



THIRD ITEM ON THE AGENDA

**Effect to be given to resolutions adopted  
by the International Labour Conference  
at its 92nd Session (2004)**

**Migrant workers: Resolution concerning a fair  
deal for migrant workers in a global economy**

1. At its 92nd Session (June 2004), the International Labour Conference adopted a resolution concerning a fair deal for migrant workers in a global economy which includes a request to the Governing Body to periodically review the progress made in implementing the conclusions and plan of action and to consider the need to establish a permanent committee on migration. The text of the resolution is appended.
2. This document outlines and provides illustrative examples of the Office strategy to give effect to this resolution and the progress made to date.

**Effects being given to the resolution**

**A. Development of a non-binding multilateral  
framework for a rights-based approach to  
labour migration**

3. The conclusions of the International Labour Conference were brought to the attention of the Geneva Migration Group (informal group of heads of agencies dealing with migration – UNHCR, UNCTAD, UNHCHR, IOM and the United Nations Office on Drugs and Crime (UNODC)). In his briefing the Director-General stressed the significance of the tripartite consensus among ILO member States on the construction of a non-binding multilateral and rights-based framework for migration especially in the context of the ongoing debate on fair globalization. His invitation of cooperation from the other agencies in the elaboration of the framework was welcomed by all since there is already a convergence of interest in developing a multilateral framework for the effective governance of labour migration, among others, and for addressing the problems raised by the failure of policies and systems. It will be important that the ILO non-binding framework be appropriately linked to related processes such as the Global Commission on International Migration, the Berne Initiative, and the forthcoming (2006) High-Level Dialogue in the United Nations General Assembly on Migration and Development.

4. With supplementary resources, MIGRANT will be able to continue the work of identifying best practice models which can go into the framework and is working closely with other international organizations with related interests. Documenting best practices in the treatment of migrant workers is high on the agenda not only of the ILO but also of the UNHCHR and UNESCO. The ILO and the OECD have been working together in looking for ways by which the gains from migration between origin and destination countries can be more equitably shared. With the IOM there has been active collaboration in identifying best practices in origin countries for regulating recruitment, facilitating return of the highly skilled, and in operating welfare schemes for migrant workers and their families. The ILO has also been working with the European Commission and the Council of Europe in documenting best practices on combating discrimination and promoting social integration of migrants. At its recent high-level meeting with officials of the European Commission, the ILO obtained expression of support of the Commission in carrying out the plan of action, in particular in developing the multilateral framework based on best practices, as well as in providing technical cooperation on labour migration management in third countries and in the EU.
5. An Office-wide review of ongoing activities and programmes which can contribute to the development of the multilateral framework was undertaken in August. Aside from MIGRANT a number of departments and units took part in the review including NORMES, DECLARATION, INTEGRATION, INST, TURIN, ACTRAV, SECTOR, STAT, IFP/DIALOGUE, SafeWork, SOCFAS, SOCPOL, GENDER, EMP/SFU, GENPROM, SEED, EXREL and EUROPE. The review identified the following specific activities as particularly relevant: INTEGRATION's Decent Work Pilot Programmes, DECLARATION's Special Action Programme to Combat Forced Labour, the Institute's Sustainable Migration Solutions project, GENPROM's promotion of its Information Guide: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, SECTOR's project on the international migration of health workers, the programme of the Social Finance Unit, in collaboration with the World Savings Banks Institute, to enhance the involvement of savings banks in promoting savings from remittances, the introduction of a component on migrant workers in ACTRAV's Global Labour University Programme and, at its initiative, in the Global Union Research Network, SEED's Women's entrepreneurship development and gender equality team, and the supervisory activities carried out by NORMES under the Committee of Experts on the Application of Conventions and Recommendations (CEACR) with respect to those ILO standards relevant to migrant workers, among others.
6. With respect to developing best practice models on combating trafficking, the ILO intends to build on its earlier work on guidelines for identifying the forced labour dimension of trafficking and on many ongoing technical cooperation activities to provide alternative employment opportunities for women in their home countries. Recently launched programmes on the ground – action programme against forced labour and trafficking in West Africa (Ghana and Nigeria); combating human trafficking and forced labour outcomes (Tajikistan, Uzbekistan and Russian Federation); and mobilizing action for the protection of domestic workers from forced labour and trafficking (Indonesia, Philippines, Malaysia and Hong Kong SAR) – are expected to contribute relevant elements for the multilateral framework.
7. It is anticipated that there will be a need to discuss in depth the suitability of the guidelines proposed for inclusion in a draft non-binding multilateral framework for a rights-based approach to labour migration, given that opinions may vary significantly on what constitutes best practice. For that purpose, it may be deemed advisable to convene a tripartite meeting of experts prior to presentation of the guidelines to the Governing Body for consideration at its November 2005 session.

## **B. Wider application of international labour standards and other relevant instruments**

8. The ILO 2003 Migration Survey revealed that at least 14 member States are considering ratification of either Conventions Nos. 97 or 143. The Office will give priority to supporting early ratification through such means as offering technical advice on legislation, organizing tripartite seminars to discuss ratification, and disseminating information. ACTRAV and ACT/EMP will play an important role in this effort. EGALITE will continue with the regular supervision of the migrant worker Conventions and provision of legal advice and training on the instruments. Through regular supervision, EGALITE will also contribute to the compilation of best practices using the CEACR's comments on all ILO Conventions relevant to migrant workers (for example, identifying practices contributing to the effective protection of migrants' rights). EGALITE intends to produce training materials on the protection of migrant workers under ILO instruments with a view to promoting the ratification and application of Conventions Nos. 97 and 143.
9. A recent example was the national tripartite workshop on international instruments for the protection of migrant workers on 26 July in Colombo, Sri Lanka. In the Republic of Moldova, Ukraine and Albania, the Office has started the work of comparing how national legislation may be harmonized with the principles contained in Conventions Nos. 97, 143 and 181. The Subregional ILO Office for Central Africa together with NORMES will conduct promotional activities in the subregion on Conventions Nos. 97 and 143, including a regional seminar and national follow-up. Preliminary studies on law and practice in five countries of the Central African Economic and Monetary Community (CEMAC) have been prepared and will be published in the near future. Discussions with the Subregional Centre of the Office of the United Nations High Commissioner for Human Rights to undertake joint promotional activities on ILO Conventions and the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (1990) are ongoing.

## **C. Capacity building, awareness raising and technical assistance**

10. Some 60 countries indicated need for technical cooperation in one or several areas in response to the International Labour Migration Survey (ILM). Capacity building and technical cooperation involve improving statistics and information on which decisions and policies are based, establishing structures for meaningful social dialogue on policy objectives and means, establishing sound standard procedures for administration of policy, staff training, periodic evaluation of effectiveness and efficiency, and many others. Significant additional resources and cooperation with other organizations will be needed to meet the large and growing demand for technical assistance in all these areas.
11. Some support has been received for capacity building. In partnership with the European Commission, the ILO has recently launched the managing labour migration as an instrument of development project, covering 22 countries in East, North and West Africa. Over 18 months' comprehensive reviews of legislation, research on policy outcomes, evaluation and training, elaboration of mechanisms to facilitate labour circulation, and subregional meetings to promote cooperation are being carried out. The ILO and the EC have joined hands to carry out a project on promoting equality in diversity and integration in Europe. With the support of the Republic of Korea, the ILO is implementing a technical cooperation project on enhancing national capacity on migration management in Cambodia, Lao People's Democratic Republic, Mongolia and Thailand. A subregional training workshop on labour migration policy and management was conducted for the

participating countries (Ayuthaya, Thailand, 2-6 August), and a manual on migration management is under preparation.

12. In response to a request from the Russian Federation for assistance in undertaking an amnesty and regularization programme that should benefit some 5 million people in an irregular situation, the ILO will be organizing a workshop in Moscow at the beginning of December to provide an opportunity for exchange of experiences with officials of countries that have recently undertaken similar initiatives.

#### **D. Strengthening social dialogue**

13. The proposals for the 2006-07 budget include a programme for strengthening social dialogue on migration policy. This programme will be carried out by MIGRANT working closely with ACTRAV and ACT/EMP to provide information and technical assistance to employers' and workers' organizations engaged in social dialogue. During the current biennium opportunities for pursuing this objective are being availed of, including at the Seventh European Regional Meeting of the ILO to be held in Budapest from 14 to 18 February 2005, which has migration on its agenda.

#### **E. Improving the information and knowledge base on global trends in labour migration, conditions of migrant workers, and effective measures to protect their rights**

14. One of the difficulties faced by countries in managing migration is lack of monitoring capabilities. Support for improving methods for migration data collection and analysis, which should be disaggregated by sex and ethnic origin where possible, was sought by many of the governments responding to the ILO Migration Survey. The ILO has already developed and published a comprehensive manual on migration statistics (English and Russian editions, Spanish edition still to be published), but user training will require additional resources.
15. In response to wide and constant demand from ILO constituents and the public at large for information on labour migration at the global level, the ILO started some years ago ILM (International Labour Migration), a database accessible by Internet. It complements the EUROSTAT migration database, which is limited to a number of European countries. Modest additional resources would allow the ILO to update and maintain this database which has already proven its value to policy-makers and administrators, and to include some additional country legislative profiles.
16. An ILO web site containing best practices and models of integration policies and programmes has been launched and will further be enriched with the information collected under the ILO-EC project on promoting equality in diversity and integration in Europe.

#### **F. Mechanisms to ensure ILO Governing Body follow-up of the plan of action and ILO participation in relevant international initiatives concerning migration**

17. The ILO has taken every opportunity to participate in relevant international initiatives concerning migration. At the Regional Hearings of the Global Commission for International Migration, the ILO has sought to identify the key protection issues and to

learn what approaches appear to have worked in each region. For example, in the Asian regional consultations, the weakness of national frameworks for protecting migrant workers has surfaced and these have been particularly felt by women migrants who are concentrated in disadvantaged occupations. At the meetings under the auspices of the Berne Initiative, the ILO has sought to identify the possible space for more regulated forms of labour migration particularly on what shared concerns can be built into inter-state cooperation.

18. The Office has participated in the meetings of the newly established United Nations treaty body (United Nations Committee on Migrant Workers) of the 1990 United Nations Convention on Migrant Workers, which assigns a prominent role to the ILO in examining government reports, which are due to begin arriving in 2005. The Office also participated in meetings to inform others of how it is cooperating to advance other UN-wide programmes (such as UNFPA's International Conference on Population and Development Programme), and to invite the cooperation of others in implementing the ILO plan of action (such as in the Third Coordination Meeting on International Migration, New York, October). Other international meetings such as the Global Forum on Human Mobility and Migration (Barcelona, September), and the Metropolis Conference on Cooperative Migration Management (Geneva, September) offered opportunities for bringing the ILO plan of action to the attention of a wider international community of people doing work on migration issues.
19. *The Governing Body may wish to consider convening a tripartite meeting of experts to evaluate the draft guidelines referred to in paragraph 7 above, prior to their presentation to the Governing Body at its November 2005 session.*

Geneva, 26 October 2004.

*Point for decision:* Paragraph 19.

## Appendix

### Resolution concerning a fair deal for migrant workers in a global economy

The resolution:

- (a) Calls upon the ILO and its constituents to carry out a plan of action in partnership with other relevant international organizations. This plan of action shall include:
  - development of a 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.
- (b) Invites the Governing Body to give due consideration to them in planning future action on migrant workers and to request the Director-General to take them into account both when preparing the Programme and Budget for 2006-07 and allocating such other resources as may be available during the 2004-05 biennium.