



MEDITERRANEAN – SUB-SAHARAN MIGRATION TRADE UNION NETWORK
(« RESEAU SYNDICAL MIGRATIONS MEDITERRANEENNES – SUB-SAHARIENNES”) – **RSMMS**

**ADVOCACY PAPER ON
THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION**

Preamble

The Mediterranean – Sub-Saharan Migration Trade Union Network (**Réseau Syndical Migrations Méditerranéennes – Sub-sahariennes**) – **RSMMS** is a network of African (Sub-Saharan and Maghrebian) and European trade unions established in 2014 for the promotion of migrants’ rights in the Mediterranean and Sub-Saharan areas (Casablanca Declaration, 2014). The RSMMS commends the decision of the General Assembly of the United Nations regarding the development of a Global Compact for Safe, Orderly and Regular Migration (New York Declaration, 2016) and addresses this advocacy paper to Ms Louise Arbour, Special Representative of the UN Secretary General for international migration and Secretary-General for the Organisation of the Intergovernmental Conference on International Migration.

This advocacy paper is rooted in the **founding principles of the establishment of the RSMMS**, as specified in the **Casablanca Declaration** by the RSMMS (8 August 2014) to “**act together in an efficient and coordinated manner, at the national, regional and international levels in order to prevent the degradation of migrant workers’ conditions** of work and living and fight against all forms of discrimination, racism and xenophobia” and the call launched by the network on 24 July 2017 advocating for “the **swift establishment of a multilateral governance framework for international migration**, to monitor respect for migrants’ human rights, their socio-economic rights, bi- and multilateral agreements for the protection of migrants and international conventions on migration” (Statement by the RSMMS, 24 July 2017).

This advocacy paper also builds upon the historical position of the **International Trade Union Confederation (ITUC)** and on the various claims expressed by the **Global Unions** network (Nov. 2017). It is conceived as a singular workers’ advocacy instrument contributing to the consultative process of the Global Compact for Safe, Orderly and Regular Migration.

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Stock-taking

This advocacy paper stems from the concern shared by network members regarding a worrisome **double trend in the current governance of migration at the global level**. First, RSMMS notes the trend towards **oppressive security positions and measures** adopted to manage migration flows, particularly those of the European Union vis-à-vis population movements in the Euro-Mediterranean zone.

Second, RSMMS highlights the **deregulatory leaning of certain policy and legal provisions in the management of migrant workers**, which limit the scope of the protection availed to migrant workers under international standards and regional, sub-regional and national polities.

This double trend leads to both an **escalation in migrants' human rights violations** resulting in massive fatalities and abuses related to passage, recruitment and employment, and the **inefficient squandering of financial and political resources into security agencies and instruments** leading to collateral damages (violations of fundamental human rights) instead of focusing on the **three central issues** currently underpinning the question of international migration:

- **Reducing primary drivers of migration in countries of origin (corruption, neo-colonialism, armed conflict, climate change, mass unemployment, etc.);**
- **Adopting, disseminating and implementing international standards of protection of migrant workers' fundamental and specific rights;**
- **Strengthening Governments', social partners' and migrants' representatives' capacity to design and implement innovating migration policy fostering employment, decent work, social protection and sustainable development.**

Background and main objective

This advocacy paper draws on the following experiences:

1. The militant experience of RSMMS and its members;
2. The development of a critical analysis of the Global Compact for Migration (GCM) process based on the analysis of international standards and available documentation;
3. Participation of some members of the RSMMS network in the consultative phase of the GCM in the Africa region;
4. Internal discussion within the network resulting in the consensus reflected in this advocacy paper;
5. The advocacy paper prepared in November 2017 by Global Unions emphasising priority trade unions' claims regarding the GCM.

The objective of this advocacy paper is to sensitise Governments and the different stakeholders that will be involved in the negotiation of the GCM during the stock-taking and negotiation phases, to the **normative principles, the political prerequisites and the concrete actionable recommendations supported by the RSMMS**.

Recommendations

A. Normative principles and frameworks

The RSMMS network affirms its commitment to all **the fundamental human rights treaties and protocols of the United Nations**, and regarding migrant workers, to the **primacy of international standards** promoted by the **fundamental conventions of the International Labour Organization (ILO)**, its technical conventions **Nos. 97 and 143 and their recommendations**, as well as the United Nations **Convention on the Protection of the Rights of All Migrant Workers and Members of their Families** (1990). RSMMS highlights the **quality and currency of the protection afforded to migrant workers through the Model bilateral agreement** available in the Annex of ILO Recommendation No.86. RSMMS reaffirms the centrality of the **Decent Work and Fundamental Rights at Work** agendas of the ILO.

Regarding abuses perpetrated by transnational criminal networks specialising in the passage, fraudulent and coercive recruitment and forced labour, RSMMS acknowledges the need to resort to the **Palermo instruments** (Protocols on smuggling and trafficking in persons, 2003) while ensuring that its implementation does not criminalise migrants who are victims of such abuses.

RSMMS notes the **weaknesses of provisions for the protection of workers under the World Trade Organisation** and in particular of the General Agreement on Trade in Services (Mode IV) as well as the **general absence of protection standards for migrant or posted workers in international free trade agreements or in direct foreign investment agreements**.

RSMMS recognises the relevance of the **migration relevant indicators contained in the Sustainable Development Goals (SDGs) and Agenda 2030** for the evaluation of national, regional and global policies (*inter alia*, 5.2 and 8.7 on modern slavery, trafficking in persons, forced labour and child labour, 8.8 on the protection of migrant workers, 10.7 on the development of national labour migration policies, 10.c on the lowering of transfer costs and 17.18 on the disaggregation of statistical indicators per migratory status).

RSMMS suggests that specific attention be paid to the **conclusions and function of United Nations supervisory mechanisms linked to these different conventions** (Report from the Committee for Migrant Workers, United Nations; Commission of Experts on the Application of Conventions and Recommendations of the ILO; Universal Periodic Review, United Nations). RSMMS recommends that the main conclusions of these reports be used in order to **establish the baseline diagnosis of the GCM and ensuing evaluations**.

RSMMS underscores the existence of a **dense, consistent and pragmatic set of non-binding frameworks and guidelines of international good practice**. These frameworks are, *inter alia*, the ILO Multilateral Framework on Labour Migration (2006), the ILO Guidelines on the Integration of Refugees in labour markets (2016), the ILO Guidelines and Operational Principles for Fair Recruitment (2016) and the International Recruitment Integrity System (2013) of the International Organization for Migration

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Finally, RSMMS notes the existence of **non-binding frameworks and free or facilitation of movement protocols on the African continent**, in particular the African Migration Policy Framework of the African Union (2006), the Joint Labour Migration Programme (2015), the 2016 Decision of African Heads of State reiterating the implementation of a free movement framework at the regional level (Malabo Protocol in preparation), and the different movement protocols of the African Regional Economic Communities which should continue to be supported.

B. Political prerequisites

Mindful of the need for the GCM to represent a step forward compared to the current status quo, RSMMS brings to the attention of the Secretary-General for the Organisation of the Intergovernmental Conference the following **ethical and political prerequisites**:

1. Migration is a **fundamental human right** and migrants, regardless of their migration status, must enjoy fully their **human and workers' rights, without any discrimination, and with the necessary protection against all forms of slavery and xenophobic practices**.
2. **International migration is mostly motivated by the search for decent work**. This means that the question of work should be central to GCM negotiations.
3. **Securitarian tendencies of certain migration positions and policies** should be condemned and combated.
4. A **worker is a worker** regardless of his or her migratory status and the **trade union movement is committed to defending and protecting all workers, including those in irregular situations**, as well as affirming their absolute equality of rights with all other workers.
5. **Existing protection standards and evaluation and expertise mechanisms of the United Nations system are the best guarantee for the protection of migrant workers' rights** and should be promoted, expanded and strengthened everywhere. The **role of the ILO**, as a standard-setting agency, should be central in the global organisation and regulation of international migration.
6. The global governance of international migration must integrate the **progressive principle of tripartite social dialogue in all areas pertaining to migration for employment** in particular in terms of recruitment and placement, skills and education matching to labour market demand, international recognition of qualifications and competencies, social rights portability, forced labour and modern slavery. The principle of tripartite social dialogue should be reflected in the organisation of institutions that will be established.
7. RSMMS insists on **regional priorities and situations of crisis** being taken into account in the final GCM document, in particular regarding the specific needs of African societies in terms of training of its youths and women, interest for international work

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experience, and support to national employment and poverty reduction strategies. RSMMS emphasises the specific fact that **African migration take place for the vast majority within the region¹**, and to a lesser extent as a Euro-African challenge.

8. The final document of the GCM should encourage Member States to adopt converging, coherent and inclusive migration policies, which refrain from criminalising migrants.

C. Actionable recommendations

Preamble (prerequisite): Adopt an official **glossary on international migration** bearing on basic terms defined through a critical discussion leading to consensus.

1. Global governance of migration:

- a. Explicitly condemn racist, xenophobic, and intolerant positions associated with migration and supported by certain migration policy positions;
- b. Ensure the recognition of the notion of decent work as defined by the ILO in all national, regional and global migration policies on issues related to migration in an employment relationship;
- c. Acknowledge and promote tripartism (Governments, employers, workers) in all institutions (future GCM institutions, Regional Economic Councils of the UN, technical and ministerial commissions of regional integration organisations, GFMD, IDM of the IOM, IOM RCPs) on all issues bearing on migration in an employment relationship;
- d. Promote the adoption of tripartite approaches in discussions of migration issues within national social dialogue institutions.

2. Financing of international migration governance and technical assistance:

- a. Establish the principle of transparent and fair allocation of funding responding to the needs of migrant populations in terms of integration and access to rights while acknowledging the role of trade unions and civil society;
- b. Establish the principle of priority funding towards migrant workers as rights bearers rather than the funding of government intervention.

3. Implementation of international standards:

- a. Promote the establishment of sub-regional coalitions of member states around thresholds of minimum reciprocal rights through targeted campaigns for the ratification of international standards;
- b. Promote bi- and multilateral agreements aligned to international standards and the ILO model agreement, as well as reciprocal social security agreements (see 9);

¹ ILO, 2015, *Global estimates on labour migration*.

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- c. Support the strengthening of capacity among governments, social partners and migrant rights associations for the use of oversight mechanisms attached to international conventions (Committee for Migrant Workers, United Nations; Commission of Experts on the Application of Conventions and Recommendations of the ILO among others) and the monitoring of SDGs migration related indicators.
- 4. Promote the collection of statistical and qualitative research data on migration and their sharing in the public domain to assist decision-making and public policy evaluation:**
- a. Encourage the adoption by all relevant institutions of recommendations from the International Conference of Labour Statisticians on migration data and of SDG indicator 17.18;
 - b. Support strengthening of capacity for labour migration data producers (bureaux of statistics, ministries, universities) and users (governments, social partners, civil society, media) to support evidence-based policies, and in particular the sharing of data in the public domain (disaggregated by sex, age, etc.).
- 5. Ensure employment issues are mainstreamed into the management of crisis situations from inception:**
- a. Promote existing international frameworks in these issues, *inter alia* the *General principles on the access of refugees and other forcibly displaced persons to the labour market* (ILO, 2016) and *ILO Recommendation No.205 – Employment and Decent Work for Peace and Resilience Recommendation* (ILO, 2017);
 - b. Support the adoption of these principles within Member States’ national policies;
 - c. For refugees, encourage the adoption of policies for their active integration in the labour market;
 - d. For crisis situations, promote decent employment in the prevention, reconstruction, and consolidation of peace and resilience specific to these situations;
 - e. In situations of absolute emergency and conflict, sensitize all actors in the crisis to the need for guaranteeing safe conditions for migrant workers present on conflict zones, including in evacuation plans;
 - f. Promote integration of the question of access to or return to employment in emergency plans for crisis resolution (ILO Recommendation No.205) and sustainable consolidation strategies.

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6. Promoting mobility and migration for decent work:

- a. Develop or reaffirm standards of bi- or multilateral Government-to-Government cooperation allowing for multiple forms of regular mobility and migration for employment in decent conditions of work, for short, medium and long stays, particularly for the low-skilled;
- b. Promote national labour migration policies based on labour market needs assessments in countries of origin and destination;
- c. Encourage the establishment of black lists of abusive employers by ministries of employment, labour inspectorates and private employment agencies;
- d. Reinforce the capacity of labour inspectorates and occupational safety and security services in detecting and repressing abuses against migrant workers;
- e. Identify abusive employers and oblige them to become compliant, if need be through sanctions;
- f. Promote policies facilitating access to employment for foreign students and to job opportunities after completion of their studies in the country of destination and programmes of accompanied, voluntary return enhancing the use of acquired competencies and qualifications;
- g. Strengthen the capacity of public employment services and workers' organisations in the organisation and protection of migrant workers, including irregular ones, through the establishment of sensitisation and legal aid, etc;
- h. Emphasise and explain the role and importance of migrant workers.

7. Promote fair recruitment and protection of migrant workers throughout the migration cycle:

- a. Support the promulgation of legislations regulating private employment agencies and allowing prosecution of abuses linked to fraudulent recruitment, forced labour and trafficking in persons;
- b. Regulate private employment agencies through incentives for and training to compliance;
- c. Strengthen the powers and reinforce the resources of police and justice authorities to prosecute violations linked to fraudulent recruitment, smuggling, forced labour and trafficking in persons as well as to protect victims;
- d. Strengthen the capacity of ministries of labour and workers' organisations in the training and sensitisation of populations and migrant workers to abuses linked to unethical recruitment, as well as the reintegration of migrant workers into labour markets;
- e. Strengthen the capacity of ministries of labour and foreign affairs in the establishment of professional and efficient networks of labour attachés posted in consulates in the countries of destination and the establishment of effective chains of protection (hotlines, legal aid, shelters for victims of abuses, psycho-social referral networks, etc);
- f. Promote bilateral cooperation agreements between labour inspectorates along migration corridors;
- g. Promote international trade union cooperation.

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- 8. Establish a standard framework to regulate conditions of employment of migrant, posted, or transferred workers in bi- and multilateral free trade agreements and national direct foreign investment agreements:**
- a. In collaboration with WTO, promote a binding standard framework for free trade agreements drawing on existing international standards for the protection of migrant, posted and transferred workers;
 - b. Establish a monitoring and evaluation mechanism to supervise integration of this framework into new free trade agreements;
 - c. Strengthen capacity of labour ministries and social partners for the domestication of this framework into national legislations and its implementation to national agreements for foreign direct investment on aspects linked to the employment of migrant, in particular migrant workers.
- 9. Promote the adoption of social security programmes and the portability of rights accrued to migrant workers:**
- a. Affirm the need for fair and non-discriminatory treatment of migrant workers and their families by social security systems in countries of destination;
 - b. Support unilateral extension of social rights to migrant workers, including basic social rights based on fundamental human rights (right to life, emergency care, etc) for irregular migrant workers;
 - c. Support bi- and multilateral social security agreements between countries of a sub-region or along migration corridors;
 - d. Facilitate migrant workers' effective access to accrued rights and benefits in terms of portability and on par with the treatment of national workers.
- 10. Promote the effective recognition of competencies and qualifications, including recognition of prior learning and technical and vocational training, within regional or sub-regional communities and along migration corridors:**
- a. Strengthen the capacity of national and sub-regional institutions for the establishment and recognition of competencies and qualifications frameworks and support their effective enforcement including through infrastructure and logistics;
 - b. Support the publication of common competencies recognition frameworks, in particular for technical and vocational education and recognition of prior learning for low skilled occupations (domestic work, construction, security, etc);

The present advocacy paper is developed by the RSMMS and validated by the steering committee on January 16, 2018 in Paris.

**UGTT as the General Coordinator of the RSMMS
on behalf of all members of the RSMMS network**

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United Nations Organization. Convention on the Rights of All Migrant Workers and Members of their Families (1990)



**MEDITERRANEAN – SUB-SAHARAN MIGRATION TRADE UNION NETWORK
(RESEAU SYNDICAL MIGRATIONS MEDITERRANEENNES – SUB-SAHARIENNES)**

Constitutive document of the RSMMS

DECLARATION OF CASABLANCA

- ❖ Taking account of the recommendations issued at preparation meetings held at:
 - Hammamet-Tunisia on 14 - 17 November 2009
 - Dakar-Senegal on 07 - 08 October 2013
 - Turin-Italy on 21 - 22 October 2013

- ❖ Taking stock of the fact that the situation of migrant workers and members of their families is degrading steadily and is taking a tragic turn in most Mediterranean and Sub-Saharan countries due to systematic violations of human rights, migrants' rights and international migration-related conventions;

- ❖ Recognising the urgent need for trade union organisations in Mediterranean and Sub-Saharan regions to uphold their historical and ethical commitments regarding these recurrent violations of migrants' rights and to act together in an efficient and coordinated manner, at national, regional and international level to prevent further degradation of migrant workers' conditions of work and living and to fight against all forms of discrimination, racism and xenophobia;

Trade union organisations in attendance of the Casablanca (Morocco) meeting held from 06 to 08 August 2014:

- UMT, CDT: Morocco
- UGTT: Tunisia
- SNAPAP: Algeria
- EFITU: Egypt
- CGTM: Mauritania
- CGIL: Italy
- CGT, CFDT: France
- CSTM: Mali
- USTN: Niger
- UGTCl: Côte-d'Ivoire
- CARISM: *Comité d'Actions et de Réflexions Intersyndicales sur la Migration* which represents five Senegalese organisations (CNTS-CSA-CNTS/FC-UDTS-UNSA),

In the presence of representatives of the ILO, ITUC, ISP, Friedrich-Ebert-Stiftung (FES) and Nexus/CGIL.

1. Recommend to all trade union organisations involved in this network to promote migrants' rights in the Mediterranean and Sub-Saharan regions and to establish dedicated structures dealing with migration issues, as evidence of how central these issues have become for these organisations and to manage these issues more swiftly and efficiently.
2. Call on all States in the Mediterranean and Sub-Saharan regions to ratify international conventions on migration for employment, more specifically ILO Conventions Nos.97 and 143 and the United Nations 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, to harmonise their national legislations and align them to international standards and see to their effective implementation.
3. Demand that State authorities in their respective countries commit to include workers' organisations in the development, management and monitoring and evaluation of migration-related policies.
4. Call on regional organisations, in particular the European Union, to include workers' organisations in the consultations, development and evaluation of programmes, the monitoring of and negotiation towards bi- and multilateral agreements related to migrant workers and encourage member trade union to consult each other over declarations of mobility partnerships initiated and signed by the European Union, to condemn their security approach and the conditionality of readmission agreements, as in the cases of Morocco (07 June 2013) and Tunisia (03 March 2014).
5. Invite ITUC (ITUC Africa and ITUC Arab States), ETUC, and USTMA to support the Trade Union Network for Mediterranean-Sub-Saharan Migration (Réseau Syndical Migrations Méditerranéennes Subsahariennes).
6. Call on African regional organisations (AU, ECOWAS, AMU, etc...) to include the network in the consultations and monitoring of migration issues.
7. Agree to establish the Trade Union Network for Mediterranean-Sub-Saharan Migration (Réseau Syndical Migrations Méditerranéennes Subsahariennes) which will be hosted at UGTT / Tunisia:
 - This Trade Union Network for Mediterranean-Sub-Saharan Migration (Réseau Syndical Migrations Méditerranéennes Subsahariennes) emphasises the unity and solidarity of the trade union movement and its commitment to the universal fundamental values of human rights based on freedom, equality, justice, non-discrimination and decent work.
 - The overall coordination of the network rests with UGTT until the next General Assembly of the network.
 - The network has established a Steering Committee composed of the following members:

Coordinator	UGTT
North Mediterranean Area	1. CGIL
	2. To be appointed
Southern Mediterranean Area	1. UMT
	2. CGTM
Sub-Saharan Area	1. CARISM
	2. USTN
Observers	ILO-ACTRAV
	ITUC
	ETUC
	Global Union
	FES
	USTMA
	Nexus/CGIL
IOM	

- The network relies on a web of focal points appointed by members trade unions who are responsible for the communication, programme monitoring, detection and alert of migrants' rights violations, with support from a digital platform and website which will be set up within the Network.
 - The network relies on a committee of experts who will be tasked with developing and drafting studies and propose action plans for the implementation of the policies agreed upon by the network members at their General Assembly.
 - The network will rely on the active support of regional and international organisations, on donors and international organisations' financial and technical support to fund and complete its activities and reinforce the capacities of its member trade unions.
8. Adopt this document relating to the establishment of the Trade Union Network for Mediterranean-Sub-Saharan Migration (Réseau Syndical Migrations Méditerranéennes Subsahariennes) as their constitutive document.

Casablanca, 8 August 2014

**List of trade union organizations members of
the Mediterranean-Subsaharan Migration Trade Union Network**
(« Réseau Syndical Migrations Méditerranéennes-Subsahariennes ») - RSMMS
(on January 16th, 2018)

Country	Denomination	Acronym
RSMMS general coordinator (& member)		
Tunisia	1. Union Générale Tunisienne du Travail Contact : Mme Naïma Hammami Secrétaire Générale Adjointe/ Département des Relations Internationales et de l'Emigration Adress : UGTT - Département des Relations Internationales et de l'Emigration 9 rue de Grèce – 1001 Tunis / Tunisie E-mail : ugtt.relationinternational@yahoo.fr Tel. : (+216) 71 336 549 Fax : (+216) 71 334 227	UGTT
RSMMS members		
Algeria	2. Syndicat National Autonome des Personnels de l'Administration Publique	SNAPAP
Benin	3. Confédération Générale des Travailleurs du Bénin	CGTB
Ivory Coast	4. Union Générale des Travailleurs de Côte d'Ivoire	UGTCI
Spain	5. Confederación Sindical de Comisiones Obreras	CCOO
	6. Unión Sindical Obrera	USO
France	7. Confédération Française Démocratique du Travail	CFDT
	8. Confédération Générale du Travail	CGT
Italy	9. Confederazione Generale Italiana del Lavoro	CGIL
	10. Confédération Syndicale Internationale	CSI-Afrique
Mali	11. Confédération Syndicale des Travailleurs du Mali	CSTM
	12. Union Nationale des Travailleurs du Mali	UNTM
Morocco	13. Confédération Démocratique du Travail	CDT
	14. Union Marocaine du Travail	UMT
Mauritania	15. Confédération Générale des Travailleurs de Mauritanie	CGTM
Niger	16. Union des Syndicats des Travailleurs du Niger	USTN
Senegal	17. Confédération Nationale des Travailleurs du Sénégal	CNTS (CARISM)
	18. Confédération Nationale des Travailleurs du Sénégal - Forces du changement	CNTS-FC (CARISM)
	19. Confédération des Syndicats Autonomes	CSA (CARISM)
	20. Union Démocratique des Travailleurs du Sénégal	UDTS (CARISM)
	21. Union Nationale des Syndicats Autonomes du Sénégal	UNSAS (CARISM)