
*STRENGTHENING SADC'S CAPACITY AND POLICY
INSTRUMENTS ON SOCIAL SECURITY PROVISION,
INCLUDING PORTABILITY OR RIGHTS ACQUIRED IN
COUNTRIES OF ORIGIN*

Social security is a basic human right enshrined in major international instruments, such as the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (1990) as well as various ILO Conventions and Recommendations. However, due to their particular circumstances, especially the length of their periods of employment and residence, their status as non-nationals, as well as their particular immigrant status, migrant workers are often prevented from obtaining coverage from contributory and non-contributory social protection schemes.

Protecting the rights of migrant workers to social protection is important, not only for ensuring equality of treatment with respect to social security for migrant workers, but also for extending social protection coverage to currently unprotected migrants. In addition to supporting the conclusion and effective implementation of proper coordination mechanisms, there is a need to explore measures that could be taken either by adapting domestic legislation and/or multilateral or bilateral agreements to extend social protection coverage to specific groups of the population, including to those who have some contributory capacity, such as domestic migrant workers, self-employed migrant workers, agricultural migrant workers and other types of migrant workers in atypical forms of employment.

OBJECTIVE

The overall objective of the action is to extend decent work and social protection to migrant workers and their families, by strengthening the Regional Economic Communities' capacities to provide, as well as drive the

implementation of regional frameworks on the extension of social protection to migrant workers and their families.

REVITALIZING REGIONAL PROCESSES

Although regional social security conventions exist in Africa, there is a real need for revitalizing regional processes and enforcing agreements. The preparation and implementation of multilateral social security agreements will require strengthening the capacity of social security policy makers and administrators in ECOWAS, SADC and the EAC, in order to guarantee that the agreed provisions and mechanisms fully match the priority and social context of the migrant workers and their families. The AUC and the ILO have chosen to focus on doing so in these three RECs – ECOWAS, SADC and the EAC - as it answers to a demand formulated by the named RECs to provide support to implement and strengthen achievements and build on ongoing work. This demonstrates strong regional political commitment to extending social protection to migrant workers and their families, which provides guaranties for a greater project impact. These portability initiatives, which this project will build on, are already well advanced in these three regions. The involvement of the AUC will also help to advance work on social protection beyond the RECs, and forge a continent wide initiative.

The recently adopted SADC Cross-Border Portability of Social Security Benefits Policy Framework by the SADC Labour Ministers and Social Partners in May 2016 is a window of opportunity demonstrating the political commitment to make progress towards the progressive coordination and integration of social protection systems in the region, including the provision of mechanisms to ensure equality of treatment and maintenance of acquired rights and rights in course of acquisition. The policy framework complements other existing SADC instruments and policies including the SADC Treaty, the SADC Protocol on Employment, and Labour (article 19), and the SADC Code on Social Security of 2007 amongst others. Administrative, regulatory and institutional challenges remain to be efficiently addressed to support the implementation of the regional policy instruments and frameworks. This project will aim to address these challenges and support the implementation of the social security related frameworks.

Extending social security access and portability to migrant workers and their families through selected RECs in Africa

Establishing and strengthening a social protection floor in migrants' countries of origin can facilitate the return and reintegration of migrants, while respecting their human right to social security and a life in dignity.

SADC's capacity and policy instruments on social security provision, including portability or rights acquired in countries of origin, strengthened

: This project will aid the implementation of the social protection related aspects of the SADC Protocol on Employment and Labour, and the SADC Policy Framework on Portability of Social Security benefits through the following activities: (1) Formal launch and validation of the activities foreseen; (2) Assessment proposal and support of pilot implementation of policy and programmatic options for the three SADC pilot countries for distinct economic sectors; (3) Development of suitable administrative arrangements and management systems to support a regional social protection regime; including training material; (4) Facilitation of coordination technical and consultation meetings and consultations with social partners; (5) Support to the establishment of an Independent Committee of Experts within the relevant SADC structures; and (6) Support the implementation of the SADC policy framework in the three pilot countries.

Improved capacity of the AUC, RECs and regional social partners to effectively coordinate and contribute to regional and sub-regional social protection programmes for migrant worker in both the formal and informal economy through: (1) Support of the AUC to promote south-south cooperation, create a community of practices, and support intra-RECs

technical cooperation, including through a high-level international conference; (2) Building the capacity of the AUC, selected RECs and regional and sub-regional social partners; and (3) Initiating the systematic collection and analysis of statistical information, amongst others, to inform policy making and support AU member states monitor progress made towards the achievement of relevant SDG target.

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