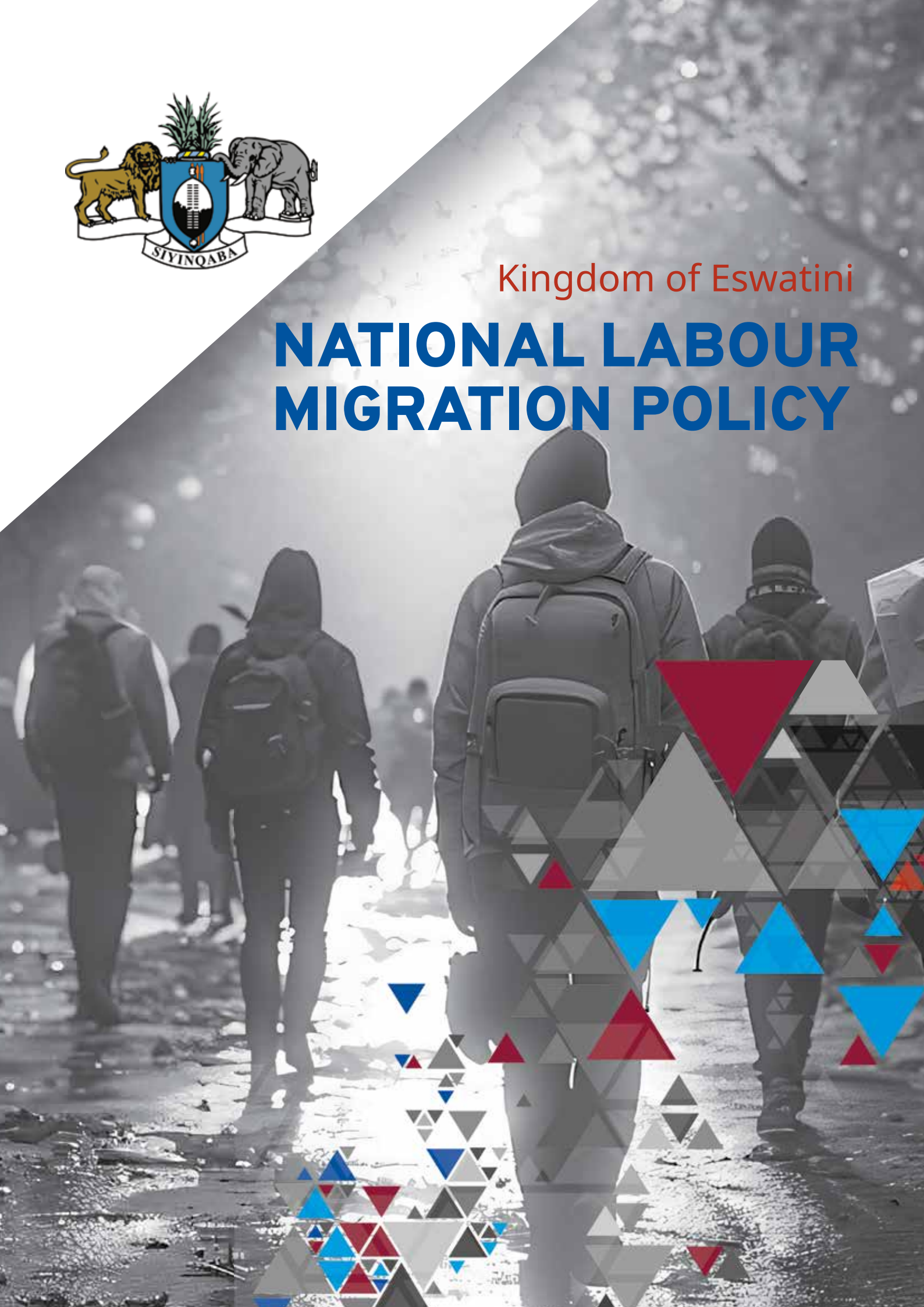




Kingdom of Eswatini

NATIONAL LABOUR MIGRATION POLICY



CONTENTS

| | |
|---|-----------|
| PREFACE | 1 |
| GLOSSARY: | 2 |
| ACRONYMS | 4 |
| | |
| PART I: CONTEXT | 5 |
| 1. INTRODUCTION | 6 |
| SITUATIONAL ANALYSIS | 7 |
| HISTORICAL BACKGROUND | 7 |
| SOCIO-ECONOMIC CONTEXT | 8 |
| MIGRATION PROFILE | 9 |
| STATUS OF DATA IN THE KINGDOM OF ESWATINI | 10 |
| | |
| PART II: RATIONALE | 11 |
| 2. ALIGNMENT WITH INTERNATIONAL, REGIONAL AND NATIONAL LEGAL CONTEXT | 12 |
| 2.1. INTERNATIONAL FRAMEWORKS | 12 |
| 2.2. REGIONAL AND SUB-REGIONAL FRAMEWORKS | 15 |
| 2.3. NATIONAL LEGISLATION, AND POLICY | 16 |
| | |
| PART III: THE NATIONAL LABOUR MIGRATION POLICY STATEMENT | 19 |
| 3. GUIDING PRINCIPLES | 20 |
| 3.1. VISION, MISSION, AIMS AND OBJECTIVES | 21 |
| | |
| PART IV: THE NATIONAL LABOUR MIGRATION POLICY | 23 |
| 4. POLICY AREA ONE: GOVERNANCE | 24 |
| 4.1 POLICY STATEMENT: ENSURE GOOD GOVERNANCE AS AN IMPORTANT PILLAR FOR REGULATION AND MANAGEMENT | 24 |
| 4.2. POLICY AREA TWO: LABOUR MARKET INFORMATION SYSTEM | 26 |
| 4.3. POLICY AREA THREE: PROTECTION OF RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES | 27 |
| 4.4. POLICY AREA FOUR: OPTIMIZING MIGRATION FOR NATIONAL DEVELOPMENT | 28 |
| 4.5 POLICY AREA FIVE: HEALTH | 29 |

| | |
|--|-----------|
| PART V: IMPLEMENTATION ARRANGEMENTS | 31 |
| 5. INSTITUTIONAL ARRANGEMENTS | 32 |
| 5.1. RESOURCE MOBILISATION | 34 |
| 5.2. MONITORING AND EVALUATION FRAMEWORK AND REPORTING | 34 |
| 5.3. ADVOCACY AND DISSEMINATION | 35 |
| 5.4. IMPLEMENTATION ACTION PLAN | 35 |
| ANNEXURE B | 36 |
| NATIONAL LABOUR MIGRATION POLICY- IMPLEMENTATION PLAN | 39 |
| Policy Area One: Governance | 40 |
| Policy Area Two: Labour market Information and Analysis | 44 |
| Policy Area Three: Decent work for migrant women and men | 46 |
| Policy Area Four: Migration for Development | 48 |
| Policy Area Five: Health | 50 |
| REFERENCES | 52 |



PREFACE

This National Labour Migration Policy (NLMP) is a key milestone for the Kingdom of Eswatini. It points to the recognition of the historic role of the migrant worker in the economies and societies of the country and the sub region, and is forward looking in embracing the challenges and opportunities of a global, interconnected labour market. The overall objective of the NLMP is to provide a governance framework for the Kingdom of Eswatini to effectively manage labour migration so that it protects all workers, develops the country's economy, strengthens and transfers skills, integrates returnees, and benefits all.

The NLMP is comprehensive in nature, dealing with migrant workers of all levels of skill, their families and dependents, inclusive of internal and cross-border migration, from pre departure to return, and in line with international norms and standards. It provides a clear description of the patterns of labour migration that take place within, into, out of, and through the Kingdom of Eswatini. It addresses the issues of skills retention, development and transfer, migrants' rights, a labour market information system and good governance. Specific provisions include:

- Return and reintegration of Emaswati who have been working abroad;
- Increased efficiency for registration of labour migrants within the Kingdom of Eswatini;
- Regulation and monitoring mechanisms of private employment agencies
- Protection of rights of migrant workers and their dependents;
- Portability of social security for migrant workers and their dependents;
- Health concerns of migrant workers in the context of fitness to work and access to health services;
- Establishment of mechanisms which can contribute to regional integration and international cooperation vis-à-vis labour migration;
- The development of coordination mechanisms to regulate labour migration and combat human trafficking; and
- The establishment and maintenance of a comprehensive labour migration data management system.

GLOSSARY

| Term | Definition |
|--|---|
| Asylum-seeker | Person seeking to be admitted into a country as a refugee and awaiting decision on their application for refugee status under relevant international and national instruments. |
| Diaspora | Individuals and members of networks, associations and communities, who have left their country of origin, but maintain links with their homelands. This includes more settled expatriate communities, migrant workers based abroad temporarily, expatriates with the nationality of the host country, dual nationals, and second/third generation migrants. |
| Emigrants | From the perspective of the country of departure, a person who moves from his or her country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence. |
| Immigrants | From the perspective of the country of arrival, the act of moving into a country other than one's country of nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence. |
| International migrants | In the context of this policy, the term "international migrants" refers to usual residents in a given country who are foreign-born (or foreign citizens when place of birth information is not available). ¹ |
| Labour Market Information System | Consists of a set of institutional arrangements, procedures and mechanisms that are designed to produce labour market information (Sparreboom, 1999). |
| Labour migration | Movement of persons from one State to another, or within their own country of residence, for the purpose of employment. |
| Migrant in an irregular situation | A person who does not comply with the national legislation and international agreements concerning the entrance, stay and employment in the host State (see Article 5 of the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990) |
| Migrant flow | The number of migrants counted as moving or being authorized to move, to or from a country to access employment or to establish themselves over a defined period of time. |
| Migrant stock | The number of migrants residing in a country at a particular point in time. |
| International Migrant worker | International migrant workers are defined as migrants of working age, who during a specified reference period, were in the labour force of the country of their usual residence, either in employment or in unemployment. ² |
| Migrants of working age | (15 years of age and over)" is a subset of international migrants (ILO 2018). |
| Mixed Migration flows | A movement in which a number of people are travelling together in an irregular manner using the same routes, and means of transport, but for different reasons. It may include refugees, asylum-seekers, victims of trafficking, unaccompanied/separated children and migrants in irregular situation. |

¹ ILO 2021. ILO Global Estimates on International Migrant Workers. Results and Methodology. Third edition (Geneva).

² ILO 2021. ILO Global Estimates on International Migrant Workers. Results and Methodology. Third edition (Geneva). For a full definition for statistical purposes see ILO 2018. ICLS Guidelines concerning statistics of international labour migration (Geneva).

| Term | Definition |
|----------------------------------|---|
| Permanent residence | The right, granted by a host State to a non-national, to live and work therein on a permanent (unlimited) basis. |
| Precarious workers | Those who fill permanent job needs but are denied permanent employee rights. Globally, these workers are subject to unstable employment, lower wages and more dangerous working conditions. Workers in precarious employment can either: (a) be workers whose contract of employment leads to the classification of the incumbent as belonging to the groups of “casual workers”, “short-term workers” or “seasonal workers”; (b) be workers whose contract of employment will allow the employing enterprise or person to terminate the contract at short notice and/or at will, with the specific circumstances to be determined by national legislation and custom. (Labour Force Survey). |
| Regular Migration | Migration that occurs in compliance with the laws of the country of origin, transit and destination |
| Refugee | A refugee, according to Article 1 (A) (2), Convention relating to the Status of Refugees Article 1A (2), 1951 as modified by the 1967 Protocol , is a person who, “owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” In addition, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa defines a refugee as any person compelled to leave his or her country “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality.” |
| Remittances | Monies earned or acquired by non-nationals that are transferred back to their country of origin. |
| Social Dialogue | All types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy (ILO) |
| Social Protection | Set of policies and programs designed to reduce and prevent poverty, vulnerability and social exclusion throughout the life cycle. Social protection includes nine main areas: child and family benefits, maternity protection, unemployment support, employment injury benefits, sickness benefits, health protection (medical care), old age benefits, invalidity/disability benefits, and survivors’ benefits (ILO) |
| Temporary migrant Workers | Migrant workers who remain in the receiving country for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise, or for any other reason. (Adapted from the IOM Glossary on Migration definition) |
| Trafficking in persons | “The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Article 3 (a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character. |

Source: IOM Glossary on Migration (3rd edition, Geneva) 2019, unless otherwise indicated.

ACRONYMS

| | |
|-----------------|---|
| AGOA | African Growth and Opportunities Act |
| AU | African Union |
| BE | Business Eswatini |
| BLMA | Bilateral Labour Migration Agreement |
| CAT | International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CRC | International Convention on the Rights of the Child |
| EHIES | The Eswatini Household Income and Expenditure Survey |
| FESBC | Federation of Eswatini Business Community |
| FESWATU | Federation of Eswatini Trade Unions |
| ICCPR | International Covenant on Civil and Political Rights |
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICRMW | International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families |
| ILO | International Labour Organization |
| IOM | International Organization for Migration |
| NLMP | National Labour Migration Policy |
| LMIS | Labour Migration Information System |
| LMU | Labour Migration Unit |
| RSA | Republic of South Africa |
| SADC | Southern African Development Community |
| SATUCC | Southern Africa Trade Union Coordination Council |
| SWAMMIWA | Swaziland Migrant Mineworkers Association |
| SNEMA | Swaziland National Ex-mine workers Association |
| TEBA | The Employment Bureau of Africa |
| TUCOSWA | Trade Union Congress of Swaziland |
| TVETSD | Technical and Vocational Education and Training and Skills Development |

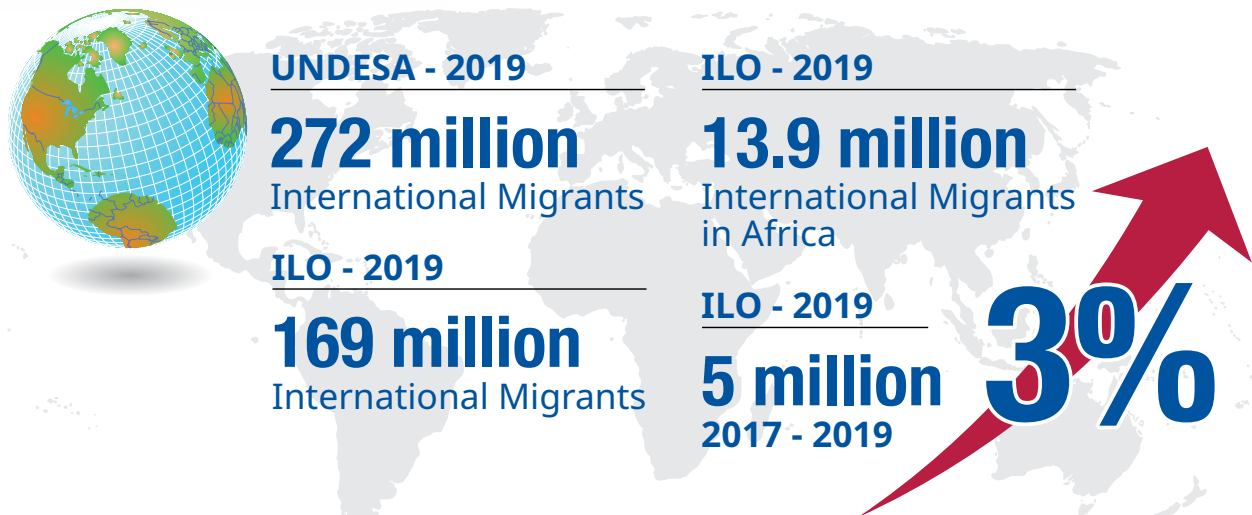
CONTEXT

part one

1. INTRODUCTION

Migration, or the movement of people within a country or across international borders, is a global phenomenon. Even though people may migrate for many reasons, to search for decent employment is a major driving force of migration flows. As more people cross borders for work, fair effective migration policies that protect the rights of migrant workers and maximize the benefits of migration for countries of origin and destination are essential.

Global estimates produced by UNDESA show that there are 272 million international migrants around the world in 2019, while ILO estimates the global number of international migrant workers at 169 million in the same year, and at 13.9 million international migrant workers in Africa³. The 2019 global estimate indicates an increase of 5 million migrant workers (3.0 per cent) from the 2017 estimate of 164 million migrant workers.



Using a different methodology, the Report on Labour Migration Statistics in Africa, jointly published by the African Union Commission and JLMP partners (ILO, IOM, UNECA), estimated the number of international migrant workers in the Southern African Development Community (SADC) at 4.4 million workers in 2019, growing at a rate of 6.9 per cent annually in southern Africa.



³ ILO Global Estimates on International Migrant Workers – Results and Methodology – Third edition (ILO, Geneva, 2021).

Policy frameworks

Migration has been rising on global political agendas, and regions have been seeking to develop harmonized approaches to managing migration that align with international obligations as well as national legislation. In Africa, the African Union's Migration Policy Framework for Africa and Plan of Action (2018 – 2030) constitutes a milestone for guidance of (labour) migration policies in the continent.

2014 SADC Labour Migration Policy Framework and the SADC Employment and Labour Policy Framework 2020-2030 both inform the governance of labour migration. The SADC Labour Migration Policy Framework provides an important sub-regional framework and mechanism for cooperation between SADC Member States in the development of national labour migration policies and the management of labour migration. The Framework called on all Member States to have a National Labour Migration Policy in place by 2020 while concrete actions have been captured in the SADC Labour Migration Action Plans (LMAPs). The LMAP 2020-2025 has three inter-related strategic objectives: (1) To strengthen labour migration policies and regulatory systems for better labour migration governance; (2) To protect migrant workers' rights and improve advocacy and awareness of their contribution to development and regional integration; and (3) To enhance the participation of migrant workers in socio-economic development processes in countries of origin and destination.

In line with international commitments, The Kingdom of Eswatini, started developing a National Labour Migration Policy several years ago, though the work was delayed due to the COVID19 pandemic. The NLMP, which is a major tool to manage labour migration within, from and to the Kingdom of Eswatini, was developed through the work of a Technical Working Group consisting of members from various ministries, employers' and workers' organizations, associations of miners, non-governmental organizations and civil society partners.

Within this context, this policy sets forward the vision, mission, objectives and strategy of the Kingdom of Eswatini in developing an effective framework to manage labour migration. It is inspired by global, continental and regional standards and best practices and responsive to national and local level realities and ambitions.

SITUATIONAL ANALYSIS

HISTORICAL BACKGROUND

The Kingdom of Eswatini is a landlocked country between the Republic of South Africa and the Republic of Mozambique. This geographic specificity, coupled with its socio-economic characteristics, and the political economic history of the sub-region, have shaped the employment-related mobility of Eswatini over the last century.

Traditionally Mozambican workers have transited through the country en route to South Africa, while over the past twenty years investors, particularly from Asia and South Africa have brought new categories of skilled workers into the country. Together these traditional and contemporary forms of migration have necessitated changes and improvements in migration management.

At the time of independence, labour migration was mostly driven by lack of economic activity

The Eswatini Household Income and Expenditure Survey of 2016/17 indicates that 5.8 per cent of household members have returned to the country from abroad in the preceding 5 years.

in Eswatini accordingly, for most of the 20th century, Emaswati workers made up a substantive share of the South African workforce on mines and farms even though they were usually outnumbered by their Basotho or Mozambican counterparts. For a long time, labour mobility to South Africa was organized in the framework of the 1975 agreement between the Kingdom of Eswatini and the Republic of South Africa. However, the adoption of the Mining Charter in South Africa in 2003 confirmed an earlier decision to phase out the extensive use of foreign labour in South African mines. The number of Emaswati workers in South African mining houses therefore gradually decreased to only a few thousand by 2012, even though more are likely to be active on their own account. Accordingly, the Eswatini Household Income and Expenditure Survey of 2016/17 indicates that 5.8 per cent of household members have returned to the country from abroad in the preceding 5 years.

In summary, the Kingdom continues to face a dual challenge of integrating returnees into the country while still exploring new opportunities for migrants to work abroad.

SOCIO-ECONOMIC CONTEXT

The Kingdom of Eswatini is a lower middle income country with a population of 1,093,238 people in 2017, a slight increase of 0,7 per cent since 2007 (2017 Population and Housing Census, Government of Eswatini). The economy of Kingdom had a strong rebound in 2021, with real GDP growth of 7.9 percent, up from a 1.6 percent contraction in 2020 and a GDP of \$4,214.86 (World Bank 2022) a 59 per cent poverty rate (EHIES 2016), high income inequality, and a 33 per cent unemployment rate (Labour Force Survey 2016). Women, youth and those living in rural areas have relatively high unemployment rates and poverty rates. For example, 63 per cent of female-headed households are poor and lack productive assets compared to 52 per cent of their male counterparts. The HIV prevalence rate is high at 27 per cent (World Bank 2017). Women are most affected by the epidemic with more than 31 per cent reporting an HIV-positive status, compared to 20 per cent of men. High levels of gender violence against women, polygamy, and early marriages to older men contribute to the high rates of infection among women. Many HIV infections are transmitted through low condom use, transactional sex, and sexual violence.

The Kingdom has close economic and social ties to South Africa; the national lilangeni currency is pegged to the Rand, and it relies on South Africa for 85 per cent of its imports and 60 per cent of exports (World Bank 2019).

The decline of Emaswati labour in the South African mining sector, together with the loss of employment in the Eswatini textile sector which had developed under the United States African Growth and Opportunities Act (AGOA), has also had profound socio-economic consequences. For instance, communities of origin across the sub region which have historically relied on migrant labour have faced severe economic challenges because of a reduction in remittances.

The socio-economic context has transformed the migratory profile of the country in a number of ways. For example, many Emaswati, especially women and girls, have been pushed into irregular migration toward South Africa. This creates the potential for precarious conditions of employment and living between the two countries. Trafficking and smuggling of women in the South African sex industry is a chronic problem, as documented in the United States Department of State annual reports on Trafficking. Female cross border trading has also substantively increased due to the intersection between female poverty, unemployment, underemployment and vulnerability as indicated before.

Informal cross border trade is vibrant in the Kingdom of Eswatini and a UN Women study indicated that the majority of traders are women. Some women are involved in cross border trade because of the need to augment their income from formal employment (UNDP, 2013).

The burden of HIV and TB, and their impact on household structures, have exacerbated the vulnerability of children, girls and young women to child labour, forced labour and trafficking especially given the lack of adequate social protection in the country. The proximity of the Kingdom of Eswatini to South African mines, with regular commuting of mine workers, has also been found to place rural Emaswati women at greater risk of contracting HIV than spouses in other countries such as Mozambique where miners only return home once a year (Crush et al., 2010).

The context for this policy therefore is driven by the socio-economic context which makes migration a livelihood strategy for many.

MIGRATION PROFILE

Migration data is captured principally in the census and various other surveys. In 2017, 2 per cent of the population or 22564 people in the Kingdom were foreign nationals (immigrants), and 32448 Emaswati nationals left the country as emigrants (census 2017).

From 2000- 2007, there was a notable increase in flows of African migrants (notably from DRC, Nigeria and Tanzania) but also in Asian migrants (from Pakistan, India, China and Taiwan). The AGOA brought to the Kingdom of Eswatini Chinese and Taiwanese investors who came with considerable numbers of managers, supervisors and technical advisors (Tati, 2015: 354). However, between 2007 and 2017, the number of immigrants decreased from 32,971 to 22,564, and the number of emigrants increased from 24,056 to 32,448.

Further information on the origin of migrants is available from the labour force surveys in the country. According to the 2016 labour force survey, only 1.2 per cent of the working age population are non-Emaswati citizens (LFS; 2016) In 2016, 3,942 employed migrant workers from Mozambique were counted in the labour force survey, followed by 2,095 employed migrant workers from South Africa (see Table 1 below).

Table 1: Stock of employed migrants. Source: LFS (2010 and 2016)

| | Employed Migrants | Stock of Employed Migrants by country of origin | | | | | | | | |
|-------------|-------------------|---|--------------|------------|----------|---------|--------|----------|----------------------|-------------------|
| | | ... | South Africa | Mozambique | Botswana | Lesotho | Zambia | Zimbabwe | Other SADC Countries | Rest of the World |
| 2010 | 9,238 | | 1,624 | 4,985 | 0 | 161 | 367 | 664 | 798 | 639 |
| 2016 | 9,170 | | 2,095 | 3,942 | 330 | 129 | 104 | 812 | 512 | 1,245 |

STATUS OF DATA IN THE KINGDOM OF ESWATINI

Updated, credible and comprehensive labour migration data is essential to policy development, reform, implementation, and monitoring.

There are currently three main official sources of statistical data in the country:

- Population and Housing Census every 10 years
- Integrated Labour Force Survey every 3 years
- Household Income and Expenditure Survey every 5 years

All three capture information on migration, and contain to various degrees demographic, educational, employment and other indicators that could be further analyzed at regular intervals to produce a more accurate and nuanced profile of migration.

In addition, the following sources provide supplemental information:

- Administrative data from the Ministry of Home Affairs in collaboration with Eswatini Tourism Authority based on entry into and exit from the territory as well as numbers of work permits issued:
- Qualitative data from research studies
- Data from other Governments or private entities (both administrative and statistical) to assess numbers of Eswatini citizens in specific countries or numbers of Eswatini workers in employment in specific sectors

Administrative data

Administrative data on entries, exits and work permit numbers is limited. Ideally, these should be regularly collected, analyzed and compared with statistical data.

Qualitative data from research studies

There is limited literature on labour migration from Eswatini. A handful of studies were conducted in the 1970 and 1980s on labour migration (both internal and international) from the Kingdom of Eswatini but with limited scope. Since 2000, there has not been a specific study on labour migration. Notwithstanding studies have been undertaken such as Migration and HIV in rural Eswatini (Crush et al. (2010), IOM briefing note (2006) on HIV prevalence and AIDS and migration in Eswatini , the IOM 2010 Country Assessment on HIV-prevention Needs of Migrants and Mobile Populations: Eswatini , and the United States Department of State annual reports on trafficking . This points to an urgent need for in-depth studies on the various dimensions of labour migration.

Data from other Governments or private entities (both administrative and statistical).

ANOTHER POSSIBILITY TO MAP OUT ESWATINI MIGRANT WORKERS ABROAD IS TO LOOK INTO OTHER GOVERNMENTS' STATISTICS OR PRIVATE ENTITIES SUCH AS THE EMPLOYMENT BUREAU OF AFRICA LIMITED TEBA.

RATIONALE

part two

Migration is a vital economic and social feature of Eswatini. As a country of origin, transit and destination, Eswatini has benefited and can benefit further from labour migration, but this potential is to a large extent not yet being fulfilled. In this regard, the country is committed to harness the benefits of migration to contribute further to the national development priorities of economic growth, reduced unemployment and increased income equality. The NLMP will directly benefit the Kingdom in its ongoing efforts to improve migration management within the labour sector.

The current regulatory framework on labour migration in the Kingdom has a number of gaps which impede the ability of the government to benefit fully from migration. This included limited provisions in regulating in-migration, no mechanisms to align migration policy with labour market needs, no provisions for social security portability within the sub-region, and no gendered approach to labour migration. This affects the ability of the policy to provide protection to Emaswati migrant workers going abroad or returning to the country, to interact with the Emaswati diaspora and for the Kingdom to realize its sub-regional, regional and global obligations.

2. INTERNATIONAL, REGIONAL AND NATIONAL LEGAL CONTEXT

2.1. INTERNATIONAL FRAMEWORKS

Eswatini has ratified a vast range of international conventions relevant to labour migration and the protection of migrant workers.

Global Compact on Safe, Orderly and Regular Migration (GCM)

The Kingdom is committed to and supportive of the Global Compact for Safe, Orderly and Regular Migration (GCM), an intergovernmental non-binding agreement to develop a comprehensive and organized approach to managing migration in line with the 2030 Agenda for Sustainable Development.

International UN treaties and conventions ratified by Eswatini and of relevance to labour migration are:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Convention on the Rights of the Child (CRC)

These instruments guide this NLMP in terms of the general protection of migrant workers' fundamental human rights they afford, as well as more specific rights (civil and political, social and cultural) and categories of migrants they protect (women and children).

However, Eswatini has not ratified the United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW) (1990) which is the

most appropriate instrument for labour migration. Two ILO Conventions on migrant workers (the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)) are complementary to the UN ICRMW and should be considered as a broad protection legal framework for migrant workers.

Eswatini has also ratified specific instruments against transnational organized crime which may be related to labour migration processes, particularly in terms of recruitment and travel across international borders. These instruments are important because they protect both migrants into Eswatini as well as Eswatini nationals who would fall victim to these crimes on an outward journey. This is an important consideration that this NLMP recognizes.

- The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime:
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Protocol against the Smuggling of Migrants by Land, Sea and Air;
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by General Assembly resolution 55/25. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regards to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in person's cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

The Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

All of these instruments have been ratified by the Kingdom of Eswatini in 2012.

ILO Conventions and Protocols

Eswatini has ratified eight out of ten of the ILO fundamental conventions, as the country has not ratified the two fundamental conventions on occupational safety and health (C155 - Occupational Safety and Health Convention, 1981 (No. 155) and C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

Eswatini has also not ratified the two key ILO instruments related to migrant workers:

- C097 - Migration for Employment Convention (Revised), 1949 (No. 97) and
- C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Nor has it ratified three other important technical instruments in relation to migrant workers:

- C157 - Maintenance of Social Security Rights Convention, 1982 (No. 157),
- C181 - Private Employment Agencies Convention, 1997 (No. 181) or
- C189 - Domestic Workers, 2011 (No.189).

Ratification of Conventions is voluntary but important as this will make them binding at the national level and thus guarantees e.g. the minimum rights for migrants set out in the conventions. Ratifying countries commit themselves to applying the Convention in national law and practice and to reporting on its application at regular intervals.

C189 is particularly needed as it applies to all domestic workers, regardless of their migratory status (regular or irregular).

Despite not ratifying these conventions though, the country still uses the obligations and recommendations contained in the conventions as a guide to determine national policy.

This is addressed in the relevant policy section later.

International reporting mechanisms

As signatory to these various conventions, Eswatini is bound to submit regular reports to the various committees in which they outline their progress:

- Committee on the Elimination of Racial Discrimination (CERD)
- Human Rights Committee (HRC)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on Elimination of Racial Discrimination Against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Right of the Child
- Division for Treaty Affairs (DTA), Organized Crime and Illicit Trafficking Branch (OCB), Human Trafficking and Migrant Smuggling Section (HTMSS) of UNODC
- ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR)

In addition to the above, as a member of the United Nations, Eswatini is reviewed regularly under the Universal Periodic Review (UPR) which is a unique process involving a review of the human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. In its reports on Eswatini and recommendations issued by other Member States (2011, 2016), the issue of ratification of the ICRMW has been raised repeatedly and Eswatini has noted and accepted it, although there has been no additional progress reported formally so far.

The 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly in September 2015, provides for a strong link between decent work and migration in Sustainable

Development Goal (SDG) 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, which contains 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.”

Other important targets relating to labour migration are found in SDG 10 on reducing inequality within and among countries: “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies” (target 10.7) and “by 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent” (target 10.c).

2.2. REGIONAL AND SUB-REGIONAL FRAMEWORKS

Eswatini is committed to the implementation of regional and sub-regional migration frameworks demonstrated through its membership of these organizations as well as ratification of specific instruments.

The country supports the African Union’s Strategic Framework on International Migration (2006) and its 2017 revision, and Common Position on Migration and Development (2006), the Joint Labour Migration Program (2015) and is assessing the Protocol on the Free Movement of Persons

At the regional level labour migration has been chosen as one of the four key policy areas of the African Union Commission (AUC)’s Ouagadougou + 10 Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development. The ILO, the International Organization for Migration (IOM) and the United Nations Economic Commission for Africa (UNECA), in collaboration with the AUC, have developed a joint program on labour migration to support the implementation of the labour migration component of the AU Migration Policy Framework for Africa. This joint program will also support the implementation of the Ouagadougou + 10 Plan of Action through inter-regional collaboration and Regional Economic Communities.

At the sub regional level, the SADC Ministers and Social Partners responsible for Employment and Labour adopted a SADC Labour Migration Policy Framework that provides guidance for member states to develop National Labour Migration Policies. The regional Labour Migration Policy Framework seeks among others to afford the protection of migrant workers at their places of work in communities. In terms of the SADC Labour Migration Policy Framework, member states are required to put in place rights based national Labour Migration Policies that are consistent with relevant national policies and legislation as well as the SADC, AU, UN and ILO instruments.

As a Member State of SADC, Eswatini has actively taken part in the recent adoption of key frameworks for labour migration. In the 2000s, the SADC Organ on Politics, Defense and Security adopted the Protocol on the Facilitation of Movement of Persons in 2005. By early 2018, the Protocol had however only been ratified by Botswana, Mozambique, South Africa, and Eswatini, and has therefore not been enforced yet.

SADC has also confirmed its interest for the fight against trafficking with the harmonized SADC Regional Strategic Plan on Combating Illegal Migration, Smuggling of Migrants and Trafficking in Persons which was developed to enable comprehensive implementation of the 10-Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019).

The SADC Employment and Labour Sector has asserted its support to harmonized and rights-based labour migration policies with the SADC Labour Migration Action Plan 2013-2015, renewed for 2016-2019; the SADC Labour Migration Policy Framework, 2014; and in Article 19 of the SADC Protocol on Employment and Labour, 2014 on the protection of migrant workers (not enforced

yet). Eswatini has not yet ratified the latter. Lastly, the Tripartite Free Trade Agreement between COMESA, EAC and SADC, launched in June 2015 but not yet enforced, focuses essentially on the mobility of business persons and trade in services.

Between the frameworks adopted at AU and SADC levels, there is clear encouragement towards human and labour rights-based, and gender-sensitive, national labour migration policies, distinct from general migration policies. Furthermore, both the AU and SADC encourage the development of national labour migration policies by 2019. This policy is part of this process.

While Eswatini has not ratified the most pertinent international instruments on migrant workers (C97, C143 and ICRMW), it still adopts aspects of these in its own laws, and it may draw on a range of other international, regional and sub-regional conventions and frameworks to guide its labour migration policy development effort. Importantly, it has also committed to ratifying the ICRMW following comments received in the context of the Universal Periodic Review.

2.3. NATIONAL LEGISLATION

The current institutional framework in the Kingdom that relates to labour migration includes the Ministries of Labour and Social Security, Ministry of Home Affairs and the Central Statistical Office. Private and public employment agencies manage the recruitment and placement of workers abroad, including The Employment Bureau of Africa (TEBA) which recruits mine workers for employment in South Africa. In addition, trade unions and associations, and business councils and associations are also key stakeholders.

This NLMP is supported by a range of other national laws. These include the:

- Constitution of Eswatini, 2005 (regulates acquisition and loss of citizenship)
- Immigration Act No.17 of 1982;
- Citizenship Act, 1992;
- People Trafficking and People Smuggling Act of 2009
- Refugees Act 142 of 2017
- Public Health Emergencies of International Concern (PHEIC)

In terms of its labour and employment legislation:

- Industrial Relations Act of 2000;
- Code of good practice: Employment discrimination (prohibits discrimination but does not explicitly refer to nationality, citizenship or migrant status as a prohibited criterion);
- The Employment Act, No. 5 of 1980
- Wages Act, 1964
- Workmen's Compensation Act, No.107 of 1983
- Occupational Safety and Health Act, 2001.

Of note is the fact that the labour and employment legislation does not adequately provide for the treatment of international migrant workers. Therefore, while in principle equality of treatment is adopted, it is unclear whether it includes international migrant workers. This legislative grey zone creates ambivalence at enforcement level, with labour inspectors in situations of industrial disputes as well as for the regular enforcement of basic conditions of work. ILO Conventions could be instrumental in this context.

Regarding emigration, Eswatini is signatory to the Universal Declaration of Human Rights of 1948 which guarantees freedom of movement to its citizens (Article 13). This right is also guaranteed in the Constitution of Eswatini (2005) (Section 26). Reference in legislation to Emaswati migrant workers, currently employed abroad or returned, and their families or dependents, is minimal. There are currently no legal provisions regarding their inclusion into national social security schemes or policies which is a significant gap.

A range of current national policies guide this policy on labour migration. These include the following:

- National Development Plan
- National Development Plan Medium-Term Policy (2013-2017);
- Revised National Development Strategy (2017);
- Ministries' Action Plans 2018-2022;
- Strategy for Sustainable Development and Inclusive Growth (2017);
- Vision 2022 (1997) and National Development Strategy (1997);
- Eswatini – ILO Decent Work Country Program (2022-2025)
- Technical and Vocational Education and Training and Skills Development (TVETSD);
- National Human Resources Development Plan;
- Social Security Reform
- Small and Medium Enterprises policy
- International Level Health Regulation of 2005

Overall, these policies emphasize a commitment to addressing immigration as a way to reduce poverty, while remaining silent on assistance to former and current Emaswati migrant workers and their families or dependents, throughout the migration cycle.

The National Labour Migration Policy therefore should be seen as a tool to facilitate economic development and reduce economic vulnerability caused by poverty, unemployment and inequality. While some policies are explicit in this vision, for instance the National Poverty Reduction Strategy Action Plan (2005) emphasizes the specific role of migration as way to reduce poverty, others take a more disjointed or vague perspective on migration. The Ministries' Action Plans (2018-2022) provide indications relating to specific ministries' priorities. For the Ministry of Home Affairs, one ministerial goal by 2022 is to "develop, implement and manage policies and legislation pertaining to immigration, citizenship, refugees and civil registration (p.185). The document indicates further that the MoHA aims to develop an "effective and efficient IT based immigration system" (p.186), two of its key indicators refer to strengthening the permanent residence system for foreigners (Key Indicator 2) and the record of flows (Key indicator 3) (p.186) as part of creating a "robust immigration system" (under Outcome Target 3, p.187). The link with Vision 2022 is underscored on p.188 ("A country where migration is formal" thanks to "automated border control and formalized flows between Eswatini, South Africa and Mozambique").

In the Strategy for Sustainable Development and Inclusive Growth (2017), Government reiterates its interest in migration through item 2.3 on the Role of Government (Public Service: "Ensure updated structures and measures to improve the processing speed and accessibility of immigration services to the public, p.26).



THE NATIONAL LABOUR MIGRATION POLICY STATEMENT

part three

3. GUIDING PRINCIPLES

The guiding principles informing this NLMP are:

- **Constitutional provisions:** effective labour migration is one pillar to achieve freedom and independence for all who live, work or move through the Kingdom of Eswatini.
- **Safe, orderly and regular migration:** establishing a legislative framework that supports, and strengthens safe migration from pre-departure to return and reintegration for migrant workers and their families. This includes regulation and monitoring mechanisms of private employment agencies within Eswatini; and the development of coordination mechanisms to regulate labour migration and combat human trafficking;
- **Migration and Development:** It is recognized that migration, if managed well can hold developmental benefits on household, community and economic development
- **Equality of treatment and opportunity:** all workers including migrants have equal access to equal rights and recourse within the law. All migrants regardless of status benefit from labour and social protection.
- **Rights-based framework:** ensuring that all directives and implementation strategies centralize the protection of the rights of migrant workers and their dependents; including specifically the health rights and concerns of migrant workers in access to health services;
- **Decent work:** Increasing decent work indicators and outcomes for all workers including non-nationals and migrants in recognizing that labour migration is not a commodity and that all workers should benefit from decent working conditions.
- **Skills development, transfer and database:** Ensuring the development of a market-driven skills inventory; The development of a skills program to improve capacity within the domestic workforce and to send skilled labour abroad.
- **Strong data:** The commitment to establish and maintain a comprehensive data management system including increased efficiency of registration of labour migrants within Eswatini and Emaswati migrants going abroad and returning home;
- **Gender sensitive and inclusive policy and implementation:** recognizing the gendered nature of employment and migration at local, national and sub-regional level, and its associated impacts on rights;
- **Child Friendly:** recognizing that children are impacted by migration at various levels, and are a vulnerable category that require specific protection. Rule of law and due process need to be adopted as key principles of all policy
- **TB/HIV treatment protocol for migrant workers:** committing to develop a framework to harmonize management of TB/HIV among migrant workers
- **Regional integration and global cooperation:** Establishment of mechanisms which can contribute to regional integration and international cooperation vis-à-vis labour migration;
- **Social security portability:** ensuring that migrant workers and their dependents enjoy the possibility of registering in social security systems, accessing social security benefits and having them transferred to their countries of origin, as well as enjoying minimum floor social security benefits regardless of their migratory status or place of residence;
- **Multi-sectorial involvement:** an effective NLMP requires the expertise of actors across various ministries, with the private sector and social partners. In this regard coordination and cooperation are guiding principles of this policy.

3.1. VISION, MISSION, AIMS AND OBJECTIVES



Vision: The Kingdom of Eswatini aspires to have a comprehensive, rights-based NLMP that is built on good governance, responding to best practice, labour migration principles, and promoting decent work for all.



Aim: A non-discriminatory labour migration framework that ensures equal opportunities for all, promotes gender empowerment and contains provisions for workers, and work seekers regardless of level of skills.



Mission: To effectively manage labour migration from, to and within Eswatini that builds on cooperation and coordination and aligns to national, regional and international, best practices, which effectively protects the rights of migrant workers and their families, and facilitates the country to benefit from the developmental outcomes of labour migration at all levels.

The overall goal of the NLMP is to provide a governance framework for the Kingdom of Eswatini to effectively manage labour migration so that it protects workers, develops the country's economy, strengthens and transfers skills, integrates returnees, and benefits the Kingdom and its subjects as a whole.

Strategic Policy Objectives:

- a) To effectively regulate labour migration, ensuring safe, orderly and regularized immigration and emigration for work
- b) To have well-functioning, up-to-date and reliable information systems on labour migration that supports policy and programs.
- c) To enhance the welfare of migrants, particularly migrant workers and their family members, as well as returnees' rights to access social protection mechanisms and to ensure the portability of social security in the region
- d) To facilitate engagement with the diaspora, including effective management of remittances, and to actively manage the return and reintegration of migrants returning home
- e) To establish technical and administrative cooperation across ministries and with social partners such as worker associations, unions, business and other relevant stakeholders.



THE NATIONAL LABOUR MIGRATION POLICY

part four

With due regard to the situational analysis, vision, mission, goal and objectives of the NLMP, this section provides the overall structure and detail of the National Labour Migration Policy. It is divided into five policy areas, namely:



Each of the five sections highlights the policy statement, challenges and the key strategies and are in line with the strategic policy objectives.

4. POLICY AREA ONE: GOVERNANCE

In this section, the existing strategies and challenges associated with achieving policy objective on effectively regulate labour migration, ensuring safe orderly, regularized immigration and emigration for work.

4.1 Policy Statement: Ensure good governance as an important pillar for regulation and management.

Appropriate, evidence-based policy frameworks are aligned to regional and global best practices; and are monitored and enforced.

4.1.1 Policy challenges:

The key **Policy Challenges** in this area include:

- Lack of ratification of key international instruments on migrant workers
- Inadequate policy and legal framework regulating labour migration and supporting international Migrant workers and reintegration of returnees.
- Limited inter-ministerial coordination and consultation with social partners in line with migration issues
- National policy gaps in various sectors
- Bilateral agreements that are outdated or ill-adapted to the needs of the country for example administration of migrants in an irregular situation.
- Limited monitoring and enforcement mechanisms of migration, recruitment, and employment at national, regional and international levels

- g) No policy on internal (rural-urban) migration
- h) Lack of capacitated units on labour migration regulation at national level
- i) Inadequate work-permit system in terms of turnaround times and transparency of process leading to delays and frustration.

4.1.2 Policy strategies:

National level:

- a) Mainstream migration across all sectors, including the gender dimension, with existing policies to ensure coverage of all workers and enforcement of rights
- b) Develop and review relevant legislation to ensure policy coherence to labour migration issues
- c) Develop policy and regulations for Returnees across all sectors and supporting international migrant's workers
- d) Develop mechanisms to align labour migration policy with labour market needs.
- e) Labour Market Information and Analysis (LMIA) should be part of governance and include employers' and workers' organizations.
- f) Develop an internal (rural and urban) migration policy
- g) Undertake a comprehensive reform of the work permit issuance system.

Institutional level:

- Establish a code of conduct for stakeholders engaged in the governance of migration
- Strengthen the institutions within and beyond the government that are essential to good governance
- Multisectoral, whole of government and society approach to effectively managing labour migration

Sub-regional and regional levels:

- a) Review and updating of all bilateral agreements on labour migration
- b) Active involvement in regional fora on labour migration and relevant areas on migration management, for example, the SADC Employment and Labour Sector (ELS), etc.
- c) Continued involvement in the SADC LM Action Plan (2020-2025) and subsequent African Union (AU) Specialized Technical Committee on Social development, labour and employment (STC-SDLE) and other relevant processes
- d) Implementation of the SADC Employment and Labour Policy Framework (2020 -2030)

International level:

- a) Prioritization, Ratification and effective implementation of the international conventions most relevant to labour migration, namely:
 - i. ILO C097 - Migration for Employment Convention (Revised), 1949 (No. 97)
 - ii. ILO C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
 - iii. International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW) (1990).
 - iv. ILO Convention: Private Employment Agencies Convention, 1997 (No. 181)

- v. ILO Convention: Domestic Workers Convention, 2011 (No. 189)
- vi. ILO Convention on Social Security, 1952 (No. 102)
- b) Timely reporting on Conventions which are ratified to ensure monitoring and enforcement
- c) Effective labour attachés which protect migrant workers' rights at all missions abroad where significant Eswatini workforce resides.

4.2. POLICY AREA TWO: LABOUR MARKET INFORMATION SYSTEM

The following policy strategies and challenges are associated with achieving the strategic objective of having a well-functioning, up-to-date and reliable information system on labour migration that supports policy and programs.

4.2.1 Policy Statement:

- Having comprehensive, up-to-date information on the labour market, and migration flows including gender dimensions, skills and employment is essential to ensure safe, orderly and regular migration leading to economic growth. This includes the establishment of an LMIS
- An efficient LMIS includes the ability to have access to, interpret and disseminate evidence as needed. This policy area aligns to the SADC LM Action Plan for 2020-2025.

4.2.2 Policy challenges:

- a) Poor coordination of the collection and analysis of relevant labour migration and labour market data for policy formulation, monitoring and evaluation for evidence-based decision making
- b) Labour force surveys are conducted every 3 years; hence there are intervals which impede analysis of changing trends
- c) Lack of standardized labour migration indicators and data in the main national surveys: (Census, LFS, EHIES)
- d) Limited access and analysis to existing data, no mechanisms for distribution of existing data and lack of analytical capacity among stakeholders.
- e) There is poor coordination of data collected regarding remittances

4.2.3 Policy Strategies:

- a) Harmonize LMIS existing data within various ministries to close gaps, streamline data sources and extract information
- b) Include the national skills database as a source of a centralized repository of LM data in the form of a LMIS within the Ministry of Labour and Social Security (MoLSS)
- c) Develop analytical capacity among LMIS stakeholders, focusing on migration in the context of employment and development policies
- d) Strengthen capacity in the (MoLSS)/Central Statistical Office (CSO) to increase the frequency, of data collection, analysis and publication of labour force surveys.
- e) Establish cooperation with receiving countries for data on Eswatini diaspora and workers abroad
- f) Develop an inventory of migrant workers who are abroad (moved from policy area 1).

- g) Prioritize the generation of information and labour migration data through multi-sectoral cooperation and including key indicators related to labour and migration within national surveillance mechanisms.
- h) Have the LMIS in a visible platform ministry

4.3. POLICY AREA THREE: PROTECTION OF RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES

In view of this policy area the protection of human rights of migrant workers and their families is a key aspect of labour migration management. Strategic Objective to achieve the strategies and challenges in this section is to enhance the welfare of migrants and particularly migrant workers and their family members, as well as returnee's rights to access social protection mechanisms and to ensure the portability of social security in the region.

4.3.1. Policy Statement:

- Aligned to Sustainable Development Goal (SDG) 8 and relevant SADC LM processes, migrant workers domestically and abroad will have equal access to basic human rights and especially labour, social protection and health rights.

4.3.2 Policy challenges:

- a) There is uneven coverage on social security across the sub-region, region, and globally.
- b) Some migrant workers and their families experience challenges in accessing social security benefits from former employers.
- c) Some migrant workers experience a detrimental effect on their safety and health as a result of occupational hazards and working conditions
- d) There is a potential for some job seekers to engage in dangerous or illegal work which lack decent work indicators.
- e) There is a potential for trafficking, smuggling, forced labour and child labour.
- f) Migration in an irregular situation persists into, and from the country.
- g) In practice, most migrants do not enjoy strong protection of labour and human rights within the region.
- h) There are some challenges in regulating private employment agencies, and/ or minimal regulation and enforcement of regulation of private recruitment agencies for work abroad.
- i) There is insufficient evidence on workers' conditions in precarious employment, thereby limiting intervention.
- j) Migrants workers in irregular situations are prejudiced and deprived better opportunities/ benefits.

4.3.3 Policy Strategies:

- a) Consider the Ratification of ILO C181 on Private Employment Agencies, Labour Statistics.
- b) Monitoring of relevant AU and SADC instruments on migrant workers' health, safety, and rights, such as the SADC Code of Conduct on TB in the Mining Sector.
- c) Labour market organisations are encouraged to champion the protection of rights of women and children, migrant workers and minority groups.

- d) Ensure policy coherence of labour migration across all relevant areas.
- e) Establish sub-regional and bilateral social security agreements.
- f) Establish an involved, participatory initiative, led by government to enable migrant workers and their dependents to access and claim social security benefits, pension schemes, and services.
- g) Establish pre-departure and reintegration programs for potential and returning migrants to include training and, sensitization workshops.
- h) Engage with labour market organizations and civil society to establish coordinated responses when rights are abused.

4.4. POLICY AREA FOUR: OPTIMIZING MIGRATION FOR NATIONAL DEVELOPMENT

In this section, the existing strategies and challenges associated with enhancing with the developmental impacts on labour migration in Eswatini are assessed under the following strategic objective to facilitate engagement with the diaspora, including effective management of remittances, and to effectively manage the return and reintegration of migrants returning home.

4.4.1. Policy Statement:

- A Whole of Government and Whole of Society Approach, emphasizes the interconnection and coordination of migration at all levels of politics and society which guides this NLMP.
- A properly managed, and mainstreamed labour migration system can have a positive effect on national development indicators in line with the principles outlined in the 2030 Agenda for Sustainable Development.

4.4.2. Policy challenges

- a) There is a lack of information and guidance to migrants on their rights and opportunities.
- b) Irregular migration persists into, and from the country.
- c) Migrants, in general, do not enjoy full access to rights in practice.
- d) There are limited institutional arrangements to facilitate remittances, and where available they are expensive.
- e) Regulation on skills development, and skills transfer is in its infancy in the Kingdom.
- f) There is minimal coordination of data on labour migration for national development, within the country and across the region.

4.4.3. Policy strategies:

- a) Revise and establish regulatory frameworks to facilitate and harmonize remittances.
- b) Capacitate governance structures responsible for labour migration so that they can contribute to national development priorities.
- c) Establish a national, regional and international skills data base and inventory.
- d) Establish mechanisms and support systems to train, retain, and transfer skills needed for the domestic, regional and international labour markets.
- e) Establish an efficient system to manage the productive use of remittances within an appropriate ministry for increased developmental impact. This could take the form of a dedicated agency on Remittances within MoLSS.

4.5 POLICY AREA FIVE: HEALTH

In view of TB/HIV treatment protocol for migrant workers that is committing to develop a framework to harmonize management on TB/HIV among migrant workers and in achieving challenges and strategic objectives by establishing technical and administrative cooperation across ministries and with social partners such as worker's association, unions and other relevant stakeholders.

4.5.1 Policy statement:

- Safe and equitable access to adequate, holistic health care services for labour migrants, returnees, and their families, is an integral part for safe, orderly, and regular migration.

4.5.2 Policy Challenges:

- a) Migrant workers are susceptible to working in sectors with high risks of occupational safety and health hazards.
- b) Provision of health care services at home and in host countries is uneven for migrants.
- c) Migrant workers do not undergo medical comprehensive screening, prior to migrating, and upon return preventing assessment of and access to physical and mental health services
- d) Limited retention of critical skills in the health care sector.
- e) Physical health screening at ports of entry is limited, and might not detect dormant diseases, such as malaria, which migrants/visitors potentially carry.

4.5.3 Policy Strategies

- a) Establish an inter-ministerial migrant health help desk to raise awareness on migrant health and provide services to departing and returning migrants.
- b) Continue collaborative involvement in sub-regional, multi-lateral, and NGO networks on universal health care access and services.
- c) Continue collaborating on cross-border labour migration and bilateral investigations on patient management for migrant workers.
- d) Provide health certificates to migrants screened from their country of origin, and confirmed in the receiving country, and vice versa.
- e) Ensure health status of migrant workers is not ground for unfair discrimination for entry, work, etc. either before departure, abroad, or upon return.
- f) Develop a reintegration and wellness plan, which comprehensively addresses the health, mental and social needs of returnees, their families and dependents.
- g) Ensure policy coherence across health and social sectors to address labour migration issues.



IMPLEMENTATION ARRANGEMENTS

part five

This final section examines the tools and structures needed to realize an effective NLMP and ensure that it remains updated, enforced and relevant. It is arranged according to the following structure:

- 5.1. Institutional arrangements
- 5.2. Monitoring and enforcement
- 5.3. Resource development and mobilization
- 5.4. Advocacy and communications
- 5.5. Proposed Action Plan

5. INSTITUTIONAL ARRANGEMENTS

The governance and management of labour migration into and from Eswatini requires the expertise, and involvement of several different ministries and their departments. The Ministry of Labour and Social Security as custodian of labour issues will take the principal role in leading and coordinating activities, this can be done through the establishment of working committees and the technical task groups to steer the drafting and implementation of the Action Plan.

It is proposed that the General Inspectorate within the MoLSS be the key instrument for directing this NLMP. It will be responsible for steering the policy through to adoption, monitoring its enforcement, reviewing periodically and making recommendations for amendments.

Below is a concise description of key stakeholders and their roles. Only key institutions currently involved in the management of labour migration-related activities are cited here. The most relevant departments within ministries are cited between parentheses.

- a) Prime Minister's Office (Human Trafficking Secretariat): Deals with both trafficking from and into Eswatini.
- b) Ministry of Foreign Affairs and International Cooperation (Political Unit, Legal Unit; consulates and high commissions abroad): Deals with political dimensions of labour migration with Eswatini partners and with social assistance to Emaswati nationals abroad (detention and deportation), manages protocol of bilateral discussions on labour agreements (South Africa).
- c) Ministry of Home Affairs-Immigration Department.
- d) Ministry of Labour and Social Security (General Inspectorate Unit, Workmen's Compensation Unit, National Employment Statistics Unit, Social Security, Conciliation, Mediation and Arbitration Commission (CMAC)
- e) Ministry of Health: Regulation of recruitment and qualifications recognition of foreign medical practitioners employed in Eswatini.
- f) Ministry of Education and Training: Identification of skills-in-demand in Eswatini; Coordination of national qualifications framework, including technical and vocational education.
- g) Ministry of Public Service: Human resources development plan.
- h) Ministry of Economic, Planning and Development - (SADC National Coordination Unit), Central Statistical Office: Responsible for enforcement of Census and Household income surveys and publication of results.
- i) Ministry of Commerce, Industry and Trade
- j) Ministry of Justice (Attorney General's Office)

- k) Ministry of Information, Communication and Technology
- l) Ministry of Finance.
- m) Royal Eswatini Police

In addition, a number of key bilateral and multilateral and sub-regional actors include:

- a) Federation of Eswatini Business Community (FESBC)
- b) Federation of Swaziland Trade Unions (FESWATU)
- c) The Employment Bureau of Africa (TEBA)
- d) Trade Union Congress of Swaziland (TUCOSWA)
- e) Eswatini Migrant Mineworkers Association (SWAMMIWA)
- f) Southern Africa Coordination Council (SATUCC)
- g) Business Eswatini (BE)
- h) Swaziland National Ex-Miners Association (SNEMA).

These must be consulted and included in the Action Plan.

Improvement of LMIS:

The Central Statistical Office with Government Computer Services and National Employment Statistics Unit will improve the LMIS that will guide all policy across the Kingdom.

ACTION PLAN:

- a) The NLMP was adopted at the validation meeting of the TWG (July 1-2019).
- b) Upon its adoption the TWG was dissolved
- c) The NLMP will be taken for legal review and Cabinet submission by the MoLSS,
- d) If needed an Interim Committee consisting of members of the TWG with support from international partners will be established within 3 months. The purpose of the Interim Committee is to guide the transitory work needed to ensure full implementation. The Terms of Reference of the Interim Committee includes:
 - i. Developing a roadmap for the realization of a LM unit within MoLSS
 - ii. Liaising with key stakeholders listed earlier to develop a strong consultative structure for the LM unit
 - iii. Establish an implementation work plan for the LM unit
 - iv. Determine budgetary and resource needs for work plan implementation
 - v. Develop a ToR for the LM unit
 - vi. Ensure that the LM unit is established within 8 months.
- e) The final phase is the establishment of a fully staff, resources and functioning LM unit which will guide the implementation policy strategies in this NLMP.

5.1. RESOURCE MOBILISATION

The Ministry of Labour and Social Security has since made a budget for the implementation of this policy, however given the financial constraints of the Public sector, the responsible state agencies are required to mobilize additional funding from international development partners, private sector organizations and social partners.

All role players in the implementation of this policy should identify and allocate resources in order to fulfil their role in the policy's implementation action plan.

This process requires the following stages:

- Resource mapping within key stakeholders
- Resource mobilization plan at ministry level to determine allocation of resources
- Coordination of resources in action plan

MoLSS will be the Secretariat of the NLMP and take responsibility of its administrative function.

5.2. MONITORING AND EVALUATION FRAMEWORK AND REPORTING

Timely, accurate and regular monitoring is essential to strong policy processes. Quarterly monitoring of the policy is needed according to agree upon indicators in terms of progress toward each policy area and objectives. A comprehensive monitoring and reporting plan to the MoLSS should be developed by the task team responsible for implementing the action plan. The Ministry of Labour and Social Security would take the leading role in monitoring and evaluation the implementation of the policy, it would however work with other relevant agencies such as the Economic Planning to track implementation outcomes.

POLICY REVIEW

This NLMP is expected to be reviewed at the end of 2024, or at a maximum after every three 03 years. This is to allow for the incorporation of emerging issues and to re-align the strategic objectives of the policy to the prevailing national development objectives. In-between time, results of monitoring and evaluation would provide the basis for implementing agencies to design projects and programs in order to achieve the expected policy outcomes

5.2.1. **Governance:** Establish governing body consisting of civil society, government, trade unions reporting to Minister of Labour and SS to ensure proper implementation monitoring and implementation of NLMP.

- Development of monitoring and implementation action plan.
- Indicators on monitoring to be developed.

5.2.2. **LMIS:** MoLSS to develop a fully functioning new LM unit or upscale in training and localization. Improvement of LMIS and related tools, HR skills –to be done with the Ministry of Public Service –

5.3.3. **Rights:** Secretariat consults on Domestication of conventions with the Ministry of Foreign Affairs and International Cooperation. Inspectorate to be enhanced to include migration indicators for compliance. HR, legal and financial resources

5.2.4. Quarterly and yearly reporting

5.2.5. Health access by migrants and migrant workers (indicators to be finalized).

5.3. ADVOCACY AND DISSEMINATION

An effective communication strategy to raise awareness of the NLMP within and outside the Kingdom of Eswatini is needed. A sub-committee tasked with communications and advocacy should be developed with key input from the Ministry of Information, Communications and Technology. Activities to disseminate the policy include:

- Updating all online portals on the content and summary of the NLMP
- Printing posters, media and radio messages on key summaries of the NLMP
- Diaspora and returnee engagement
- Roadshow to highlight the policy
- Information sheets at key embassies and at pre departure and border points.

Building awareness and compliance

SADC level

- Sensitize staff from Eswatini Embassies, especially the Labour Attaché in Johannesburg on BLAs and the NLMP through workshops and information bulletins.

Ministerial level

- Prime Minister: Secretary to Cabinet as head of government: to begin process of buy in from all government. Essential for top down approach
- MoLSS will approach Cabinet with support from IOM
- Ministry of ICT to be involved through social media platform
- Social media influential on overseas recruitment

Community level

- Engage community on Recruitment agencies
- School leavers who are vulnerable to exploitation should be sensitized with life orientation programs on migration
- Organize recruitment fairs: Recruitment agencies visiting communities accompanied by MoLSS,

5.4. IMPLEMENTATION ACTION PLAN

An Action Plan on this NLMP is an integral part of its success hence attached as Annexure A. A Steering Committee on Implementation chaired by the MoLSS is proposed to lead the implementation of the Action Plan also attached as Annexure A.

Annexure B

Table 3. Ratification of international human rights, labour, anti-trafficking and SADC labour migration instruments by Eswatini, 1st March 2018.

| Treaty, convention or protocol | Eswatini's position | Year of ratification and Monitoring mechanism |
|---|---------------------|---|
| UN Treaties | | |
| International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) | ✓ | 1969 - Committee on the Elimination of Racial Discrimination (CERD) |
| International Covenant on Civil and Political Rights (ICCPR) | ✓ | 2004 - Human Rights Committee (HRC) |
| International Covenant on Economic, Social and Cultural Rights (ICESCR) | ✓ | 2004 - Committee on Economic, Social and Cultural Rights (CESCR) |
| Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) | ✓ | 2004 - Committee on Elimination of Racial Discrimination Against Women (CEDAW) |
| Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) | ✓ | 2004 - Committee Against Torture (CAT) |
| Convention on the Rights of the Child (CRC) and optional protocols | ✓ | 2004 and 2012 (protocols) - Committee on the Right of the Child |
| International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW) | ✗ | Committee on Migrant Workers |
| ILO Conventions | | |
| C029 - Forced Labour Convention, 1930 (No. 29) | ✓ | 1978 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) | ✓ | 1978 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) | ✓ | 1978 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C100 - Equal Remuneration Convention, 1951 (No. 100) | ✓ | 1981 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C105 - Abolition of Forced Labour Convention, 1957 (No. 105) | ✓ | 1979 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) | ✓ | 1981 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |

| Treaty, convention or protocol | Eswatini's position | Year of ratification and Monitoring mechanism |
|---|---------------------|--|
| ILO Conventions | | |
| C138 - Minimum Age Convention, 1973 (No. 138) | ✓ | 2002 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) | ✓ | 2002 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C081 - Labour Inspection Convention, 1947 (No. 81) | ✓ | 1981 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) |
| C097 - Migration for Employment Convention (Revised), 1949 (No. 97) | ✗ | |
| C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) | ✗ | |
| C157 - Maintenance of Social Security Rights Convention, 1982 (No. 157) | ✗ | |
| C181 - Private Employment Agencies Convention, 1997 (No. 181) | ✗ | |
| C189 - Domestic Workers Convention, 2011 (No.189) | ✗ | |
| UNODC Protocols | | |
| United Nations Convention against Transnational Organized Crime | ✓ | 2012 - Division for Treaty Affairs (DTA), Organized Crime and Illicit Trafficking Branch (OCB), Human Trafficking and Migrant Smuggling Section (HTMSS) of UNODC |
| Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime | ✓ | |
| Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime | ✓ | |
| SADC instruments | | |
| Protocol on the Facilitation of Movement of Persons (2005) | ✓ | 2005 - SADC Organ on Politics, Defense and Security |
| Framework and Code of Conduct for Harmonized Management of TB in the Mining Sector | | 2014 - SADC Harmonized Treatment Protocol |

| Treaty, convention or protocol | Eswatini's position | Year of ratification and Monitoring mechanism |
|--|---------------------|---|
| SADC instruments | | |
| E8 Malaria Initiative | | 2016- SADC Malaria Elimination 8 Initiative |
| The Employment and Labour Policy Framework 2020 – 2030 | | |
| The Associated SADC Labour Migration Action Plan 2020 - 2025 | | |
| The SADC Labour Migration Policy Framework 2014 | | |

NATIONAL LABOUR MIGRATION POLICY - IMPLEMENTATION PLAN

| Objective: To effectively regulate labour migration, ensuring safe, orderly and regularized immigration and emigration for work | | | | | | |
|--|--|--|--|------------------|---------------------|--|
| Policy Area One: Governance | | | | | | |
| <i>To ensure good governance in the management and regulation of labour migration</i> | | | | | | |
| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
| Ensure that existing and new policies cover right of labour migrants as appropriate. | Review relevant legislation (Immigration Act 1982, The Employment Bill etc). Endorsement of the NLMMP by the LAB and Cabinet. | Recommendations to legislation on the rights of migrants are reviewed. Legislation in place. | Policy and regulatory frameworks that take rights of labour migrants into account are in place. | 24 Months | E720 000.00 | Lead: MoLSS, MoHA, MoJ (AG), MoFAIC |
| Advocate for the ratification of conventions C143, C97, C181 and C102. | Facilitation for the ratification of the conventions. | Ratified conventions in place. | Number of ratified conventions. | 24 Months | E350 000.00 | MoLSS, MoFAIC, MoJ (AG Office) |
| Align policy frameworks to global and regional frameworks and best practice | Review relevant legislation in view of global and regional frameworks. Domestication of ratified conventions. | Inclusion of labour migration issues in the relevant policy frameworks Report on the reviewed legislation | Most relevant international conventions ratified. Policy frameworks have been aligned with global and regional frameworks | 15 Months | E700 000.00 | MoFAIC, MoLSS, AG |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|--|---|---|---|-----------|-----------------------------|----------------------------|
| Adequately consult employers' and workers' organizations as well as other stakeholders in labour migration governance. | Sufficiently host consultative meetings and capacity building workshop stakeholders for participation in bodies dealing with migration. | Meeting and consultations convened. Sub-regions, Regional and International forums | Reports and minutes of all the meetings from National, Regional and International Forum SADC protocol on employment and labour ratified. | 12 months | E1.5 million +20% per annum | MoLSS, MoCI&T, MoLSS, MoHA |
| | Participate actively in SADC, ELS etc. on the international governance of labour migration. | Consultative meetings and capacity building workshops convened | | | | MOLSS, MOFAIC, MoHA, CSO |
| <i>To develop good governance of labour migration systems, procedures and activities.</i> | | | | | | |
| Improve collaboration amongst public / private institutions required for good governance. | Capacity building within major institutions that are relevant to labour migrants. | Establishment and endorsement of a Technical Working Committee (TWC) that is all inclusive on Labour migration issues | Increased efficiency in addressing of Labour Migration | 6 months | E750 000.00 +20% per annum | CSO, MoHA, MoLSS |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|--|--|---|---|-----------|-----------------------------|-------------------------|
| Mainstream labour migration across all sectors | Monitor compliance with the labour laws and other relevant laws of Eswatini. | Production of a Compliance Report on labour migration institutions and procedures. | Production of a Compliance Report on labour migration (inspections conducted, reports). | 6 months | E250 000.00 +20% per annum | MoLSS, MoHA, MoFAIC |
| | Establishments of a technical working committee on Labour Migration to deal with the issuance of relevant permits. | Develop standards operating procedures on the issuance of work permits ensuring decent work in all dimensions | Efficient and timely issuance of work permits Harmonious operations of the relevant Ministries in dealing with labour migration issues. | | | |
| Manage the integration of returnees | Develop integration programs across all sectors for returnees. | Inter-ministerial dialogue to harmonize the functions of the relevant Ministries | Number of Migration in the country of destination and look into migration welfare | 24 months | E750 000.00 +20% per annum | MoHA, Molss, MoFAIC |
| | | Reports of Monitoring and evaluation of returnees' integration programs. | Number of returnee's integration programs. | 48 months | E1.2 million +20% per annum | MoHA, MoLSS, MoFAIC |
| | | Production of Reports on Labour Market analysis. | Develop returnee's integration programs across all sectors | | | |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|---------------------------------------|--|---|---|-----------|--------------|-------------------------|
| Develop adequate on labour migration. | Review, update and formulate new sub regional and bilateral arrangements migration, MOU's and treaties on Labour migration | New and relevant Regional and international BLMA's. Developed and reviewed Bilateral Labour Migration Agreements, treaties and MOU'S. | Outcomes of compliance with (updated) bilateral arrangements across the region. Number of Bilateral Labour Migration Agreements /MOU's (4 SADC countries) | | | |
| | Establish, strengthen and Capacitate labour attachés on labour migration issues. | | | | | |
| | Establish and constitute labour attaché offices in other embassies. | | | | | |
| | Returnee integration programs in place | | | | | |

| Objective: Having a well-functioning, up-to-date and reliable information systems on labour migration that supports policy and programs | | | | | | |
|--|---|---|---|------------------|---------------------|--|
| Policy Area Two: Labour market Information and Analysis | | | | | | |
| <i>Develop mechanisms to align labour migration policy with labour market needs and produce information for evidence-based policies.</i> | | | | | | |
| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
| Improve labour market information system on migration. | Include labour migration indicators in survey and censuses with the International Conference of Labour Statisticians (ICLS) guidelines. | Annual Report produced on labour market information on migration in alignment with ICLS guidelines. | Availability of labour market information in line with ICLS guidelines | 24 months | E2, 500 000.00 | Lead: MoLSS, CSO, MoCI&T, MoHA, IOM, ILO, UNDP |
| Harmonize existing data across producers of data. | Strengthen capacity for the analysis and dissemination of Labour market and migration flows surveys, censuses and admin sources. | Report on information of employment status for Emaswati migrants with recommendations produced. | Standard key indicators related to labour and migration generated within the national surveillance mechanisms | | | |
| Harmonize existing data across producers of data within Government, Private Agencies and the international organizations. | Conduct assessment of data from labour market for comparison and projection purposes. | Better utilization of Labour Migration Analyses (LMIA) for policymaking. | Availability of comprehensive information on employment status for Emaswati migrants. | | | MoLSS |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|---|--|---------------------------------------|--|-----------|--------------|-------------------------|
| Establish a multi-sectoral /joint labour migration coordination body for the LMIS | Strengthen capacity for the Analysis and dissemination of information on remittances and the employment status for Emaswati migration. | | | | | |
| | Review institutional mechanism to use LMIA for policymaking. | Institutional Review Body established | <p>Assessment report on strengths and weaknesses of institutional mechanisms for LMIA.</p> <p>Use of National skills database as a source of a centralized repository on LM data in the form of a LMIS</p> <p>Labour migration policy development based on empirical evidence.</p> | | | |

| Objective: To enhance the welfare of migrants and particularly migrant workers and the family members as well as returnees rights to access social protection mechanisms to ensure the portability of social security in the region | | | | | | |
|--|---|--|---|--------------|--------------|---------------------------------|
| Policy Area Three: Decent work for migrant women and men | | | | | | |
| <i>Decent work for emigrants</i> | | | | | | |
| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
| Establishment of a unit/ agency to prepare emigrants for decent work abroad work abroad through improved access to information | Develop pre-departure information on Country of Destination (COD) | A fully functional unit aimed at ensuring decent work for emigrants. | The terms of reference (ToR) of the Unit. Data on the number of people who have access to the information provided by the unit. | 7 -15 months | E400 000.00 | Lead: MoLSS and Social Partners |
| | Conduct pre-departure information sessions, with regards to non-discrimination and equality of treatment. | | | | | |
| | Organize information sessions for workers abroad in collaboration with trade unions and employer's federations. | | | | | |
| Monitor work and welfare emigrant | Provide information sessions at border crossings. | The development of platforms for emigrants to submit concerns and report cases of abuse. | Number of Emaswati who effectively use the platform to report on work conditions and welfare while abroad. | | | MoLSS and MoFAIC |
| | Vetting (screening) of employment contracts from COD's | | | | | |
| | Conduct dialogues and document challenges faced by Emaswati workers in COD | | | | | |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|--|--|--|--|-----------|--------------|---|
| Prevent migrant workers from falling into situations of human trafficking and forced labour | Conduct awareness campaigns to prevent trafficking and forced labour. | Reduced number of trafficking and forced labour cases. | Numbers of migrants trafficked or in forced labour. Number of awareness campaign to prevent trafficking and forced labour. | | | Lead: MoLSS and Anti-Human Trafficking Unit, Reps, UN Agencies. |
| | Advocate for and promote social security agreements with destination countries | Social security agreements | Number of people benefitting (through improved access) from the establishment of security agreements. | | | MoLSS, MoFAIC, MoHA |
| Improve social security services, coverage, and Portability of benefits for migrant workers. | Facilitate portability of accrued social security benefits and services and workman compensation payment. | Presence of relevant and functioning mechanisms for facilitating access to accrued social security benefits and workman compensation payments. | | | | |
| | Advocate for review of national laws and administrative policies to ensure that non-discrimination and equality of treatment are expressly provided for. | Recommendations on review clauses to achieve non-discrimination and equality of treatment for all workers. | Policy that makes provision for the non-discrimination and equality of treatment for all workers. | | | |
| Promote non-discrimination and equal treatment for all workers: migrants and nationals abroad and at home. | | | | | | MoLSS, Moj (AG) |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|--|--|--|---|-----------|--------------|---------------------------|
| Integrate labour migration services into all consular and diplomatic missions to focus on the protection of labour migrants' rights. | Capacitate consular officials on labour migration. | Capacitated officials Improved welfare of migrants. | Assessment of undertaken recommendations implemented. Duties and responsibilities to emphasize their role in market and employment promotion and implementation of BLMAs and follow up. | | | MoLSS, MoFAIC, MoHA |

Objective: To facilitate engagement with the diaspora including effective management of remittances and to effectively manage the return and of migrants returning home

Policy Area Four: Migration for Development

To optimize the contribution of migration for national development

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|---|--|---|---------------------------|-----------|--------------|---|
| Strengthen mechanisms and support systems to train, retain, and transfer skills needed for domestic, regional and international labour markets. | Review training possibilities for Emaswati abroad. Review possibilities for employment of immigrants. Develop and strengthen mechanisms for identifying national, regional and international labour markets. | Data base on opportunities for (potential) Labour Migrants. | Labour migration model. | 24 months | E2 million | Lead: MoLSS, MoH, MoCI & T, MoFAIC and Social Partners |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|---|---|---|---|-----------|--------------|--|
| Facilitate the employment of labour migrants (in-ward and outbound) | Regulate recruitment of Labour migrants. | Improved Policies and regulations on Labour migration. Capacitated Labour Attaches. | Fair and orderly recruitment and migration. | 24 months | E800K | Lead: MoLSS, MoHA, MoE&T, MoFAIC, MoCI&T, Central Bank and Social Partners |
| | Capacitate Labour Attaché Offices | Improve remittance Systems. | Bilateral Labour Migration Agreement and /or Collaborations Agreements. | | | |
| | Strengthen partnership and collaborations with all partners and stakeholders. | Improved collaborations with relevant stakeholders including qualifications authority, regional and international bodies that deal with labour migration. | | | | |

| Objective: To facilitate engagement with the diaspora including effective management of remittances and to effectively manage the return and of migrants returning home | | | | | | |
|---|---|---|---|---|----------------------------------|--|
| Policy Area Five: Health | | | | | | |
| <i>Ensure safe and equitable access to adequate, holistic health, care services for migrants, returnees and their families.</i> | | | | | | |
| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
| <p>Improve information on labour migrant health and welfare at local level and also in countries of destination.</p> <p>Support for Emaswati abroad that need health services assistance.</p> | <p>To develop labour migrant health information and dissemination tools and also improve migrant universal health access.</p> <p>Implement pre-departure training including health counselling with regards to financial stress as well as the health background situation in destination country, occupational health and safety and other conditions of work and TB/HIV</p> | <p>Information on labour migrant health tools made available.</p> | <p>Number of labour migrants that were able to access and receive migrant health information.</p> | <p>6 months -tools development on-going</p> | <p>E800k – tools development</p> | <p>Lead – MoH HMIS MoLSS Banks, Trade Unions, MoHA and other relevant stakeholders</p> |

| Strategy | Key Activity | Output | Key Performance Indicator | Timelines | Budget E/000 | Responsible Institution |
|----------|--|--|--|-----------|--------------|--------------------------------------|
| | To establish information resource centers that provide material and awareness programs on the health rights of migrants and migrant workers and issues such as discrimination, sexual harassment and TB/HIV at both local level and the receiving countries. | An inventory of information resource centers established. Harmonized labour migrant health treatment protocols in place between countries. | | | | |
| | To establish mechanisms for migrant workers abroad to lodge complaints about abuse and violations, migrant health rights as per the bilateral agreements between ministries of health in the different countries. | Documents aligned to national and international health regulations that addresses migrant's rights to health services abroad in place and used as reference. | Number of migrants that were able to access and receive labour migrant health services abroad. | On-going | | Lead: MoH, MoFAIC, MoHA, MoLSS, CSOs |

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