



International Migration
The search for decent work

About the project

“Decent Work for All! Making Migration work for Development” is a three-year project (2010-2013) which aims to raise awareness among European citizens and policy-makers about the links between development, migration and decent work; as well as the need to guarantee equal basic rights for all workers in the EU, irrespective of their origin or legal status.

SOLIDAR is carrying out this project with seven member organisations: ADO SAH ROM (Romania), Czech Council on Foreign Relations (Czech Republic), ISCOD (Spain), ISCOS (Italy), Solidarité Laïque (France), Pour la Solidarité (Belgium) and Progetto Sviluppo (Italy).

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About the report

This report aims to give an overview of current global, regional and European policies and initiatives that address international labour migration and analyses the challenges from a decent work and rights-based perspective.

The report outlines the policy framework around international labour migration in a development context and then examines the migration trends in three world regions (South-East Asia focusing on the Philippines; West Africa focusing on Senegal and Mali; and the Andean countries of Bolivia, Colombia, Ecuador and Peru), including interviews carried out with returned migrant workers who tell us about their experiences of working in Europe.

The regional studies and interviews were conducted by SOLIDAR's Global Network partners Labour Education and Research Network (LEARN) – The Philippines and Programa Laboral de Desarrollo (PLADES) – Peru, as well as Badara Ndiaye (Senegal) and Ousmane Diarra, l'Association Malienne des Expulsés (Mali).

In addition to this report is the publication “Through the Eyes of Migrants: The Search for Decent Work”, which invites you to learn through the eyes of migrants themselves about their reasons for searching for jobs abroad and the reality of decent work in Europe and their homes in developing countries.

Available on: www.solidar.org

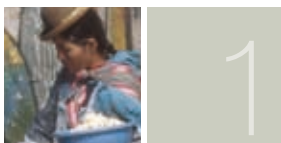
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Executive Summary

International migration is nothing new. It has many causes, including conflict and natural disasters, but one of the principal forms of migration today is labour migration. This too has existed for a long time, and occurred in the developing world long before it was carved up by the colonial powers, driven by trade, agricultural practices and cultural links.

Today the image in Europe is all too often one of a flood of low-skilled migrants leaving poor countries in the South and the East to live off the bounty of the developed world in the North and the West. That has been reflected in a policy response which in practice has concentrated heavily on increased border controls and the management of migration flows, despite official positions recognising the need to ensure that labour migration is a force for development, and that migrant workers' rights be protected.

All of these issues are linked here as we examine the issues surrounding international labour migration, and then focus in on migration from the developing world to Member States of the European Union (EU). The report looks at how and why migrant workers' human and labour rights should be protected arguing that by doing so migration can contribute to the development of the countries of origin and benefit the countries of destination. From the regional studies conducted for this report we conclude that poverty and the lack of employment opportunities and decent work are major driving forces behind international migration, particularly in the developing world. A recurring statement by migrants interviewed was that given the choice, they would stay in their home countries if they could earn enough to live on and support their families. Decent work sums up the aspirations of people in their working lives – their aspirations for opportunity and income; rights, voice and recognition; family stability and personal development; and fairness and gender equality.¹

Despite the drawbacks of moving abroad (leaving behind families, working in jobs lower than their qualifications), there are of course migrant workers who compare their life in Europe favourably to life at home, especially in light of the cost or poor quality of services such as health and education at home. Global social protection coverage (access to healthcare, education, social security) – a main pillar of decent work – is crucial to creating countries where people can live decently.

Another fundamental factor to making decent work a reality is the protection of human and labour rights. All too often migrant workers have to endure discrimination, precarious and inhuman working conditions and in the case of some, such as migrant domestic workers, human rights violations, sexual abuse and trafficking. Those who do not have a work or residence permit risk violations to their labour rights and, for example, have no access to legal protection in the event of unpaid wages or any other abusive practices by employers. Labour rights for all migrant workers, regular or irregular, must be ensured, as well as equal pay. Through gaining civic rights and freedom of association rights they will also be able to participate more in the receiving society, and even in the debate on migration and development.

Much of the focus on migration policies in the European Union has been on attracting high skilled migrant labour while controlling migrant flows, limiting and controlling the arrival of low skilled workers and deporting irregular migrants, and thereby segregating people into different categories and rights; an approach which is at odds with the EU's own policies on development cooperation. In addition, the "brain drain" - drawing highly skilled workers away from developing countries - deprives these countries of the skills they need to further their development and in some cases, as highlighted in our West Africa regional study, the health care services needed by the population as a whole.

Improving the protection of migrant workers rights, including those of undocumented migrants, is a moral and legal obligation and essential to realise the potential benefits of migration. Confining the majority of international labour migrants to low skilled jobs is a huge waste of potential. Decent work is needed to boost productivity and encourage innovation, while with higher earnings migrants will be able to contribute more to the taxes and social security systems of their countries of destination. If migrant workers can develop their skills and earning power they are more likely to be able to invest in their home countries but also in the receiving country.

See our recommendations to governments and civil society on page 30.

¹ http://www.ilo.org/global/About_the_ILO/Mainpillars/WhatIsDecentWork/lang--en/index.htm



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Part 1

International
Labour Migration –
The Decent Work
Approach

International migration – The global picture

International migration concerns hundreds of millions of people, and 90% of those are people migrating for work, or joining spouses and parents who have migrated to work. Migrant workers make an important contribution to the economy, to welfare and of course to cultural diversity.

Migrants can contribute to their country of destination both through satisfying the demand for labour and for specific skills, rejuvenating an ageing workforce (especially in the case of Europe), paying taxes and contributing to the social security and welfare system. To their home country, they provide support in the form of remittances, investment in the case of some, and the transfer of skills for those who return. These contributions are often not recognised by the receiving society, and their potential is curtailed by inadequate or negative policy responses.

- International migrants, estimated at 214 million in 2010, represent 3% of the global population.²
- In 2010, women make up almost 50% of international migrants.³
- Migrant workers (economically active among total migrant population) total about 105 million in 2010.⁴
- Migrant workers and their families account for about 90% of total international migrants in 2010.⁵
- Total remittance flows from migrant workers were estimated at USD 441 billion (333 billion euros) in 2009.⁶
- During 2008 about 3.8 million people immigrated into one of the EU Member States, just over 2 million of whom came from outside the EU.⁷
- In 2008, a total of 2.3 million people emigrated from EU Member States.⁸
- The total number of non-nationals, i.e. people who are not citizens of their country of residence, living on the territory of the EU Member States on 1 January 2009 was 31.8 million, representing 6.4% of the total EU population. Two thirds of them came from outside the EU.⁹

SOLIDAR strongly supports, and has contributed to, the growing consensus among international policy makers that the protection of migrant workers' rights is central to ensuring that the benefits of migration can be realised for both sending and receiving countries and the migrants themselves. But this cannot be achieved if their rights are not respected and they do not have decent work.

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² "International Labour Migration – A Rights-Based Approach", ILO, 2010

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ World Bank's Migration and Development Brief 12 (April 23, 2010): Outlook for Remittance Flows 2010-11, <http://go.worldbank.org/SSW3DDNLQ0>

⁷ Eurostat migration statistics

⁸ Ibid

⁹ Ibid

The decent work dimension in migration and development

— — — “Migrant workers are an asset to every country where they bring their labour. Let us give them the dignity they deserve as human beings and the respect they deserve as workers”

Juan Somavia,
Director-General of the International Labour Organisation.¹⁰

The search for decent work is one of the largest motivations behind international migration, with an increasing number of people of working age who either cannot find employment or cannot find employment adequate to support themselves and their families in their own countries. Decent work sums up the aspirations of people in their working lives for opportunity and income; rights, voice and recognition; family stability and personal development; and fairness and gender equality¹¹. The Decent Work Agenda of the International Labour Organisation (ILO) promotes access for all to freely chosen employment, the recognition of fundamental rights at work, an income to enable people to meet their basic economic, social and family needs and responsibilities and an adequate level of social protection for the workers and family members.

Policy responses

Decent work is high on the agenda of the Millennium Development Goals (MDGs)¹², a set of policy objectives agreed at a United Nations (UN) Summit held in September 2000 at which world

leaders committed their nations to a new global partnership to reduce extreme poverty by meeting specific targets by 2015. The very first goal is the eradication of extreme poverty and hunger. In 2005, sub target 1B was added to the first goal, which is to: “Achieve full and productive employment and decent work for all, including women and young people”. The progress of sub target 1B is monitored through four indicators.¹³ By including this aspect in the MDGs, it was recognised that “employment and decent work are legitimate and fundamental goals in their own right and not the automatic by-products of growth”¹⁴.

At the European level, the “European social agenda puts a strong emphasis on the EU’s contribution to strengthening the social dimension of globalisation. Efforts towards promoting decent work for all in EU external and internal policies are part of this. The EU has actively supported the uptake of decent work as a global goal by the UN” including in its 2006 Communication in which it put forward an integrated strategy to promote decent work in all internal and external strategies, such as development and in the 2008 report on the EU contribution to the promotion of decent work in the world.¹⁵

— — — “Efforts to fulfil our collective commitments to fight poverty will fall short unless we focus on creating job opportunities and decent work for all.”

Juan Somavia, Director-General of the ILO,
on the International Day for the Eradication of Poverty, 2004.¹⁶

The four strategic objectives of Decent Work

- fundamental principles and rights at work and international labour standards
- employment and income opportunities
- social protection and social security
- social dialogue and tripartism

¹⁰ <http://www.ilo.org/public/english/protection/migrant/>

¹¹ “International Labour Migration-A Rights-based Approach”

http://www.ilo.org/public/english/protection/migrant/download/rights_based_approach.pdf

¹² The eight MDGs are: Goal 1: Eradicate extreme poverty and hunger; Goal 2: Achieve universal primary education; Goal 3: Promote gender equality and empower women; Goal 4: Reduce child mortality; Goal 5: Improve maternal health; Goal 6: Combat HIV and AIDS, malaria and other diseases; Goal 7: Ensure environmental sustainability; Goal 8: Develop a Global Partnership for Development

¹³ 4 Indicators for MDG sub target 1B: 1. Labour productivity (measured as GDP per person employed) 2. Employment-to-population ratio 3. Proportion of employed people living below USD 1 (PPP) per day 4. Proportion of own-account and contributing family workers in total employment

¹⁴ http://www.unecsc.org/commission/MDGs/Regional_Consultation_17March2010/MDG1-02-ILO_Ulshoefer%20&%20Nesporova.pdf

¹⁵ <http://ec.europa.eu/social/main.jsp?catId=323&langId=en>

¹⁶ <https://www.ilo.int/public/english/bureau/pardev/download/mdg/mdg1.pdf>

International Labour Organisation and Migration

The ILO has been the leading proponent of a “rights-based” approach to migration, beginning with its 2004 resolution on a fair deal for migrant workers in the global economy, the related ILO plan of action for migrant workers and the 2006 **ILO Multilateral Framework on Labour Migration**¹⁷. The multilateral framework sets out non-binding principles and guidelines for labour migration, the very first principle being the achievement of decent work for all:

Decent Work (Principle 1)

- Opportunities for all men and women of working age, including migrant workers, to obtain decent and productive work in conditions of freedom, equity, security and human dignity should be promoted.
- The ILO Decent Work Agenda promotes access for all to freely chosen employment, the recognition of fundamental rights at work, an income to enable people to meet their basic economic, social and family needs and responsibilities and an adequate level of social protection for the workers and family members.

Another key principle concerns **Migration and Development (Principle 9)** which states “the contribution of labour migration to employment, economic growth, development and the alleviation of poverty to be recognised and maximised for the benefit of both origin and destination countries”. The guidelines supporting this principle call on governments to mainstream labour migration in national employment, labour market and development policy and to promote the positive role of labour migration.

The Multilateral Framework also addresses the governance of migration, protection of migrant workers, promoting migration, expanding international cooperation and development linkages. **The Protection of Migrant Workers (Principle 5)** states that “the human rights of all migrant workers, regardless of their status, should be promoted and protected”, calling for the respect of the eight fundamental ILO conventions¹⁸ and the nine United Nations human rights conventions¹⁹.

In June 2008, the ILO launched a Declaration on Social Justice for a Fair Globalization to emphasise the key role of the organisation in helping to achieve progress and social justice in the context of globalisation, in which it commits to enhance the ILO’s capacity to advance these goals, through the Decent Work Agenda. The Declaration institutionalises the Decent Work concept developed by the ILO since 1999, placing it at the core of the organisation’s policies to reach its constitutional objectives.²⁰

Faced with the prospect of a prolonged global increase in unemployment, poverty and inequality and continued distress for enterprises, in June 2009, the International Labour Conference, with the participation of government, employers’ and workers’ delegates from the ILO’s member states, unanimously adopted a “Global Jobs Pact”. This global policy instrument addresses the social and employment impact of the international financial and economic crisis.²¹

¹⁷ ILO Multilateral Framework on Labour Migration – Non-binding principles and guidelines for a rights-based approach to labour migration. http://www.ilo.org/public/libdoc/ilo/2006/106B09_343_engl.pdf

¹⁸ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29), and Abolition of Forced Labour Convention, 1957 (No. 105); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum

Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

¹⁹ The nine universal human rights conventions are :Universal Declaration of Human Rights 1948, International Convention on the Elimination of All Forms of Racial Discrimination 1965, International Covenant on Civil and Political Rights 1966, Convention on the Elimination of All Forms of Discrimination against Women 1979, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, Convention on the Rights of the Child 1989, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990, International Convention for the Protection of All Persons from Enforced Disappearance 2006, International Convention for the Protection of All Persons from Enforced Disappearance 2006.

²⁰ http://www.ilo.org/global/topics/economic-and-social-development/globalization/WCMS_099766/lang--en/index.htm

²¹ http://www.ilo.org/jobspact/WCMS_CON_TXT_GJP_HP_EN?ssSourceSiteId=global/lang--en/index.htm

Migration – The truth behind the myths

Migration – busting the myths

- The majority of migrants are individuals with at least 10 years formal education seeking better opportunities elsewhere.
- South-South migratory movements are roughly the same as South-North flows. Nearly half of all migrants from the Andean countries (Bolivia, Chile, Colombia, Ecuador, Peru) go to other South American countries.
- 87% of migrants' income is spent in the country of destination.²²
- Only a small proportion of migrants' remittances come from Europe – in the Philippines 10% of remittances are from migrants working in Europe, with most of the rest coming from Filipinos working in other Asian countries.
- Strict border controls increase long term residence and family reunification in the receiving country.

Source: Co-development: 'win-win' solution for all? (SOLIDAR)

In the Americas, North America still attracts many migrants from the South. According to 2009 figures from the Human Development Index (HDI), out of a total of 25 million Latin Americans living abroad, 19.72 million were in North America. Regional trends vary however.

In the Andean region, the majority of migrant workers from Colombia, Ecuador and Peru choose to stay in the south.

Migratory movements from Colombia, Ecuador and Peru, 2007

Continent	Number of people	%
North America	1,271,402	28.52
South America	2,114,238	47.42
Central America	460,147	10.32
Europe	557,331	12.50
Asia	24,130	0.54
Others	31,428	0.70
Total	4,458,676	100

Source: Gamero (2009)

Many migration policies appear to be based on the popular belief that migration flows are primarily from South to North, from poor to rich. The real picture is more complex, with "South-North" flows accounting for roughly one third of all international migration.

In West Africa, for example, there is a long tradition of intra-regional migration, dating back long before the days of colonialism, driven by trade and farming. These trends persist today, with the great majority of West African migrants staying within their own continent to live and work. It is estimated that of the 4 million Malians who live abroad, nearly one third of the country's total population, 3.5 million are in Africa.²³ Senegal, with a total population of 12 million, sends about 3 million of its citizens abroad, over 90% of them to other African countries.²⁴

An analysis of labour migration from the countries of South-East Asia shows that labour exporting countries are not necessarily poor. Singapore sent the highest number of migrants abroad relative to its population, followed by the Lao People's Democratic Republic (PDR), Brunei, the Philippines and Malaysia. Singapore and Brunei rank as "very high" on the Human Development Index, and Malaysia as "high". The three countries have undergone the most rapid industrialisation processes in the region. These high emigration rates can be explained by the fact that globalisation has dramatically increased the inequalities in these societies on one hand, and that migration comes at a high cost which the poorest cannot afford on the other.

²² Demaret, L and Tran P (2006) Dispelling the migrant myth, "World of Work" no. 57, ILO

²³ Délégation générale des Maliens de l'extérieur (2005)

²⁴ Ministère Sénégalais de l'Extérieur

**Emigration rates and development status
of the countries of South-East Asia**

Country	HDI ranking 2010*	HDI Position in world in 2010* (2002 position brackets)	Emigration Rate (2000- 2002)**
Singapore	Very High	27 (25)	6.3
Brunei	Very High	37 (32)	4.9
Malaysia	High	57 (59)	3.1
Thailand	Medium	92 (70)	1.3
Philippines	Medium	97 (77)	4.0
Indonesia	Medium	108 (110)	0.9
Vietnam	Medium	113 (109)	2.4
Lao PDR	Medium	122 (143)	5.9
Cambodia	Medium	124 (130)	2.3
Myanmar	Low	132 (127)	0.7

* Source: UNDP Human Development Report 2010

** Source: UNDP Human Development Report 2009. Overcoming Barriers: Human Mobility and Development.

— — — Migrant workers [...] usually pay more taxes than they receive in tax-supported service.

Women migrants – paying too high a price for globalisation

Women account for almost 50% of all international migrants with a high proportion of them now migrating autonomously. An analysis of internal and intra-regional migration patterns shows that many women migrants find work in agriculture and export-oriented sectors, where women's relatively low wages constitute a comparative advantage. In these sectors, working conditions are often exploitative and employment is insecure and informal. In the manufacturing export sector, the hiring of (young, flexible, cheap) women workers forms an explicit strategy of governments and big corporations. The low wages of women and women migrant workers have been fundamental to economic growth and export-oriented development strategies in many developing countries. In the domestic and care sector in Europe, women migrants contribute to sustaining the contemporary economic system and social reproduction in the region.

Female migration to the EU has always been important. Similar to developments in other regions of the world, the restructuring of the European economies has contributed to informalisation, flexibilisation and casualisation of work, growing job insecurity and downward pressure on wages.

Source: Women in Development – Europe (WIDE)²⁵

²⁵ "Women's Labour Migration in the Context of Globalisation", WIDE, 2010

Impact on employment and wages

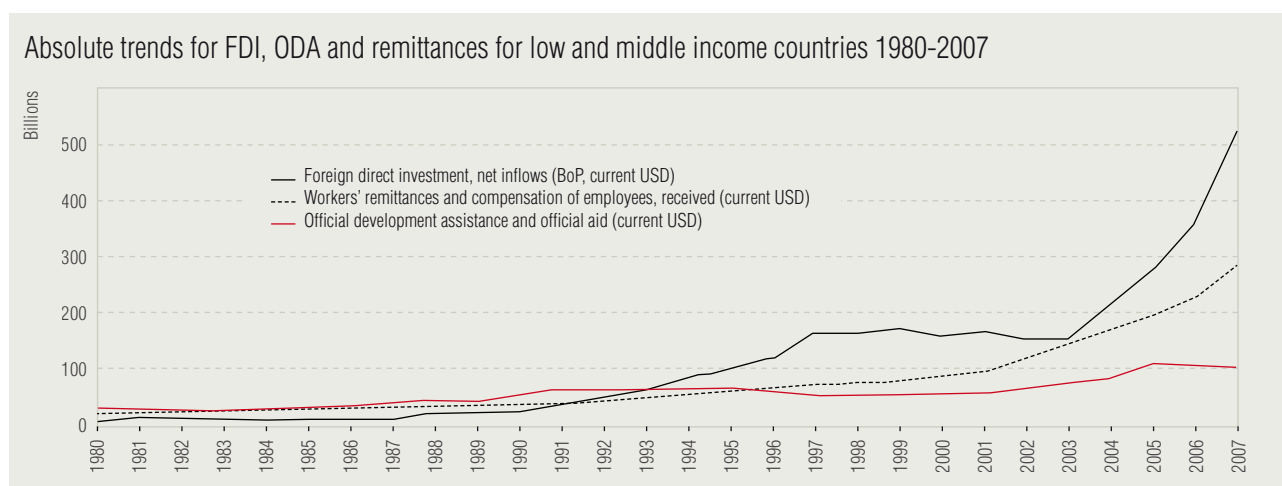
“In most cases, migrant workers have only a slightly negative, if any, effect on the wages of native workers, and they usually pay more in taxes than they receive in tax-supported services. There is little evidence that migration leads to displacement of nationals in employment. One of the main challenges for destination countries is to ensure the integration of migrants in their societies.”²⁶

Remittances – support for basic needs but no driver of sustained development

Money sent home by migrants is considerably larger than Official Development Assistance (ODA) and according to World Bank figures the second largest source of income for developing countries after Foreign Direct Investment (FDI). In 2008, officially recorded remittances were estimated to have reached USD 305 billion, which is almost three times as much as Official Development Assistance (USD 119.8 billion in 2008) and nearly two-thirds of FDI (USD 517.7 billion to developing countries in 2008). This amount represents only a fraction of

the sums actually remitted, as large amounts of money are transferred through informal channels.²⁷ Hence remittances may be seen as an important development tool. They can contribute significantly to poverty reduction and shelter households at times of political or economic crisis. The Asian Development Bank estimates that, in 2006, remittances kept 4.3 million people out of poverty in the Philippines. They can also help stimulate the local economy through increased consumption and even help create employment.²⁸

There are drawbacks to excessive reliance on remittances however. They tend to be used by households for domestic consumption, and to a lesser extent education, healthcare or micro-entrepreneurial activity but they are not used to finance the sort of large scale infrastructure projects or job creating investments that ODA may be used to fund. Nor is their use subject to public policy decisions. A high dependence on remittances to cover basic needs can mean that a government spends even less on welfare and as a consequence migration pressure increases. Furthermore remittances tend to be vulnerable to economic fluctuations as the current global financial crisis shows. As a result of the global economic downturn, 2008 witnessed the first sustained drop in remittances since flows started being recorded.²⁹



Source: Migrants in Europe as Development Actors – Between Hope and Vulnerability. European Social Watch Report 2009.

²⁶ ILO International Labour Migration – a Rights-based approach

²⁷ “Migrant Workers’ Remittances: A Development Instrument in Question” European Social Watch Report 2009

²⁸ idem

²⁹ idem

Migration policy and migrant workers' rights

United Nations

Migration and development were placed high on the UN agenda by former Secretary General Kofi Annan. Under his leadership an inter-governmental group of high-level experts set up the Global Commission on International Migration, which published its final report in 2005. The report clearly stated that “the human rights component of the UN system should be used more effectively as a means of strengthening the legal and normative framework of international migration and ensuring the protection of migrant rights”. It recommended that:

“The role that migrants play in promoting development and poverty reduction in countries of origin, as well as the contribution they make towards the prosperity of destination countries, should be recognised and reinforced. International migration should become an integral part of national, regional and global strategies for economic growth, in both the developing and developed world.”³⁰

— — — “The role that migrants play in promoting development and poverty reduction in countries of origin, as well as the contribution they make towards the prosperity of destination countries, should be recognised and reinforced. International migration should become an integral part of national, regional and global strategies for economic growth, in both the developing and developed world.”³⁰

A UN High Level Dialogue on Migration and Development, the first UN-sponsored global event focusing on migration, was held in New York in September 2006. The official report of the event

to the UN General Assembly noted that: “Participants remarked that labour migration was crucial for the world economy. In some countries, the labour market was highly dependent on foreign workers. In others, temporary labour migration allowed for the filling of specific labour needs.”

The report also underlined the need to adapt policies to respond to a growing trend, the importance of women in international labour migration. It welcomed the fact that some countries were already in the process of re-examining their labour migration regulations and procedures to ensure that they were gender sensitive and that they offered adequate protection for female migrants.³¹

The High Level Dialogue led to the adoption of a resolution on migration and development by the UN General Assembly in December 2006 which called on all relevant bodies, agencies, funds and programmes of the United Nations system and other relevant intergovernmental, regional and subregional organisations, within their respective mandates “to continue to address the issue of international migration and development, with a view to integrating migration issues, including a gender perspective and cultural diversity, in a more coherent way within the broader context of the implementation of internationally agreed development goals, including the Millennium Development Goals and respect for human rights.”³²

The main outcome of the UN High Level Dialogue was the Global Forum on Migration and Development (GFMD), an inter-governmental and non-binding dialogue process between UN Member States and with some exchange with civil society. The GFMD recognises the need to promote multilateral approaches and international cooperation, to expand legal opportunities for migration (especially for low-skilled workers), to protect migrant rights, to develop gender-sensitive migration policies, and to create decent work opportunities in home countries to reduce migration pressures. This process will lead to the 2nd UN High Level Dialogue on Migration and Development in 2013.

³⁰ <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>

³¹ <http://www.un.org/esa/population/migration/hld/index.html>

³² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/506/85/PDF/N0650685.pdf?OpenElement>

A wide range of universal standards protecting all workers rights have been developed, including some that specifically address the needs of migrant workers. At the international level the rights of migrant workers are protected notably by:

► **United Nations Conventions:**

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Universal Declaration of Human Rights

► **ILO Conventions:**

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

The UN Convention on the protection of migrant workers rights was adopted in 1990 and covers all migrant workers. In its preamble it recognises the particularly vulnerable situation of irregular migrants, calling on measures to prevent clandestine migration, “while at the same time assuring the protection of their fundamental rights”. Section III of the Convention sets out the basic rights for both documented and non-documented migrants. In this section, Article 24 states that “Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law”. Article 25 deals with rights at work, establishing that migrant workers should receive the same treatment as nationals of their country of destination in terms of pay and all other conditions of work including overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and benefit from the same standards governing working practices such as the minimum age of employment. Article 26 recognises the right of migrant workers to freely join the trade union of their choice and take part in trade union activities.

The key article in ILO Convention 97 on migration for employment is article 6 which calls on member states to ensure

that immigrants legally within their territory should enjoy equal treatment no less favourable than their own nationals in terms of remuneration, hours of work, overtime, paid leave, minimum working age, women’s work, as well as membership of trade unions and the enjoyment of the benefits of collective bargaining.

The follow-up ILO Convention 143 deals, in Part I, with the employment of migrant workers in abusive conditions, particularly illegal employment, while specifying in article 8 that “On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, work permit.” Part II sets the standards for equal treatment, calling in Article 10 for ratifying countries to promote and to guarantee equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights, and of individual and collective freedoms “for persons who as migrant workers or as members of their families are lawfully within its territory.”

The ILO’s Committee on the Freedom of Association, has on repeated occasions ruled that undocumented migrant workers are entitled equally to fundamental trade union rights, enshrined in Convention 87 on Freedom of Association and the Right to Organise. The UN Convention recognises the need to protect undocumented migrants in view of their particularly vulnerable position.

While these Conventions set important international standards, they are not binding upon states unless they have been ratified by those states. Regrettably, no EU Member state has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, while only four have ratified Convention 143 and eight have ratified Convention 97 (see table below).

European Union

“The emerging consensus amongst Member States is that European countries manage migration best when they work with the migrant’s country of origin on everything from border control to development issues; have well-advertised, easy to understand schemes for skilled migration; provide a clear and fair route to citizenship for newcomers; and use the right mixture of sticks and carrots to get irregular immigrants to leave. However, efforts to advance these aims at EU level are still in their infancy.”³³

Ratification of international conventions protecting migrant workers’ rights by EU Member States

ILO Convention 97	ILO Convention 143	UN Migrant Workers Convention
Belgium	Cyprus	None
Cyprus	Italy	
France	Slovenia	
Germany	Sweden	
Italy		
Netherlands		
Spain		
UK		

Access to and residence on the territory of EU Member States is their sovereign prerogative, and Member States have so far been keen to retain absolute control over migration policy. There have been a series of discussions and policy initiatives however to lay down the guidelines for a common approach to migration.

In December 2005 the EU adopted its Global Approach to Migration, focused on Africa and the Mediterranean, which is aimed at comprehensive and coherent action on migration. In particular it calls for working in partnership with countries and regional organisations outside the EU on a broad range of issues (legal and illegal migration, development, refugee protection, trafficking). There is still a strong focus on border controls, as the four key objectives of the Global Approach show:

- To reinforce security at the doors of Europe.
- To establish common principles to manage international protection and asylum.
- To organise selective regular migration to meet European labour needs.

- To provide development aid to developing countries involved in the EU Global Approach, with the objective of helping them manage their emigration flows.³⁴

The EU agency for external border security, “Frontex”, was also set up in 2005 in order to enhance border security by coordinating the operational cooperation of EU Member States, Schengen Associated Countries and other partners.

The European Pact on Immigration and Asylum was adopted in October 2008. It makes the EU’s offer of opportunities for legal migration for work or study clearly conditional on a proven commitment from third countries that they will fight irregular migration. The Pact translates the Global Approach into five policy objectives.

- Legal migration: including a comprehensive approach to legal immigration should be devised.
- Illegal migration, notably the “selective repatriation of illegal immigrants”.
- Border controls, enhancing the role of Frontex.
- Asylum policies: calling on Member States to develop common guarantees on asylum and a single asylum procedure.
- Foreign countries: focusing on the origin of third-country immigrants offering opportunities for legal migration tied to employment and education, but stresses the significance and benefits of circular migration³⁵.

Further, there are a number of EU directives on labour migration proposed with a view to achieving the objectives laid down in the EU’s Lisbon Strategy for Growth and Jobs and Europe 2020 Strategy. The first so-called Blue Card directive³⁶ adopted by the European Council in 2009 regulates the entry and employment conditions for highly-qualified migrant workers. It aims to facilitate the recruitment and retention of highly-skilled migrants. The directive protects these workers’ rights, including provisions in favour of family reunification, equal treatment with nationals with regard to conditions of employment and socio-economic rights, freedom of movement within the EU after two years, and circular migration opportunities.

In contrast, a not yet adopted directive on seasonal employment is aimed at less skilled workers who will only be allowed to enter the European Union temporarily and with far fewer rights and guarantees. Moreover, a framework directive on a single application procedure and a single permit for third-country nationals to reside and work in an EU Member State and a common set of rights was under discussion in 2010. The directive should grant the same employment-related rights

³³ Centre for European Reform briefing on EU Migration Policy, February 2008. http://www.cer.org.uk/pdf/briefing_813.pdf

³⁴ “Spotlight on Policy Coherence”, Concord (European NGO Confederation for Relief and Development), 2009.

³⁵ There is no single definition of circular migration; it describes a form of temporary labour migration, where people move forth and back between the country of origin and destination. If managed well, it can be a win-win-win solution for the migrant and the country of origin and of destination.

³⁶ COUNCIL DIRECTIVE 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

(e.g. social security) to migrant workers as to EU nationals. Initially, this single permit and set of rights were to apply to all migrant workers from outside the EU who legally reside in an EU Member State, irrespective of their qualifications. However, regrettably, EU Member States insisted on following a selective and sectoral approach with regard to the EU legislative framework for admitting migrant workers. An agreement on the seasonal employment and single permit directives should be reached in 2011.

2011 will also see an evaluation and consultation on the future of the Global Approach to Migration and the EU's development policy, on the EU's progress toward policy coherence for development as well as the EU's integration policy. Hence, it will be a crucial year for the definition and implementation of the EU's policies concerning migration.

The EU's Regional Approaches

Many EU initiatives are regional in approach, with a strong focus on Africa.

At the first EU-Africa Ministerial Conference on Migration and Development in Tripoli, Libya in November 2006, Africa and the EU adopted a joint strategy, the Tripoli Declaration, to respond to the challenges and maximise the benefits of international migration. Key clauses from the Declaration advocate:

- Addressing the root causes of migration and refugee flows, including through efforts aimed at eradicating poverty and realising the Millennium Development Goals and NEPAD³⁷ objectives, focusing especially on improving the living conditions and livelihoods of the poorest, including resolving and preventing conflict.
- Encouraging and promoting Foreign Direct Investment in order to generate employment and reduce migration outflow.
- Effectively addressing the root causes of migration and notably the lack of employment through better targeted development policies, as well as by ensuring that policies in the area of trade, agriculture and fisheries produce a positive impact on the socio-economic situation of African countries.

The second EU-Africa Ministerial Conference on Migration and Development³⁸ was held in Paris in 2008 and was dedicated particularly to cooperation on migration issues along the Western migratory route. The EU and Africa agreed on a three-year cooperation programme which provides a basis

for the actions of the participating States and the European and ECOWAS³⁹ Commissions on managing legal migration, contributing to synergies between migration and development, and combating illegal migration.

The European Commission presented proposals for a new Africa-EU strategy, at the Africa-EU Summit on 29-30 November 2010 in Libya. The proposals were detailed in a Communication titled: "Africa-Europe 2020: 1.5 billion people, 80 countries, 2 continents, one future — Commission Communication on the consolidation of EU-Africa Relations". In the section on migration the focus is very much on controlling flows and ways to ensure legal migration and the reduction of irregular migration flows. A promising sign however is in the pledge to address the challenge of how to involve African diasporas more effectively in the development process, promoting initiatives such as the Migration Observatory of the African Caribbean and Pacific States (ACP).

The ACP Migration Observatory, an initiative of the ACP Secretariat, financed mainly by the EU and supported by the International Organisation for Migration (IOM), will look at South-South migration flows and analyses. The aim is to provide reliable and comparable data on the origins, networks and social conditions of migrants in the six ACP regions. It is a welcome initiative which in the words of the ACP Secretariat seeks to promote 'a system of international relations that favours inclusion, cohesion, protection and acceptance of migrants and their families'.

For Asia, the Seventh Asia-Europe Meeting (ASEM)⁴⁰ for Directors General on Management of Migratory Flows between Europe and Asia was held in Paris in November 2008⁴¹.

In Europe the EU - Eastern Neighbourhood countries Summit was held in Prague in May 2009. It adopted a "Joint Declaration on the Eastern Partnership" aimed principally at strengthening political and economic integration but also at promoting visa facilitation and readmission agreements between the EU and six post communist countries, namely Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

In June 2009 the EU - LAC (Latin American and Caribbean) Structured and Comprehensive Dialogue on Migration was launched to address issues related to regular and irregular migration, as well as migration and development avoiding the multiplication of sub-regional or bilateral dialogues.⁴²

³⁷ New Partnership for Africa's Development <http://www.nepad.org>

³⁸ http://www.eu2008.fr/PFUE/lang/en/accueil/PFUE-11_2008/PFUE_25_11_2008/conference_de_paris_sur_la_migration_et_le_developpement.html

³⁹ ECOWAS – Economic Community of West African States

⁴⁰ ASEM is a forum for dialogue and co-operation bringing together the 27 European Union Member States and the European Commission with 19 Asian countries and the ASEAN Secretariat.

⁴¹ <http://register.consilium.europa.eu/pdf/en/08/st16/st16714.en08.pdf>

⁴² http://www.europarl.europa.eu/intcoop/eurolat/working_group_migration/meetings/27_28_01_2010_brussels/dossier/basis_en.pdf

Positive national initiatives

Some Member States have taken their own initiatives to help further the development of sending countries, and to integrate migrants more fully. Back in 1975 France set up a programme addressing the brain drain, providing training to Algerian citizens living in France in exchange for the promise to return to Algeria. Twenty years later, in 1995, the French government set up the Local Development and Migration Programme (PDLM) to help migrants from Mali, Mauritania and Senegal to return and set up businesses. Spain later followed France's lead with its 2001 immigration bill (Programma Global de la Regulación y Coordinación de la Extranjería y la Inmigración en España) which mentions co-development⁴³ as a key to involving migrants and spurring development, followed by the 2007 'Strategic Plan on citizenship and integration' and the Development Cooperation Framework Plan for 2005-2008, which uphold similar principles.

Lack of Policy Coherence for Development in the EU approach

Policy Coherence for Development

The concept of Policy Coherence for Development (PCD) basically says that policies which negatively impact on or undermine development objectives should be avoided and that policies other than development policy should support development objectives where possible. In 2005, the EU has made the political commitment to enhance PCD. In the so-called "European Consensus" on Development agreed between the Council, Member States representatives, the European Commission and Parliament, it is stated: "The EU shall take account of the objectives of development cooperation in all policies that it implements which are likely to affect developing countries. To make this commitment a reality, the EU will strengthen policy coherence for development procedures, instruments and mechanisms at all levels, and secure adequate resources and share best practice to further these aims. This constitutes a substantial additional EU contribution to the achievement of the MDGs."⁴⁴

The EU commitment towards policy coherence for development is not only a political one. It also has a strong legal basis in the Lisbon Treaty, Article 21: "The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect."⁴⁵

Moreover in Lisbon Treaty, Article 208 on the functioning of the European Union, it is stated that: "The Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries."⁴⁶

As a consequence, the PCD concept has been more operationalised and become an integral field of action and policy advocacy. One of the priority areas identified by the European Commission to advance PCD is migration.

Many of the EU's policies on labour immigration, notably those outlined above, fail to meet the need for Policy Coherence for Development, and have been criticised for having too heavy a focus on security, border control and the management of migration flows, rather than the development needs of the sending countries and the rights of migrant workers. The budget for the Frontex border control agency, for example, doubled between 2007 and 2009, while the EU budget devoted to fighting irregular migration increased six-fold over the same period. In 2007 alone, EU Member States carried out 174,275 deportations.⁴⁷

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Treaty on the Functioning of the EU, Article 208

⁴³ The concept of co-development refers to the potential benefits of migration for development for all parties concerned (migrants, sending and receiving country).

⁴⁴ <http://www.fairpolitics.nl/europa/coherence>

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ "Spotlight on Policy Coherence", Concord, 2009.

⁴⁸ <http://www.concordeurope.org/Page.php?ID=4&language=eng>

As the European Confederation of Relief and Development NGOs, CONCORD, points out, “the EU commits to striving to make migration a positive factor for development through the promotion of concrete measures aimed at reinforcing its contribution to poverty reduction, yet the debate on migration and development in the EU is more oriented towards preventing migration to Europe, and creating incentives for countries of origin to manage and control migration in the so-called interest of European countries, than towards extending to third countries’ nationals the freedom of movement that EU citizens enjoy, and which is at the core of the EU project itself.”⁴⁸ Furthermore, EU Member States also have their own historical privileged or preferred relations with third countries, generating parallel bilateral agreements.⁴⁹

At the same time, initiatives such as the introduction of the Blue Card (see page 14) increasing the “brain drain” of highly skilled workers from developing countries, thereby hindering rather than promoting development, while permissive corporate accounting regulations facilitate tax evasion from developing countries.

At the regional level, the Economic Partnership Agreements set up under the 2000 Cotonou Agreement between the European Union and the Group of African, Caribbean and Pacific States includes in Article 13 a clause on readmission of migrants, which to become operational requires the implementation of bilateral readmission agreements. There is concern that the implementation of readmission agreements carries with it the serious risk of inhumane and degrading treatment and arbitrary treatment in the countries migrants are brought back to.⁵⁰

Statements about ensuring migrant workers rights have not been respected in practice. As the ILO reported to the 2004 International Labour Conference “for an unacceptably large proportion of migrants, working conditions are abusive and exploitative, and may be characterised by forced labour, low wages, poor working environment, a virtual absence of social protection, the denial of freedom of association and union rights, discrimination and xenophobia, as well as social exclusion - all of which rob workers of the potential benefits of working in another country.”

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ILO report to 2004 International Labour Conference

⁴⁹ Ibid.

⁵⁰ http://www.concordeurope.org/Files/media/0_internetdocumentsENG/4_Publications/3_CONCORDs_positions_and_studies/Positions2010/Concord-Cotonou-Working-Group_Briefing-paper_Revision-of-the-Cotonou-PartnershipAgreement_Feb10.pdf



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Part 2

Regional studies

“International migration is primarily a labour market, employment and decent work issue, and less a security and asylum seeker-refugee issue. The challenge is to govern migration in such a way that it can serve as a force for growth and prosperity in both origin and destination countries, while protecting and benefitting migrant workers themselves.”

Ibrahim Awad, head of the ILO's International Migration Branch.

South-East Asia

Institutionalised labour migration in the Philippines⁵¹



Field studies carried out in three regions of the developing world, Africa, Asia and Latin America, look at the effects of migration on the region, and the personal experience of migrants.

Labour migration from the Philippines began under the Marcos government as a temporary employment strategy to ease socio-political tension brought about by unemployment and poverty during the Martial Law period (1970s). Yet it soon turned into a massive billion-dollar industry. Taking advantage of the economic boom in the Middle East in the 1970s and the demand for contract labour, the Marcos government institutionalised labour migration and became a key actor in sending Filipino workers abroad. The then dictator sought to tackle social unrest arising from unemployment and a balance of payments deficit by exporting skilled workers and benefiting from the foreign currency remittances.

Today, a quasi-permanent overseas labour and employment agency of the Philippine state, the Philippine Overseas Employment Agency (POEA), processes more than 200,000 Filipinos willing to work abroad every year. The Filipino diaspora is estimated at 8.7 million Filipinos abroad in either permanent or temporary migration. In 2009, POEA deployed 1.4 million Filipino workers. Dollar remittances from Filipino overseas workers account for 10.4% of the country's Gross Domestic Product (GDP) amounting to approximately \$17.3 billion (12.4 billion euros) in 2009 alone. Only 10% of that is from Europe however, as half of all Filipino migrants work in other Asian countries. The Philippine model of labour migration policy is considered unrivalled in the developing world but clear gains for the development of the country have been questionable.

The push for overseas employment continues as decent jobs, specifically jobs with better wages and conditions remain

unavailable in the country. Filipino workers occupy a broad range of employment sectors abroad such as in manufacturing, construction, health and domestic services. Filipino nurses, some of whom are certified doctors in the Philippines but working as nurses abroad, can be found in Saudi Arabia, London, Canada and the US. This is happening while the Philippines is nursing a fledgling and inefficient health sector.

In recognition of the extent of labour migration from its country, the government introduced the 1995 Migrant Workers and Overseas Filipinos Act which established greater protection for the rights of migrant workers and their families. It bans unlawful recruitment, and prescribes the provision of services, including information and legal assistance, to migrants.⁵²

Although the Philippines officially stated that it does not promote migration as an alternative to development policies, the government hails its overseas workers as heroes, and each year, the Philippine President hands out Bagong Bayani (modern - day heroes) awards to the country's "outstanding and exemplary" migrant workers.⁵³

The country has also established bilateral labour agreements with several countries, including the United Kingdom, Switzerland, Spain, and Norway.⁵⁴ The agreements made between the Philippines and these countries involve the sending of skilled labour, for instance, medical practitioners to the United Kingdom, Spain and Norway, and technical and professional trainees to Switzerland. The Philippines' bilateral labour agreement with Bahrain is also sector specific as it

⁵¹ By Verna Viajar et. al., Labour Education and Research Network (LEARN) - The Philippines

⁵² See the Republic Act 8042 available at <http://www.poea.gov.ph/rules/ra8042.html>.

⁵³ "Moving millions: How coyote capitalism fuels global immigration" Jeffrey Kaye, April 2010.

⁵⁴ A list of the bilateral agreements that the Philippines has entered to is found in the POEA website available at http://www.poea.gov.ph/lmi_kiosk/labor_agreements.htm.

involves health professionals.⁵⁵ Other agreements concern the sending of labour regardless of their sectoral background, for example with the Republic of Korea, United Arab Emirates, and the Canadian provinces of Alberta, Manitoba, and Saskatchewan. The memoranda of agreement between the Philippines and these Canadian provinces even allowed not just short-term but also long-term immigration. In Southeast Asia, the Philippines established a bilateral agreement with Indonesia which focuses more on the protection of migrants between the two States. With Lao PDR, the Philippines signed an agreement that would involve its provision of training to improve employment, and human resource development in Lao.

Being one of the biggest sender of labour service in the entire Asia, the Philippines has also actively participated in the Regional Consultative Process on the Management of Overseas Employment and Contractual Labour for Countries of Origins in Asia, commonly known as the Colombo Process. The consultations starting in 2003 tackled issues along key migration themes: protection of and provision of services to temporary overseas workers, data collection and interstate cooperation. The next round will be held in 2011. Although the matters that transpire in the Colombo Process are not necessarily binding, joint declarations by participating countries still give a degree of assurance that worker rights will not be compromised as they migrate.

Domestic Work is Work

Domestic work describes the multiple tasks related to the household, cleaning, caretaking of children and the elderly. This sector of reproductive work is still generally underregulated and undervalued and to a great extent carried out by women. Migrant domestic workers, especially those employed illegally, often pay high costs for the promise of higher wages: human rights violations, sexual abuse and inhuman working conditions. Lately, many of those workers joined national and regional trade unions and are mobilized in the global campaign towards advocating for the adoption of the ILO Convention on the Rights of Domestic Workers in June 2011. This international instrument would extend labour standards and social protection to the world's domestic workers.

Four Filipino migrant workers, and one potential migrant, were interviewed about their experiences of living and working at home and abroad.

Living and working in the Philippines

The current daily minimum wage in the Philippines amounts to Philippine pesos 404 or 6.75 euros per day, yet the National Wages and Productivity Commission estimates that the minimum living wage should be about 917 pesos, or 15.31 euros, per day. Two of the three women interviewed for this report were in low-paid jobs in the Philippines before they decided to leave. Neneth, 56, was a part-time teacher. She worked four hours a day for a salary of 300 pesos a month (5 euros, at today's exchange rates). Throughout her teaching career, which ended in 1985, she did not pay any social security contributions, seemingly because she was not a full-time teacher and not considered eligible. Her monthly salary was not enough to cover the cost of sending her children to school. When she stopped teaching she engaged in small business activities such as selling clothes or raising pigs. Finally, in 1998 she decided to work abroad, because she wanted to have enough money to give her children a good education and a good future.

— — — The current daily minimum wage in the Philippines amounts to Philippine pesos 404 or 6.75 euros per day, yet the National Wages and Productivity Commission estimates that the minimum living wage should be about 917 pesos, or 15.31 euros, per day.

Paz, 52, was a high school graduate who worked as a factory worker, cook and vendor. Her husband was a former migrant worker, who could not find a job or support his family when he returned to the Philippines. The couple split up under the strain of their financial circumstances, leaving Paz to support her children as best she could from activities in the informal sector. Unable to earn enough at home, she chose to move abroad to work as a migrant domestic worker.

Eddie Falle, 29, couldn't find a long-term job at home in the Philippines, despite his double bachelor degrees in economics and management. He worked for a year and nine months as a micro-finance officer, on a renewable six-month contract, for a salary of 8,500 pesos (145 euros). He was unable to renew his contract after the third time, because he failed to meet his quota. He still lives in the Philippines but is waiting for his immigration papers to come through so that he can go to Italy to join his mother.

⁵⁵ The Philippines signed an economic agreement with Japan and part of the agreement involves the sending of skilled labor, in particular, nurses and qualified care workers. Certain requirements need to be met first, and such requirements include Japanese language proficiency of migrant workers.



Meet Anita

“My name is **Anita**. I am 48 years old, married but currently separated, and I have two children aged 18 and 20 years old. I completed three years in college, but I couldn't get a job in the Philippines so I went abroad, to Kuwait then Hong Kong to work as a domestic worker. In 2004 I went to Italy, as an irregular migrant. I stayed with my sister-in-law at first, then in various dormitories, but my living conditions were always uncomfortable. My work was “freelance” and flexible – no contracts, no agencies, but no benefits or insurance either. It meant I could work a lot. I could clean as many as three houses a day, to earn more money. I earned between 600-800 euros a month, but I got very tired. I didn't have a health card because I only had a tourist visa. I didn't have what they call there: ‘permiso de soggiorno’ (a residence permit). Often I would skip meals because I didn't have much time to eat. I just drank energy drinks to energize. When I got ill I did not dare go to a hospital for fear of being arrested by immigration officers. I left Italy in 2007, separated from my husband and children and suffering from stress and exhaustion. Later I was diagnosed with leukaemia”.

Living and working in Europe

Only Anita was able to fund her own travel to Europe among those interviewed, by using her savings after working for 10 years in Hong Kong. Paz and Virginia were brought to Europe by their former employers who were citizens in that region. In addition to the cost of travel, the stringent entry regulations in Europe also make it difficult for Filipino domestic workers to enter Europe, leading some to resort to a “backdoor” entry. Anita's case is a classic example of a backdoor entry to Europe. She paid a huge amount to a fake employer in Hong Kong to be granted a Schengen visa to Europe. Her papers identified her as travelling with an employer on a holiday in Europe. Anita flew via Moscow and Paris to Italy then procured a tourist visa and worked as a freelance domestic worker.

Having a legal contract has a huge impact on working conditions. Paz and Virginia both had contracts and enjoyed the relative legal protection from their employers while working in Europe. Sioni, a 55 year old Filipina domestic worker who still lives in Italy, arrived without a contract or work permit. She gained legal status while working in the country, and found it made a huge difference. “Before I obtained my residence permit my wage was set at the level of the minimum wage, about 700,000 lire (360 euros) per month. Now I get more, including social contributions, and my life has changed. Finally, I became regular and I do not have to worry”. Obtaining a residence permit also enables migrants to leave the country to visit their home country, their family and children, knowing they can get back in again.

The impact of migration – on the migrants, their family and society

Migrants support their family at home through their remittances, a portion of which goes to the government, thereby also supporting the State. As Neneth points out, by paying for their children's education they are also contributing to their country's future, reducing the number of children without an education and the number of poor, unsupported citizens. In their host countries, the migrants felt their main contribution was to relieve their employers of their routine domestic tasks. Ironically, while freeing European women to remain in the labour market after motherhood, by looking after their children, these migrant women and men are unable to be with their own children. In the Philippines labour law does not recognise employment as a domestic help as a real occupation, hence it is excluded from most of the laws and regulations governing other workers, including the minimum wage. If domestic workers were to receive the normal minimum wage plus social security in the Philippines, the returned domestic workers interviewed said they would not have chosen to work abroad.

“I would work as a domestic help in the Philippines if I had good wages, social security and health benefits and paid vacation and sick leave”, Paz.

— — — In their host countries, the migrants felt their main contribution was to relieve their employers of their routine domestic tasks. Ironically, while freeing European women to remain in the labour market after motherhood, by looking after their children, these migrant women and men are unable to be with their own children.

Andean migrants

Sacrificing family life to earn a living in Europe⁵⁶



Latin America has one of the highest levels of migration. According to the Human Development Index (2009) 19.72 million people had left South America for the North of the continent, with a further 3.13 million going to Europe. Despite 15 years of economic growth, (Colombia, Peru and Ecuador now rank in the medium to high development range on the HDI, in 83rd, 87th and 90th place, out of 169, in terms of per capita GDP) migration from the four Andean countries of Bolivia, Colombia, Ecuador and Peru has risen steadily owing to continued high levels of unemployment, social exclusion and inequality. Nearly half of these migrants (47.42%) go to other countries in South America, while 28.52% migrate to North America, and 12.5% to Europe.⁵⁷

While unemployment and poor working conditions are the primary push factor for emigration from the region, the picture varies slightly from country to country. Colombia sends the highest number of migrants abroad – an estimated 2,040,000

in 2007, out of a total population of 45.6 million, according to the Administrative Security Department, DAS. Internal armed conflict, particularly the activities of the drug cartels, has been cited as the principal reason for emigration, notably during the 1990s. Those who leave are usually well educated: 85% of Colombian migrants to the United States, the principal country of destination, have at least ten years of formal education⁵⁸, reflected in the level of remittances. In 2007 Colombians abroad sent an estimated 4,146 million dollars (3,026 million euros) home. Over 80% of homes receive money from abroad every month.⁵⁹

The impact of structural adjustment reforms in the 1990s triggered the exodus from Ecuador. An estimated 2 million people left the country during the decade, and migration has continued to grow by an average of 6% over the last decade. According to the National Institute of Census and Statistics (INEC) 800,869 people left the country in 2007, out of a total population of 13.5 million. Like Colombia, most migrants have a high level of education, as 81% have at least 10 years formal education.⁶⁰

In Peru, international migration intensified in the 1990s in the wake of the political and economic crisis and remains high. The Directorate General of Migration and Naturalisation (Digemin) estimates that in 2007 1.6 million Peruvians left the country



Meet Miguel

“My name is **Miguel** and I come from Bolivia. There is no work there, and I had to find a way to support my wife and daughter, so I came to Spain, like my brother before me. I was an illegal migrant but I found work in the agricultural sector. Agricultural workers in Spain are no more educated than at home, and because of their ignorance I encountered racist attitudes. Migrant workers suffer police harassment, and I was even treated badly in the supermarket, where I had to let Spanish clients go first.”

⁵⁶ By Enrique Fernández-Maldonado Mujica (author) and Rocío Campana (coordinator), Programa Laboral de Desarrollo (PLADES) – Peru /Interviews by: Johnny Jiménez, Servicio Paz y Justicia Social (SERPAJ) – Ecuador; Arnaldo Montero, Centro de Acción al Cambio (CENAC) – Bolivia; Guillermo Correa, Escuela Nacional Sindical (ENS) – Colombia

⁵⁷ Julio Gamero “Migrantes y migración en la región Andina” (2009), Andean Consultative Labour Council

⁵⁸ TORALES, Ponciano, María Estela González y Nora Pérez. “Migraciones laborales in Sudamérica: la Comunidad Andina”. ILO, Geneva, 2003.

⁵⁹ ANSIÓN, Juan, Rosa Aparicio y Pedro Nel (editores). Más allá de las remesas. Familias de migrantes en América Latina. CISEPA, Federación Internacional de Universidades Católicas (FIUC). Lima, 2009. Pp. 32.

⁶⁰ TORALES, Ponciano, María Estela González y Nora Pérez. “Migraciones laborales in Sudamérica: la Comunidad Andina”. ILO, Geneva, 2003.

out of a total population of 28.8 million, and that 3.56 million Peruvians live abroad. Again they are highly educated. In the US, 92% of Peruvians have ten or more years formal education, while in Spain the figure is 87%.

Unemployment and economic instability have been the principal reasons for migration from Bolivia, about 6.6% of whose nationals now live outside the country. In 2007 108,600 people left the country out of a total population of 9.6 million.

Migrant workers' rights

Agreements have been signed with Spain, the principal European country of destination for the Andean countries, aimed at protecting migrant workers' rights. The Agreement Regulating Labour Migration Flows between Spain and Colombia, for example, establishes that workers from both countries have the right to work under "regular" conditions as migrants, while the Social Security Agreement between Colombia and Spain asserts the rights of migrants and seeks to improve migration policy between the two countries. The Migration Cooperation Agreement between Spain and Peru seeks to promote training for staff working on migration issues, and the exchange of information to improve cooperation on migration. Many migrants do not have legal status, however, and are therefore not protected by such agreements.

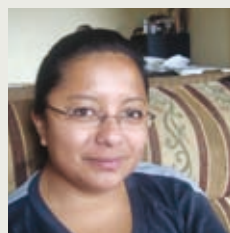
An agreement between Spain and Peru that came into force in June 2010 has also given Peruvian workers in Spain (and vice versa) the right to vote in municipal elections. However it only applies to those who have been legally resident in Spain for at least five years. In many cases, those who have lived in Spain for several years have opted for naturalisation, and so would have full voting rights.

Five migrants from the region: Miguel from Bolivia, Maria Teresa from Colombia, Claudia from Ecuador and Milagros and Patricia from Peru, were interviewed about their experiences.

- Health and safety conditions are hazardous, as the work involves exposure to strong sunlight, sudden changes in temperature and to fertilizers and pesticides. Some workers do not have social security coverage and therefore no healthcare, unless they pay for it themselves.

Living and working in the Andean region

One major source of employment in the Andean region is agriculture, but a study of the booming agricultural sector suggests that working conditions are poor. According to research by the Labour Development Programme (PLADES) in 2008-2009, average salaries in agribusiness in the Ica region of Peru for example (which employs a high proportion of low-skilled women) were 19.5 soles (5 euros) per day, for 11 hour days. Health and safety conditions are hazardous, as the work involves exposure to strong sunlight, sudden changes in temperature and to fertilizers and pesticides. Some workers do not have social security coverage and therefore no healthcare, unless they pay for it themselves. According to the Catholic University of Peru, 52% of the workers they surveyed did not have an employment contract, and 44% had no social cover. The average monthly wage of 59% of those surveyed was 585 soles per month (152 euros), barely 30 soles above the minimum wage. As for trade unions, there are very few, employers ban them and harass those who are members.



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Lack of job opportunities

Claudia from Ecuador explains why she left. "I am 40 years old and unmarried with one child. I went to live in Spain in 2001 and stayed there for six years. It was very difficult to find work, particularly for young people with few qualifications. The only jobs I could find were for three or six months, on low pay. I would like to have studied more but my family didn't have much money because my father was the only one supporting the family. I needed to earn some money and I couldn't do it at home, because of the instability of the labour market."

Maria Teresa, from Colombia, also faced difficulties. "I finished higher education but I had no experience, obviously. I had high expectations but then whenever I went for a job they looked at my CV and asked what my working experience was. At first I didn't mind, but then each employer said the same. They want us to have experience but they don't let us do anything to get it. Everyone was talking about Spain and how marvellous it was, so I decided to go there."

Living and working in Europe

— — — “At various points in history, particularly after the Second World War, large numbers of Europeans have been welcomed by countries on other continents. Today, many of the world’s richer countries take migrants from other continents – to do the most unpleasant jobs and to pay into the pension fund of an ageing population.”

Inter-Union Platform on Migration, Peru.

Andean workers in Spain tend to occupy low skilled jobs in the service or agricultural sector, with little job security, even if they are technical college or university graduates. Many are in the country illegally, and therefore do not enjoy labour or social rights. Male migrants often find themselves in precarious jobs, in construction, trade, agriculture and the lower end of the service industry, even if they have university degrees, but the pay is still more than they would earn at home. Women migrants tend to work mainly in domestic service, as well as caring for children, the elderly or sometimes tourism. They can often be vulnerable to exploitation.

Claudia tells us what it was like for her working as a domestic employee:

“I lived in the house where I worked, because I had no choice, I didn’t have the necessary documents. My job was to look after their children all day. I worked 12 hours a day, from 8 in the morning until 8 at night. Sometimes I worked 15 hours a day. I could only go out at weekends. My employers tried to help me apply for legal status, but although I tried several times my application was rejected.

When I left that job, I had to find myself somewhere to live, and I found out how expensive it is to live in Spain. I was paid 583 euros a month, which was normal for an undocumented domestic worker. But I had to pay rent on an apartment that I shared with one other person, which cost me 300 euros a month. It was too much and I left to share a place with four other people, but it was tiny and we had to pile the beds up and just put them out at night. Then I met my (now ex-) husband,

and we rented a place for 740 euros, which was too much for what we were earning.

My employers didn’t pay any social security contributions because I was undocumented. I didn’t have access to decent medical care, and once when I got food poisoning I was mis-diagnosed and had to keep going back for different prescriptions.

I also worked for a telephone company for a while, but the Spanish colleagues didn’t accept me. They wouldn’t even greet Ecuadorian colleagues in the street. I think they thought our place was cleaning people’s houses.”

Other migrants experienced exploitative working conditions.

Maria Teresa explains that when she worked in a bar she had a set starting time but no finishing time. “Sometimes I worked until three in the morning. If customers wanted to stay until five, I worked until five. The pay was quite good but I was not paid as much as a Spanish waiter. Finally I decided to leave and go home. I’ve got qualifications and I want to do more than just be a waitress.”

Milagros worked on a CD assembly line. “I was employed by a temporary employment agency, not by the company directly. We would just be hired as and when needed, so we might be employed for six months then laid off for a week, or sometimes for three days a week, and then you don’t work for the other two. It all depended on the size of the order. And we weren’t paid at the end of each short contract, we were paid the following month. That said, the pay was good (5.75 euros per hour), compared to what I would earn at home. But the work was totally mechanical. We weren’t allowed to sit down during our shift, and if the factory was busy and we had to work more than our eight hours, there was no choice, we had to do it. And we were constantly being told to hurry, to work faster.”

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⁶¹ According to the World Bank, remittances in 2007 amounted more than double the amount of official development aid. Furthermore, while there are no global figures to confirm this, women seem to send more Money home than men because of their strong family ties and concern for their children’s welfare.

The impact of migration on the migrants, their families and society

According to the Inter-American Development Bank (IADB), migrants' remittances to Bolivia and Ecuador amounted to 9% and 8% of GDP respectively, while in Colombia and Peru they amounted to 3% of GDP.⁶¹ The money was used principally to support the migrants' families, to pay for the healthcare and education costs of family members and to invest in property or business ventures.

"By working long hours and weekends I was able to earn good money. I have bought an apartment in Lima with my savings, and I am getting it ready to rent out" says Milagros. Remittances are now set to fall however, as a result of the recent international economic crisis, which has meant less work for migrants in the US and Spain. More broadly, remittances contribute to the development of the home country while the migrants themselves, if they return, can become agents of development by bringing with them their human and financial capital, and in some cases social capital (networks and access to savings).

Integration in the receiving country can be difficult. Those who have family members there find it easier, and migrants associations can help people integrate into the labour market and society. Even with that support however, many face prejudice and discrimination as Milagros explains. "Latin Americans have a very bad image. A lot of people think Peru is a jungle".

On a more personal level, migration can have a strong impact on family life. The separation it imposes is very difficult for the families concerned, and it can change the whole structure of the family, the assignment of roles and family relations.⁶² As Miguel from Bolivia explains:

"I was lonely in Spain and missed my country. I would have gone home much sooner, but it was hard to save up because life in Spain is more expensive than you think. I would never have left my country if we had had better opportunities there."

Claudia explains why she decided to go back to Ecuador:

"My situation got steadily more difficult. When I had my son, I had to work twice as hard. Then my ex-husband was deported as an irregular migrant. I had to care for my son on my own, I had nowhere I could leave him and I didn't earn enough to pay for childcare. I decided to come back to Ecuador. It's better for me living here. I've got my family around me and there is always someone to help."

Good practice examples

- 1 An Andean Work Permit** (Tarjeta Andina Laboral) that would enable students, workers and professionals to exercise their activity in any country in the region, with the same prerogatives they enjoy in their country of origin, removing the bureaucratic barriers to the freedom of movement of citizens in the region.
- 2 The establishment of an Andean consulate** to provide protection, advice and administrative services to all Andean migrants through the unification of all existing consulates in each country.
- 3 The Peruvian Inter-Union Plan for Labour Migration** (Plan intersindical para las migraciones laborales). It is the first plan of its kind in Latin America and has been agreed between the four Peruvian national trade union centres CGTP, CTP, CUT, CATP, with the support of the ILO and the trade union institute for development cooperation, the Andean Trade Union Coordinating Body, the Andean Consultative Labour Council, inter alia. It addresses the needs of the 3 million Peruvians living and working abroad, while not forgetting the 80,000 foreigners living in Peru. It aims to respond to bad social practice and public policy and restore fundamental human rights and justice. Areas for action range from the protection of migrant workers' rights to organising migrant workers, as well as co-development, gender and youth. The Plan also sets out guidelines for implementation and evaluation.

⁶² ANSIÓN, Juan, Rosa Aparicio and Pedro Nel (editors). Más allá de las remesas. Familias de migrantes en América Latina. (English: Beyond remittances. Migrants' families in Latin America). CISEPA, Federación Internacional de Universidades Católicas (FIUC). Lima, 2009. Pp. 32.

West Africa

Losing qualified medical staff⁶³



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Migration policy

Migration policy came to the fore in West Africa in 2004-2006, when thousands of young people left the shores of Senegal by boat to reach the Spanish territories of Ceuta and Melilla in North Africa in an attempt to reach mainland Europe and a better standard of living. At least 12 migrants were shot dead in an incident in October 2005, while trying to cross the border.⁶⁴ “We took this risk because we want work that gives us decent pay and above all which provides security for us and our families” (Pape Guèye, President of the Association of Repatriated Migrants and their Families⁶⁵). With the arrival of the “boat people” and alarmist speeches about the invasion, the Rabat Process (after the Declaration issued by the Euro-African Ministerial Conference on Migration and Development, held in Rabat, Morocco in July 2006)⁶⁶ was launched. In practice, it focused more on the repression of irregular migration and border controls (increased border controls and maritime routes) than helping migrants become valued members of the societies they went to or helping them to contribute to development back at home.

The decent work debate

Decent work was absent from the discussion on migration and development for a long time, partly due to the internal pressure from European Union Member States more interested in managing migratory flows. The African Union firmly advocated for decent work at its 2004 Ouagadougou Summit, however, and in 2005 the United Nation’s Economic Commission for Africa’s (ECA) report underlined the importance of decent work as part of the development strategy for Africa. Decent work moved further up the agenda after the ILO’s Eleventh Regional

Meeting in Addis Abeba, Ethiopia, in 2007 which adopted the Decent Work Agenda for Africa 2007-2015.

In July 2010 the EU-African Union meeting on employment, social protection and decent work in Africa also came out firmly in support of the Decent Work Agenda.

Policy Coherence for Development

Policy Coherence for Development at the national level is often lacking when it comes to managing migration. Migration and co-development agreements such as the 2006 agreement between Senegal and France, tend to promote the legal migration of highly skilled professionals to the North. Such policies deprive the African countries of much needed skills and hold back the attainment of MDG 1 and 1B, the eradication of poverty and notably the achievement of decent work. According to Dr. Philippe Fargues of the University of Florence, 23% of doctors trained in sub-Saharan Africa have left to work in the developed world.

Brain Drain - losing valuable medical staff from Mali and Senegal

Two key countries in the region in terms of migration flows are Mali and Senegal. Both countries rank as “low” on the Human Development Index, in 160th and 144th place (out of 169) respectively in 2010. In 2009 per capita GDP in Mali was estimated at 852 euros and in Senegal at 1,288 euros. An estimated 312,000 people emigrated from Mali in the period 1988-1992, out of a total population of about 13 million. Remittances are relatively high: in 2007, 112 million euros were

⁶³ By Badara Ndiaye (Senegal) and Ousmane Diarra, l’Association Malienne des Expulsés (Mali)/ Contributions from: Alassane Dicko / AME (Mali), Fall Fatou Cissé / Enda Diapol (Senegal), Khady Sakho Niang / Panafrican network for Migrants’ rights (France), Aminatou Diouf / Alternatives Parcelles Assainies (Senegal) and Ahmed Iyane Sidibé.

⁶⁴ Migreurop, Livre noir de Ceuta et Melilla.

⁶⁵ An association created by the boat people repatriated from Spain

⁶⁶ http://www.realinstitutoelcano.org/materiales/docs/RabatDeclaration_ActionPlan.pdf

sent to Mali by Malian emigrants, about 3.3% of GNP. Official statistics for Senegal for the period 2003-2004 estimate the total number of emigrants at 648,600, out of a population of 12.9 million, while official remittances amounted to the equivalent of 832 million euros in 2007 with at least as much sent informally. Total remittances represented 9.1% of GNP in 2007.⁶⁷

While the great majority of West African migrants stay within the African continent to live and work, a significant and growing proportion are heading to Europe particularly the more educated, notably medical staff. Half of all trained doctors in Senegal now live and work abroad.

“Highly educated citizens may also help to improve governance, encourage education of children and help train or guide other workers, all of which may be reduced as a result of high-skilled emigration” (World Bank, 2006).

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World Bank, 2006

Migrant workers' rights

Both the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (WAEMU) have taken initiatives in collaboration with the ILO to facilitate tripartite social dialogue and the integration of decent work in national policies. The WAEMU has set up a social dialogue council, although it has no specific policies to protect migrant workers. The ECOWAS 1979 Protocol guarantees protection for migration workers in the region. In practice, these guarantees are undermined by the nature of international free trade agreements, such as the Economic Partnership Agreements (between the EU and developing countries), which go against the spirit of the international agreements and conventions protecting migrant workers. In recent negotiations between the European Union and the African Union, however, there has been a strong focus on social protection and decent work.

Seven medical staff from Mali and three doctors in Senegal were interviewed. Some had been migrants and others did not want to leave their country.

⁶⁷ See the IOM publications on Mali http://publications.iom.int/bookstore/free/Mali_Profile_2009.pdf and Senegal: http://publications.iom.int/bookstore/free/Senegal_Profile_2009.pdf

Living and working in Mali and Senegal

The picture that emerges of working conditions for qualified medical staff in both Mali and Senegal is one of low wages, poor infrastructure and a badly managed system. Doctors in Senegal felt they were underpaid given their level of qualifications. A bigger problem however was the poor organisation of the medical service and the lack of decent equipment and new technology. In Mali, Maiga, the 50-year-old head doctor of a community health centre, speaks of similar problems. Doctors are faced with low pay (the equivalent of 183 euros per month on average for new doctors) and poor equipment, as well as poor training and the lack of a career structure, with little or no prospect of promotion. Samba, 37, another community health centre director, explained that although his salary was correct according to the civil service salary structure, it in no way reflected the quality or quantity of his work. Furthermore, his heavy workload (35 consultations per day plus administrative tasks) impacted on how efficiently he could work. In other cases, trained medical staff said they were not able to find work appropriate to their skills, such as Traoré from Mali, a qualified GP who resorted to odd jobs including hairdressing, sewing and even tyre repairs to make a living (see box), or the radiologists who emigrated because in Mali they just did not have the equipment with which to do their job.

I want to work as a doctor but I can't

“My name is **Traoré**. I am 31 years old, single, and I qualified as a general medical practitioner in 2002. When I graduated I joined a public health centre in Bamako as a trainee. Apart from some transport costs and one (not very good) meal a day, I had to support myself during my traineeship from the small scholarship I received to write my thesis. I even bought my own equipment. I was not provided with any by the medical centre, and technically the equipment they had there was below the standards of what we had been trained with at medical school. As for training, we had to report regularly to one of our tutors, but we were more or less self-taught, doing the same work on the job as anyone else, and working the same hours. We could be on call for 36 hours.

After my training I couldn't get a job in the medical profession. Instead I have been earning money any way I can – hairdressing, repairing wheels and tyres, sewing.

So far I have stayed in Mali, to be close to my family, particularly my mother. But like thousands of other graduates I am now thinking of looking for a better life elsewhere. If I can earn more I can send money home. I would like to be able to migrate legally and have the



same working conditions as medical practitioners in the host country. It would be good if Malian doctors could improve their technical knowledge for the benefit of their own country. But our qualifications are rarely recognised abroad and medical practice and training can vary a lot between countries, particularly between North and South. If I get a job abroad, I don't even mind if it isn't in medicine, if I can earn enough for a better standard of living.

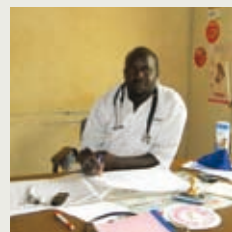
I think the main reason for the brain drain is that people cannot earn salaries that reflect their skill levels, or even enable them to support their families. It is a huge loss for developing countries when skilled and educated people leave because they are needed here to help the country develop.

I don't think highly skilled migrants will want to return once they have a job abroad. They know what it is like here. Some have tried coming back, and left again.

I don't think migration is necessarily synonymous with decent work. Not only is it difficult to get a job that reflects your qualifications, you also have to know your rights and how to assert yourself. We weren't taught anything about our rights when I was studying, and I am not a member of a trade union. I think the Malian authorities have a duty to protect the rights of Malian's abroad and to help those who really want to work."

Living and working conditions in Europe

Malian and Senegalese doctors have had a very mixed experience of living and working abroad. In general, the people interviewed said they had encountered better pay, but sometimes long hours, several mentioned racial discrimination and the fact that they missed their families. Alkaou, a 31-year-old doctor specialised in medical imagery, spoke of his negative experience in Europe. "We are often mistreated in Europe and given jobs below our level of training. When I was in Toulouse I encountered racist attitudes. I was called "darkie", instead of being called by my name and one trainer commented that he had seen black cleaners, black stretcher bearers but never black radiologists." Alassane, 33, specialised in neuro-radiology, had a more positive view of working in France however, noting that he could work with far more specialised equipment, and that is was therefore more satisfying professionally. "My aim was to get better basic clinical training. In Mali we have not got the right materials or sufficient training". Goita, a newly qualified Malian GP who gradually lost her sight, has never been able to find a job in Mali, but did find work in Europe. "European countries have more opportunities for the disabled, particularly the highly skilled."



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Why I left – a Senegalese doctor tells his story

"My name is **Cheikh** and I am a paediatrician from Senegal. I chose to leave my country because working conditions at home were difficult. The medical service is poorly structured and badly managed in Senegal. There aren't enough medical personnel for the size of the population and resources are distributed unevenly. We did not have the right equipment, just getting to work was complicated, and my salary did not reflect my skills or workload. I thought hard about going abroad, but I decided I needed to go where there was better technology and a better infrastructure. I wanted to improve my training and specialise as a neo-natal paediatrician. I found a position at a hospital in Chartres, France, and I signed my contract before I left Senegal, so I migrated legally. All my documentation was in order in a matter of days, and I have been provided with accommodation by the hospital.

I have much better equipment to work with in France, I'm learning a lot and I earn more. I have a nine-month renewable contract and I work 10 or 11 hours a day, or more if I am on call.

There are drawbacks too. The cost of living is high so I can't afford to go and see my family. I miss family life. There is some racial discrimination too. Socially, I have met other Senegalese doctors here. I have not got involved in any associations or trade unions though. I would return home if the standard of living was better, but they would have to improve the way medical services are run.

I think there needs to be more investment at home, in industry and infrastructure. Here I think more could be done to help migrant workers who are less fortunate than I am, so that is easier for them to get legally registered and to integrate into society".



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Part 3

Conclusions and
Recommendations

Conclusions

From the regional studies we can conclude that poverty and the lack of employment opportunities and decent work are the main driving forces behind international migration, particularly in the developing world. A recurring statement by migrants interviewed was that given the choice, they would stay in their home countries if they could earn enough to live on and support their families. Decent work sums up the aspirations of people in their working lives – their aspirations for opportunity and income; rights, voice and recognition; family stability and personal development; and fairness and gender equality.⁶⁸

Despite the drawbacks of moving abroad (leaving behind families, working in jobs lower than a person's qualification), there are of course migrant workers who compare their life in Europe favourably to life at home, especially due to the cost or poor quality of services such as health and education at home. Global social protection coverage (access to healthcare, education, social security) – a main pillar of decent work – is crucial to creating countries where people can live decently.

Another fundamental issue to making decent work a reality is the protection of human and labour rights. All too often migrant workers have to endure discrimination, precarious and inhuman working conditions and in the case of some, such as migrant domestic workers, human rights violations, sexual abuse and trafficking. Those who do not have a work or residence permit risk violations to their labour rights and, for example, have no means of having legal protection in the event of unpaid wages or any other abusive practices by employers. Labour rights for all migrant workers, regular or irregular, must be ensured, as well as equal pay. Finally, through gaining civic rights and freedom of association rights they will also participate more in the receiving society, and even in the debate on migration and development.

Much of the focus on migration policies in the European Union has been on attracting high skilled migrant labour while controlling migrant flows, limiting and controlling the arrival of low skilled workers and deporting irregular migrants, and thereby segregating people into different categories and rights;

an approach which is at odds with the EU's own policies on development cooperation. In addition, the “brain drain” - drawing highly skilled workers away from developing countries - deprives these countries of the skills they need to further their development and in some cases, as highlighted in our West Africa regional study, the health care services that are provided to the population as a whole.

Improving the protection of migrant workers rights, including of undocumented migrants, is a moral and legal obligation and essential to realise the potential benefits of migration. Confining the majority of international labour migrants to low skilled jobs is a huge waste of potential. Decent work is needed to boost productivity and encourage innovation, while with higher earnings migrants will be able to contribute more to the taxes and social security systems of their countries of destination. If migrant workers can develop their skills and earning power they are more likely to be able to invest in their home countries but also in the receiving country.

⁶⁸ http://www.ilo.org/global/About_the_ILO/Mainpillars/WhatIsDecentWork/lang--en/index.htm

Recommendations

To all governments⁶⁹

- 1 Ratify and implement the principle international conventions protecting migrants workers rights (UN Convention on the Protection of the Rights of Migrant Workers and Their Families, ILO Convention 97 on Migration for Employment and ILO Convention 143 on Migrant Workers).
- 2 Mainstream migrant rights in all national policies that concern them (especially in employment, labour market, education, social and development policy) for example through inter-ministerial working groups.
- 3 Implement the ILO's Decent Work Principles and achieve Millennium Development Goal 1B (full and productive employment and decent work for all, including women and young people).
- 4 Include decent work in international agreements and development strategies.
- 5 Include migrants in social dialogue with decision makers to shape public policies.
- 6 Proactively provide information:
 - To potential migrants on the risks of trafficking and illegal migration.
 - On living and working abroad and their rights.
- 7 Prevent "brain drain" by providing incentives for workers to stay in their country of origin and involve high skilled workers living abroad in skills transfer in their country of origin.
- 8 Ratify the ILO Convention for Domestic Workers as soon as it is adopted by the International Labour Conference - foreseen in June 2011 - and recognise domestic work as work and domestic workers as workers.

► To EU Member States

- 1 Converge rules regarding international labour migration in all Member States.
- 2 Guarantee the economic, social and cultural rights of all migrants (including third country nationals) by:
 - Facilitating access to residence and work permits (allowing for changes in occupation, employed and self-employed activities).
 - Ensuring access to social services and the portability of social benefits.
 - Ensuring access to legal protection to prevent from a denial of rights.
 - Guaranteeing the respect of human and labour rights for undocumented migrants.
 - Granting voting rights in local and regional elections.
 - Facilitating access to public education, including higher education and vocational training, enhanced recognition of diplomas.
 - Sensitising civil servants and service providers to the specific needs of migrants.
- 3 Implement the EU's commitment towards policy coherence for development in the Lisbon Treaty.

► To civil society organisations

- 1 Campaign for the ratification of crucial legal texts by all countries (see 'All governments', point 1).
- 2 Lobby for Decent Work Principles to be implemented in all relevant policies.
- 3 Raise awareness on the fundamental rights of documented and undocumented migrants and on their contribution to society.
- 4 Encourage participation of migrants in trade unions, civil society organisations and associations.

⁶⁹ **Additional recommendations to governments in the Americas**

Contribute to the development and strengthening of regional and international mechanisms for the protection of migrant workers' rights, in particular the Organisation of American States (OAS) Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families.

Additional recommendations to governments in Africa

Adopt strategies to ensure social protection is extended to the whole population of the country of origin by ratifying the CIPRES (Inter-African Conference on Social Protection).

Additional recommendations to governments in Asia

Asian governments and regional bodies such as the Association of Southeast Asian Nations (ASEAN) and the Colombo Regional Consultative Process should better address in their policies and legislation the problems migrants and migrant domestic workers experience in Asia and abroad.

