

Mr Herman Van Rompuy
President
European Council

Rue de la Loi 175
1048 Brussels
[Letter sent by e-mail]

Ref: Comments on the Council's Conclusions on the 2013 UN High-Level Dialogue on Migration development and on broadening the development-migration nexus adopted in Brussels on 19 July 2013.

Dear President,

The European Trade Union Confederation (ETUC) together with the International Trade Union Confederation (ITUC) would like to react to the positions taken by the Council of the European Union on 19 July concerning the 2013 UN High-Level Dialogue on International Migration and Development and on broadening the Development-Migration Nexus.

We attach great importance to global migration governance and advocate for policies based on rights, equal treatment and the full integration of migrants.

We welcome the emphasis placed by the Council and the Member States on the importance of ensuring respect for and protection of the human rights of all migrants. We view the upcoming High Level Dialogue as a critical opportunity to improve international cooperation on the existing international normative framework governing migration, and to firmly place the focus on a rights-based, rule of law agenda on migration governance. However, we believe that in some important aspects the Councils' Conclusions represent a missed opportunity to advance global coherence on the governance of migration.

We would have wished to see the Council promote more actively the existing normative framework to ensure that migration works for all: for the countries of origin, the countries of destination, and – most of all – for the migrants themselves. We are indeed convinced that the nexus between development and migration cannot be broadened if the millions of migrants currently living in mostly precarious situation are deprived of their dignity. Rather than criticise the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the Convention), we would have wished to see the Council and Commission urging Member States to consider ratification and implementation of this Convention.

We cannot agree with assertion in the Conclusions that "the insufficient distinction in [the Convention] between the economic and social rights of regular and irregular migrant workers is not in line with national and EU policies". On the contrary, we believe that the Convention provides vital guidance to States on their obligations towards migrant workers in regular and irregular situations, particularly when read with the recently adopted General Comment No. 2 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, on the rights of migrant workers in an irregular situation.

We would have wished to see some clear acknowledgment in the Council's Conclusions that a key driver of migration today is the search for decent work - a fundamental factor

in any discussion concerning a migration-development nexus. In this context, we would have wished to see the Council highlight the role of the ILO Multilateral Framework on Labour Migration in designing and implementing sound labour migration policies and programmes, as well as a positive reference to relevant ILO Conventions, including the ILO Migration for Employment Convention No.97, ILO Migrant Workers (Supplementary Provisions) Convention No.143. Reference to the Council of Europe's Convention n.144 on the Participation of Foreigners in Public Life at Local Level would also have been welcomed. On the implementation side, we believe much more should be done in the EU to ensure a sound enforcement of the principle of equal treatment of all workers, irrespective of their migration status.

We welcome the recognition of the Global Migration Group as the inter-agency coordination body on migration within the UN system. We question, however, the logic and legitimacy of urging a non-UN agency, namely the IOM, to "take a proactive role to further enhance coordination with the UN system". We would rather see the Council and Commission support the role of the ILO within the UN system to coordinate dialogue and cooperation on migration.

We hope that our comments above can serve as a basis for strengthening the EU position at the High Level Dialogue – a position that should be firmly rooted in protecting the human rights of all migrants and enhancing international cooperation and coherence on a rights-based approach to the global governance of migration.

Yours sincerely,



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ETUC General Secretary



Sharan Burrow
ITUC General Secretary

Copy to Cecilia Malmström, Commissioner for Home Affairs, and Stefano Manservisi, Director-General for Home Affairs