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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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With research and analysis by

The Economist Intelligence Unit


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The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.

The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today’s reality.
INTRODUCTION
INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant. The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

The incorporation of Target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances. The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with The Economist Intelligence Unit to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that offers insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Kingdom of Eswatini (hereinafter referred to as Eswatini), as well as the areas with potential for further development, as assessed by the MGI.

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1 IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.
3 Ibid.
4 The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of The Economist Intelligence Unit. Funding is provided by IOM’s Member States.
CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

PRINCIPLES

1. Adherence to international standards and fulfilment of migrants’ rights.
2. Formulates policy using evidence and “whole-of-government” approach.
3. Engages with partners to address migration and related issues.

OBJECTIVES

1. Advance the socioeconomic well-being of migrants and society.
2. Effectively address the mobility dimensions of crises.
3. Ensure that migration takes place in a safe, orderly and dignified manner.

MGI

WHAT IT IS

A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures

A tool that identifies good practices and areas that could be further developed

A consultative process that advances dialogues on migration governance by clarifying what “well-governed migration” might look like in the context of SDG Target 10.7

WHAT IT IS NOT

Not a ranking of countries

Not assessing impacts of policies

Not prescriptive

TARGET 10.7

“Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.”
The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.

Indicators in this area assess countries’ institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.

This category focuses on countries’ efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.

Indicators in this area assess countries’ policies regarding the recognition of migrants’ educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.

This area looks at countries’ approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.
ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS’ RIGHTS

1.1. International conventions ratified

Table 1. Signature and ratification of international conventions

<table>
<thead>
<tr>
<th>Convention name</th>
<th>Ratified</th>
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</thead>
<tbody>
<tr>
<td>International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)</td>
<td>No</td>
</tr>
<tr>
<td>ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)</td>
<td>No</td>
</tr>
<tr>
<td>United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990</td>
<td>No</td>
</tr>
</tbody>
</table>

1.2. Migration governance: Examples of well-developed areas

All migrants, regardless of their status, have equal access as citizens to Government-funded health-care services. The Constitution (2005) mandates the State to “take all practical measures to ensure the provision of basic health-care services to the population”.

Migrants with regular status can access education at State-owned and private institutions in Eswatini. The Constitution states that “the State shall promote free and compulsory basic education for all”. Also, according to the National Policy Statement on Education (1999): “The Ministry of Education shall provide a 10-year Universal Basic Education to all children of school-going age.”

Migrant workers with valid work permits have equal access to social security as citizens. The draft National Labour Migration Policy (NLMP) (2019), developed by the Ministry of Labour and Social Security, includes a guiding principle to ensure that migrant workers are able to register in social security systems and access employment-related injury, sickness, invalidity and survivor benefits. Maternity leave provisions set out in the Constitution and the Employment Act (1980), and compensation as well as medical treatment provisions set out in the Workmen’s Compensation Act (1983), apply to all employees regardless of nationality.

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5 The Constitution and the Employment Act only refer to childbirth support for female employees. No reference is made to paternity leave.
A dependant’s pass can be issued to family members and dependants of migrants who have been issued with a residency permit of any kind, and to migrants who are classified as exempted persons.\(^6\) The pass entitles the dependant to enter the country for a specified period, during which the pass remains valid.\(^7\) An application for a dependant’s pass must be submitted to the Chief Immigration Officer.

Non-nationals can apply for citizenship after residency of 5 to 10 years in Eswatini. The Constitution states that a non-national who has been ordinarily and lawfully residing in Eswatini for at least 5 years during the 7 years preceding the date of application for citizenship, or has been a resident for at least 10 years, may acquire citizenship. In addition, the Citizenship Act (1992) states that a person who has been \textit{khotaed} shall be a citizen of Eswatini.\(^8\)

\section*{1.3. Areas with potential for further development}

While all migrants can access Government-funded health-care services in practice, this is not explicitly outlined in legislation. The Constitution does not make reference to migrants’ access to health care. The Ministry of Health’s National Health Sector Strategic Plan (NHSSP II) (2014–2018), designed to ensure that the health needs of the people of Eswatini are met, does not refer to migrants. An updated version of the NHSSP for the period 2019–2023 has been developed but has not been approved as of January 2021.

While migrants with regular status can, in practice, access education in Eswatini, the country’s education legislation — including the National Education and Training Sector Policy (2018), the National Policy Statement on Education, and the Constitution — makes no specific reference to migrants’ access to education and in some cases stipulates only the rights of citizens to education. International students, except nationals of Southern African Development Community (SADC) member States, must pay higher educational fees than nationals.

The Government of Eswatini does not have agreements with other countries on the portability of social security entitlements and earned benefits, including old-age pensions. However, the Government has an attaché office in South Africa that assists nationals, mostly mineworkers, in claiming benefits that they are entitled to. Furthermore, the draft NLMP provides for social security portability as a guiding principle to ensure that migrant workers and their dependants are able to register in social security systems, access social security benefits and have the benefits transferred to their countries of origin.

Migrants have equal access to employment as nationals. All non-nationals require a work permit in order to take up employment, and once the work permit is issued, they cannot change jobs under the same permit. For a work permit to be issued, the non-national’s work must be of benefit to Eswatini, and a non-national can be employed only if there is no qualified national to take up the job. These determinations are made by the Ministry of Labour and Social Security in coordination with the Ministry of Home Affairs.

There is no path to permanent residency in Eswatini. All permits are temporary, and each is issued for a specific purpose.

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\(^6\) The Immigration Regulations (1987) define an exempted person as “a person of a class or description of person who is exempted by the Minister under the [Immigration] Act from obtaining an entry permit or pass; from reporting entry into or departure from Swaziland”.

\(^7\) According to the Immigration Regulations (1987), the dependant’s pass ceases to be valid if “(a) the dependant person is no longer dependant on the applicant; or (b) the applicant fails or is unable to maintain the dependant; or (c) the applicant leaves Swaziland in circumstances which raise a reasonable presumption that his absence will be other than temporary; or (d) the dependant engages in employment; or (e) the applicant dies”.

\(^8\) The Citizenship Act defines a person who has been \textit{khotaed} as someone who “has been accepted as a Swazi in accordance with customary law and in respect of whom certificate of Khonta granted by, or by direction of, the King is in force”.

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2.1. Migration governance: Examples of well-developed areas

The Ministry of Home Affairs has primary responsibility for developing the country’s migration policy and regulating immigration. It controls, regulates and facilitates immigration and the movement of persons through Eswatini’s formal ports of entry. The Immigration Act (1982) empowers the Minister of Home Affairs to develop regulations on immigration. The Ministry houses the Department of Immigration, which is responsible for border management and control, citizenship services, and the orderly immigration of persons through the issuance of permissions, permits, and visas to enter and/or reside in Eswatini.

The Ministry of Labour and Social Security formulates and coordinates issues relating to labour migration. The Steering Committee on Implementation, instituted by the draft National Labour Migration Policy (NLMP), an interministerial coordination mechanism on labour migration, is responsible for the operationalization of the draft NLMP. It meets on a regular basis and is chaired by the Ministry of Labour and Social Security. It also includes the Ministries of Foreign Affairs and International Cooperation, Health, and Home Affairs; the Central Statistical Office; civil society organizations; and businesses. In addition, interministerial collaboration on migration issues occurs on an ad hoc basis. For example, in efforts to contain the COVID-19 pandemic, the Ministry of Home Affairs and the Ministry of Health have collaborated to ensure that movements into Eswatini are closely monitored and regulated through health screenings at border checkpoints.

The draft NLMP deals with migrant workers, including internal and cross-border migration, and describes the patterns of labour migration that take place within, into, out of and through Eswatini. It addresses various labour migration issues, including the return and reintegration of Emaswati migrant workers, the protection of migrant workers’ rights in Eswatini, the portability of social security for migrant workers, and the development of coordination mechanisms to regulate labour migration and combat human trafficking. The draft NLMP has an implementation strategy which clearly outlines specific activities to be undertaken, responsible organs and timelines. The draft NLMP outlines gender sensitivity as a principle and aims for “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”.

Rules and regulations concerning migration are available on government websites. The website of the Ministry of Home Affairs includes information on visas and permits, visa requirements, visa validity, visa application procedures, types of temporary residence permits, and permit requirements. Migration laws – including the Immigration Act (1982), Citizenship Act (1992) and the Immigration Regulations (1987) – are also publicly available on the website.

The periodic Integrated Labour Force Survey (ILFS) conducted by the Central Statistical Office and the Ministry of Labour and Social Security collects data on the percentage of migrant workers in the workforce, disaggregated by sector but not by sex.

Eswatini’s population and housing censuses include questions on migration. The 2017 Population and Housing Census questionnaire contains a section titled “Emigration”, which captures data disaggregated by sex, age, destination, year of departure and activity abroad. The census also captures information on migrants in Eswatini throughs questions on their country of birth, citizenship and place of previous residence, integrated into other sections.

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9 The latest census was carried out in 2017, but only the 2007 census report and questionnaire are available online.
2.2. Areas with potential for further development

Eswatini does not yet have an overall national migration strategy, and there is no dedicated government agency responsible for designing and coordinating the implementation of an overall migration policy or strategic plan.

There is no dedicated government entity responsible for enacting an emigration policy or diaspora engagement policies. The country has no registers of nationals abroad. The Ministry of Foreign Affairs and International Cooperation includes giving assistance to nationals abroad as part of its service offering. Furthermore, in October 2020 the Ministry of Foreign Affairs and International Cooperation started a diaspora engagement initiative, supported by IOM, with the aim of creating a diaspora department within the ministry to manage all diaspora-related issues.

Eswatini publishes limited migration data on a regular basis outside the census. The Ministry of Home Affairs collects monthly data on the numbers of visas processed, citizenships granted, and permit applications and approvals. This data is presented to Parliament on a quarterly basis but is not published.
3.1. Migration governance: Examples of well-developed areas

Eswatini participates in two regional consultative processes. Under the Southern African Development Community (SADC), the country participates in the Migration Dialogue for Southern Africa (MIDSA), which was established in 2000 to enhance inter-State cooperation in a bid to improve migration governance. Eswatini is also a member of the Migration Dialogue from the Common Market for Eastern and Southern Africa Member States (MIDCOM), which was established in 2013 to improve the capacity of governments to manage migration, build harmonized data collection systems, and develop their immigration policies and legislations.

Eswatini signed a memorandum of understanding (MoU) related to migration with the Taiwan Province of the People’s Republic of China in 2015. The MoU covers cooperation on immigration issues and transnational crimes, especially human trafficking, and facilitates the exchange of information on the prevention of crime and exchange visits for officials.

Eswatini participates in bilateral discussions with several countries, including on migration-related issues. The President of South Africa and the King of Eswatini met in March 2019 to discuss ways to address congestion at the Ngwenya Border Post, and both leaders have agreed that ministers should ensure that the issue of congestion at border posts is attended to. Eswatini also engages in bilateral negotiations with Rwanda on migration issues, which have led to the development of a draft MoU. Other joint bilateral commissions exist between Eswatini and Botswana, Cuba, India, Mozambique, Namibia and the Taiwan Province of the People’s Republic of China.

In 1975, Eswatini signed a bilateral labour agreement (BLA) with South Africa relating to the establishment of an office for an Eswatini Labour Representative in South Africa, the welfare of Eswatini citizens in South Africa and the movement of persons across the common border. In 2017, Eswatini signed a BLA with Mozambique to allow Mozambican nationals who have been residing in Eswatini since 1997 to obtain work permits without meeting the standard permit requirements for foreigners.

3.2. Areas with potential for further development

Eswatini and South Africa periodically held meetings for the now expired Joint Bilateral Commission on Cooperation – an open engagement platform that oversaw the implementation of signed agreements between the two countries, including on the cross-border movement of people. Negotiations to restart the Joint Bilateral Commission are ongoing as of January 2021.

Eswatini is not part of any regional agreement promoting labour mobility. The SADC has various protocols and agreements covering migration and labour mobility; however, none of those is operational yet. In particular, the SADC adopted the SADC Labour Migration Action Plan (2016–2019) in 2016, although no agreement has been reached on how to promote regional labour mobility.

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10 Both countries have signed 21 bilateral agreements which serve as legal instruments for cooperation in areas such as cross-border movement of people and goods, trade and investment, health, defence and policing, among others.
Eswatini engages civil society organizations in agenda-setting and implementation of migration-related issues only on an ad hoc basis. For example, representatives from civil society, the Government and the private sector in Eswatini met in Mbabane in August 2017 to discuss migration issues in the SADC region, developments on labour migration in Eswatini and South Africa, as well as SADC and global frameworks on migration. The draft National Labour Migration Policy (NLMP) was developed through the work of a Technical Working Group Committee consisting of representatives from government ministries and three non-governmental entities, including the Eswatini Migrant Mineworkers Association and IOM. The draft NLMP also refers to multisectoral involvement including social partners – as a guiding principle and a policy objective.

Furthermore, Eswatini engages the private sector in agenda-setting and implementation of migration-related issues on an ad hoc basis. For example, the private sector was consulted during the development of the draft NLMP through the Eswatini Chamber of Commerce and the informal cross-border traders association.

As of January 2021, Eswatini is in the process of setting up a Diaspora Engagement Unit within the Ministry of Foreign Affairs and International Cooperation.
4.1. Migration governance: Examples of well-developed areas

Eswatini offers different types of visas to attract migrants with specific labour skills. The country has eight entry permits (Classes A to H) that also allow for employment, each of which has specific determinants based on the nature of the work the individual wishes to carry out. Class D permits, for example, are for individuals wishing to work in prospecting or mining, while Class G permits are for those wishing to undertake work in manufacturing.

As a member of the Southern African Development Community (SADC), Eswatini follows the SADC Qualifications Framework (SADCQF), which was developed in 2011 and aims to promote labour, study, and portability of qualifications across the region. The Eswatini Higher Education Council (SHEC), created in 2015 and which is responsible for regulating higher education in Eswatini and accrediting higher educational qualifications, established the Eswatini Qualifications Framework (SQF) (2016), based on the SADCQF. The SQF compares foreign qualifications against a globally recognized system of qualifications. The SHEC also facilitated the adoption of the Higher Education Regulations (2016), which offers guidance on how foreign qualifications are evaluated. In practice, accreditation is sector-specific, with formalized criteria for the recognition of foreign qualifications for some professions. For example, the Eswatini Institute of Accountants is the national professional accountancy organization and is responsible for accrediting accountancy qualifications.

4.2. Areas with potential for further development

Eswatini does not have a national assessment to monitor labour market demand for immigrants or the effects of emigrants on the domestic labour market. In 2019, the Government launched the Eswatini Labour Market Information System, developed through the Central Statistical Office, Ministry of Public Service, and the Ministry of Labour and Social Security. This system seeks to capture information on the domestic labour supply, the impact of emigration on the domestic labour market, labour migration and skills gaps. It is yet to be operationalized.

Eswatini collects labour market data periodically through its Integrated Labour Force Survey (ILFS), which has been conducted in 2007, 2010, 2014 and 2016, although the data is not disaggregated by migration status.\(^\text{12}\)

The draft NLMP seeks to promote the interests of women migrants and help integrate them into the labour force. It aims to uphold the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) to protect women from harm and dangerous work environments, ensure that they are not discriminated against in the workplace and have equal access to employment opportunities, as well as implement the CEDAW General Recommendation No. 26 on women migrant workers.

There are no laws specifically promoting ethical recruitment of migrant workers in Eswatini. The Employment Act (1980) provides some protection against unethical recruitment but does not explicitly mention migrant workers.

Eswatini does not have mechanisms in place to protect the rights of its nationals working abroad, except for the labour attaché office in South Africa, which attends to the interests of Eswatini nationals working there.

\(^{12}\) The next Integrated Labour Force Survey, initially planned for 2020, has been postponed.
5.1. Migration governance: Examples of well-developed areas
The National Multi Hazard Contingency Plan (MHCP) (2019–2020) – developed by the National Disaster Management Agency (NDMA) in consultation with other government ministries, United Nations agencies, non-governmental organizations and the private sector – includes strategies to address the displacement impacts of natural disasters, including flash floods, drought, storms and wildfires. The MHCP’s response strategies are comprehensive and sector-specific; it designates the lead and support agencies responsible for each type of response, specific activities to be carried out and their duration, expected results, and budget estimates. For example, the Camp Coordination and Camp Management, Emergency Shelter, and Non-Food Items Sector Response Plan seeks to ensure the provision of temporary camps to accommodate displaced persons, as well as basic shelter materials, food and non-food item family packages, and rehabilitation and reconstruction materials for affected families.

The Ministry of Foreign Affairs and International Cooperation provides ad hoc assistance to nationals living abroad in times of crises, mostly to citizens residing in countries with Eswatini diplomatic missions. The Ministry assists in evacuation planning of Eswatini citizens abroad in cases of political turmoil or disasters; notifies citizens’ next of kin in the event of death or a life-threatening illness or injury; provides non-financial assistance for repatriation, medical or professional attention, and posthumous services of citizens abroad; and liaises with authorities in the country of destination to search for missing Eswatini citizens and determine their whereabouts abroad. In the face of the COVID-19 pandemic in 2020, the Ministry has also coordinated efforts to repatriate nationals across the world; as of September 2020, the Government has repatriated 140 Emaswati.

5.2. Areas with potential for further development

During crises, the National Disaster Management Department and the NDMA engage early-warning systems whereby communications are sent via radio, television and text message. However, these systems do not take into account the specific vulnerabilities faced by migrants. The Eswatini Meteorological Service and the National Early Warning Unit of the Ministry of Agriculture are responsible for collecting and analysing weather-related data, turning the technical data into early-warning alert messages and sending them through various modes, including radio, television, newspapers and social media. All communication is carried out in Eswatini’s national language, with some communication dispatched in English. The NDMA Strategic Plan seeks to enhance national early-warning systems by improving communication processes and systems, including acquiring communication infrastructure and technologies for communication.

Eswatini does not have measures in place to make exceptions to the immigration procedures for migrants whose respective countries of origin are experiencing crises. The only exceptions are provided for refugees, as outlined by the Refugees Act (2017).
ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

Eswatini’s Department of Immigration under the Ministry of Home Affairs is responsible for border control and management. The Department’s Border Control and Management section is present at all ports of entry and exit in Eswatini. Because of the COVID-19 pandemic, since March 2020 the Department of Immigration in coordination with the Ministry of Health has also been conducting health screenings for all migrants arriving in and departing from the country (which is still ongoing as of January 2021).

Eswatini has a law to combat human trafficking – the People Trafficking and People Smuggling (Prohibition) Act (2009). The Act introduces penalties for trafficking and smuggling offences, provides protection and support for “trafficked or smuggled persons”, and establishes a Task Force for the Prevention of People Trafficking and People Smuggling. The Task Force, which was established in 2009 under the Office of the Prime Minister, formulates policies and programmes to prevent trafficking and smuggling, develops protective programmes for victims, and produces educational resources to increase public awareness of the issue. It meets regularly and consists of representatives from various government offices, including the Social Welfare Department and the Ministry of Foreign Affairs and International Cooperation, and up to five civil society representatives with expertise in trafficking or smuggling. In 2019, the country launched the National Strategic Framework and Action Plan to Combat People Trafficking (2019–2023), under the leadership of the Office of the Prime Minister. The Action Plan scales up prevention measures, facilitates prosecution of traffickers and includes the adoption of multisectoral consultations.

6.2. Areas with potential for further development

The country does not have a visa-monitoring mechanism in place; nevertheless, the Department of Immigration’s Border Control and Management section can detect visa overstays electronically and manually by checking stamps on travel documents at the country’s exit points.

There is only a paper-based system for applying for visas and permits prior to arrival. Travellers must apply in person at an Eswatini mission or representative office abroad, post their applications to an embassy or consulate, or post their passports to their hosts in Eswatini who will apply at the Department of Immigration on their behalf. An e-visa issuance system was piloted in 2019; however, an online visa application process is not in place as of November 2020.

The Department of Immigration does not provide specific border management training to border officials in Eswatini. New recruits attend the general government workers’ induction course followed by training on customer care and a one-off Department of Immigration orientation. International organizations occasionally offer specialized training to border officials. For instance, in 2019 IOM provided border officials with training on migration and refugees.

Government departments periodically collate information on their counter-trafficking activities and present the findings to Parliament. However, this data is not publicly available.

Eswatini does not have measures to combat migrant labour exploitation specifically. The Constitution, the “Code of good practice: Employment discrimination” under the Industrial Relations Act (1980), and various Regulation of Wages Orders contain measures to combat labour exploitation but do not make specific provisions for migrants. The National Labour Migration Policy (NLMP) notes that the “legislative grey zone” of labour and employment legislation “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”.

MIGRATION GOVERNANCE INDICATORS (MGI): ESWATINI 2021

20
Central Statistical Office

Common Market for Eastern and Southern Africa

Eswatini, Government of
2006b Immigration (Amendment) Regulations.
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Jaftha, C. and J. Samuels
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Mgabhi, G. and T. Hlophe

Ministry of Economic Planning and Development

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Ministry of Health

Ministry of Home Affairs

Ministry of Labour and Social Security
2019 National Labour Migration Policy.

Ministry of Labour and Social Security

National Disaster Management Agency (NDMA)
2011 National Disaster Risk Management Policy.

Segatti, A.
Southern African Development Community (SADC)


United Nations Treaty Collection


United States Department of Labor


United States Department of State

## List of key national laws, plans and policies related to migration

<table>
<thead>
<tr>
<th>Law/Policy</th>
<th>Adoption / Year of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft National Labour Migration Policy</td>
<td>2019</td>
</tr>
<tr>
<td>National Strategic Framework and Action Plan to Combat People Trafficking</td>
<td>2019–2023</td>
</tr>
<tr>
<td>National Multi Hazard Contingency Plan (MHCP)</td>
<td>2019–2020</td>
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<td>National Education and Training Sector Policy</td>
<td>2018</td>
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<td>Refugees Act</td>
<td>2017</td>
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<td>National Disaster Management Agency Strategic Plan</td>
<td>2017–2021</td>
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<td>Eswatini Qualifications Framework (SQF)</td>
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<td>National Emergency Response, Mitigation and Adaptation Plan</td>
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<td>National Health Sector Strategic Plan (NHSSP II)</td>
<td>2014–2018</td>
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<td>National Disaster Risk Management Policy</td>
<td>2011</td>
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<tr>
<td>People Trafficking and People Smuggling (Prohibition) Act</td>
<td>2009</td>
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<tr>
<td>Constitution of the Kingdom of Swaziland Act</td>
<td>2005</td>
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<tr>
<td>Disaster Management Act</td>
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<td>National Policy Statement on Education</td>
<td>1999</td>
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<td>Citizenship Act</td>
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<td>Immigration Regulations</td>
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<td>Immigration Act</td>
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<td>Employment Act</td>
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<td>Industrial Relations Act</td>
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ANNEXES

MiGOF: Migration Governance Framework

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies. IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:
(i) Adheres to international standards and fulfils migrants’ rights;
(ii) Formulates policy using evidence and a “whole-of government” approach;
(iii) Engages with partners to address migration and related issues.

As it seeks to:
(i) Advance the socioeconomic well-being of migrants and society;
(ii) Effectively address the mobility dimensions of crises;
(iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

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The MGI process

1. **Launch of the MGI process**

   The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.

2. **Data collection**

   The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.

3. **Interministerial consultation**

   The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.

4. **Publication of the report on the Global Migration Data Portal**

   After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal and uploaded on the IOM Online Bookstore.

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15 You can find the profiles at https://migrationdataportal.org/overviews/mgi#0.
16 Please see https://publications.iom.int/.