



## THIRD ITEM ON THE AGENDA

**Evaluation****Independent evaluation of the ILO's strategy to improve the protection of migrant workers****I. Introduction**

1. This summary presents key findings and recommendations from the independent evaluation of the ILO's strategy for the protection of migrant workers, 2001–07.<sup>1</sup> The purpose of the evaluation is to provide insight into the relevance, effectiveness and efficiency of the ILO's strategy, programme approach and interventions for protecting migrant workers. This includes consideration of whether and how the Office approach should be modified or adapted. It is also intended to provide findings and lessons learned for improved leadership and decision-making within the context of results-based management. The period under review is 2001–07.

**II. Background**

2. Each year, millions of women and men cross national borders in search of better opportunities for decent work and a better livelihood for their families. Migration has become a strategy for survival for many families who seek better opportunities for fair wages and employment, as well as for those who seek refuge from famine, war, natural disaster, violent conflict or persecution.<sup>2</sup> The ILO's focus on international migration stems from its constitutional mandate to work on the protection of migrant workers' rights as stipulated in its Constitution, which states that one of the Organization's objectives is "the protection of interest of workers when employed in countries other than their own". Another important consideration is the mandate of the ILO on employment and the efficient operation of labour markets, to which migrant labour contributes. The ILO has pioneered international standards to guide labour migration policy on the protection of

<sup>1</sup> A full version of this can be found on the GB web page at <http://www.ilo.org/eval/index.htm>.

<sup>2</sup> See World Commission on the Social Dimension of Globalization (WCSDG), *A fair globalization: Creating opportunities for all*, WCSDG and ILO, Geneva, Feb. 2004.

migrant workers. The ILO Committee of Experts on Conventions and Recommendations has repeatedly stressed that all ILO Conventions are applicable to migrant workers, regardless of their status.

### III. ILO's Operational Framework for Migration-related Activities

3. Overall, the Office's work in the area is focused on labour migration or those aspects of migration related to labour. It falls under the ILO's framework of common principles of action: (i) support a fair globalization; (ii) contribute to poverty reduction; (iii) promote relevant labour standards; (iv) advance gender equality; (v) support to the efficient operation of labour markets and decent employment; and (vi) involve constituents in social dialogue and tripartite dialogue.
4. The Office's approach to the issue of labour migration has evolved over the years. The growing interest and concern with migrant labour issues and their impact on development has led to increased attention to the ILO's role and the need for a framework for action. The 92nd Session of the International Labour Conference (ILC) in 2004 called upon the Office and its constituents to carry out a Plan of Action for Migrant Workers with seven components, namely: (i) development of a non-binding multilateral framework for a rights-based approach to labour migration; (ii) the identification of relevant action to be taken for wider application of international labour standards and other relevant instruments; (iii) support for implementation of the Global Employment Agenda at the national level; (iv) capacity building, awareness raising and technical assistance; (v) strengthening social dialogue; (vi) improving the information and knowledge based on global trends in labour migration; and (vii) mechanisms to ensure Governing Body follow-up of the plan of action and ILO participation in relevant international initiatives concerning migration.
5. The Office has proceeded to address each of these seven guiding components under the direction of the International Migration Programme (MIGRANT), the central ILO unit in charge of providing technical leadership and backstopping on the issue of migrant worker protection. However, no specific approach has been taken to develop an implementation plan based on the key elements specified in the ILC resolution in 2004, which calls for an Office-wide approach.
6. Instead, the ILO's work on migration is planned through the biennium programme and budget which links outcomes to Strategic Objective No. 3: *Enhance the coverage and effectiveness of social protection for all, and defined as Outcome 3b.2 in the 2006–07 biennium and listed as intermediate Outcome 3c in the present biennium.*<sup>3</sup> The Programme and Budget Outcome 3b applies to the International Migration Programme and other units, as well as country and regional offices. Although this Outcome groups the Office's activities for the protection of migrant workers, it fails to capture the full range of activities that deal with migrant workers within the context of the other three strategic objectives dealing with the promotion and realization of standards, fundamental principles and rights at work, the creation of greater opportunities for women and men to secure decent employment and income, and the strengthening of tripartism and social dialogue. Migration is a cross-cutting issue that falls under the various spheres of action of the ILO, but the current programme and budget reporting mechanism makes it nearly impossible to obtain information on expenditures realized by the different sectors in support of this activity. Moreover, it does not support the establishment of a common vision.

<sup>3</sup> Outcome 3b.2 for the 2006–07 biennium has been previously referred to as Outcome 3b for the 2002–03 and 2004–05 biennia.

## A call for a plan of action

7. The Office has translated the elements of the ILO plan of action for migrant workers identified by the ILC resolution in 2004 into specific activities. To this effect, it has combined regular budget and extra-budgetary resources expressly mobilized for that purpose. In addition to MIGRANT, units in different sectors have contributed to these activities. However, a common strategy for all sectors of the Office aimed at achieving the long-term objectives of the resolution has not been developed. Such a strategy could have been of great use to the Office in realizing its commitment to results-based management. The strategy could include, at a minimum, a clear definition of short/medium-term goals to achieving the established long-term goal, actions required, risk analysis (constraints) and mitigating strategies, indicators, baselines, benchmarks, targets and means of verification.
8. Ideally, the strategy should have an implementation plan with indicators, milestones and targets. To this end, planning of specific activities for the implementation of the overall strategy or the sub-strategies would be needed. A detailed strategy would reinforce the spirit of the conclusions drawn in the ILC resolution in 2004 and its call for a plan of action that takes into account the established elements.
9. Within the framework of the ILC 2004 resolution's call for a plan of action, a number of activities have been carried out at headquarters and field offices under the regular programme and budget allocations and technical cooperation projects. These resources have also been instrumental in the development of regional strategies aimed at fostering more coordinated approaches to labour migration activities.

## IV. ILO interventions on migrant worker protection

### Development of a non-binding multilateral framework for a rights-based approach migration: First step towards a consolidated strategy

10. The Multilateral Framework on Labour Migration (MFLM) was discussed and adopted by a tripartite meeting of experts in 2005.<sup>4</sup> It consists of a set of non-binding principles and guidelines for providing assistance to governments to develop more effective labour migration policies. It provides guidance on how to make ILO interventions more effective and mindful of "labour market needs, the sovereign right of all nations to determine their own migration policies, and relevant action for a wider application of international labour standards and in order to promote coherence in international labour migration policies".<sup>5</sup>

### Implementation of the Global Employment Agenda and the Decent Work Country Programmes

11. The Governing Body and the Director-General have emphasized the need for a renewed emphasis on the Office's activities in labour migration: it is recognized as a critical pillar

<sup>4</sup> Tripartite Meeting of Experts: 31 October–2 November 2005. The Governing Body took note of the report (GB.295/13, para. 49).

<sup>5</sup> ILO, 2006, ILO's Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach.

to decent work, job growth and development in general. The ILO views labour migration as a labour market and decent work issue within the overarching framework of the Decent Work Agenda. Labour migration can alleviate labour market pressures and make a significant contribution to the economic development of source countries through the considerable foreign exchange flows and acquired skills. The World Bank's newly released data indicate that remittance flows to developing countries reached \$251 billion in 2007 – an 11 per cent growth compared to 2006, and an increase of over 200 per cent since 2002.<sup>6</sup> Labour migration also contributes to sustaining economic activities and growth in countries of destination. The Office has played a central role in the operationalization of the Spain–UNDP Fund on Youth Employment and Migration. It has succeeded in tapping its resources on behalf of projects it will carry out in cooperation with other international organizations. The Office has also taken up the issue of the recognition of skills of migrant workers and has contributed to the implementation of employment-related components of technical cooperation projects. The Office has also commissioned various studies and position papers on the impact of remittances from labour migrants on job creation and economic development of originating countries.<sup>7</sup>

### **Towards a wider application of international labour standards and other relevant migration instruments**

12. Relevant international labour standards on migration are not well reflected in Decent Work Country Programmes (DWCPs) according to analysis conducted by the evaluation team. Out of a sample of 48 DWCPs from across five ILO regional offices,<sup>8</sup> only eight country programme strategies made reference to the provision of ILO assistance towards the ratification and/or implementation of the Migration for Employment Convention (Revised), 1949 (No. 97), and/or the Migrant Workers Convention, 1975 (No.143), as well as their accompanying Recommendations (Nos 86 and 151).<sup>9</sup> This left 40 DWCPs where no consideration was given to the status of the ratification and/or implementation of international labour standards on migration.
13. The mandate of the ILO is to develop a rights-based approach to labour migration as stipulated in paragraph 27 of the ILC resolution “the ILO may take appropriate steps to better promote ratification of Conventions Nos 97 and 143, and in the application of the principles they contain pertaining to the protection of migrant workers”. These efforts should also encompass other relevant standards for migrant workers such as ILO Conventions and standards concerning private employment agencies, social security, protection of wages, labour inspection, and occupational safety and health.
14. According to a recent Governing Body document, between 2005–07, ILO technical support to requesting member States contributed to five additional ratifications of

<sup>6</sup> Migration and Development Brief 5, Development Prospects Group, Migration and Remittances Team, 10 July 2008.

<sup>7</sup> ILO: Working Paper 50, K. Shüttler, 2008; [http://www.ilo.org/public/english/protection/migrant/info/imp\\_list.htm](http://www.ilo.org/public/english/protection/migrant/info/imp_list.htm).

<sup>8</sup> Sample excludes DWCPs where Conventions Nos 97 and 143 were ratified more than five years before the DWCP start date (the evaluation team made an assumption that these countries no longer require technical assistance in Convention implementation).

<sup>9</sup> Explicit reference: Mongolia, Armenia, Tajikistan and the Bahamas. Implicit reference: Nepal, Jordan, Oman and Kyrgyzstan.

Convention No. 97 (Albania, Armenia, Montenegro, Republic of Moldova and Tajikistan) and five ratifications of Convention No. 143 (Albania, Armenia, Montenegro, Philippines and Tajikistan).<sup>10</sup> The Office has also drawn up legislative profiles for 55 countries based on the main principles contained in Conventions Nos 97 and 143 to help identify the main obstacles to their ratification and implementation. This indicates that there may not be a problem with migration tools, per se, but with their placement as a cross-cutting issue in the generation of integrated programmatic frameworks embodied by the DWCP.

### **Capacity building, awareness raising and technical assistance**

15. The Office has expanded its policy advice function resulting in the formulation and setting up of labour migration policies and institutions in a number of member States. The Office has also stepped up its mobilization of extra-budgetary resources intended for the implementation of technical cooperation projects. The level of extra-budgetary resources mobilized by MIGRANT alone increased by more than twelvefold between 2004 and 2008. The implementation of these technical cooperation projects has involved all sectors in the Office. Social partners were active participants in the projects, in which social dialogue was both a means of action and an objective. Other units in the Office have also raised resources for the implementation of projects. Together with the ILO's International Training Centre in Turin, MIGRANT has designed and delivered three annual sessions of a capacity-building course for constituents. However, regular budget resources have not followed as requested in the 2004 ILC resolution and are not reflected in the programme and budget for the mainstreaming of activities needed to strengthen the International Migration Programme.

### **Improving the information and knowledge base**

16. Headquarters and decentralized technical cooperation projects have continued undertaking research and issuing publications. The Office developed a module for the collection of labour migration statistics and supported a number of countries in applying it. The International Labour Migration database is being modernized and expanded.

## **V. Conclusions and recommendations**

17. The findings of this evaluation suggest that the expectations of the ILC resolution in 2004 are yet to be realized. The Office has not made use of all the possibilities the resolution opens up. Resources and staffing have not followed, which has affected implementation. Insufficient internal coordination is also observed. The consequence is that, despite continued regard for its expertise and confidence in its approach and tools, the ILO is not sufficiently present in operational activities in the field of international labour migration. Despite the high commitment of staff and reputable work done by relevant units, there is need for reinforcement.

<sup>10</sup> GB.301/4, Mar. 2008, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_090601.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_090601.pdf).

## Strategic vision and action plan

18. The Office's plan of action for labour migration needs to develop a stronger internal vision and strategic action plan. There is a clear gap to be filled by a comprehensive Office-wide internal strategy paper that formally recognizes the cross-cutting nature of the labour migration issue which requires a designation of responsibilities to all parts of the Office so that everyone is required to consider it in their work.

- **Recommendation 1:** The evaluation recommends that the Office comply with the spirit of the ILC 2004<sup>11</sup> resolution and ensure that necessary resources are available to develop an internal strategy paper defining a vision, how the issue is defined, who is responsible for what and the status of migration as a cross-cutting issue, priorities for programming, the policy for mainstreaming, the mandate and authority of MIGRANT and how responsibilities for this issue should be shared across the Office.

## ILO positioning and visibility

19. The normative function of the ILO, in addition to its mandate in issues of employment and labour markets, social protection and social dialogue, is its comparative advantage. It is the only international organization active in all these areas related to labour. Its interventions, as well as those of other UN agencies and the International Organization for Migration, should be complementary and result in organized labour migration and the protection of migrant workers. Examples of coordination and cooperation within and outside the framework of the Global Migration Group (GMG) exist. However, there is room for further cooperation with members of the GMG and other international and regional organizations.

- **Recommendation 2:** The Office needs to develop a strategy for collaboration with other international organizations in accordance with the guidelines of the ILC in 2004.<sup>12</sup> This strategy should help the Office in carrying out the plan of action and supporting its tripartite constituents. The Office should clearly define its sphere of action ensuring complementarities and synergies without compromising its normative and technical comparative advantages. Where possible, specific outcomes for these collaborative efforts should be identified, ex ante, to build on existing products and shared data.

## Results-based implementation of the action plan

20. The Office needs to strengthen its approach to measuring outcomes and impacts of its work on migrant labour. The Office notes outcomes in its programme and budget but this does not seem to be accompanied by the production of evidence regarding the ultimate impact of the Office's work. The current programme and budget plans and reports activities related to migration labour under Strategic Objective No. 3 "Enhance the coverage and effectiveness of social protection for all" and immediate Objective 3c.1 "Increase member State capacity to develop policies or programmes focused on protection of migrant workers." This seems to exclude the many other activities under the other three strategic objectives of the Office.

<sup>11</sup> The Committee on Migrant Workers established the framework for this plan of action at the 92nd Session of the ILC in 2004. <http://www.ilo.org/public/english/standards/reim/ilc/ilc92/pdf/pr-22.pdf>.

<sup>12</sup> *ibid.*

- **Recommendation 3:** The Office needs to find a way to capture the true cross-cutting nature of its work on labour migration in its programme and budget mechanism. The evaluation recommends that MIGRANT, in collaboration with the Bureau of Programming and Management (PROGRAM), introduce methods for identifying goals on labour migration under each strategic objective so as to better plan and track resources dedicated to migration activities throughout the Office.

## Labour migration and development linkages

21. The ILC resolution in 2004 and, in its aftermath, the report of the Global Commission on International Migration (GCIM), the United Nations High-level Dialogue and the Global Forum on Migration and Development (GFMD) have emphasized linkages between migration and development and called for their reinforcement. Linkages include remittances, the most tangible benefits of labour migration, but they also encompass skills acquisition and investments by transnational communities. Other linkages are the relation between rights of migrant workers and economic development as well as the impact of the migration of highly skilled workers on the provision of social services.

- **Recommendation 4:** The Office's action plan for migrant workers should step up its action on strengthening the positive linkages between labour migration and development in cooperation with tripartite partners and other stakeholders by:

- (i) assessing costs and benefits of migration for countries of origin and destination and formulating appropriate advice in this respect;
- (ii) assisting member States in developing policies that facilitate the productive use of remittances and their poverty-alleviating impact;
- (iii) proposing measures for the productive reintegration of return migrants, including through small enterprise promotion;
- (iv) providing advice on engaging transnational communities in the development of their countries of origin;
- (v) identifying and advocating measures to mitigate brain drain;
- (vi) analysing the interaction between respect for rights of migrant workers and the development benefits of migration and advocate related policy measures in this regard; and
- (vii) strengthening social partners' capacities to promote the ILO's right-based approach.

22. An ILO Advisory Committee on Labour Migration and Development may be set up. Its members may comprise representatives of governments, and employers' and workers' organizations, representatives of relevant international and regional institutions, representatives of migrants' associations and researchers and other concerned bodies.

## VI. Comments from the Office on the evaluation

23. The Office welcomes the findings of the independent evaluation, which recognize the progress made in the implementation of the ILO plan of action for migrant workers. It also

welcomes the recommendations aimed at increasing the pace of realizing the objectives of the plan.

24. The Office's strategy has been to garner efforts of all units towards implementing activities related to clearly defined elements of the plan. MIGRANT took the lead in carrying out this strategy. Regular budget and extra-budgetary resources were mobilized and allocated to that effect. However, the Office will now act on recommendation 1 and develop an explicit internal strategy paper that articulates its vision for the implementation of the plan and identifies responsibilities of sectors and regions. In this regard, the role and functions of MIGRANT will be clearly defined.
25. Taking account of mandates of members of the GMG and other international and regional agencies, responding to recommendation 2, the Office will develop a strategy on collaboration with a view to also supporting ILO tripartite constituents. The pursuit of the ILO rights-based approach to labour migration will guide this collaboration.
26. To reflect the cross-cutting nature of labour migration, integration of the activities of the Office has been increasingly sought. The Programme and Budget for 2008–09 provides that reporting on implementation will be done at the level of the immediate outcome, which should allow identifying the ILO's contribution to the results achieved and the monitoring of resources dedicated to the immediate outcome on labour migration. The improvement in indicators, under the Strategic Policy Framework (SPF) 2010–15, should also contribute towards better reporting on results. Outcome strategies will also define risks and mitigating strategies. This process is in line with recommendation 3.
27. The Office is working on the migration-development linkages. It will step up its related activities. In relation to recommendation 4, the resource and other implications of setting up an advisory committee on labour migration and development would need to be carefully evaluated before a decision could be taken on this.
28. Overall preparation of the SPF 2010–15 provides a timely opportunity to give effect to the recommendations of this evaluation.
29. ***The Committee may wish to recommend to the Governing Body that it request the Director-General to take into consideration the above findings and recommendations, together with the deliberations of the Committee, to continue supporting efforts to streamline activities aimed at protecting migrant workers' rights and access to decent work.***

Geneva, 7 October 2008.

*Point for decision:* Paragraph 29.