

**FOURTH COORDINATION MEETING ON  
INTERNATIONAL MIGRATION**

Population Division  
Department of Economic and Social Affairs  
United Nations Secretariat  
New York, 26-27 October 2005

**CONTRIBUTION BY THE  
INTERNATIONAL LABOUR OFFICE**

International Labour Office

## INTRODUCTION

The primary goal of the ILO is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. As such, the organisation has four strategic objectives:

a) *Promotion and realization of standards and fundamental principles and rights at work:* through the normative function of promoting and applying all its global standards, and, in particular, freedom of association and collective bargaining, elimination of forced labour and child labour as well as of discrimination in employment.

b) *Creation of greater opportunities for women and men to secure decent employment and incomes:* through the mainstreaming of employment issues in economic and social policies to support labour market policies that ensure decent work and skills development.

c) *Enhancement of the coverage and effectiveness of social protection policies:* through greater labour protection in the form of improved gender equality, occupational safety and health, better conditions of work, and improved social security coverage.

d) *Strengthened tripartism and social dialogue:* through increased capacity of social partner organisations and strengthened institutional mechanisms for social dialogue, including in the context of regional economic integration.

In addition, the ILO conducts policy-oriented *research*, contributes to the development of the global *knowledge base* and responds to requests for technical *advisory services*.

As the international organisation with a mandate for labour issues, the ILO has accorded great importance to international labour migration since its inception. The ILO considers migrant workers as workers, who move for employment to countries other than their own during parts of their economically active lives. As such, the rights of migrants as workers, employment, social protection and participation in social dialogue, as described above, are of particular concern to the ILO and its tripartite constituents. Naturally, the improvement of labour markets, working conditions, skills, occupational health and safety as well as non-discrimination and the portability of social security entitlements are among its key priorities.

ILO's work on labour migration consists of several basic components, which generally relate to the development of the knowledge base; the promotion of relevant international conventions; the strengthening of social dialogue on migration; capacity-building and technical assistance to government and social partner constituents; special action programmes to protect vulnerable groups from discrimination, forced labour or HIV/Aids; and the building of an international consensus for cooperation on migration.<sup>1</sup>

As international labour migration is continuing to receive growing attention internationally, demands for ILO expertise, especially for capacity-building measures and projects for technical assistance are increasing. Given that the majority of international migrants are economically active and thus workers, most areas of ILO's work have some connection with labour migration. In addition, ILO's mandate on labour migration has been significantly boosted by the adoption of

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<sup>1</sup> ILO: Towards a fair deal for Migrant Workers in the global economy, International Labour Conference 92<sup>nd</sup> Session 2004, Report VI, p.99.

the Resolution and Conclusions on a Fair Deal for Migrant Workers at the 92<sup>nd</sup> Session of the International Labour Conference in 2004.

PROMOTION AND REALIZATION OF STANDARDS AND FUNDAMENTAL PRINCIPLES  
AND RIGHTS AT WORK

In general, action of the ILO with respect to labour migration is guided by and based on the norms set out in its international labour standards, including the conventions, which are binding on the States that ratify them. All international standards apply to migrant workers unless otherwise specified. Moreover, as specified by the 1998 Declaration on Fundamental Principles and Rights at Work, the provisions of the eight fundamental ILO Conventions apply, without distinction, to all migrant workers regardless of their legal status.

The ILO has a comprehensive set of international labour standards coupled with a unique supervisory mechanism, including scrutiny by independent experts. Several ILO standards are of particular relevance to migrant workers. Conventions No.97 on Migration for Employment (Revised), 1949 and Convention No.143 on Migrant Workers (Supplementary Provisions), 1975 contain important principles relating to the protection of migrant workers. Both Conventions cover issues concerning the whole migratory process including emigration, immigration and transit and apply to persons who migrate from one country to another with a view to being employed otherwise than on their own account. In addition, migrant workers also benefit from the protection of other ILO standards. The high number of ratifications of the eight ILO fundamental Conventions ensures protection of their rights in the areas of freedom of association and collective bargaining, freedom from forced labour, the abolition of child labour and the elimination of discrimination in employment. Other relevant ILO standards, especially in the areas of labour inspection, wages, employment policy, private recruitment agencies, social security and occupational safety and health, are also applicable to migrant workers.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) meets annually to review regular reports submitted by member states on the application of Conventions relevant to the rights of migrant workers. The Comments made by the CEACR on the application of Conventions on the situation of migrant workers demonstrate that their concerns are regularly monitored not only through Conventions Nos. 97 and 143 but also through other instruments and that this monitoring covers the situation in a large number of countries. ILO research has shown that this monitoring has had a positive impact, particularly with respect to the application of conventions related to freedom of association, social security and wages. The increasing number of comments by the CEACR on forced labour and discrimination of migrant workers on the basis of sex, race and ethnic origin reflects the growing concern by the Committee in these areas. In addition, the situation of migrant workers has also been discussed by the Conference Committee on the Application of Standards of the International Labour Conference.

The ILO has been working with the newly-established UN Committee on Migrant Workers, first to assist them in formulating their work programme, and second on discussing how best to proceed in the work as a treaty body. The UN Convention gives the ILO a special responsibility (art. 74) for playing an active role in the monitoring work of the UN Committee, and now that the first report on the application of the UN Convention has been received, the ILO is working out the practical arrangements for fulfilling that part of the Convention.

Migration under abusive conditions is increasingly part of ILO's focus. Several studies have been concluded on trafficking in European countries, with a view to helping these countries to

deal with the situation, and activities are also underway in Mekong Delta and in Africa under large-scale projects. Trafficking of both children and adults is a growing phenomenon, and it is largely for economic exploitation - indeed, more for this purpose than for sexual exploitation.

Work on the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work looks at the linkage between forced labour, child labour, irregular migration and trafficking. The ILO established the Special Action Programme to combat Forced Labour (SAP-FL) in 2001 to spearhead ILO activities against forced labour, including trafficking. It is a broad-based technical cooperation programme working in close collaboration with workers and employers, civil society and other international organisations. SAP-FL aims to address all aspects of forced labour, from the lack of good jobs in the communities where many of the victims of trafficking originate to support for now-freed workers. The SAP-FL approach involves five thematic elements designed to improve efforts to combat forced labour and trafficking : better understanding of the problem; heightened global awareness; stronger legal and policy frameworks; stronger institutional structures; and special projects to help workers in forced labour and trafficking situations. Some ongoing initiatives have been undertaken through project implementation in various countries and regions, including South-East Asia, India, Pakistan, Nepal, China, Europe and West Africa.

The ILO views child trafficking as one of the worst forms of child labour. Poverty, political conflicts, natural disasters, the inability to access schools, gender discrimination, poorly enforced laws as well as the demand for services provided by cheap migrant labour are among the key factors that increase a child's vulnerability to be trafficked. Through its International Programme on the Elimination of Child Labour (IPEC), the ILO has developed a number of regional programmes to combat child trafficking in sub-Saharan Africa, South and South-East Asia, Central and South America and in Europe. These are guided by the legal framework provided by the UN Convention on the Rights of the Child and the two principal ILO Conventions: Convention 138 (1973) on the minimum age for admission to employment and Convention No. 182 (1999) on the worst forms of child labour. IPEC activities usually include the mapping of the problem, the development of regional strategies, awareness-raising activities, capacity-building measures and support to stakeholders in the development of rehabilitation or reintegration programmes.

#### CREATION OF GREATER OPPORTUNITIES FOR WOMEN AND MEN TO SECURE DECENT EMPLOYMENT AND INCOMES

Work on the impact of skilled migration has been part of recent activities and a research project implemented with support from DFID. ILO is also discussing with the WHO and IOM undertaking joint activities to assess the implications of the migration of health workers. It is planned to develop an Action Programme on the international migration of health sector workers in 2006. Moreover, through its Employment Policies Department ILO conducts a research project on youth employment in developing countries that also looks into international migration as a labour market outcome that is determined by lack of employment in countries of origin.

Through its Infocus Programme on Skills, the ILO has sought to identify a number of good practices regarding the skills training for labour migration, which include the provision of skills and appropriate certificates to outgoing migrants that will broadly reflect the qualification structures and skills standards in the countries of future work. Also, the programme seeks to encourage governments to invest specifically in skills training and foreign language training for nationals seeking to work overseas, as many existing vocational centres are unable to produce the

workforce required by international standards. This will improve the employability and competitiveness of migrants. Other measures that have proven successful are permanent advisory structures between migrant receiving and sending countries, including the involvement of international labour recruitment agencies that will advise on the types of occupations and skills standards which are in demand. Finally, the programme encourages the development of a code of practice for international labour recruitment agencies.

In the 2006-07 biennium, ILO's Skills Department will tackle issues related to the migration of skilled labour such as brain drain and skills shortage, and continue the promotion of the ILO Human Resources Development Recommendation, 2004 (No. 195). In the Asian-Pacific region, SKILLS is involved with the implementation of the regional Strategic Framework for Skills Development, which has recognized migration as one of the principal areas to be addressed.

#### ENHANCEMENT OF THE COVERAGE AND EFFECTIVENESS OF SOCIAL PROTECTION POLICIES

Technical assistance provided by ILO's Social Security Department covers also migrant workers as equality of treatment of migrant workers with national workers regarding social security coverage and entitlement is one of the basic ILO principles. Technical assistance provided by the ILO with regard to social security for migrant workers relates to the provision of information on bi- and multilateral social security agreements (e.g. for the East African Community) or assistance in drafting bilateral- and multilateral agreements for the maintenance of migrant workers social security rights (e.g. for Albania and Moldova or in finalising the CARICOM AGREEMENT on Social Security for CARICOM Countries). It also includes legal advice on the application and implementation of ratified ILO Social Security Conventions for migrant workers, e.g. for Libya with regard to C. 118. The ILO also conducts research on social security for migrant workers, e.g. for Recherche Universitaire Internationale Geneve or on the practical implementation of bi-and multilateral agreements planned with support of DIFID.

With migration and demographic development being interrelated, ILO's Social Security Department has worked on ageing issues for some years. It recently undertook a study to assess the need for replacement migration in the EU under various demographic and economic scenarios. The joint proposal of the Employment sector and Social Protection sector for the 96<sup>th</sup> session (2007) of the International Labour Conference on "Employment and social protection in the new demographic context" will, if adopted, also address the migration issue. Even though migration is not directly mentioned in the current proposal, ILO's contribution to the Second World Assembly on Ageing contained several sections on migration.

#### STRENGTHENED TRIPARTISM AND SOCIAL DIALOGUE

The ILO calls for the active involvement of social partners in the design and implementation of labour migration policies. Its Bureaus for Workers and Employers Activities actively participated in both the General Discussion on Migrant Workers of the 2004 International Labour Conference and the development of the Multilateral Framework on Labour Migration. Targeted field activities for the social partner constituents are conducted through ILO's Specialists for Workers and Employers Activities. Experience from diverse regions has shown the added-value of social dialogue in the formulation, implementation and evaluation of comprehensive migration

policies. Moreover, in its work, the ILO actively collaborates with other relevant international organisations and it is a founding member of the Geneva Migration Group.

#### IMPROVING THE KNOWLEDGE BASE THROUGH RESEARCH, TECHNICAL COOPERATION AND ADVISORY SERVICES

Through its International Migration Programme, the ILO conducts advisory services and policy-oriented research that cover wide-ranging issues such as the impact of globalization on labour migration, the effect of skilled migration on sending countries, the assessment of emigration pressures, patterns of labour market discrimination against migrant workers, gender issues or the productive use of remittances. The unit also established the *International Labour Migration Database*, which is coordinated with EUROSTAT and UNSD and promotes the improvement of statistical data collection systems. Recently, the Programme has been implementing an increasing number of donor-funded technical cooperation projects in Europe, sub-Saharan Africa and other individual countries. They generally focus on building the capacity of ILO stakeholders to develop comprehensive labour migration policies and to enhance policy measures to combat discrimination. Activities have also supported selected countries to implement programmes in support of potential victims of trafficking, to improve labour inspection procedures, to set up national tripartite forums on labour migration and to develop action plans. Furthermore, ILO continues to conduct tests on labour market discrimination in a number of major migrant-receiving countries.

Through its Bureau of Statistics ILO is developing a series of migration-related questions in a module for attachment to pre-existing household surveys on labour force. The module will be tested in six countries from different regions of the world. Working “intensively” with a limited number of countries, this project evaluates migration items currently collected, develops questions to add to surveys, pre-tests these questions, evaluates pre-tests, and shares these results with other countries involved in this project. The goal is to create questions which effectively measure various dimensions of labour migration and can also be added periodically to household surveys of other countries.

The ILO’s Bureau of Statistics is also participating in the Mode 4 Technical Subgroup of the Task Force on International Trade in Services, Movement of Natural Persons, which is working towards the creation of statistics to cover the activities of natural persons moving across borders, with particular emphasis on balance of payments data. This encompasses, for example, defining and measuring natural persons engaged in the provision of goods and services, employees of international organisations, students, pensioners, as well as the total number of persons crossing borders, remittances and net worth. Other related activities pertain to the participation in EUROSTAT’s task force to develop a 2008 ad hoc labour force survey module on the labour situation of migrants and their immediate descendants. In addition the Department participates in the UNSD working group for 2010 World Programme on Population and Housing Censuses, technical subgroup on internal and international migration.

ILO has also conducted research on migration through its International Institute for Labour Studies. The work concentrated on two “types” of labour migration: (a) the migration of highly skilled people; and (b) temporary migration. These are currently the fastest growing regular migration flows, the new migration channels. Two expert meetings were organized with the purpose of developing practical ideas and proposals for international action that would bring about a more equitable sharing of the gains from migration. The work on highly skilled migration

led to a joint activity with the Singapore Management University, which reviews China's and India's efforts to reverse brain drain.

The work of ILO's ILS examined temporary foreign worker schemes that were launched from the early 1990s onwards and compared them to guest worker programmes of the 1960s. These and other findings, drawing also on work undertaken on the migration of professionals and the migration-development nexus, will be published in a book by Yale University Press in November 2005 entitled *Managing Labour Migration in the Twenty-first Century*. The research also looked at the role of non-state actors and how they interlink with state institutions, including sets of rules and regulations. Policy dialogue meetings were organized to examine the role of migrants themselves, of establishments of higher learning and of private recruitment agencies question. The work further included the organisation of a conference on "*Migration and Development – Working with the diaspora*" that was held on 3 and 4 May 2004, and was co-organized with the German development cooperation agency GTZ. It explored the role of diaspora communities in bringing about development in their countries of origin; and how can international cooperation contribute to a better use of diaspora resources. Under the heading "*Universities as Immigration Gatekeepers*" the Institute is also analyzing the role that institutions of higher learning play in migration policy today and the implications this has for both migrant receiving and sending countries. Further research is based on the premise that not enough is known about the private interests that move people across borders today. A policy dialogue on "*Merchants of Labour*", held on 28 and 29 April 2005 addressed these and other questions. It is planned to publish the findings from this meeting in late 2005. Finally, a recent study looked at the inter-relationship between GATS, Migration and Labour Standards.

Future ILO research on migration will include work of the Institute under the heading of "*decent work in development*." Based on links between migration and changes in production systems such as "delocalization" and offshoring, and associated changes in trade and investment patterns, there will be further studies on the potential and actual contribution of migration to development goals in both migrant sending and receiving countries. Under the heading "*social goals in the governance of the global economy*" the Institute intends to promote reflection on the lacunae and problems of the existing migration regime, and the needs, options and possibilities for new instruments of governance in this complex field, to complement work by the ILO concerning the proposed development of a multilateral framework for the cross-border movement of people.

#### A NEW FRAMEWORK FOR ILO ACTION ON LABOUR MIGRATION

After the general discussion on labour migration at its 92<sup>nd</sup> session in 2004, the International Labour Conference (ILC) adopted by consensus a resolution and conclusions that called on the ILO and its constituents to carry out a plan of action for migrant workers in partnership with other relevant international organisations. True to the mandate of the ILO and its overall Decent Work objective, the Plan of Action should include activities related to employment in countries of origin and destinations, rights at work and protection of migrant workers, and social dialogue. The plan included the following elements:

- Development of non-binding multilateral framework for a rights-based approach to labour migration which takes account of labour market needs, proposing guidelines and principles for policies based on best practices and international standards;

- Identification of relevant action to be taken for a wider application of international labour standards and other relevant instruments;
- Support for implementation of the ILO Global Employment Agenda at national level;
- Capacity building, awareness raising and technical assistance;
- Strengthening social dialogue;
- Improving the information and knowledge base on global trends in labour migration, conditions of migrant workers, and effective measures to protect their rights;
- Mechanisms to ensure ILO Governing Body follow-up of the plan of action and ILO participation in relevant international initiatives concerning migration

In advancing the implementation of the Plan of Action, the Office has prepared a draft Non-binding Multilateral Framework on Labour Migration and a compilation of Best Practices in labour migration policies that are annexed to it. The Framework itself is composed of 15 principles, under nine sub-divisions, and a Follow-up mechanism. The sub-divisions deal with Decent Work, means for international cooperation, the development of a global knowledge base, effective management of labour migration, protection of migrant workers, prevention and protection against abusive migration practices, migration process, social integration and inclusion, and migration and development. Under each principle, guidelines are formulated with a view to assisting policy makers in the formulation and implementation of measures intended to realize it.

The Non-binding Multilateral Framework will be discussed at a Tripartite Meeting of Experts, scheduled to take place on 31 October- 2 November 2005 in Geneva. After the discussion, the draft will be submitted for adoption at the March 2006 session of the Governing Body of the ILO. However, the Framework is but one element of the Plan of Action that was requested through the ILC resolution. Thus, the plan will foster greater coherence among already existing activities and add new ones.

Over the coming years, the activities of ILO's International Migration Programme will be guided by both the Plan of Action and the non-binding Multilateral Framework on Labour Migration. In cooperation with its stakeholders and partners, the ILO will seek to influence the global migration agenda with a view to contributing effectively to the quest for decent work and the management of migration for the benefit of both sending and receiving countries. This will be based on an integrated multi-disciplinary approach that is grounded in the existing international legal framework, social dialogue and strategic partnerships.