**Anniversary of Adoption of Convention on the Protection of the**

**Rights of All Migrant Workers and Members of their Families**

**Panel Discussion on: “Current challenges in protecting the human rights**

**of migrant workers: irregular migration flows in the Mediterranean,**

**migrant workers in the Gulf, and undocumented children in the Americas”**

**Palais des Nations, 8 September 2015**

**Talking Points for Concluding Remarks of Ms Manuela Tomei,**

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* The ILO would like to thank the Committee on Migrant Workers for the invitation to make concluding remarks at this important event commemorating the 25th anniversary the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. We are very pleased to continue our good collaboration with the Committee.
* It is a privilege to be here as we are also celebrating the 40th anniversary of the adoption of ILO Convention No. 143 on Migrations in Abusive Conditions and Promotion of Equality of Opportunity and Treatment of Migrant Workers. Our two instruments share in common their broad application to all migrant workers and underscore the centrality of equality of treatment, goals that remain critical as we face extremely challenging times.
* The catalysts for the adoption of Convention No. 143 was the discovery in 1973 of over 50 African migrants barely alive in a closed truck container in the Mont Blanc tunnel, an incident remarkably similar to the recent tragedy in Austria when 70 refugees and migrants suffocated in the back of a lorry.
* We have all been deeply affected by the recent distressing images that have appeared in the media of migrant workers, refugees, asylum seekers and others who are driven across borders due to conflict, economic strife or natural disasters.
* The scale of mixed migration flows towards Europe, whether via the Mediterranean or the Balkans– along with flows in many other parts of the world – is growing. The UNHCR’s latest global report for 2014 tells us that almost 60 million people were forcibly displaced, the largest numbers ever recorded. The ILO will soon release global and regional estimates on migrant workers that show, based on preliminary findings, that a **significant majority** are in fact migrant workers.
* The recent events have revealed the serious structural weaknesses in global and regional systems of governance of migration. The crises today is one more about the lack of solidarity than any other cause – responses have lacked cooperation, fair governance and social justice – and they also at times appear to lack basic human compassion. **At present, migration governance is highly fragmented.**
* To fix these structural flaws we need to work more effectively together. This is why global standards are so important:
  + Global standards bring coherence and consistency in addressing our shared values.
  + They bring about fairness, and assure the equality of treatment of migrant workers. Reducing inequality is a goal we can all share and that features prominently in the 2030 Sustainable Development Agenda.
  + They provide a basis for setting an even playing field among businesses seeking to meet labour shortages, while at the same time preventing social dumping and exerting downward pressure on working conditions of national workers. This is key to preventing unfair competition and backlash from host societies.
* The challenge we face is that past ratification trends of the UN Convention and ILO Conventions on labour migration are relatively low. Yet, 87 countries have ratified one or more of the three conventions on migrant workers. This shows that member States acknowledge the need to apply the rule of law to this area of governance. Indeed, as we have heard today, the rule of law is essential to creating an environment for migration that is consistently fair, orderly, safe and secure.
* To help understand the barriers to ratification and adherence, we at the ILO have undertaken a global general survey of labour migration standards. Preliminary findings show that barriers include: the incompatibility of national legislation with the instruments, such as excluding certain categories of migrant workers (e.g. domestic and agricultural workers) from the labour law, the limited administrative capacity relating to the functioning of labour market institutions (such as labour inspection, minimum wages, occupational health and safety); and practical/political concerns on legislating on a sensitive issue in times of high unemployment or high informal employment. The lack of clear guidance on how to give practical effect to the Conventions ‘provisions in differing cultures and contexts where labour mobility is rapidly growing has been singled out as a key concern.. It is clear that we need to fill this gap.
* We need also to bear in mind that migration –related conventions do not stand in isolation. They reside within a broader package of human rights and labour rights standards that apply to migrant workers and indeed all workers, whether permanent, temporary, refugees, or displaced persons. The world of work offers critical entry points that can contribute to durable solutions to the global migration crises, and to meeting development goals.
* As we look to the adoption of the Sustainable Development Goals (SDGs) later this month, which include to the protection of migrant workers as a target to achieving SDG 8 on economic growth and full and productive employment and decent work, it will be important for these various elements of international law and standards to be drawn together into a **comprehensive framework of reference that can inform a new system of fair migration governance for both migrant workers and refugees**.
* Clearly, we as international institutions need to do more to provide technical guidance to accelerate and strengthen the ability of governments to implement the 2030 Agenda for Sustainable Development.
* The ILO’s supervisory mechanisms of its standards framework are directed specifically towards this process of technical guidance and support. We work with constituents to address problems and challenges that emerge in applying labour standards. For example, we are supporting a new interregional dialogue among a number of Asian and Gulf countries in key migration corridors, which brings together Governments, as well as employers’ and workers’ organizations and other stakeholders, to discuss the fair recruitment, skills recognition, labour market institutions and employer sponsorship programs, as well the concentration of migrants in sectors not governed by labour law such as migrant domestic work.
* The Protocol to the ILO Forced Labour Convention, adopted at this year’s International Labour Conference, and the ILO’s Fair Recruitment Initiative are of particular relevance, are also means to address abusive recruitment practices.
* All this is work in progress, but we view cooperation and dialogue as one of the most important paths to linking rights and development. The way forward is both challenging and complex – we cannot deny this. Economies globally are under pressure with high levels of unemployment, particularly affecting women and youth. Yet, as you have made clear in your discussions of today, the crises we face are global ones. We cannot turn away from the challenges if we hope to ensure that in 2030, after the next cycle sustainable development goals, we do not witness the same human tragedies of today, the horrific images of small children washed-up on our shores.
* We must begin to discuss more durable solutions to the deeply rooted socio-economic problems. This requires us to consider a comprehensive approach to governance based on fair labour migration which focuses on three pillars:
* (1) creating decent work at home through cooperation on development that targets migration;
* (2) multilateral responses that are grounded on international standards and a common set of values; and
* (3) fair, safe and regular channels of migration that meet real labour market needs at all skill levels, and which incorporate the actors and institutions of the world of work.
* We need nothing less than to bring about a new paradigm of cooperation. This will take a large dose of political courage, yet we all bear this responsibility.
* The ILO remains committed to assisting the successful work of this Committee, and to striving together toward our shared goals.
* Thank you.