

**Panel Discussion on Human Rights Mainstreaming**  
**4th Meeting, 25th Regular Session of the Human Rights Council**  
Protection and Promotion of the Human Rights of Migrants

Tuesday 4 March 2014, 09:00-12:00  
Room XX, Palais des Nations, Geneva

**Mr Guy Ryder, Director-General, International Labour Organization**

Mr President, Excellencies, Ladies and Gentleman.

Let me say that I am particularly pleased to have been invited to participate in this important panel, not least that this is the year that the ILO takes up the presidency of the Global Migration Group, a responsibility which we assume with the utmost energy and seriousness.

This panel, I think, is particularly important given the context in which we meet, and I want to pick out, as the centre of my contribution, three elements of that context.

We have of course the international policy context – multilateral discussion: we come off the back of the important and encouraging consensus Declaration of the General Assembly High-Level Dialogue which emphasizes the human rights of migrants and also recognizes their contribution through entrepreneurship and through labour as enablers of development; and of course, we are going as well to the next Global Forum on Migration and Development in Stockholm. It seems to us that the international, institutional context is one which is propitious to this debate and offers opportunity to reinforce capacities and cooperation in a multilateral system in the manner which has just been mentioned.

The second dimension of the context is the national context which we all are aware of and which frames political debate around migration issues. And we know, if we are honest, that the politics and the public attitudes increasingly prevalent around migration issues do not always facilitate our task. The reality is that the facts of migration often get drowned out by public perceptions; public perceptions which are generally inaccurate, sometimes spectacularly inaccurate, and tend to be inimical to our work in promoting protection and the rights of migrants.

This is unhelpful but it should not detract from our determination to place human rights at the centre of the debates on migration. Yes, we would run the risk of being portrayed as being out of touch with on-the-ground realities and public perceptions, but in my mind, that makes it all the more important that we do prosecute the rights-based agenda with greater energy and greater determination.

The third dimension of the context in which we meet are the simple everyday realities of the experience of the life and the working life of migrants around the world, and here we should have no illusions. Too often, and I think there few countries in this room that can escape this conclusion, the realities of the working life of migrants is one in which they face discrimination, disadvantage and exploitation, sometimes of the most serious nature. And this can vary from non-respect of minimum wages to non-implementation of health and safety regulations, right through to the extremes of trafficking and forced labour. As has been said, these dangers, these abuses, are all the greater when migrants are in irregular status, and we know that this irregular status can be synonymous with exploitation at work. We know as well that while formal policies are not always applied, where they are explicitly directed at the protection of migrants, the situation is worse in

those countries where a commitment to equal treatment and protection of human rights does not even figure as a national policy objective.

From an ILO perspective, it is important for me to say that whilst the push factors, which are leading to migration and lead us to believe that migration will continue to increase in the future, are various for the great majority of people concerned, migration is about work, about seeking a decent job, and a decent living for themselves and for their families, and that is why the ILO regards migration issues as being at the centre of its mandate and its responsibilities.

What should we be aiming to do in the face of this challenging context? Well, quite clearly – and here I join my voice with those who have gone before – we must be focusing on the rights of migrant workers and their families, [and] we do have normative framework enabling us to do that. I want to highlight the importance of ILO Conventions 97 and 143, in compliment to the UN convention, and we need to, I think, adopt an attitude of collective responsibility for the issues before us.

It is not right, I believe, that those countries which are in the front line, as it were, by geographical accident if nothing else, are required to take a disproportionate burden in respect of migration issues, and I think it's worth noting that Italy is a ratifier of both ILO Conventions 97 and 143, as well as other ILO instruments, and we welcome that. I think, however, that we need to exert our collective responsibilities in solidarity with such countries.

Secondly, I concur with those who have pointed to the inclusion of migration in the post-2015 sustainable development agenda. It seems to me that approaching this issue from the perspective of equality is particularly promising, because from a work perspective that is so important to migration it is clear that equal treatment is absolutely fundamental to resolving the major difficulties before us, including this public perception that migrant labour can undercut overall conditions of work.

We need as well to work much more actively and much more cooperatively around the governance of migration. The ILO is giving itself priority to promoting fair recruitment initiatives to labour inspection, to promoting bilateral agreements between sending and receiving countries on issues, *inter alia*, such as the portability of social security entitlements and skills recognition.

And I will close with two other points. One is about social dialogue, I think there is remarkable and positive experience around the world of the manner in which governments and employers' and workers' representatives are coming together to give a lead in these governance issues. I can cite the examples of SADC in Southern Africa or the ASEAN Migrant Labour Forum where this is happening, and point also to the case of the United States where [it is employers,] it is business and labour, which has come together to point the way forward in the debate on migration in that country.

The last word is for the most vulnerable of a generically vulnerable category. We know that there are certain workers, there are certain sectors of the migrant population, who are particularly vulnerable to violation of their rights. I want to pick out women and I want to pick out specifically domestic workers. Convention 189, the latest ILO Convention, for the protection of domestic workers has gained enormous traction. It has already received a significant – that is never enough – number of ratifications, again including Italy.

I think that we can make this 50-million plus category of vulnerable workers a particular target for our work and for our efforts.

Mr President, Thank you for your attention.

---

*Discussion Session*

**Mr Guy Ryder, Director-General, International Labour Organization**

*Comment 1:*

Thanks to all those who have intervened and for the questions that have been put. I want to really just pick up perhaps on one recurring theme, which I think stands next to the overall consensus around the need for concerted action to promote the rights of migrant workers and their families, and that is how to link that objective to wider development objectives, and to pick up from what we have heard at the end of the discussion; how to promote alternatives to migration, freely chosen alternatives – this right not to migrate. We take the view that migration should be a choice, an option, and not an obligation.

It seems to me that this is a vital part of the equation, a vital part of the interconnected issues that we are trying to address, and clearly the answer lies in the creation of decent work opportunities in all countries, including those in which we know are countries of origin historically speaking.

To that end, I think that in addition to whatever arrangements are eventually considered appropriate to the inclusion of migration per se in the post-2015 sustainable development agenda, it is important that the promotion of decent work, and indeed social protection, also find its place in the post-2015 arrangements.

It seems to me that if we include those two components, we will be going a great distance in the task of adopting an overall approach to development which gives us a chance of actually managing migration on the terms that are needed to ensure the protection of migrants and their rights.

I will leave it at that Mr President, with my thanks for giving me the floor.

*Comment 2:*

Merci M. Président. Mr President, Ladies and Gentlemen, I think that the great value of this session has been the strength and unanimity of some very fundamental messages, and I think that the question or the message that one takes away from this panel is what will be our capacity collectively to give effect and to respond effectively to this consensus that I detect in the room.

What does this consensus consist of? Well, I think, above all, the general recognition of the need for us to act nationally and internationally to improve the effectiveness of our action to protect and promote the rights of migrant workers.

In addition to that, I think we have heard many speakers talk of the acknowledged complexity of the phenomenon of migration in the world today and its role as an inherent part of globalization processes.

But within that complexity, all have spoken of the very positive contribution that migrants make to the development of the countries to which they go and the need to ensure that those benefits are shared equally with the countries of origin as well; the triple win that the Ambassador of Australia has just referred to.

The question arising from all of this is what will be the capacity of the multilateral system to react effectively to these messages?

The fact that the ILO is chairing the GMG this year, as I mentioned in my first intervention, makes me realize the weight of the demands that you make upon us and the responsibilities collectively that all of us in the international system share to move forward.

One hopes as well that everything that has been said about the post-2015 Development Agenda, [and] its formulation, will assist us in these efforts.

I think these are the points that I would like to underline in this final intervention, Mr President. Thank you.