



# Governing Body

319th Session, Geneva, 16–31 October 2013

**GB.319/POL/2**

**Policy Development Section**

*Employment and Social Protection Segment*

**POL**

**Date:** 18 October 2013

**Original:** English

## SECOND ITEM ON THE AGENDA

### Oral report on the outcome of the United Nations General Assembly High-level Dialogue (HLD) on International Migration and Development (October 2013)

#### Purpose of the document

This document assesses the outcome of the United Nations General Assembly High-level Dialogue on International Migration and Development and its implications for the ILO and its constituency and suggests some possible follow-up. The Governing Body is invited to request the Director-General to bring the information reported concerning the outcome of the United Nations General Assembly High-level Dialogue on International Migration and Development, its relevance for the ILO and its constituency, and possible follow-up by the Office to the attention of the Tripartite Technical Meeting on Labour Migration (4–8 November 2013) (see the draft decision in paragraph 14).

**Relevant strategic objective:** Enhance the coverage and effectiveness of social protection for all (Outcome 7: More migrant workers are protected and more migrant workers have access to productive employment and decent work).

**Policy implications:** See paragraphs 5–10.

**Legal implications:** None.

**Financial implications:** None.

**Follow-up action required:** See paragraphs 11–13.

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**Related documents:** GB.316/POL/1; GB.316/PV(&Corr.); GB.317/INS/13/2; GB.319/POL/1; ILO: *Labour migration and development: ILO moving forward*, Background paper for discussion at the ILO Tripartite Technical Meeting on Labour Migration (Geneva, 4–8 November 2013) (document TTMLM/2013).



## Executive summary

This report assesses the outcome of the United Nations General Assembly High-level Dialogue on International Migration and Development (HLD) and its implications for the ILO and its constituency and suggests some possible follow-up. The results of the HLD demonstrate a large interest in considering good practices related to harmonizing labour migration and employment policies, labour market needs and skills assessment for better jobs matching, portability of pensions, and protection of migrant workers' rights, including reducing both abuse and costs related to recruitment, during the whole process of labour migration. The ILO can seize the opportunity of the HLD and related discussions on the post-2015 UN development agenda to focus its work towards advancing partnerships with governments and the social partners, especially at regional and country levels, in these areas.



## Introduction

1. The United Nations General Assembly decided to hold the second High-level Dialogue on International Migration and Development (HLD) in New York on 3–4 October 2013 during its 68th Session.<sup>1</sup> It was organized under the general theme of “Identifying concrete measures to strengthen coherence and cooperation at all levels, with a view to enhancing the benefits of international migration for migrants and countries alike and its important links to development, while reducing its negative implications”. The HLD comprised plenary meetings as well as four interactive round tables focusing on the following themes: (1) assessing the effects of international migration on sustainable development and priorities for the post-2015 development framework; (2) measures to ensure respect for and protection of the human rights of all migrants; (3) strengthening partnerships and cooperation on international migration, and mechanisms to effectively integrate migration into development policies; and (4) international and regional labour mobility and its impact on development.
2. The ILO’s participation in the HLD as well as in its preparatory events was informed by the decision of the Governing Body of 8 November 2012, which: “called on the Office to identify key priorities for substantive follow-up to the United Nations 2013 High-level Dialogue on International Migration and Development, and to ensure that the promotion of effectively operating labour markets offering decent work becomes a central element in the discussions on migration and development.”<sup>2</sup> The Governing Body also requested “the Director-General to organize a tripartite meeting, within the existing resources, enabling the Organization to assess the outcome of the High-level Dialogue on International Migration and Development and consider possible areas for ILO follow-up”.<sup>3</sup> The Tripartite Technical Meeting on Labour Migration will be held at the ILO in Geneva on 4–8 November 2013.<sup>4</sup>
3. The purpose of this report is to summarize the contributions of the Office to the HLD, highlight the key outcomes with relevance to the ILO and its constituents, and help identify priorities for follow-up by the ILO, in view also of the forthcoming tripartite meeting on labour migration mentioned above in paragraph 2.

## ILO contribution to the HLD

4. The main inputs by the Office to the HLD can be summarized as follows:

- (a) Participation in the preparatory process leading to the HLD, as mandated by the UN General Assembly resolution on HLD modalities,<sup>5</sup> namely: regional events held in Bangkok (Asia-Pacific), Cairo (Arab States), Addis Ababa (Africa) and Santiago (Latin America and the Caribbean); the high-level panel discussion on migration and

<sup>1</sup> See <http://www.un.org/en/ga/68/meetings/migration/>. The first High-level Dialogue also took place in New York in September 2006. See <http://www.un.org/esa/population/migration/hld/>.

<sup>2</sup> Documents GB.316/POL/1, para. 20 and GB.316/PV(&Corr.), para. 352.

<sup>3</sup> GB.316/PV(&Corr.), para. 352(c).

<sup>4</sup> GB.317/INS/13/2.

<sup>5</sup> UNGA resolution 67/219 of 21 December 2012 on international migration and development, UN doc. A/RES/67/219 (26 March 2013), para. 16.

development held at the UN in New York on 25 June; and the interactive hearings for the HLD with NGOs, civil society and the private sector, also held at the UN in New York, at which representatives of private sector companies and trade unions spoke.

- (b) Contribution to the UN Secretary-General's background report for the HLD on international migration and development<sup>6</sup> and to the preparation of background papers for the HLD, in collaboration with members of the Global Migration Group (GMG), including a statement on "International migration and development" and a position paper on "Integrating migration in the post-2015 UN development agenda"<sup>7</sup> approved by the heads of agencies in time for the event.
- (c) Participation of the Director-General in round table 4 of the HLD, co-chaired by the Governments of Bangladesh and the Russian Federation, in which a union representative also participated and in which an employer's representative provided a statement to the session. The Director-General addressed three interconnected pillars of labour mobility needed to achieve equitable and sustainable development: (1) sound labour market needs assessment at all skills levels, which requires better harmonization of employment and migration policies and effective labour market information systems; (2) improved protection of the human rights, including labour rights, of migrant workers throughout the whole migration process, with special attention to lower skilled workers in temporary migration programmes, the elimination of deceptive recruitment practices, and the ratification and effective implementation of international human rights and ILO labour standards; and (3) social dialogue with representative employers' and workers' organizations and other pertinent stakeholders to better legitimize migration and development policies for regional integration and to promote safe and regular labour mobility. The Director-General also delivered a statement during round table 2 on protection of migrant workers' rights and underscored the need to move beyond debates in terms of remittances towards concrete measures that close the serious gaps in migration planning and governance.
- (d) Participation of the Director-General in a HLD side event on the GMG, at which the UN Secretary-General, Mr Ban Ki-moon, delivered a keynote address, and the Director-General relayed the ILO's commitment to ensuring implementation of the GMG's workplan and deliverables during its chairing of the GMG in 2014.
- (e) Organization prior to the HLD, together with the Permanent Mission of Sweden to the UN, of a breakfast round table during the high-level segment of the General Assembly to share innovative practices related to labour migration governance, social dialogue, and migrant workers as agents of change for development. Participants included representatives of the Governments of Mexico and Bangladesh, employers' and workers' organizations, as well as civil society.<sup>8</sup>
- (f) Organization, in partnership with the Permanent Missions of Italy and the Philippines to the UN, and the Office of the UN High Commissioner for Human Rights, of a high-level panel discussion side event on migrant domestic workers, in alignment with the strategy adopted by the GB (GB.312/INS/3), in order to make decent work a reality for domestic workers worldwide and with a view to highlighting the progress

<sup>6</sup> See *International Migration and Development*, Report of the Secretary-General, UN, General Assembly, 68th Session, UN doc. A/68/190 (25 July 2013).

<sup>7</sup> These documents are available from the GMG website at <http://www.globalmigrationgroup.org/>.

<sup>8</sup> See [http://www.ilo.org/migrant/events-and-meetings/WCMS\\_222188/lang--en/index.htm](http://www.ilo.org/migrant/events-and-meetings/WCMS_222188/lang--en/index.htm).

and priorities for action for the ILO and its constituents in this area of work. Over 100 government, intergovernmental organizations and civil society delegates attended.

- (g) Participation in numerous events during the week of the HLD organized by Morocco, Sweden, and the Global Unions, among others.<sup>9</sup>
- (h) Participation as an observer in the negotiations chaired by Mexico for an outcome document, which was finally adopted as a Declaration of the HLD.<sup>10</sup>
- (i) Distribution at the HLD and via the web of an ILO brochure and position paper underlining the importance of decent work to the migration-development nexus and the post-2015 UN development agenda.<sup>11</sup>

## **Key outcome of the HLD and implications for the ILO**

5. The nature of the HLD outcome was the object of intense and protracted discussions. Eventually, it was agreed that the HLD would adopt a Declaration – a major achievement that would have been unthinkable only six years back when the first HLD took place.
6. The Declaration includes references to a number of areas in which the ILO works, such as respect for the human rights of all migrants; the protection of migrant women in all sectors, including those involved in domestic work; the need to respect and promote international labour standards and the rights of migrants in their workplaces; the contribution of applicable international conventions, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to the international system for the protection of migrants; and cooperation on labour mobility programmes.<sup>12</sup>
7. Issues central to the ILO's mandate and Decent Work Agenda – such as the protection of the human and labour rights of migrant workers, including non-discrimination and equality of treatment in respect of wages and working conditions; labour migration governance, including equitable recruitment practices, meeting labour market needs at all skills levels, more effective matching of labour supply and demand, and the role of social dialogue and labour market institutions in labour migration; social protection, including portability of social security benefits; skills recognition and certification; and bilateral labour migration agreements – were frequently referred to by many governments in their statements to the HLD plenary sessions of the General Assembly as well as in interventions during all four

<sup>9</sup> See <http://www.un.org/esa/population/meetings/HLD2013/mainhld2013.html?programm>.

<sup>10</sup> UN doc. A/68/L.5 (1 October 2013), available from the website of the UN General Assembly at [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/68/L.5](http://www.un.org/ga/search/view_doc.asp?symbol=A/68/L.5).

<sup>11</sup> See respectively ILO, *Labour migration and development: Setting a course for the future*, available at [http://www.ilo.org/migrant/publications/specialized-publications/WCMS\\_222912/lang--en/index.htm](http://www.ilo.org/migrant/publications/specialized-publications/WCMS_222912/lang--en/index.htm) and ILO, *Integrating labour migration into the 2013 High-level Dialogue on International Migration and Development, and the post-2015 UN development agenda*, available at [http://www.ilo.org/migrant/publications/specialized-publications/WCMS\\_222913/lang--en/index.htm](http://www.ilo.org/migrant/publications/specialized-publications/WCMS_222913/lang--en/index.htm).

<sup>12</sup> HLD Declaration, op. cit., paras. 10, 12, 14, 15, 18.

round tables. Many of these issues are also identified in the UN Secretary-General's report prior to the HLD and in its eight point agenda for action.<sup>13</sup>

8. The specific vulnerabilities of migrant domestic workers to exploitation and abuse and the need to ensure effective protection of their rights also featured prominently in the interventions of a number of countries. Some participants called for ratification and implementation of the ILO Domestic Workers Convention, 2011 (No. 189), most notably the UN Secretary-General, Ban Ki-moon, the Deputy UN Secretary-General, Jan Eliasson, the Special Representative to the UN Secretary-General on International Migration and Development (SRSG), Sir Peter Sutherland, and the EU Commissioner for Home Affairs, Cecilia Malmström. The Convention was viewed as a concrete and useful framework to guide national and international action to prevent and tackle the abuses experienced by migrant domestic workers. This renewed international emphasis on the subject represents an additional opportunity for the ILO to continue playing a leading role in advancing the global policy agenda on domestic workers, including in relation to migrant domestic workers, expand the knowledge base and promote sharing of knowledge and good practices, and develop targeted policy and capacity-building tools.<sup>14</sup>
9. A number of Government delegates, mainly from developed countries, welcomed the recent internal review of the GMG, including the prolongation of the Chair period from six to 12 months, the introduction of multi-year workplans and efforts to enhance coordination. Several governments and international organizations also voiced their support for the ILO in taking over as Chair of the GMG. While appreciation was expressed concerning the GMG's progress in harmonizing positions, several governments called upon the GMG to move beyond the development of common policy positions to spearheading implementation in the field and voiced their desire that the International Organization for Migration (IOM) serve as a permanent co-chair of the GMG with the other agencies serving as rotating co-chairs.<sup>15</sup> Pending the assessment of the GMG's new administrative arrangements in December 2014, the ILO will utilize its Chair year to instill deeper confidence among governments and the international community in the work of the GMG. The ILO will collaborate with other GMG agencies to assure implementation of the multi-year workplan which includes production of time-bound deliverables of the GMG working groups and task forces. The ILO will ensure the GMG's regular engagement with governments, social partners, and civil society.
10. Notwithstanding these positive developments, labour migration and recognition of the centrality of the ILO's role, and that of its constituents, could be strengthened. For example, while the HLD Declaration references migrants and the efforts of a range of actors, including non-governmental stakeholders and the private sector, in addressing migration and development issues,<sup>16</sup> employers' and workers' organizations are not explicitly mentioned. This suggests that the ILO constituents and the Office should seek to strengthen the understanding of governments and other international actors on the

<sup>13</sup> See *International migration and development*, op. cit.

<sup>14</sup> GB.319/POL/1.

<sup>15</sup> This was an issue raised and decided by the principals on 3 July 2013. The decision was taken that each incoming Chair would decide on a case by case basis the need for a Co-chair/Vice-Chair. The decisions on the results of the GMG internal review are available from the GMG website at <http://www.globalmigrationgroup.org/uploads/GMG-Reform-consolidated-decisions-3-July-2013.pdf>.

<sup>16</sup> HLD Declaration, op. cit., para. 20.

significance of labour migration policies and social partners to successful development policies and programmes.

## Suggested way forward

11. The discussion of the HLD demonstrate a broad interest in considering good practices related to harmonizing labour migration and employment policies, labour market needs and skills assessment for better jobs matching, portability of pensions, and protection of migrant workers' rights, including reducing both abuse and costs related to recruitment, during the whole process of labour migration from countries of origin, to destination, and upon return.
12. The HLD and ongoing debates around the post-2015 development framework offer the ILO an opportunity to highlight the contributions of migrant workers to development in the context of improved protection for migrant workers' rights; to affirm the value of the link between migration, employment and labour protection policies and development; and to heighten recognition of the pivotal role that the ILO's constituents can play to improve the governance of international labour migration.
13. The ILO can seize this opportunity to focus its work towards advancing partnerships with government and the social partners, especially at regional and country levels, in the following areas (serving as the four themes of the upcoming tripartite meeting on labour migration and discussed in the background paper for the meeting).<sup>17</sup>
  - (1) **Labour migration and development:** For example, developing improved tools to assist member States in harmonizing employment and labour migration policies, and in promoting good practices in this regard and working with other agencies of the Global Migration Group to examine how migration can support possible post-2015 development goals, such as poverty reduction, full and productive employment and decent work for all, and partnerships.
  - (2) **Effective protection of migrant workers:** For example, promoting effective implementation of all ILO standards related to migrant workers, including facilitating good recruitment practices and developing guidance on ethical recruitment, with multi-stakeholder consultation spearheaded by social partners and based on the Private Employment Agencies Convention, 1997 (No. 181); supporting member States and regional mechanisms to extend social security coverage for migrant workers, including through bilateral and multilateral agreements; and supporting activities to improve protection of migrant workers, especially low-skilled workers, in specific sectors where they are at particular risk through, for instance, the adoption and implementation of model employment contracts in agriculture, construction, domestic work and the garment industry.
  - (3) **Sound labour market needs assessment and skills recognition:** For example, improving the harmonization of employment and migration policies through the development of labour market information systems (LMIS) that are responsive to labour migration issues in both origin and destination countries, and mechanisms to better assess and recognize migrant worker skills; and supporting its constituents to standardize job descriptions for occupations where migrant workers are prevalent.

<sup>17</sup> Document TTMLM/2013: *Labour migration and development: ILO moving forward*. See [http://www.ilo.org/migrant/WCMS\\_222548/lang--en/index.htm](http://www.ilo.org/migrant/WCMS_222548/lang--en/index.htm).

- (4) **Cooperation and social dialogue for well-governed labour migration and mobility:** For example, undertaking a mapping, analysis and assessment of bilateral agreements and Memoranda of Understanding governing labour migration – including their effective implementation, conformity to international labour standards and the role of social partners – with a view to creating a repository for knowledge sharing; and fostering new initiatives for regional integration and international cooperation on labour migration through knowledge-sharing opportunities and capacity building, and through dissemination of practical tools to assist constituents on issues relating to migrant worker protection, LMIS, recognition of skills and diplomas, social security coverage and portability, labour mobility agreements, and social dialogue.

**Draft decision**

- 14. *The Governing Body requests the Director-General to bring the information reported concerning the outcome of the United Nations General Assembly High-level Dialogue on International Migration and Development, its relevance for the ILO and its constituency, and possible follow-up by the Office to the attention of the Tripartite Technical Meeting on Labour Migration (4–8 November 2013).***