



International
Labour
Organization



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THE SOUTHERN
AFRICAN



MIGRATION MANAGEMENT
PROJECT

International labour standards on
the protection of migrant workers
and promoting an evidence-based
public discourse



The SAMM project advocates for the ratification and effective implementation of international labour standards on the protection of migrant workers, and wants to contribute to defuse misconceptions, and combating discrimination, racism and xenophobia and other forms of intolerance against migrant workers. Some of this work is based on the results of projects such as the OECD/ILO “Migrant Workers contribution to Developing countries’ Economies”. The SAMM project engages with the media to promote balanced and ethical reporting on labour migration aimed at combatting the toxicity in the debate on migration and raise awareness on the risks and challenges of labour migration as well as the positive contributions migrant workers make to their communities in host and origin countries. Linked to the annual ILO Global Media Competition on Labour Migration¹, a SADC-level media competition, SADC journalists’ capacity-development and a media toolkit on labour migration are included in SAMM’s work.

If discrimination² in terms of working conditions (remuneration, working hours, leave entitlements, occupational safety and health, social security protection, etc) is not detected on time and fully addressed, it can create a sentiment of unfairness among national workers due to a possible “raise to the bottom approach³” or “social dumping⁴” effect. In general, the migrant pay gap continues to be very significant in most regions of the world⁵. While having a negative impact on the labour market integration and labour protection of all migrant workers and their family members.

¹ The ILO Global Media Competition on Labour Migration is organized in collaboration with the International Trade Union Confederation (ITUC), the International Organization of Employers (IOE) the Office of the High Commissioner for Human Rights (OHCHR), the International Federation of Journalists, Equal Times, Solidarity Center, Human Rights Watch, and Migrant Forum in Asia.

² Migrants face “significant discrimination” in job markets (ilo.org)

³ The “race to the bottom” refers to a competitive situation where a company, state, or nation attempts to undercut the competition’s prices by sacrificing quality standards or worker safety (often defying regulation), or reducing labor costs.

⁴ “Social dumping” is a practice of employers to use cheaper labour than is usually available at their site of production.

⁵ ILO: Full report: The migrant pay gap: Understanding wage differences between migrants and nationals (ilo.org)

MAIN SAMM ACTIVITIES:

- Country gap analysis on C. 97 and C. 143 as well as on the UN Convention on the Rights of Migrant Workers and Members of their Family ;
- Media campaign and Media Training on promoting an evidence-based public discourse promoting a positive image of migrant workers as contributors to development;
- Advocacy campaign on the ratification and effective implementation of C. 97, C. 143 and the UN 1990 Convention on the Rights of Migrant Workers.
- Development of material, tools for Standard ratification (e.g. Model Labour Migration Legislation);
- Policy Brief- “Migrant Domestic Workers in the SADC Region- Labour rights and Working conditions”;
- Capacity building of relevant right owners networks on ILS on the protection of migrant workers, as well as their Fundamental Rights and related reporting mechanisms.
- Production of two report(s) supporting the ratification of international Instruments on Labour Migration among Southern Africa Member States.
- Production of a SADC-level Labour Migration Media Competition on Labour Migration.

THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

Migration features strongly in the United Nations Declaration on the **2030 Agenda for Sustainable Development** adopted by the United Nations General Assembly (UNGA) in September 2015. In addition, combating discrimination and xenophobia is key to achieving the 2030 Agenda’s Sustainable Development Goal (SDG) of eliminating poverty and inequalities worldwide particularly through SDG target 10.7 “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”. SDG Target 8.8 is of particular relevance to migrant workers: “protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment”. In addition, SDG target 8.7 “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms” is of utmost relevance to the large number of migrants falling victims of trafficking, as well as forced and child labour.



On 19th September 2016, during the adoption of the New York Declaration for Refugees and Migrants by the UN Summit for Refugees and Migrants, the UN Secretary-General launched the TOGETHER campaign⁶. The “TOGETHER: Respect, security and dignity for all Refugees and Migrants” campaign has the purpose of promoting global action in promoting non-discrimination and addressing the problem of rising xenophobia against migrants and refugees. TOGETHER is a growing coalition of Member States, private sector, civil society representatives and individuals committed to combat hate speech, change negative narratives on migration and to strengthen the social cohesion between host communities and refugees and migrants.

TOGETHER’S STRATEGY IS TO:

- engage and mobilize global citizens to show support for refugees and migrants;
- speak to communities hosting refugees and migrants as well as people concerned that refugees and migrants may bring physical and economic insecurity to their lives;
- create a strong, persuasive narrative of solidarity toward refugees and migrants and showcase the shared benefits of migration to economies and nations, while also acknowledging legitimate concerns of host communities;
- provide a platform for stories of and by refugees and migrants and host communities that have benefitted from welcoming them, and tell stories of children on the move;
- help host communities and refugees and migrants to know each other better.

THE UN GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

In December 2018, one hundred and sixty-four Nations adopted the UN **Global Compact for Safe, Orderly and Regular Migration (GCM)** which encompasses 23 objectives. Objective no. 17 is highly relevant to this course. The list of GCM objectives is available below:

1. Collect and utilize **accurate and disaggregated data** as a basis for evidence -based policies
2. Minimize the **adverse drivers and structural factors** that compel people to leave their country of origin
3. Provide **accurate and timely information** at all stages of migration
4. Ensure that all migrants have **proof of legal identity and adequate documentation**
5. Enhance availability and flexibility of **pathways for regular migration**
6. Facilitate **fair and ethical recruitment** and safeguard conditions that **ensure decent work**
7. Address and **reduce vulnerabilities** in migration
8. **Save lives** and establish **coordinated international efforts on missing migrants**
9. Strengthen the **transnational response to smuggling of migrants**
10. **Prevent, combat and eradicate trafficking** in persons in the context of international migration
11. **Manage borders** in an integrated, secure and coordinated manner
12. Strengthen certainty and predictability in **migration procedures** for appropriate screening, assessment and referral
13. Use **migration detention only as a measure of last resort** and work towards alternatives
14. Enhance **consular protection, assistance and cooperation** throughout the migration cycle

⁶ Our aim | Together (un.org)

15. Provide access to **basic services for migrants**
16. Empower migrants and societies to realize **full inclusion and social cohesion**
17. **Eliminate all forms of discrimination and promote evidence-based public discourse** to shape perceptions of migration
18. **Invest in skills development and facilitate mutual recognition of skills**, qualifications and competences
19. Create conditions for **migrants and diasporas** to fully **contribute to sustainable development** in all countries
20. Promote **faster, safer and cheaper transfer of remittances** and foster **financial inclusion of migrants**
21. Cooperate in facilitating **safe and dignified return and readmission**, as well as **sustainable reintegration**
22. Establish mechanisms for the **portability of social security entitlements and earned benefits**
23. Strengthen **international cooperation and global partnerships** for safe, orderly and regular migration

GCM RELATED PARAGRAPHS

Human rights. The Global Compact on Safe, Orderly and Regular Migration is based on international human rights law and upholds the principles of non-regression and non-discrimination. By implementing the Global Compact, Member States ensure effective respect for, and protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. Member States also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance, against migrants and their families.

The (GCM) recognizes that respect for the rule of law, due process and access to justice are fundamental to all aspects of migration governance. This means that the State, public and private institutions and entities, as well as persons themselves, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and are consistent with international law. The GCM rests on core international human rights treaties (particularly the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**). It also rests on the International Labour Organization conventions on promoting decent work and labour migration (particularly the Migration for Employment Convention (Revised), 1949 (No. 97), **Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**, **Equality of Treatment (Social Security) Convention, 1962 (No. 118)**, and **Domestic Workers Convention, 2011 (No. 189)**).

The **GCM Objective 17** “Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration” expresses that Member States commit to eliminate all forms of discrimination, condemn and counter expressions, acts and manifestations of racism, racial discrimination, violence, xenophobia and related intolerance against all migrants in conformity with international human rights law. Member States further commit to promote an open and evidence-based public discourse on migration and migrants in partnership with all parts of society, that generates a more realistic, humane and constructive perception in this regard. Member States also commit to protect freedom of expression in accordance with international law, recognizing that an open and free debate contributes to a comprehensive understanding of all aspects of migration.

TO REALIZE THIS COMMITMENT, MEMBER STATES DRAW FROM THE FOLLOWING ACTIONS:

- (a) Enact, implement or maintain legislation that penalizes hate crimes and aggravated hate crimes targeting migrants, and train law enforcement and other public officials to identify, prevent and respond to such crimes and other acts of violence that target migrants, as well as to provide medical, legal and psychosocial assistance for victims;

- (b) Empower migrants and communities to denounce any acts of incitement to violence directed towards migrants by informing them of available mechanisms for redress, and ensure that those who actively participate in the commission of a hate crime targeting migrants are held accountable, in accordance with national legislation, while upholding international human rights law, in particular the right to freedom of expression;
- (c) Promote independent, objective and quality reporting of media outlets, including Internet-based information, including by sensitizing and educating media professionals on migration-related issues and terminology, investing in ethical reporting standards and advertising, and stopping allocation of public funding or material support to media outlets that systematically promote intolerance, xenophobia, racism and other forms of discrimination towards migrants, in full respect for the freedom of the media;
- (d) Establish mechanisms to prevent, detect and respond to racial, ethnic and religious profiling of migrants by public authorities, as well as systematic instances of intolerance, xenophobia, racism and all other multiple and intersecting forms of discrimination, in partnership with national human rights institutions, including by tracking and publishing trend analyses, and ensuring access to effective complaint and redress mechanisms;
- (e) Provide migrants, especially migrant women, with access to national and regional complaint and redress mechanisms with a view to promoting accountability and addressing governmental actions related to discriminatory acts and manifestations carried out against migrants and their families;
- (f) Promote awareness-raising campaigns targeted at communities of origin, transit and destination in order to inform public perceptions regarding the positive contributions of safe, orderly and regular migration, based on evidence and facts, and to end racism, xenophobia and stigmatization against all migrants;
- (g) Engage migrants, political, religious and community leaders, as well as educators and service providers, to detect and prevent incidences of intolerance, racism, xenophobia and other forms of discrimination against migrants and diasporas, and support activities in local communities to promote mutual respect, including in the context of electoral campaigns.

TOOLS PRODUCED BY THE ILO:

1. Promoting fair migration - General Survey concerning the migrant workers instruments;
2. International labour migration: A Rights-based approach;
3. ILO Manual in search of Decent Work – Migrant workers’ rights ;
4. The 2017 International Labour Conference’s Resolution and Conclusions on Fair and Effective Labour Migration Governance and its follow-up Plan of Action;
5. 2017 Follow-up Plan of Action to the Resolution and Conclusions concerning fair and effective labour migration governance
6. ILO’s 2016 Guiding principles on the access of refugees and other forcibly displaced persons to the labour market:
7. ILO’s 2014 Fair Migration Agenda:
8. ILO’s 2006 Multilateral Framework on Labour Migration:
9. The 2004 International Labour Conference’s Resolution and Conclusions concerning a Fair Deal for Migrant Workers in a Global Economy and its follow-up Plan of Action





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