



International Labour Organization

Route des Morillons 4
1211 Geneva 22
Switzerland

www.ilo.org

CELEBRATION OF

**ENTRY INTO FORCE OF THE
INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS
OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
JULY 1 2003**

GENEVA, PALAIS DES NATIONS

**Statement by Mr. Kari Tapiola,
ILO Executive Director for Standards and Principles**

Distinguished Ambassadors, delegates of governments, representatives of international organizations, representatives of NGOs and migrant organizations:

It is an honor for me to address this special event, on behalf of the International Labour Office and its Director General, Mr. Juan Somavia.

The International Labour Office welcomes the entry into force of the **1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**.

This is indeed a very significant day for the ILO and its tripartite constituents around the world. Entry into force of this treaty represents de facto and de jure recognition of the need for legal protection of the rights and dignity of the millions of migrant workers who contribute to the well-being and development of both their host and home societies.

Extending protection of basic rights to all migrant workers is today more important than ever. Migration is today a universalizing feature world-wide. It is potentially one of the single most important instruments for regional economic and social integration in regional processes in Africa, Asia and the Americas as well as in Europe.

Under contemporary globalization, international labour mobility is increasing. The number of people living and working outside their countries of origin doubled between 1975 and 2000, to a total of 175 million. It is quite likely these figures will double again in the next quarter century.

Certainly, factors integral to globalization are increasing the number of people whose livelihoods and possibilities to survive at home have diminished. The ILO Director General Juan Somavia emphasized on the eve of the Johannesburg Summit conference,

“The International Labor Organization estimates that more than a billion women and men are unemployed, underemployed or working poor. A direct result of this is that some 120 million migrant workers and their families have left their home countries in the hope of finding a job somewhere else.”¹

Meanwhile, demand for foreign workers is also increasing in many countries. However, migrant workers are most often constrained to take the dirty, dangerous and degrading jobs. Lack of legal protection for migrant workers heightens their attractiveness as instruments for cheap, docile and flexible labour because they are obliged to work in situations where decent work conditions are not enforced. Migrant workers in an irregular situation are especially vulnerable to exploitation and abuse because the threat of apprehension and deportation thwarts unionizing and impedes exposure of dangerous working conditions.

An international consensus is emerging that regulation of international labour migration cannot be left solely in the hands of national interests and market mechanisms. Rather, it requires organization through bilateral and multilateral agreements and adherence to international standards. In our view, a “win-win” formula for achieving a sustainable migration regime in the 21st century requires three essential prerequisites.

First, is acknowledgement of looming demands for labour, not only in Europe and North America, but elsewhere in industrializing countries across Africa, Asia and Latin America. Few leaders in Europe can now dispute the demographic reality that most of their countries have to bring in foreign labour in order to sustain levels of productivity. The UN estimates that for a number of European and Asian countries this would mean their own populations working till 77 years of age to avoid more immigration.

This means putting in place policies and structures to properly manage and regulate migration, which in turn requires a significant degree of social consensus. In our experience, building social consensus requires involvement of the parties most directly affected by labour migration, workers and employers in particular.

The third prerequisite is ensuring decent treatment for migrants, whether they be temporary migrants for employment or immigrants. In most countries, integration in the labour market is a matter of survival since one cannot survive without working. Our research suggests that migrants in an irregular situation, given their needs for survival, rarely remain unemployed.

Social legitimacy –and public cooperation—for governance comes of its association with justice, human dignity and democratic values. Legally established rights and policy standards framed by international norms ensure social legitimacy and accountability for governance; this legitimacy and accountability can only be ensured by a foundation in the rule of law.

¹ Juan Somavia: “The world's people need decent jobs.” International Herald Tribune, Tuesday, August 27, 2002

The 1990 Convention embodies the evolution of international standards over the last century to ensure a normative framework for policy, legislation and practices of States in regulating migration. The first conventions on the subject were established under ILO auspices. The **ILO Migration for Employment Convention**, of 1949 (**No. 97**) provided the basis for the modern normative framework. The **ILO Migrant Workers (Supplementary Provisions) Convention**, of 1975 (**No. 143**) addressed questions of irregular migration, and explicitly incorporated reference to application of the fundamental human rights norms embodied in the instruments of the UN Bill of Human Rights.

The two ILO conventions provide a basic framework for national legislation and practice on labour migration. These instruments stipulate that States actively facilitate fair recruitment practices and transparent consultation with their social partners, reaffirm non-discrimination, establish a principle of equality of treatment between nationals and regular migrant workers in access to social security, conditions of work, remuneration and trade union membership. 50 States have ratified one or both of the ILO Conventions, including eleven member States of the European Union.

The 1990 Convention is based on concepts and language drawn from the two ILO Conventions on migrant workers. It extends considerably the legal framework for migration, treatment of migrants, and prevention of exploitation and irregular migration.

The recent ratifications of the 1990 Convention bring to **63** the number of States that have now ratified one or more of these three complementary standards². Adding to this the States that have signed the 1990 Convention but not yet ratified, brings up to **70** the number of countries that have or are in the process of establishing legislation and policy on the basis of international norms.

These three International Conventions together provide a comprehensive “values-based” definition and legal basis for national policy and practice regarding non-national migrant workers and their family members. They thus serve as tools to encourage States to establish or improve national legislation in harmony with international standards. The protection and structure offered by these instruments go well beyond providing a human rights framework. They add up to a comprehensive agenda for national policy and for consultation and cooperation among States on labour migration policy formulation, exchange of information, providing information to migrants, orderly return and reintegration, etc.

Labour migration will be the topic of the General Discussion at the International Labour Conference in Geneva in 2004. Main themes of discussion will be labour migration in

² The ILO Migration for Employment Convention #97 of 1949, ratified by 42 countries, the ILO Migrant Workers (Supplementary Provisions) Convention #143 of 1975, ratified by 18 countries; and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by 22 countries and signed by 10 others. Texts and related information available respectively on the ILO website, at www.ilo.org/ilolex , and the Office of the UN High Commissioner for Human Rights website: www.unhchr.ch

the era of globalization, policies and structures for more orderly migration for employment, and improving migrant workers' protection. In preparation for this global discussion, ILO is reviewing its own normative activities and the relevant International Labour Standards to determine how they might be more effective, including an examination of whether they need to be revised and updated.

In conclusion, we emphasize that regulation of migration and of the labour market must be strengthened if the rule of law and democracy are to be sustained in this era of globalization. This 1990 International Convention on migrant workers is now an operational instrument providing the necessary and coherent framework for national and international migration policies world-wide.

Contact:

ILO International Migration Program

Tel: +41-22 799 8091 Fax: +41-22 799 8836 e-mail: migrant@ilo.org

website: www.ilo.org/migrant