal and institutional frameworks are recent, not dating back further than 2008. As a result, governments have limited experiences in implementing the response mechanisms and enacting preventative legislation. Most of the progress made has focused on prosecuting traffickers, with inadequate efforts put into supporting survivors of trafficking. Anti-trafficking policies, recruitment legislation, and national plans of action must be revised to become more gender-responsive on issues of unfair recruitment and trafficking in the region.

Noting the country’s large number of emigrant workers, especially women, the Zimbabwean National Migration Policy aims to put in place regulations, bilateral agreements, information channels and other means to protect Zimbabwean emigrants from exploitative recruitment practices and working conditions. It emphasizes the importance of pre-departure training and guarding against propaganda in recruitment. In 2016, with the support of the ILO, key stakeholders from Zimbabwe and South Africa developed a practical guide for migrant domestic workers, *Migrant domestic workers: Know your rights and obligations* (ILO 2016b). The National Labour Migration Policy for Lesotho shares this focus on providing protections for workers in transit and in the destination country.

#### **4. Restrictions on employment of migrant women**

Popular destination countries within the SADC region use various means to restrict migrants, regardless of gender, from working in certain sectors. This is especially the case for sectors with high demand for low-skilled labour, which are targeted by the government for the employment of locals. As the majority of women migrant workers in the region are low-skilled, such restrictions have substantial impact on their ability to access work permits and enter the labour market. Restrictions happen in many countries in the region and are legislated predominantly through the immigration policies.



Policies may

1. Restrict or eliminate legal migration avenues for low-skilled workers, to preserve those sectors for nationals. (This is dominant in Botswana, Namibia and South Africa, three primary destination countries, and is especially relevant for agriculture and domestic work sectors, which are important entry points to the labour market for women migrant workers in the region.)
2. Limit work permits only to specific sectors. This may be through schedules for scarce or critical skills' permits (such as in South Africa and Namibia) or for specific industries requiring migrant labour (as in Mauritius and Seychelles).
3. Create conditional requirements which are difficult or impossible for migrants to meet (such as requirements for informal traders in Johannesburg to secure a business permit).
4. Explicitly prohibit migrants from working in certain sectors (such as the Indigenisation policy in Zimbabwe).

The 2008 Indigenization and Economic Empowerment Act (Amended in 2018) was designed to increase the participation of Zimbabweans in the economy. It legislates that only Zimbabwean citizens may open businesses in twelve economic sectors, including primary agriculture, retail and wholesale trade, some transportation sectors, employment agencies, hairdressing, local arts and crafts, and others.<sup>26</sup> Previously, these sectors were reserved for "indigenous locals"; under the amended Act, any Zimbabwean citizen qualifies and non-citizens may apply to the Minister for an exception. It is notable that many of these sectors, such as trade, hairdressing, and arts and crafts, have low capital requirements and might normally be targeted by migrants as livelihood options in the formal or informal sector. Although the regulation is not always enforced, it can be raised in times of political unrest or anti-immigration sentiment.

As described Sec. V(B) of this report, the draft South African labour migration policy proposes limits on the number of migrants who can be employed in certain sectors, and as well as limits on the sectors in which migrants can start businesses.

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26 The full list is as follows: 1. Agriculture: primary production of food and cash crops. 2. Transportation: passenger buses, taxis and car hire services. 3. Retail and wholesale trade. 4. Barber shops, hairdressing and beauty salons. 5. Employment Agencies. 6. Estate Agencies. 7. Valet services. 8. Grain milling. 9. Bakeries. 10. Tobacco grading and packaging. 11. Tobacco processing. 12. Advertising Agencies. 13. Milk processing. 14. Provision of local arts and craft, marketing and distribution.

**BOX 7: Migration of SADC Women Workers to Arab States****MIGRATION OF SADC WOMEN WORKERS TO ARAB STATES**

Recent shifts in international migration patterns for domestic work, both within and between regions, have resulted in increasing migration to Arab States from Africa, for employment in low- and medium-skilled occupations in construction, manufacturing, agriculture, food services, retail trade, and domestic and care work. (ILO 2021a). It is estimated that there are 6.6 million men and women performing domestic work in Arab States, representing the largest share of domestic work in total employment globally. The vast majority of these are migrant workers.

Although most African migrants to the region are from North, East and West Africa, Southern Africans, (predominately women) are also performing domestic work in the region. For example, there are established corridors of workers from Madagascar and Tanzania heading to countries such as Lebanon, Kuwait, Saudi Arabia, Oman, and UAE. (ILO 2022c)

While some workers may benefit from this economic opportunity, reports of abuse and exploitation of these workers are severe, including extreme and abusive working conditions, undernourishment, lack privacy and free movement, and withholding of payment. (See ILO 2022c, 97-98) Recruitment can be deceptive, and workers are hired not knowing under what conditions they will be employed. Some cases become forced labour, where employers have retained the workers passports and they are unable to leave.

In response to abuse, both Madagascar and Tanzania put in place measures to prohibit labour migration to these countries. In 2013, Madagascar enacted a policy prohibiting labour migration to “high risk” countries (including many Arab states) by preventing the issuances of exit visas in such instances. Both Madagascar and Tanzania responded to the abuse of emigrant workers by prohibiting private employment agencies from recruiting workers to the region and implementing media campaigns and other measures to discourage potential migrants. (ILO 2022a, ILO 2022c, 95-96)

When the drive to migrate is high, such bans do not eliminate migration to high-risk countries. Rather, they force migrant workers to travel on informal, undocumented,

and often dangerous routes. In 2014, one year after the Madagascar policy was put in place, a study suggested about 200 Malagasy workers per year were still travelling to work in these destination countries. When forced to migrate outside regular channels, emigrant workers are not registered with embassies or formal agencies, which could potentially assist when they are mistreated or stranded in the destination country. They are also not included in migration statistics, without which it is difficult for governments and social partners to know the scope of the problem and provide support.

According to ILO 2022(c) report on migrant domestic workers in the SADC region, instances of women's emigration to Arab States have been noted in Malawi, Mozambique, Zambia, and Zimbabwe. Often these are not through formal PEAs, but through advertisements on social media, skirting regulated recruitment channels. While migrant numbers from other SADC countries are currently small (with little or statistical data available), they could signal a trend of increasingly active recruitment to the region from Arab States.

After years of abuse of their emigrant workers, countries such as the Philippines have put in place bilateral agreements to enforce minimum standards of work and human rights for their migrant workers. In the SADC region, Madagascar is in the process of negotiating BLAs with Saudi Arabia, Kuwait and Lebanon, to address the working conditions of women and men Malagasy migrants to these countries. In 2013 Malawi signed two labour agreements to facilitate migration of Malawian workers to the UAE, and to a recruitment agency in the UAE placing workers throughout the region.

High rates of unemployment and low economic growth in the region have been forceful push factors driving migration, leaving women migrants increasingly vulnerable to exploitative recruitment to Arab States. While some progress is being made to reform labour laws and social protection systems for migrants in the region, (ILO 2023c) Governments, unions, and civil society partners in countries of origin must educate potential migrants workers about the context of destination countries and reports of abuse, as well to provide information on reporting channels and support organisations should they be mistreated.

## E. Irregular migration

### 1. Drivers of women's irregular migration

To date, irregular migration continues to dominate most labour migration flows in the SADC region, and it shapes workers opportunities, working conditions, and quality of life.

*The migration laws and policies of most SADC member states date back to the colonial era and are largely 'protectionist' and discouraged the movement of persons across borders. This places immigration laws and policies at odds with the historical reality of cross-border migration and in fact encourages undocumented movements. By driving migration underground, it becomes more difficult to achieve what migration laws and policies intend to achieve: the regulation and management of cross-border migration to ensure that it does not disproportionately disadvantage citizens and have a negative impact on either the source or destination countries.*

(Williams 2006, 6)

Reasons for the high rates of irregular migration in the region are noted throughout this report, including

- ▶ Outdated migration policies
- ▶ High levels of unemployment in host countries
- ▶ Limited avenues for low-skilled migration
- ▶ Long and porous borders
- ▶ Cross-border ethnic and linguistic communities
- ▶ Inadequate migration management policies and border control

Gender disparities between African migrant women and men often results in lower access to education and resources for girls and women, denying them the opportunities to become “highly-skilled” according to state definitions. While countries such as South Africa prioritise channels for high skilled migration, and discourage low-skilled migration, women are thus more likely than men to be left without regular avenues for labour migration. (Vanyoro 2019)

Botswana, for example, has been implementing localisation policies since 2010, to reduce unemployment rates and poverty among citizens. This has led to a major reduction in work permits issued and in the numbers of non-citizens and temporary residents in the labour force. However, according to UNDESA data, the number of international migrants in the country has actually *increased* over the last decade. “This suggests that even as regular

migration channels and formal sector employment of labour migrants have declined, the number of migrants in the informal sector and/or in irregular status has increased.” (Crush et al., Forthcoming a) Furthermore, in 2021 only 25% of work-permit holders in Botswana were women, while the country’s migrant population has consistently held at 40-42% female. This suggests that women migrants are more likely to be in an irregular situation.

Irregular migration has immense challenges for the workers themselves, for destination countries, and for countries of origin.

*Retaining the right to remain in a country – through legal permanent or temporary status, is often the most important variable determining women migrants’ options in the country of destination. [Migration] status regulates the workforce and divides migrant workers into those who retain it and those who do not, the latter of which are open to increased precarity, violence and persecution.*

(ILO 2021b, 79)

Irregular migration limits migration’s economic development benefits for the country of destination. Migrants who are not regularised are not statistically visible, are difficult to include in service provision and social protection, and are easily exploited by employers. Exploitation of migrant workers due to their irregular status (such as in the domestic work sector) can bring down the standard of working conditions for all workers, both local and migrant, in that sector. (Vanyoro 2019)

Irregular status also leads to deskilling and “brain waste”, which stunts economic productivity in the destination economy, in the country of origin (through remittances and return migrant activities) and for the migrant worker and her family who are forced to live on very low wages, making it difficult for them to access better opportunities or develop assets.

It is also worth noting that many migrants enter countries of destination through regular channels, but then fall into an irregular status. The SADC visitors visa is frequently used by regional migrants into South Africa, who then overstay the number of days allowed, and no longer have legal status in the country. (Vanyoro 2019) In the remote island locations of Mauritius and the Seychelles, border control enforcement is well managed. Irregular status is usually due to failure of employers to renew work permits (even when continuing to employ workers) or to workers overstaying on visitors or tourist visas. (Crush et al. Forthcoming c)



## 2. Avenues to regularisation

*What I am thinking is that, if maybe Malawian government and South African government can agree to give us the work permits, because in many farms and many places if you are looking for a job they ask if you have work permit. But if you don't have work permit, you can't get that job, yet the farmer needs that worker. So maybe if they can agree to give us the work permits.*

(Malawian woman worker in South Africa, Fortuin 2021)

As the country with the highest number of irregular migrants in the region, South Africa's response to the issue can have an important impact on migration region-wide. The draft NLMP (Sec 2.2.2) includes the following recommendation:

*Creating legal pathways into the South African labour market for low-skilled workers from neighbouring countries and SADC partners on the basis of negotiated agreements seems to be the best way to stymie unhealthy levels of irregular migrants, prone to exploitation and abuse. These agreements should afford stability and protection to migrant workers while at the same time being monitored and adjusted regularly at cross-border, national, provincial and local level, in consultation with the countries of origin.*

Policy recommendations for regularisation of low-skilled workers in precarious sectors could include:

- ▶ Revise outdated bilateral agreements to reflect current migration dynamics.
- ▶ Create pathways to long-term legal status for those with temporary permits. (Vanyoro 2019)
- ▶ Develop bilateral agreements or sectoral permits specific to sectors of high informality and precarity, to allow for regular migration while ensuring labour protections, as is happening with domestic work in Madagascar and other countries globally.
- ▶ Create mechanisms of regularisation for children born in destination countries, to avoid multigenerational precarity, and to address or prevent statelessness of descendants of migrants. (OSCE 2021)
- ▶ Explore pathways to regularisation linked to education and vocational training towards the development of scarce skills in destination countries. (OSCE 2021)
- ▶ Create public awareness of the economic and employment benefits of immigration, to reduce political pressure to institute protectionist policies.

- ▶ Avoid permits which tie workers to an individual employer or sector, allowing workers to fall into irregular status when employers fail to meet their legal obligations, or job opportunities change.

Furthermore, countries of origin can also put in place measures to support regularised migration of their workers, such as those in the NLMPs of Zimbabwe and Lesotho, including

- ▶ Facilitation of social protection benefits for migrant workers in the host countries to reduce the precarity of migrant workers, thereby reducing the necessity to work in irregular and informal situations.
- ▶ Assistance with claiming and portability of social protection benefits, to provide workers with greater economic stability.
- ▶ Facilitation of more efficient payment methods for remittances from migrant workers, and reintegration programmes for return migrants.
- ▶ Conduct of pre-departure training and guarding against propaganda in recruitment.



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# VII

## WORKING CONDITIONS OF WOMEN MIGRANT WORKERS



## VII. Working Conditions of Women Migrant Workers

### A. Non-standard employment



In recent decades, the issue of who is and who is not in an employment relationship, and what rights and protections flow from that status, have become increasingly complex. Changes in how labour is organised are resulting in substantially less full-time, permanent labour, especially for vulnerable groups such as women, migrant, and low-skilled workers. In Zimbabwe, casual work accounts for over 35% of wage employment (ILO 2016c, 71). While women make up less than 40% of total wage employment in Zimbabwe, they represent 57% of part-time employees. These patterns are reflected in many of the key sectors which employ women migrant workers in the SADC region.

While women make up less than 40% of total wage employment in Zimbabwe, they represent 57% of part-time employees.

The ILO (2016c) categorises these relationships into various types of “non-standard employment”. This can include temporary employment, part-time and on-call work, multiparty employment relationships, and disguised employment (or dependent self-employment). (see Box 8 on next page)

Non-standard forms of employment have often characterised certain sectors of precarious and informal work in developing countries. However, global trends are seeing an increase in these types of employment arrangements even in sectors previously dominated by full-time permanent employment. In agriculture, farmers in South Africa are hiring more seasonal and fixed term labour, as well as using labour brokers, to avoid the commitments and benefits required for employed staff. Women farm workers and migrants are more likely to be targeted for these practices. (Fortuin 2021) In Zimbabwe a shift in agrarian structures has resulted in smaller-scale, lower income farming, requiring farmworkers, including men and women migrants, to combine flexible wage labour with other livelihood strategies. (Scoones et al, 2018)

**BOX 8: Types of non-standard employment**

<b>TEMPORARY EMPLOYMENT</b>  <b>NOT OPEN ENDED</b> Fixed-term contracts, including project- or task-based contracts; seasonal work; casual work; including daily work.	<b>MULTI-PARTY EMPLOYMENT RELATIONSHIP</b>  <b>NOT DIRECT, SUBORDINATE RELATIONSHIP WITH THE END USER</b> Also known as 'dispatch', 'brokerage' and 'labour hire'. Temporary agency work; subcontracted labour.
<b>PART-TIME AND ON-CALL WORK</b>  <b>NOT FULL TIME</b> Normal working hours fewer than full-time equivalents; marginal part-time employment; on-call work, including zero-hours contracts.	<b>DISGUISED EMPLOYMENT/DEPENDENT SELF-EMPLOYMENT</b>  <b>NOT PART OF THE EMPLOYMENT RELATIONSHIP</b> Disguised employment, self-employment, sham or misclassified self-employment.

Source: ILO 2016c, 2

In the hospitality sector in South Africa, employers are also increasingly employing workers on a part time or temporary basis, or employing them through temporary employment agencies (also known as labor brokers). A report in 2017 found that over 50% of workers in the sector were employed by temporary employment agencies. These workers are less likely to receive benefits and social protection coverage. Employers target migrant workers for non-permanent positions, especially those without documentation, because they are less likely to report labor violations. (Vettori, 2017)

In domestic work, an emerging and important trend is the provision of domestic service through online platforms, where employers can hire for once-off, short-term or long-term positions. Domestic workers on these platforms do not have access to contributory social protection or any form of paid leave. Furthermore, mistreated workers struggle to access justice, as they do not have an employment agreement with the homeowner, and the online platforms position themselves as agents rather than employers (ILO 2022, 95-96).

A report by the Mauritius Research Council (1999, 13) noted that even in transnational factory work, "the new production process seeks a 'flexible', de-regulated labour force which can be easily managed, relocated or disposed of depending on the vagaries of



the global market.” Globalisation is increasing the pressure on manufacturing industries to be fiercely competitive and to reduce costs and production times, resulting in more outsourcing of suppliers and subcontracting of labour. This may become increasingly relevant for Mauritius and Seychelles which depend on low-wage, low-skilled workers, many of whom are women, for manufacturing.

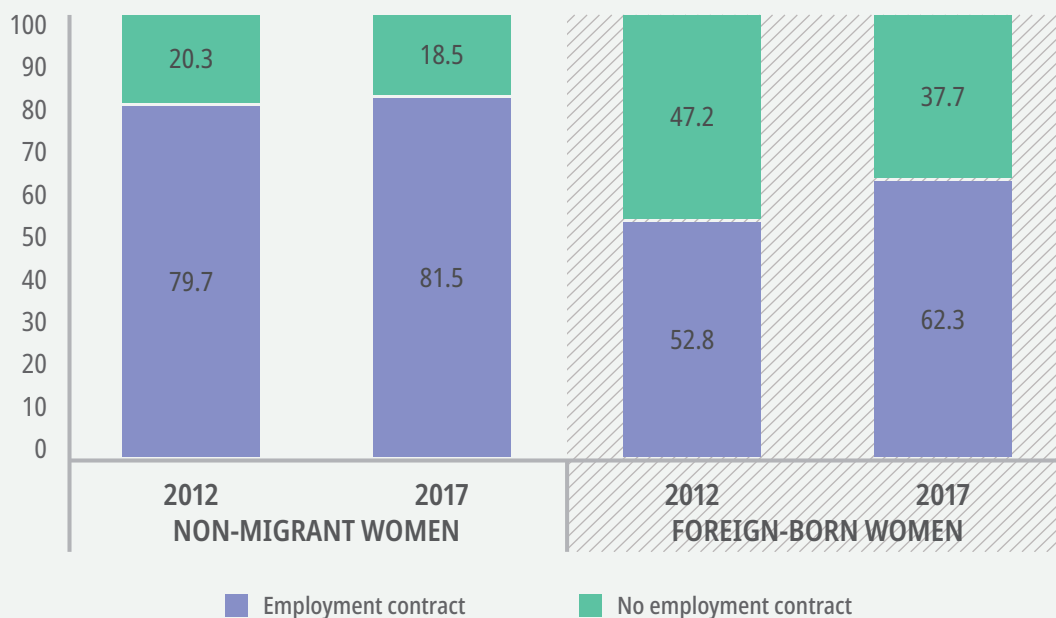
In many cases, legal regulation has not fully adapted to accommodate these increasing forms of non-standard labour, leaving workers subject to unprotected and exploitative working conditions. While labour regulation in South Africa includes some protection against exploitation of part time or temporary workers, in many cases these regulations are not enforced. Additional legal advocacy is needed to ensure labour law coverage and inclusion in social protections for workers employed by temporary employment agencies and third-party platforms. Trade unions in Zimbabwe have also made headway in regulating the labour rights of fixed term employees.

### **Labour force participation and informality**

Analysis of UNDESA data in Section IV(C) found that in the majority of the region (excluding Comoros and the DRC), female migrants have lower labour participation rates than male migrants. Significantly, in most countries the gap between female and male migrants is larger than the gap between female and male locals, meaning women migrants are experiencing a greater gender gap than non-migrant women. However, in comparisons of labour force participation of migrant and non-migrant women workers, trends vary by country, and do not provide a consistent pattern across low- or high-income economies.

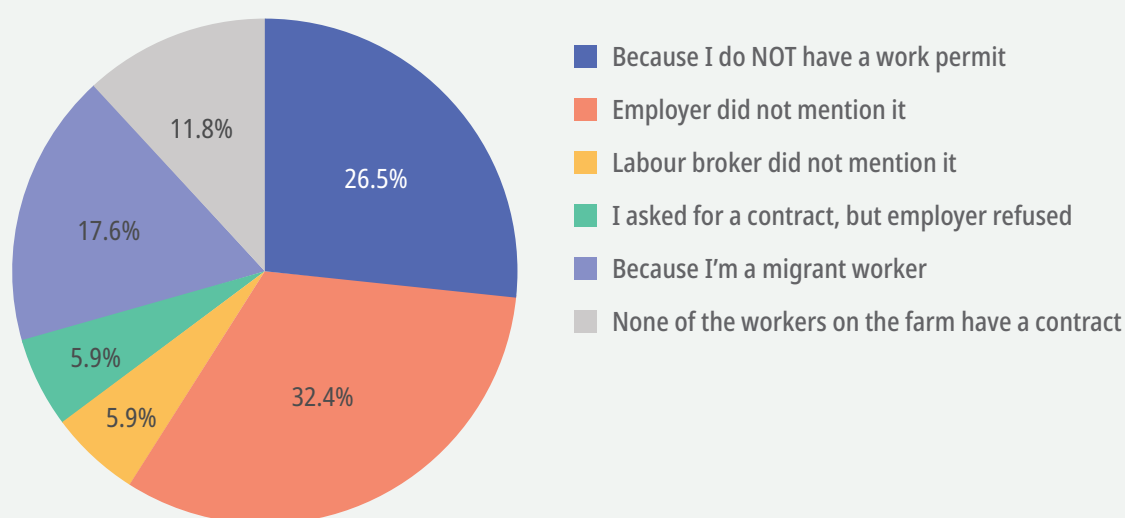
In South Africa, women migrant workers are more likely than non-migrant women to be employed, but they are also more likely to be underemployed (working less than 35 hrs per week) and are twice as likely to be working without a contract, indicating informal work arrangements.

**FIGURE 4:** Comparative contractual status of migrant and non-migrant women in South Africa



Source: StatsSA 2020

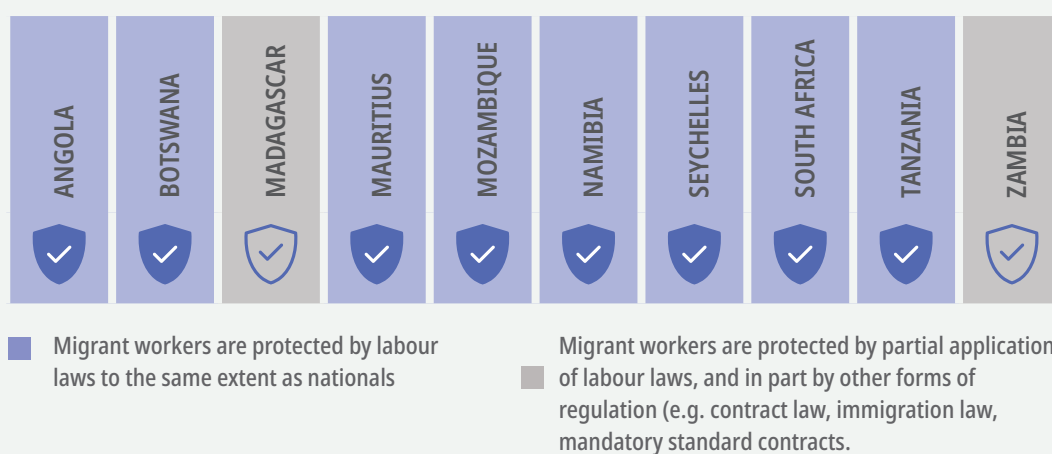
In the study of women migrant farmworkers in South Africa, 31% of respondents did not have a signed contract. Workers cited various reasons for this, including their irregular migration status, blatant labour violations by the employer, and unfair practices by labour brokers. Vettori (2018) also notes that migrant workers in the hospitality sector are not usually issued with contracts (3).

**FIGURE 5:** Reasons why no contract was issued to migrant farmwomen

Source: Fortuin 2022, 37

## B. Working conditions

All countries in the region include regular migrant workers in labour law coverage (ILO 2022c). Coverage or exclusion of irregular migrants is usually not made explicit, but they are often excluded in practice.

**FIGURE 6:** Labour law coverage of migrant workers in the SADC region

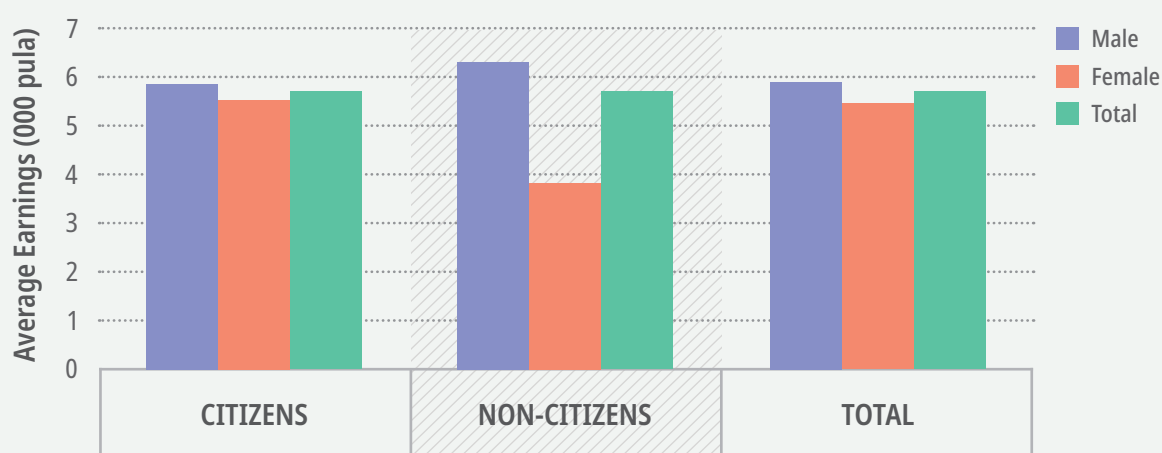
Source: ILO 2022c

While limited statistical data is available on working conditions, especially outside of South Africa, qualitative reports on the working conditions of sectors employing low-skilled women migrants consistently report a variety of decent work deficits, including sub-minimum wages, excessive working hours, inadequate rest periods, unfair and summary dismissals, and lack of paid public holidays, annual leave, sick leave, or family leave.

In an ILO report analysing wage data from 49 countries worldwide (Amo-Agyei 2020) found that on average, migrant workers in high income countries earn 12.6% less than women nationals, and 20.9% less than male nationals. Women migrant workers face a 'double wage penalty', as both women and migrants. "Of these women, care workers face even more wage penalties, with the wage gap between national and migrant care workers at 26.4%." (77)

Data on wages disaggregated by both gender and migration status is not available for most countries in the region. However, available data from Botswana shows women migrants earning less than both nationals and males, with some variances by sector.

The monthly average earnings of formally-employed female non-citizens in Botswana are higher than for national females in a range of industries, including manufacturing; accommodation & food services; information & communication; professional, scientific and technical; and human health & social work activities (Statistics Botswana 2022, 34). Overall, however, women migrants still earn less on average than women nationals, and the gender wage gap for migrant workers is substantially larger for migrant women than for nationals. These gaps would likely increase with the inclusion of wage data from informally employed women migrant workers.

**FIGURE 7:** Average earnings of male and female migrants and nationals in Botswana

Source: Statistics Botswana 2022a

In 2021, when evaluating Namibia's domestication of C111,[the Discrimination (Employment and Occupation) Convention, the CEACR committee urged the government to ensure that "skills considered "female" (such as manual dexterity, care delivery, service-type occupations) are not undervalued and that, consequently, the work in sectors with a high proportion of women is not being undervalued in comparison with sectors in which men are predominantly employed." (ILO 2022a)

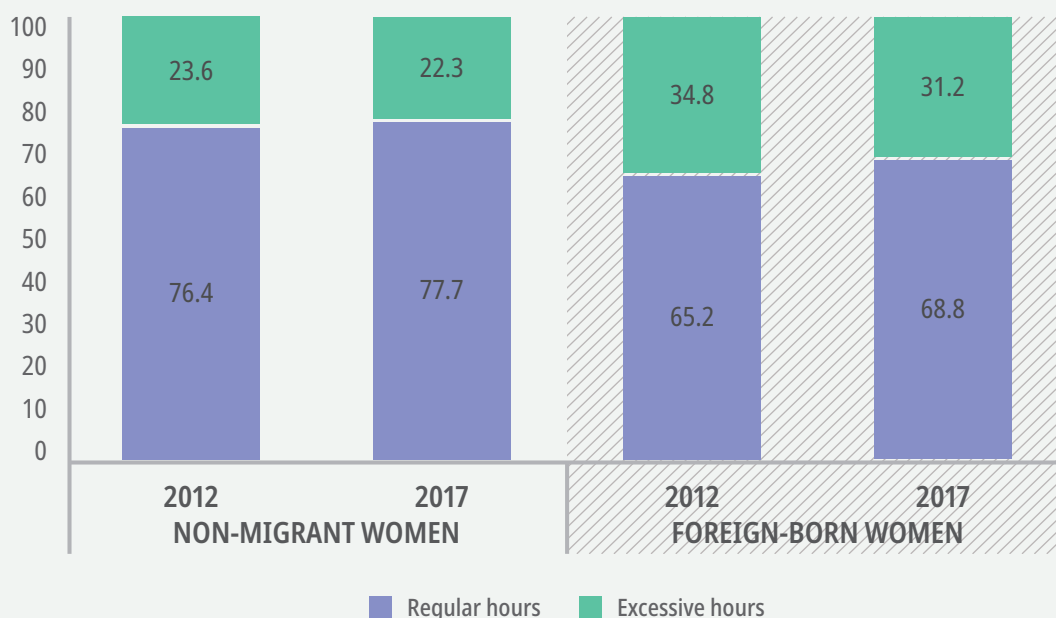
More detailed collection and analysis of existing country data on wages, disaggregated by gender and migration status, would provide valuable insight on the degree to which migrant and women workers in

Southern Africa are earning lower wages than their male and non-migrant counterparts. However, sectors employing women migrants, such as domestic work and agriculture, are notorious for paying below the national minimum wage. The 2021 study of women migrant farmworkers found over 30% of those interviewed were earning less than minimum-wage (Fortuin 2021).

In terms of working hours, women migrants in South Africa are almost 10% more likely than non-migrant women to work excessive hours (defined at over 45 hours per week).



**FIGURE 8:** Comparative working hours of migrant and non-migrant women in South Africa



Source: StatsSA 2020

Leave entitlements are a significant indicator of decent work, and data points to women migrants earning less leave than their non-migrant and male counterparts. In South Africa, only 48% of women migrant workers were entitled to maternity leave, according to 2017 data, whereas 60% of South African women had access to maternity leave. (StatsSA 2020) Maternity leave is enshrined as a right for women workers in the Constitution and the labour law, so the high exclusion rates of both non-migrant and migrant women is problematic. This may in part be due to self-employment or non-standard employment. In 2021 data, the share of men in South Africa who were entitled to paternity leave (89,0%) was higher than the share of women who were entitled to maternity leave (76,8%) In the same year, men were more likely than women (regardless of migration status) to have access to paid sick leave. (StatsSA 2021)

One migrant farmworker expressed her frustration at lack of access to paid public holidays

*Migrants get paid less than SA workers. We also don't get holiday money, but South African workers do. During holidays, farmers say you can come and work. And then, they only pay us normal pay, while the South African workers, if they work, they get paid double.*

(Fortuin 2021, 39)

Occupational health and safety is also a serious concern for migrant workers in the agricultural sector. Of the women migrant farmworkers studied (Fortuin 2021),

- ▶ 75% percent of migrant women had never received any kind of information regarding pesticides;
- ▶ Fifty percent of women respondents reported that they are forced to return to the vineyards between one and four hours after pesticides are applied, while the other 50% return 24 hours after pesticides are applied. (Best practices suggest up to 48 hours.)
- ▶ 60% of women migrant workers do not have access to washing facilities at work

Interview respondents in the same study shared the following experiences:

*Today, they will spray the whole farm, and then tomorrow they say, go to that farm and clean the grapes. So, I went there, I started sneezing and sneezing, and my eyes started burning, so I start scratching my eyes... so I knew it was the chemicals. ... When I came from work, my eyes were still burning.*

*I worked for many years at that farm. When they use a tractor to spray the vines, they tell us, go work that side – they spray while we are busy. And now we work here, and they spray. I get pains. When I go to the clinic, they say it is the asthma; it is a struggle to breathe.*

*We don't have a place to wash off [after using pesticides]. We bring our own water to drink. There is no water to wash or drink water. When we go to lunch, there is no place to wash our hands. And we eat our food without being able to wash our hands.*

Sectors where employers provide onsite accommodation, such as domestic work, farm work, and in the Indian Ocean islands, factory work, also subject workers to numerous and often shocking human rights violations. (See Tekie, et al 2021) These may include

- ▶ Inadequate housing conditions
- ▶ Confiscation of travel and identity documents
- ▶ Restricted access to food and water
- ▶ Restrictions of freedom of movement
- ▶ Restrictions on ability to socialise with family or friends
- ▶ Violations of privacy, such as employers reading personal communications or searching living space without permission
- ▶ Physical or sexual harassment, bullying, and assault

## C. Access to justice and trade union participation

As regularised migrant workers are covered under the region's labour laws, they also technically have access to complaint and reporting mechanisms should those be violated.

In some cases, these systems do work in favour of workers. For example, South Africa's Centre for Conciliation, Mediation and Arbitration (CCMA) which handles most employment disputes, will officially accept complaints and hear cases even from irregular migrants. South Africa's draft labour migration policy highlights the importance of continued support by labour institutions in enforcing the labor rights of all migrant workers. (However, discrimination against migrants does exist, and specific officials handling a case sometimes arbitrarily rule that it cannot be heard due to the workers' lack of documentation.)

In many cases both men and women migrant workers are less likely than nationals in the same positions to access redress in cases of labour violations. Many women migrant workers may not report labour violations because they do not know their rights or the relevant reporting avenues, they fear dismissal or deportation if they make a claim, they do not have formal employment contracts, or the reporting offices may be far away, with claim processes that are difficult to manage. The experiences of migrant workers in Namibia, described below, are representative of many migrant workers in the region.

*Immigrant workers, and in particular the ones working without a valid work permit, are obvious victims of exploitation, violence and/or harassment because they are afraid to be deported if they report a case. There are also no civil society organizations in Namibia specifically working with migrant workers. Depending on their country of origin and reasons for emigration, they may or may not have a social network in the country, but in many cases they will stick to the employment that they have no matter the circumstances because they do not have many options.*

(den Adel-Sheehama, 2019)

In rural areas of Namibia, complaints of labour violations may be brought to the traditional authority for resolution. This provides an avenue by which those who cannot easily access labour institutions (due to geographical or administrative barriers) as well as those who are not eligible for resolution by government authorities (such as irregular migrants) can report labour violations and claim reparations. This mechanism is reportedly used frequently and successfully by women migrants workers (as well as male migrants and nationals) on communal farms in Northern Namibia.

Mechanisms for reporting labour rights violations often include administrative barriers, and the support of trade union and worker associations is critical for vulnerable workers in claiming redress. However, as noted by Vanyoro (2019) migrant and informal workers, such as Zimbabwean domestic workers in South Africa, are often not part of trade unions.

*The unions interviewed in this study find that domestic workers resist participation and membership in unions owing to a fear of reprisal (from employers) that might follow their participation in a union. If the domestic workers are irregular migrants, this fear is exacerbated by their irregular documentation status. And migrant domestic workers are often not sure of whether or not they can legitimately join a union if their migration status is precarious. (5)*

This is echoed in a case study on the agricultural sector in the SADC region (ILO 2020a), which found that migrant farmworkers find it difficult to join trade unions for fear of victimization or deportation among migrant workers. In Eswatini, employers classify migrant farmworkers as casual workers, despite long term employment situations, and prohibit them from belonging to a trade union on this basis. (7)

While often women migrant workers are hesitant or resistant to join unions, in some cases, trade unions themselves, or other types of workers associations, do not actively recruit migrant workers. For example, according to Vettori 2018, unions in the South African hospitality sector do not recruit migrant workers because they believe those workers will not be able to pay subscription fees, either because they are paid in cash, or because they cannot afford the fees. (Vettori 2018) Social tension between local and migrant workers can also lead to active exclusion of migrants from worker organisations, as in the case of informal traders forums in Johannesburg.

In 2014, a tripartite trade union engagement among unions from Zimbabwe, Lesotho and South Africa resulted in the Tri-national Declaration in 2014. The declaration commits signatories to support various strategies to promote the labour rights and human rights of migrant domestic workers.

Workers' associations and migrant networks often provide an alternative to trade unions for migrants in the region. Membership-based workers associations are registered as non-profits, and provide labour rights support, advocacy and representation. They may also have additional programming in other areas of human rights and social support. Several domestic workers associations exist in the region, designed to accommodate the specific challenges to mobilising in the domestic sector. (ILO 2022c)

In South Africa and Botswana, grassroots networks of migrant workers develop around a shared country of origin and are organised through WhatsApp groups or social media. Often more informal than unions or NGOs, these networks are fluid, do not have formal membership processes, and can reach large numbers of workers. They provide a wide range of support including rights awareness, advice on accessing social services, moral support, solidarity and even legal advocacy.

## **D. Social protection**

Women migrant workers face barriers in accessing social protections on several accounts: As migrants, they are often ineligible for benefits, or unable to access them due to administrative hurdles. As women, they are more likely to carry a disproportionate share the family care burden, including time and related costs, and to experience lower wages and more interrupted work, which leads to greater likelihood of poverty and decreased ability to save money for emergencies, health care and retirement. The many women migrants working in low-skilled employment are frequently denied access to social protection by non-compliant employers, or through non-standard employment arrangements that evade labour regulation. Finally, those women migrants who are informal traders or self-employed workers are in most cases excluded from social protection schemes by lack of employment arrangement.

### **1. Gender-responsive social protection**

Social protection (also referred to as social security) is defined by the ILO (2021) as the set of public measures that a society provides for its members to protect them against economic and social distress caused by the absence or a substantial reduction of income from work, as a result of various contingencies. These include nine categories of benefit, which are child and family benefits, maternity protection, unemployment support, employment injury benefits, sickness benefits, health protection (medical care, including maternity care and long-term care), old-age benefits, invalidity/disability benefits, and survivors' benefits.

Social protection systems address these policy areas by a mix of contributory schemes (such as unemployment insurance, and workers compensation) and non-contributory tax-financed benefits (such as social assistance grants, and funds to support vulnerable populations).

The SADC Code on Social Security provides that migrant workers should be able to

- ▶ Participate in social security schemes of the destination country,



- ▶ Receive the same level of coverage as citizens,
- ▶ Continue to receive benefits in their home country once they have left the destination country.

The SADC Code gives special emphasis to the importance of gender equity and gender sensitivity in the design and administration of social security schemes. Five countries in the region, including Eswatini, Lesotho, Malawi, South Africa and Zimbabwe, have committed to pilot these guidelines in their social security systems.

Article 13 focuses on of the Code focuses on gender, calling for:

1. Equal coverage of, and access to, social security between men and women.
2. Non-discrimination and alignment with the 1997 SADC Declaration on Gender and Development and the 1999 Plan of Action for Gender in SADC.
3. Gender sensitisation in the social security system, inclusive of addressing women's special needs and circumstances
4. Appropriate affirmative action programmes.
5. Elimination of all discriminatory laws, customs and practices in their respective social security systems.
6. Strategies for the eradication of poverty and the economic empowerment of women.
7. Adoption and promotion of policies that ensure that workers, particularly female workers, are able to balance occupational and family obligations.

All countries in the region provide maternity leave and some form of maternity benefit to women workers, whether mandated employer-paid maternity leave, or maternity payments from a contributory social protection scheme. (ILO 2022) However, workers in non-standard, non-permanent or informal work arrangements may be excluded from eligibility. Furthermore, employers in sectors with minimal oversight, such as domestic and farm work, often do not register their workers for social protection schemes, and employers may threaten to dismiss the worker if she gets pregnant or dismiss her after the fact.

According to 2021 data in South Africa, just over half (51,3%) of male employees had their employers contributing to their pension/retirement fund compared to 45,8% of women. Furthermore, 20% of women migrant workers had employer contributions to medical aid, while this was the case for 30% of South African women and men. Maternity leave is enshrined as a right for women workers in the Constitution and the labour law, so the statistics for both non-migrant and migrant women are disturbingly low.

Women migrants are more likely than their male counterparts to be primary caregivers, and so they hold significant responsibilities in relation to health care and education. Universal access to basic health care, as well as primary and secondary school, are widespread in the region, and in most cases include migrant workers in a regular situation. However, migrants in an irregular situation are often denied health care outright. Migrant domestic workers in Botswana reported having to pay expensive fees at private clinics to access basic health care for this reason. Despite South Africa's commitment to health care for everyone, migrant workers often face discrimination, barriers and are charged exorbitant fees to access care. A Malawian domestic worker in South Africa shared the following stories of fellow women migrant workers:

*"I have a friend who went to the Edenvale hospital and she was treated well. They gave her an appointment to come back. When she returned, they said she had to pay for the treatment she had received during the previous visit. They asked her to pay R8 000 before she could see the doctor. She couldn't afford the money and she left and returned home. She was not treated.*

*Also one of my friends had corona. She went to Helen Joseph. She paid R400 at first and her husband paid another R600. She was admitted for two weeks and then discharged. They gave her a date for check-up. When she returned, they asked her to pay R12 000 for the time she had been admitted."*

Lack of access to education and health care in destination countries often leads to children living separately from their parents. In a study of Malawian migrants in Johannesburg, none of the respondents had been able to access free primary education. "Exclusion from the public education system, and the high cost of enrolment in the few private schools that permit admission irrespective of residence permit documentation, largely explain the large number of respondents who indicated that their children were attending school in Malawi." (Kapindu 2011) Research for this report found that in Mauritius, the only SADC country that has ratified ILO conventions 183 and 156 on maternity protections and family responsibilities, women migrant workers (excluding white collar expatriates) are legally deported if they become pregnant.

### **Migrant workers and social protection coverage**

Most SADC countries provide some social protection coverage for non-citizens. However, eligibility arrangements vary within countries depending on the type of protection and the particular benefit, as well as on the worker's migration status, length of residence, and type of permit. For example. South Africa's Unemployment Insurance Fund (UIF),

which pays workers in cases of unemployment, disability, maternity and adoption, and death, provides that migrant workers who have to leave the Republic upon termination of their employment do not qualify as “contributors”. (Sec 3(1)(d)). Migrant workers on temporary work permits therefore do not have access to UIF coverage, although it does include permanent residents, asylum seekers and refugees, and ZEP and LEP holders. In 2017 data on South Africa, 20% of women migrant workers had employer contributions to medical aid, while this was the case for 30% of South African women. (StatsSA 2020)

Workers without regularised status are by and large not included in social protection schemes. One exception is the South African Compensation for Occupational Injury and Disease Fund, which does not make any exclusions based on nationality or migration status, thereby including all migrant workers in its coverage, including those in an irregular situation.

Countries of origin in the region are taking increasing measures to protect their own citizens in destination countries and upon return. As with Zimbabwe, Lesotho’s NLMP places a strong emphasis on protection of its own emigrant workers who face exploitation and exclusion in destination countries. To this end, the NLMP aims to professionalise, strengthen and expand a range of social welfare services availed to Basotho migrant workers and their families throughout the migration cycle, especially those in irregular situations who cannot contribute into foreign schemes. It proposes the establishment of a social protection unit dedicated to assisting Basotho migrant workers, which will

- ▶ coordinate unilateral extension of social security,
- ▶ promote protection of workers abroad through compulsory medical cover and assistance with accessing existing public health services,
- ▶ professionalise and expand staff responsible for assistance with unclaimed benefits, repatriation of pension rights,
- ▶ resolve compensation claims with a primary objective of exhausting all outstanding claims over 12 months. (Crush et al., Forthcoming e)

Box 9 notes ways in which strategic litigation by civil society and trade unions in South Africa has led to an increase in the rights of migrant and domestic workers to social protection coverage and labour rights.

**BOX 9: Expansion of migrant workers' rights under the South African Constitution**

The South African Constitution (Ch. 14(233)) emphasises its commitment to international conventions, providing that “when interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law over any alternative interpretation that is inconsistent with international law.”

This commitment is visible in the judgements of the Constitutional Court. Strategic litigation is frequently used by South African civil society to extend the boundaries of the country's human rights-based paradigm. The term “everyone” has had important legal implications for women migrant workers and other vulnerable populations. In a 2004 Constitutional Court case, the definition of “everyone” was put to the test in the context of access to social protections for non-citizens. The Court determined that “[t]he constitutional reference to ‘everyone’ implies that all in need must have access to the social welfare scheme that the state has put in place. Where some who are in need are excluded, everyone does not have access to the scheme.” This case resulted in the inclusion of non-citizens with permanent residency in the country's social grants scheme.

The Constitutional commitment to social protection for all was also the basis for the 2019 landmark case, *Mahlangu and Another v Minister of Labour and Others (CCT306/19)*, which overruled the exclusion of domestic workers in the Compensation for Occupational Injuries and Diseases Act coverage.

The broad definition of “everyone”, and Constitutional commitment to fair labour practices, has also allowed for labour protections to be applied to irregular migrants in South Africa, such as in *Discovery Health v CCMA & Others* (2008) which affirmed that the absence of a valid work permit does not invalidate the contract of employment, thereby recognising that unauthorised foreign nationals are regarded as employees. (Vettori 2017)

Labour advocates argue that this liberal approach to rights inclusion should now be applied to address the labour rights and social protections of non-permanent and casual workers.

### Social protection in informal and precarious employment

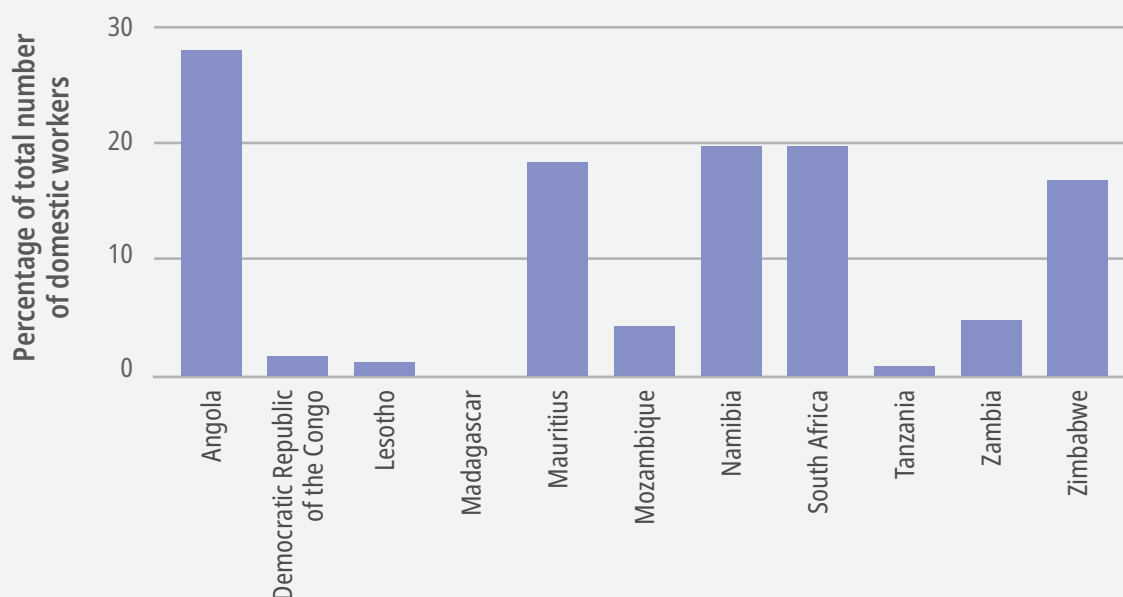
Even when legally included in social protection coverage, migrant workers, including women, are often excluded in practice. As with provisions on fair working conditions, sectors with high levels of female migrants, such as farmwork and domestic work, often have low levels of oversight from the Department of Labour, and therefore employers do not register workers for UIF. In the case of migrant workers in agriculture in the region, ILO (2020a) explains

*When it comes to other benefits such as retirement savings, employers can dispute or disregard the right of migrant agricultural workers to contribute to a savings or pension scheme alleging that they are not entitled to social security benefits because of their status as seasonal workers. ... Moreover, some migrant workers are illiterate and face additional difficulties in accessing information and following administrative processes such as application and registration. This keeps them in an irregular situation, with the risk of further exploitation. (9)*

In the hospitality sector, as well as agriculture, employers use non-permanent and casual labour to avoid the administrative burden of UIF and COIDA registration. Informal traders, by virtue of not being in an employment arrangement, are excluded from contributory social protections schemes.

Figure 8 below shows estimates of the percentage of domestic workers (regardless of migration status) covered by at least some social protection schemes in countries of eligibility. Note that half of the countries shown have less than 5% registration of domestic workers in one or more social protection scheme, and all have less than 30%. (ILO 2022c) If this is the case for domestic workers generally, it is safe to assume those rates are substantially higher for migrant domestic workers.



**FIGURE 9:** Percent of domestic workers registered in social protection schemes

Source: ILO 2022c, 86

## 2. Portability of social protection benefits

The portability of social protections is the ability of workers to continue to receive social security benefits after returning to their home country (or another country).

Provision of portability is prominent in international and SADC guidelines on social protection and is included in recently developed National Labour Migration Policies, as well as some bilateral agreements. In most cases these have not yet been put into practice. However, there are some active cases of portable social protection payments happening within the region. These include:

- ▶ The Zimbabwean National Social Security Authority has an agreement with the Malawian Embassy which facilitates pension payments into Malawian bank accounts, for Malawians who previously worked in Zimbabwe.(ILO 2020a) <sup>27</sup>
- ▶ Eswatini, Malawian, Mozambican and Zimbabwean migrant workers who worked in South Africa receive direct payments into their bank accounts. Portability of benefits

<sup>27</sup> As of December 2021, the Zimbabwean government was exploring a similar arrangement with South Africa. (IOM 2021c) Currently, Zimbabwean migrants returning home from South Africa continue to receive payments into South African accounts, and then make private arrangements to have the money transferred. Given currency instability and hyperinflation in Zimbabwe, this may remain the preferred method.

is not restricted to cash benefits only, but has included in-kind benefits, in the form of in the form of supply of prosthetic and assistive devices, adjustments to dwellings of wheelchair-bound pensioners, their toilets and pathways to toilets. Benefits in kind have also taken the form of building houses for these pensioners. (ILO 2020a)

- ▶ In Lesotho, the workers' compensation department at the Ministry of Labour and Employment facilitates disbursement of pensions for former metal industry workers in South Africa, although it has no formal agreement with the South African metal industry funds. (ILO 2020a)
- ▶ Malawi has a Social Security Agreement with Zambia on the portability of social security entitlements, and agreements with Zimbabwe and South Africa regarding pension portability. Portability of pension payments for Malawians who have returned from migrant labour in Zambia has been occurring since the early 1900s. (IOM 2022)

These are unique examples, however, and not indicative of the experiences of most migrant workers. Often they are specific, in regulation or in practice, to sectors with low rates of employment for women migrants, such as mining or metal work. Particular challenges to be overcome in bringing social security and portability of benefit to agricultural and other low-skilled workers include lack of identification and documentation, low levels of education and awareness, low enforcement of workers' rights in the agricultural sector, and low enforcement of contributions to social security. (ILO 2020b)

### **3. Informal avenues for social protection**

With limited or no access to government social security, migrant communities often rely on non-governmental, informal avenues of social protection. This is especially common amongst women migrants. A study of Malawian migrants in Johannesburg found that when coping with unemployment or hard times, Malawians relied on (a) community-based networks (friends); and (b) kinship-based networks (relatives) to provide temporary support. (Kapindu, 2011)

Stokvel (savings clubs) and burial societies, to which members pay a monthly contribution and receive benefits according to an agreed schedule or in emergency situations, are widely used by both local and migrant women in the region as a safety net, given lack of access to formal insurance policies, and sometimes to government assistance policies as well. A study of migrant women in Gauteng, South Africa, noted that this is especially important as their irregular status prohibited them from accessing government support or private banking facilities. (Raniga et al, 2022)



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# VIII

## CONCLUSION

## VIII. Conclusion

Labour migration is a complex and fluid process that intersects with governance structures, transnational identities and communities, and socio-cultural norms and practices – all of which are highly gendered. Thus, women find themselves having to navigate not only physical borders and spaces, but also discursive, legal and social bordering practices, which constrain and structure their mobility and work relationships. (ILO 2021b, 79)

The findings of this study provide an initial framework for exploring the multi-dimensional nature of women's labour migration in the SADC region. Almost every aspect of women's labour migration — from access to education and skills development, to migration status, to job opportunities and types of employment arrangements, to wages and working conditions — is impacted by gender biases in policy, institutions and society. In order to harness the economic contributions and social potential of women's migration, frameworks for data collection and analyses, regional and national policymaking, and labour market regulation must be reviewed and revised to address gender biases. The recommendations below provide a path forward, as well as areas where further research is needed.

Almost every aspect of women's labour migration is impacted by gender biases — in policy, institutions and society.

### A. Recommendations

#### 1. Data collection and analysis

1. Efforts should be continued to ensure continuity of migration data collection through regular labour force survey modules or dedicated migration surveys, including special sampling procedures targeting migrants, so that the ten-year period between census rounds does not result in renewed data gaps.
2. More consistent measurement of migration across the region, by both citizenship status and place of birth, would enable greater ease of comparison across countries.
3. National labour force data should be collected with sufficient migrant sample sizes to enable disaggregation by gender and migration status, including information on employment levels, education levels, occupations and working conditions needs.



4. At SADC level, ongoing efforts to improve collective migration management should include advocacy for a simple and regionally standardised module of migration questions in labour force surveys (and equivalent multi-purpose surveys) across the region. This module should include ways of measuring informal work, especially in sectors with many female migrants such as domestic work, agriculture and trading.
5. The ILO should deepen a training programme for NSO officials responsible for population statistics (which traditionally include migration) and labour statistics on the specifics of designing samples and appropriate questions for measuring migrant work and ensure that this training includes sensitivity to gendered experiences of migration and work.

## **2. Regional and national migration policy**

1. Governments should ratify, domesticate, and enforce the relevant international labour Conventions and SADC protocols which promote the protection of migrant workers and gender equality in the workplace.
2. Governments should develop gender-sensitive national labour migration strategies to ensure strategic coordination between immigration and labour policies, and to prevent exploitation of migrant workers. These should be developed and implemented in close cooperation with social partners.
3. Existing and future bilateral labour agreements and MoUs should pay specific attention to gender concerns including equality of opportunity, access to health care, maternity protection, and protection from violence and harassment.
4. Bilateral labour negotiations should specifically address labour standards in sectors with large numbers of women migrant workers and high levels of exploitation, such as domestic work and agriculture.
5. Destination countries should explore avenues for regularization of migrants in an irregular situation to regularise their status, as well as formal channels for the migration of low-skilled workers. Countries of origin should also be proactive in creating policies and social protection systems to provide greater stability for their workers as well as protections from exploitation.

### 3. Labour market access and working conditions

1. Regulation of private employment agencies and third party intermediaries should be strengthened and enforced, including national awareness initiatives to prevent trafficking and other abusive and fraudulent recruitment practices.
2. Gender responsive pre-departure services should be provided for women migrants in both formal and informal employment. This includes information sessions and pre-departure trainings that prepare women migrating within and outside of the SADC region, especially to high-risk countries.
3. National skills development and skills recognition programmes, including recognition of prior learning, should be reinforced, aligned with the SADC Qualifications Framework, and made more accessible to women migrant workers, to reduce deskilling and improve the development benefits of women's migration.
4. Special effort should be made to ensure labour law coverage and enforcement in sectors with high levels of exploitation of migrant and women workers, such as agriculture, domestic work, and hospitality.
5. National labour regulations should be amended to protect and enforce the basic labour rights and access to benefits and social protection of workers in non-standard forms of employment, including temporary and part-time work, as well as workers employed by temporary employment services.
6. Maternity rights and protections should be enforced for all women and migrant workers, and their jobs should not be jeopardized by pregnancy or family responsibilities.
7. Migrant workers should be eligible for inclusion in national social protection schemes, and regional and bilateral agreements should facilitate portability of benefits between countries in the region.
8. Labour institutions should enforce the workplace rights of migrants regardless of their migration status.
9. Concerted effort should be made to integrate migrant workers into trade unions and worker organisations, and to ensure fair representation of women in membership and leadership structures.



## B. Areas for further research

Areas to consider for additional research relevant to understanding the situation of women migrant workers in the SADC region include:

1. Standardized, country-level research on women migrant workers including migration status and challenges, sectors of employment, comparative working conditions, access to social services, and access to social protection;
2. Review of bilateral labour agreements and national labour migration policies in the SADC region to determine if and how they address gender considerations, as well how they might be amended to better support women migrant workers;
3. Review of mechanisms and programmes for regularisation of migrant workers, to determine applicability in the SADC region.
4. A formal study of the population of stateless descendants of migrant workers in Zimbabwe to assess their situation and promote avenues to citizenship, and to understand the degree to which statelessness is experienced by migrant children and descendants in other SADC countries.
5. Translation of research reports and policies related to women's migration to facilitate learning and integration of efforts amongst countries in the region;<sup>28</sup>
6. Research on the labour market experiences of SADC national health and care workers in the UK and other countries outside the region, as well as the impact on economies and public services in countries of origin; and
7. Assessment of regional trends in recruitment and migration of domestic workers from the SADC region to Arab states, and relevant policy implications.

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28 There are a number of SADC countries (such as Angola, DRC, and Mozambique) with statistically high numbers of women migrants but little information available in English on the context economic activity, labour market and migration experiences of these women.

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## ANNEX 1: Data Considerations

The following data quality and availability considerations impact on the ability to reliably interpret data on women migrant workers in the SADC region.

1. **Differing data timeframes:** UNDESA datasets compile nationally-produced data from different years and model it to a consistent time. In this report, we mainly report on the 2020 UNDESA estimates. In terms of ILOSTAT datasets, there has been an increase in national official data sources that include both labour and migration information in the past decade. Most countries have furthermore collected new data during and since the interruptions of the Covid-19 pandemic. The only countries with combined labour and migration data more than three years old are Angola (2014), Namibia (2018) and Lesotho (2019). South Africa has annual data on labour, but only 2017 data combining labour and migration data, with a new dataset expected later in 2023.<sup>29</sup> All other countries in the region have up to date data from 2020, 2021 or 2022.
2. **Incomplete data for some countries:** A few countries are not included at all in some of the ILOSTAT datasets used for this report, since they do not collect or report elements of their labour data by migration status. Where this is the case, usually relating to Mauritius, Malawi, Mozambique or the Seychelles, the excluded countries are mentioned for each table.
3. **Lack of standardisation of how migration is measured:** Disaggregation of all data by sex has been standard globally for some time, and countries in the region now largely apply global standards for the official capture of employment data (employment status, sectors and occupations) as per ILO agreements. The standardised capture of migration data is, however, not yet in place, although there are efforts underway to improve this through a combination of shared migration definitions and more regular data collection<sup>30</sup> that includes migration status measures. Some countries record place of birth, others record citizenship status and others record both. Different ways of measuring migration status can result in radically different results and bear different implications. For example, the 2019 Zimbabwean Labour Force and Child Labour survey recorded both citizenship status and country of birth. It found 1, 721, 806 non-citizens, but only 253, 775 people born outside the country, with over half of these born in South Africa (ZimStat 2019, 215ff). No combined

29 The migration module is being repeated in the South African Quarter 3 2023 labour force survey but this new data is not available in time for the current report.

30 Insert note about the role the SAMM project has been playing in this process.

analysis is provided so it is not possible to know how many of those born outside the country are in fact Zimbabwean citizens returning to their family's country of origin. Measuring both citizenship and place of birth is therefore recommended since there may be substantive differences in the population depending on a country's migration history; returning foreign-born citizens and second-generation migrants (born locally but non-citizens) are important migrant 'types' in addition to foreign-born non-citizens. However, not all countries record both consistently. Records of citizenship or both are more common, and only South Africa exclusively records place of birth, so in most cases we use the data based on citizenship and add South Africa's place of birth data. Where there is a significant discrepancy between place of birth and citizenship data for the same country (such as for occupation data), we report on both. In some countries there are also large populations of refugees or people in refugee-like situations (Tanzania, Angola, Democratic Republic of the Congo), which are also included in the UNDESA migrant stock statistics for each country, but it is not clear to what extent these populations are included in the national labour surveys which feed into ILOSTAT datasets. National statistics on migrant status generally do not take into account legal or documentation status in the host country, apart from citizenship. The estimates provided in this report use each country's own migration measurement logic, as reflected in the UNDESA and ILOSTAT compilations.

4. **Country-specific challenges with interpreting migration status statistics:** the interpretation of migration data about 'place of birth' and 'citizenship' depends on a country's migration history and citizenship acquisition rules. Therefore, about 200,000 people (about 100,000 of whom are women) whose families migrated from Zambia, Malawi and Mozambique in the 1950s and 1960s are still recorded as non-citizens/migrants residing in Zimbabwe and are included in UNDESA migrant statistics for the country even though they have lived in Zimbabwe for several generations.<sup>31</sup> The ILOSTAT data on migrant employment in Zimbabwe only records about 9000 migrant workers in total (see next point) and so does not include these long-term non-citizens, along with many other recent migrants to the country.
5. **Large variations in extent of labour data coverage in relation to total migrant populations:** there is wide variation in the percentage of women workers, out of all estimated women migrants, enumerated and categorised by occupation sector

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31 This is not recorded in literature on migration in Zimbabwe, but was corroborated in interviews with representatives from Zimbabwe Congress of Trade Unions, the General Agricultural and Plantation Workers' Union, the Labour and Economic Development Research Institute of Zimbabwe, and the ILO's Southern African Migration Management project.

in ILOSTAT datasets. While Madagascar reports on employment sector data for 70% of the women migrants estimated to be in the country, Zimbabwe only does so for 5%. Major destination countries like Botswana, South Africa and Namibia categorise only 33%-40% of women migrants into occupations. This data is shown in Table A below and discussed further in the section on employment sectors. The discrepancy between migration data and migrant employment data is not fully explained by some migrant women being unemployed and is more likely a function of limitations in how national labour force surveys are conducted, especially in relation to relatively small populations (in most countries) such as migrants.

6. **Limitations in estimate reliability due to labour force sample survey sizes:** sample size limitations apply when identifying and estimating any small sub-group in a population, especially sub-groups which require the cross-tabulation of multiple identity indicators such as migration status, occupation or skill level, and gender. The ILOSTAT datasets reporting on occupation by sex and migration status often mark data estimates as 'unreliable', meaning the underlying survey sample is too small to reliably extrapolate to population level.
7. **Lack of accessible and relevant administrative data on skilled migration:** administrative data on the numbers of work permits applied for or granted is not publicly available in the region, and several of the national statistics office experts interviewed noted that they do not have access to their own country's administrative data on permits. It is therefore not possible to address the challenge of measuring skilled women's migration through labour force surveys (where the sample sizes are generally too small for such niche groups) by analysing permit data.

Beyond the measurement concerns listed above, the availability of regularly updated labour and migration statistics in the African region is a much broader challenge. Even general population data is not regularly collected in all countries. There has recently, however, been a great improvement in data availability in the SADC region. Considering the finding of a 2021 ILO report on migrant domestic workers that found that eight out of sixteen countries had recent data combining employment and migration data and reporting on employment per industry and migration status (ILO 2021a), this has now improved to fifteen out of sixteen (see Table 9). This includes Namibia and South Africa, which collected such data in 2022 and 2023, even though it is not yet publicly available. Only Mozambique has older data from 2015.

Census data is a crucial source for estimating women migrant worker numbers because it covers labour and migration status, often includes migrant nationality information, and

provides a large enough dataset to allow for reliable disaggregation by industry, migration status, gender and even sometimes nationality. However, given the usual ten-year cycle for census data collection, such data can quickly become out of date, especially when countries undergo major crises or wars that shift employment and migration patterns, such as Zimbabwe in the 2000s. The early 2020s saw a series of censuses being conducted in the SADC region, including in South Africa, Angola and Namibia, which has improved the level of data availability in the region for the next few years, but this new data will soon be out of date once again.

Historically, data sources which combined employment and migration data outside the census cycle were rare, and state capacities to measure migration regularly are known to generally be weak across Africa. “In 2017, the African Union Commission produced the first edition of the Labour Migration Statistics in Africa and the report showed that there is a lack of capacities at country and regional level to produce, collect and disseminate timely and quality data on Labour migration in Africa.” (African Union Commission 2020, 2) The 2015 ILO report, which for the first time estimated migrant worker populations globally, noted that among SADC countries, only Malawi, Zambia and South Africa had all the disaggregated input data on domestic workers, migrant workers and migrant domestic workers to enable empirical MDW estimates (ILO 2015, 83). The improvement in regional data availability is therefore highly encouraging.

**TABLE 12: Most recent national data sources for labour statistics that include migration status**

COUNTRY	MOST RECENT YEAR	DATA SOURCE
Angola	2021	Labour Force Survey
Botswana	2020 Q4	Quarterly Multi-Thematic Household Survey
Comoros	2021	Enquête sur l'emploi et le secteur informel aux Comores (National Survey on Employment and the Informal Sector)
Democratic Republic of the Congo	2020	Indicator Cluster Survey
Eswatini	2021	Labour Force Survey
Lesotho	2019	Labour Force Survey
Madagascar	2018	Census: Recensement General de la Population et de l'Habitation
Malawi	2020	Integrated Household Survey



COUNTRY	MOST RECENT YEAR	DATA SOURCE
Mauritius	2021/ 2022	Continuous Multi-Purpose Household Survey (2022); Survey of Employment and Earnings (2021); Census of economic activities and annual Survey (2021)
Mozambique	2015	Inquérito aos Orçamentos Familiares
Namibia	2018	Labour Force Survey (note that new census data was collected in 2023)
Seychelles	2020	Labour Force Survey
South Africa	2017	Quarterly Labour Force Survey (note that new census data was collected in 2022 and new Labour Force Survey data including migration data was collected in 2023. Both datasets are not yet public at time of publication)
Tanzania	2020	Labour Force Survey
Zambia	2021	Labour Force Survey
Zimbabwe	2021	Labour Force and Child Labour Survey

## ANNEX 2: Case Studies on Data Quality

Some of the general quality concerns about migration and employment data in the region are illustrated by looking at specific countries. The following brief case studies offer examples of how countries are giving different levels of attention to the generation of migration data and how they are experiencing challenges related to measuring and reporting on both the migration and the employment components of labour migration.

### BOTSWANA

While the most recent data for Botswana included in the UNDESA datasets is from 2020, and ILOSTAT also uses 2020 Q4 data from the Quarterly Multi-Thematic Household Survey, Statistics Botswana has published its 2022 Quarterly Multi-Thematic Household Survey report which includes data on formal sector employment by industry, citizenship and sex (Statistics Botswana 2022a). This report provides rich and nuanced data on formally employed women migrants (called female non-citizens in the Statistics Botswana report). The report includes tables showing formal sector employment by education level, citizenship and sex (ibid, 43) which shows that 59% of non-citizen females employed in the formal sector have university-level education, compared with 30% of formally employed citizen females. Notably, only 30% of male non-citizens have university educations, although this is still higher than the 20% of male citizens with such qualifications (ibid). This data, however, only speaks to the formally employed, as no information about citizenship is provided for the sections of the report that cover under-employment, unemployment, or the population outside the labour force.

Botswana is also of interest in that it is the only country in the SADC region that regularly publishes data on issued work permits in the Statistics Botswana Work Permits Quarterly Stats Briefs (Statistics Botswana 2022b). Each Stats Brief presents aggregated data on (a) total work permit holders; (b) work permit holders by age group; (c) work permit holders by industry; (d) work permit holders by occupation; (e) work permit holders by training; (f) trend of total work permit holders. In March 2022, Botswana reported 3632 work permit holders. However, given that UNDESA data reports 110268 total migrants in Botswana, and Statistics Botswana itself reports on 23,957 formally employed non-citizens in 2022, this information on work permits is not very helpful in establishing a picture of migrant work in the country.

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## NAMIBIA

The most recent LFS was conducted in 2018 and included questions on employment as well as migration status (by place of birth and citizenship status) (NSA 2019). However, the migration information is not included in the public report on survey results, nor is employment related data disaggregated by migration status in the report. Namibia conducts its LFSs every two years, so the 2020 iteration was delayed due to Covid-19 and no new data has been included in the ILOSTAT datasets since then. Namibia has conducted a new census in 2023, so when this data is released, it may provide more up-to-date migration information, although this is unlikely to include much detail in relation to employment sectors or industries. Namibia generally reports very limited migration-related data. A report by a technical group (chaired by the Ministry of Home Affairs and Immigration) charged with producing Namibia's first international National Migration Profile noted in their report that "reliable international migration data concerning Namibia are hard to find and difficult to verify. Included in this regard are data involving migration into and from Namibia, as well as migration through Namibia." (IOM 2015). Three of the report's recommendations relate to the data environment:

1. "Support the migration statistical environment in Namibia by enhancing the NSA's capacity to render a more comprehensive and emphatic service in the migration domain, by strengthening inter-institutional data cooperation, and by addressing capacity weaknesses;
2. Align data indicators and collection in Namibia with universally applicable labour migration concepts, definitions and methods;
3. Enhance migration-related data in census and household surveys, mainstream migration data in Namibian policy and strategic frameworks." (IOM 2015)

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## SEYCHELLES

The National Bureau of Statistics in the Seychelles produces regular labour force surveys (NBS 2020) which report on employment industry disaggregated by migration status and sex. The quarterly employment and earnings surveys do not include disaggregation by citizenship status. Even for the labour force surveys, however, the small size of the population and the relatively small absolute number of migrants (13 050 in 2020 according to UNDESA, of which 1 638 are from SADC countries), poses a technical data challenge due to extrapolation from adequate sample survey sizes.

Given that tourism is one of the largest economic sectors for the Seychelles, the National Bureau of Statistics produces an annual Migration & Tourism report (NBS 2021) in which 'migration' includes visitors but also medium and long-term migrants as well as 'departing residents', most of whom were leaving the country on holiday (49%) or work trips (9%), but 25% of whom were reported as leaving for more than one year. A large number of 'departing residents' were 'leaving after completing their contracts' suggesting that they were migrant workers in the Seychelles. This form of reporting, while taking an inclusive stance to 'residency', makes an analysis of migration flows based on conventional definitions of citizenship and/or place of birth quite challenging.

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## SOUTH AFRICA

A migration module is not a permanent feature in the South African Quarterly Labour Force Survey. Stats SA included questions on migration in the QLFS for the first time in the third quarter of 2012 and repeated the module in the third quarter of 2017. This remains the most recent migration data available in the country, until the census is completed in 2022 and publicly released in late 2023. The 2023 third quarter QLFS will also repeat the migration module used in 2012 and 2017, but this data is not available in time for the current report.

The 2017 QLFS only records whether the respondent was born outside the country or whether they lived outside the country five years ago. It does not record the respondent's country of birth or recent residence. The results of the 2012 and 2017 migration modules were reported in a special report on labour and migration dynamics (REF<sup>32</sup>), which provides useful analysis but does not follow the format of standard labour force reports in providing detailed reporting by industry and sex as well as other factors like urban/rural. We recommend that South Africa include a migration module in one QLFS per annum and report on migration status as one of the standard variables according to which overall employment by industry is disaggregated.

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## ZIMBABWE

The 2019 Labour Force and Child Labour Survey included a module on migration (REF<sup>33</sup>). The survey measures both citizenship and country of birth and finds a large discrepancy

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32 LABOUR MARKET OUTCOMES 2012 AND 2017 OF MIGRANT POPULATIONS IN SOUTH AFRICA

33 Labour-Force-Report-2019.pdf ([zimstat.co.zw](https://zimstat.co.zw))

between these (1,721,806 non-citizens and 253,775 people born outside the country). Of the one percent of the population that did not have Zimbabwean citizenship, 44% had Mozambican citizenship, 27% had Malawian citizenship and 9% had Zambian citizenship (REF)<sup>34</sup>. Only 7.4% of cross-border migrants (10.4% of males and 5.0% of females) reported migrating in search of paid work, with the largest proportion joining spouses and families or moving to study. Only 30,468 migrants are therefore categorised as labour migrants (having reported their reason for entering the country as looking for paid work), 57% of which are from Mozambique, followed by 16% from Zambia. Only these migrants are considered when reporting on employment by industry. There is no reporting on the employment activities of other non-citizens or other migrants not considered 'labour migrants'. This also explains the discrepancy between the high UNDESA numbers for 'migrants' in Zimbabwe and the low ILOSTAT numbers for 'foreign citizens' and occupation. Zim has temporary employment permits but only issued 20,000 (YEAR)

Zimbabwe's NLMP recognises the importance of more integrated data on labour migration: "The policy challenge is the lack of integration of gender-disaggregated labour migration data within the national labour market information system." (REF)

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## ZAMBIA

Zambia has been collecting migration data as part of its quarterly labour force survey since 2017, including disaggregation by sex. Further disaggregation, such as by country of origin or occupation, is challenging however, due to the small number of observations. While the migration data is collected, it is not reported on in the public annual labour force survey reports (REF 2020 Labour Force Survey.pdf ([zamstats.gov.zm](https://zamstats.gov.zm))).

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34 Labour-Force-Report-2019.pdf ([zimstat.co.zw](https://zimstat.co.zw)), p. 246

## **ANNEX 3: Migration Policy Framework for Africa: Strategies on women migrant workers**

### **Labour migration and education strategies related to women**

1. Ensure that national laws, including constitutional, administrative and civil law and labour codes, provide women migrant workers, especially domestic workers, with the same rights and protection extended to all workers.
2. Establish effective complaint mechanisms and ensure that migrants, especially migrant women, have recourse to enforceable, timely and affordable remedies. Ensure that migrant workers are able to make complaints against their employers or others, including on grounds of sexual harassment in the workplace, and have access to remedies including for unpaid wages and compensation for violations of labour rights, without fear of reprisals and expulsion.
3. Promote equal opportunity and the protection of migrant women rights ensuring that labour migration policies and practice are gender-sensitive and non-discriminatory, in recognition of the increasing feminisation of labour migration.
4. Enhance national and regional labour migration data collection, analysis and exchange to document the conditions and needs of migrant women and men workers and their families.
5. Facilitate the integration of all migrants, women and men, in the labour market including in the education and training sector, removing gender-based barriers that restrict women from being recruited, as well as the right to join trade unions, to form community organisations; to associate and collectively bargain.
6. Set up national and sub-regional social dialogue mechanisms to address migrant labour issues, including the challenges faced by women migrant workers.
7. Provide social protection and social security benefits, particularly unemployment insurance, compensation for employment injury, long-term illness, death benefits, disability, parental leave, supplementary insurance schemes, and old age pension for all labour migrants, including women migrant workers, while working abroad and/or upon their return.



## Gender and migration strategies

1. Conduct research in order to gain a deeper understanding of the gender dynamics of migration, which would enable both policy makers and practitioners to address the special needs of women and men migrants.
2. Strengthening responses to the particular needs of migrant women and girls, particularly ensuring that their health needs, labour rights and human rights are respected.
3. Develop migration policies that allow women and men to migrate for employment through safe and regular channels.
4. Ensure that initiatives and programs on migration management and addressing the root causes of irregular migration in Africa are informed by gender analysis and are implemented in a gender-responsive manner.
5. Enhance knowledge generation and awareness on the gendered dimensions of migration in Africa, including sex-disaggregated data and gender-responsive evidence and analysis on current migratory trends in Africa.
6. Support associations and networks of migrant women and enhance their voices in policy dialogue processes at national, regional, continental, and global level.
7. Take effective steps to counter migrant trafficking and smuggling, and other illegal practices which specifically target and victimise migrant women and men.
8. Ensure adequate treatment and access to justice in the context of applicable human rights instruments, of women, men and children that are victims of trafficking and sexual slavery.
9. Promote informational/educational campaigns to raise awareness about the gender dimension of migration among migrants, those affected by migration, and policy makers and personnel involved in migration, especially in the managing of the migration process.
10. Implement the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

*Source: ILO 2020b, 17*





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