

Brussels October 29 2015

ITUC and ETUC Statement addressed to European and African Governments on the occasion of the Valletta Conference on Migration 11-12 November

The ITUC and the ETUC wish to offer a contribution to the Valletta Summit through this joint statement. This contribution complements and integrates positions that the ITUC and ETUC have repeatedly issued for a rights-based approach to migration and asylum in Europe and worldwide.

1. The Valletta conference in a worsening international scenario

Looking at the uncontrolled expansion of the refugee crisis, trade unions invite African and European countries to enhance their cooperation with the aim of setting up international integrated programmes to shelter those who flee from war, persecution and hunger.

The Valletta conference is not supposed to advance solutions for conflicts in the Middle East which are the root causes of the current humanitarian crisis. However, this is the background against which any European and African governments have to cope with.

The ETUC and ITUC urge the EU and African States to focus discussions at the summit on addressing the root causes of forced migration through measures to promote sustainable social and economic development, stability and peace; the opening up of channels for regular migration; enhancing protection of the rights of migrants and asylum seekers; and tackling exploitation and trafficking of migrants. The adoption of measures to create decent work opportunities in countries of origin as well as in destination countries, including decent jobs targets and mechanisms for the portability of social protection, must be a key feature of the discussions if the declared objectives of the summit are to be realised.

Trade unions warn that, despite good intentions, the control/security reasons in both internal and external action of the EU may continue to prevail which would be a short-sighted attitude.

2. Restoring trust, reassuring people

The external dimension of the EU agenda cannot deliver results in a climate of substantial division of member states. The European social partners invite governments to restore a spirit of mutual trust and actual cooperation.

This is essential to reassure the European population of our capacity as Europeans to manage the emergency. This would be a signal for the entire world as well. Europe on its own is stuck in a stop-and-go process in which positive signals, such as the Council's qualified majority decision to adopt a relocation plan of asylum-seekers, are followed by prolonged paralysis due to a persisting mistrust among national governments.

The latter aspect is what is most worrying. Internal cohesion is what makes the external dimension of the EU Migration Agenda credible. We have seen that Europe is not exempt from risks of destabilisation. The pressure exercised on its borders has repeatedly been a reason for questioning the free area of movement and freedoms, one of the key achievements of the European Union so far.

Austerity measures have put strains on municipalities which need financial assistance in order to cope with the large wave of refugees, both in terms of humanitarian help and labour market integration. Reassuring people means also that States can benefit from some flexibility in their budgets to ensure that extra-resources spent to address the refugee crisis would not be detrimental to social cohesion and quality public services provided by local communities.

3. Mobilising the international community

Trade unions believe that the Valletta summit should help mobilise the international community for a humanitarian plan that would protect people in greater numbers worldwide and under the UNHCR guide.

The risk is that enduring conflicts will progressively destabilise other areas of the world. This would result in social and economic costs well above those that the humanitarian crisis places on receiving countries.

In a worldwide context, Europe is the final destination of a small number of migrants. It is necessary to provide financial and material support to countries like Turkey, Lebanon, Jordan, Niger that host refugees in great numbers. It is desirable to establish legal routes for ordered and better managed migration flows in the EU, in Africa and between the two continents.

4. Restoring full access to asylum

Trade unions denounce that the shortcomings in the reception capacities is altering the normal functioning of the asylum systems in Europe. The ETUC reiterates the demand for a complete overhauling of the Dublin rules.

The massive displacement of people toward Europe has put the asylum systems under strain. However, Member States cannot waive their duties to grant protection to people in need. The safeguarding of human rights is a duty enshrined in the Treaty and a prerequisite in the development of relationships with third countries.

Trade unions denounce the fact that the hotspot-like approach in Italy (the official start is in November) is already leading to groundless decisions for newcomers to leave the country because of the biased position that only Syrians and Eritreans deserve protection. This goes in detriment of asylum seekers from Afghanistan, Pakistan, Bangladesh, Somalia, Sudan, Nigeria and other nationalities that in “normal times” are likely to be sheltered in Europe.

Recent measures taken at European level, including the hotspot system and the relocation mechanisms, show that the Dublin Regulation does not meet its goals any longer and should be reviewed.

5. On the migration and development nexus

In light of the recently adopted UN Agenda 2030 for Sustainable Development and its Sustainable Development Goals, trade unions call upon governments to be consistent with this new international commitment when defining the outcomes of the summit.

It is clear that the current architecture of global governance is failing to deliver on financial stability, on equity on employment growth and decent jobs, on equitable access to essential social services and public goods, such as water, food, health services, and affordable drugs for life-threatening diseases such as HIV-AIDS. All of these are 'push' factors in migration

Trade unions wish to draw the attention of the EU and African States to the recently adopted goals of the 2030 agenda, and in particular to goals 8 - to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all .Galvanising the international community for the implementation of the 2030 agenda, including through adequate mobilisation of public resources based in equitable and efficient tax systems and administrations, should be part of any overall strategy.

6. Triggering social dialogue for integration of migrants in EU and Africa

Trade unions invite governments to take action for a smooth transition of all migrants, including asylum-seekers and refugees in the labour market.

In adopting Goal 8.8 of the global 2030 Agenda for Sustainable Development, all 193 member states of the UN committed to "protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants".

In that respect, looking at the external dimension of the EU migration policy, it's worth recalling the conclusions of the Council for 'A New Global Partnership for Poverty Eradication and Sustainable Development after 2015' (26 May 2015) in which it is stated that "an enabling and conducive policy environment at all levels" implies "full and productive employment and decent work, including implementation of labour standards. [...] There should be adequate social protection floors and inclusive and equitable development measures should be integrated in relevant socio-economic policies. The right of social partners to freely negotiate and conclude collective agreements is essential. Social dialogue is crucial to strengthen democracy and to enhance transparency."

If well-governed, the transition into the labour market can make all migrants an asset for the hosting societies. Social partners at local level should cooperate to ensure a smooth transition in the labour market. Partnerships with local authorities can help to activate paths for recognition of competences of asylum seekers and refugees for improving their employability.

Trade unions call on EU and African states to ratify and implement the ILO and UN Migrant Workers' Conventions and ensure labour rights enforcement.

7. Enhancing areas of free movements worldwide with cooperation development programmes

Trade unions invite EU and African governments to invest cooperation development resources in addressing the nexus between migration and development. Resources for cooperation development should respect the integrity of the Official Development Assistance (ODA) criteria.

Development cooperation programmes should be aimed at removing labour market barriers, enforcing the equal treatment principle, identifying their competences, and having the latter recognised in the labour market.

The European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa should not mix reasons of security and control of borders with cooperation development actions. The latter should remain well anchored to the ODA constraints and in particular to promote decent jobs in origin countries.

Member States advocate for a blended fund that will mix ODA with funds from other budgets, including security. The risk is to divert resources from investing on the economic and social development of African countries that are greatly affected by hunger, demographic growth and impoverishment of their natural resources. On the contrary the Fund is an opportunity to reinforce the nexus between migration and development.

Development cooperation resources should be used for:

- developing a legal framework for labour mobility and protection of migrants' rights implementing the Decent Jobs agenda
- opening legal channels for South-South migration (e.g. ECOWAS)
- defining guidelines to set up first aid structures to cope with non planned flows of people
- develop plans to redistribute people on their territory in order to mitigate impact in local communities and facilitate their integration;
- permanent monitoring and evaluation of their welcoming/reception systems

- setting integration paths with special focus on labour insertion of migrants on the basis of the EU best practices;
- helping transfer of know-how that European trade unions have developed in the field of labour mobility and assistance to migrants. The ETUC UnionMigrantNet network gathers in a single cross-border network the best experiences at European level and is ready to transfer such know-how to African countries. The associated trade union network RSMMS, which connects trade unions from the EU and Africa to share information and deliver services and assistance along migrant crossing points, is already working in this direction.

8. Opening regular channels for economic migration between Africa and Europe

Trade unions demand that the Valletta Summit should finally help the opening of regular channels for economic migration toward Europe while addressing root causes of migration. However, states can only reap the benefits of labour mobility if they are able to ensure decent jobs, equal treatment, social protection, and quality public services to all.

If well governed, labour mobility can be a factor of development. Trade unions demand that the ongoing dialogues, processes between the EU and Africa and partnership agreements should build on or consolidate areas of free movement within the African continent. These actions will set conditions for more transparent mobility channels between EU and Africa.

The opening of legal channels demands greater attention to be paid to rights and integration of migrant workers in Europe. Integration can only be achieved in social cohesive societies in which people can benefit from decent working conditions and full-fledged social protection system for a dignified life of all people

Trade unions urge the EU and EU Member States to coordinate the opening of legal channels for migration with labour market policies tackling unemployment and activation of the workforce (including migrant workforce) already present on the labour market. Trade unions further urge the EU to coordinate the opening of legal channels with programmes targeted at students, researchers, high skilled migrants and economic migrants. Cooperation with social partners can help to identify sectors in which non-qualified foreign workforce is actually needed. Procedures for family reunification should be facilitated.

9. A more credible strategy to cope with irregular migration.

A key priority for trade unions is the activation of the Temporary Protection Directive (Directive 2001/55). Trade unions plea for a larger scheme of international protection that ensures a legal permanence to those that do not

qualify for asylum and cannot be returned home. Trade unions also call for ensuring the effective implementation of anti-trafficking legislation and plans - with a focus on victim-centred and gender-sensitive provisions.

The desire of states to manage orderly arrivals of persons in need of international protection implies that nobody should fall into a forced irregular position.

Trade union sources says that close to 90% of people arriving in Europe have legitimate expectations to submit an asylum application, and these are not only Syrians. In Italy, in 2015 about 15.000 Nigerians, 9.000 Somali, and 7.000 Sudanese arrived and their positions have to be carefully evaluated. Western routes are walked by a significant number of people from Afghanistan, Bangladesh and Pakistan. These are all countries of conflicts, persecution and extreme poverty.

The risk is that hundreds of thousands of new arrivals will be forced into an irregular position because of the inefficiencies of the legislation of the Member States. It will have disruptive effects on the labour market and for social cohesion of local communities.

The activation of a temporary protection scheme, under Directive 2001/55, is needed to avoid the arrival of such a huge number of refugees resulting in an unmanageable presence of people without documents, working irregularly, exposed to exploitation and becoming victims of criminal organisations.

Human trafficking is greatly exacerbated by restrictive immigration policies, which limit individuals' regular options to migrate without risking their lives, as well as lack of monitoring of recruitment agencies, that allows for deceitful recruitment of migrants for the purpose of labour exploitation. Trade unions call on EU and African leaders to:

- ratify and implement the Protocol to the ILO Forced Labour Convention no.29,
- ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings,
- Develop domestic capacity to tackle human trafficking and related regional cooperation mechanisms in Africa, in line with the Ouagadougou Action Plan 13
- in the EU Member States, implement the provisions on protection and prevention of the 2011/36 EU Anti-Trafficking Directive.

10. Mainstreaming the Global Approach to Migration and Mobility (GAMM) in the EU external action

The GAMM should be mainstreamed in all domains of the EU external action, including negotiation and implementation of international trade agreements.

International trade agreements should be associated to clear social and environmental clauses that are aimed at:

- enforcing the ILO Conventions establishing minimum standards to protect workers and migrants on the labour market and at workplace;
- enforcing the Decent Jobs Agenda;
- mainstreaming equal treatment of migrant workers according to the law of the country where the work is performed. This applies especially to forms of cross border secondment of work. The European Directive 2014/66 should be revised as it does not provide for a reliable legal framework for intra-corporate transfers;
- introducing clear references to ethical recruitment of staff to avoid brain drain or unjustified impoverishment of local labour markets;
- preserving natural resources of countries which receive the investments and most of all that local populations draw full benefit from the exploitation of their natural resources.

Origin countries must be supported in their path toward democracy and growth based on improvement of working conditions. They should be helped to build migration laws that are respectful of human and labour rights of migrants and of the international standards for protection of asylum-seekers as they arrive or transit on their territories. In this field the trade union movement can play a role in providing support to trade unions in origin countries. The ETUC Network UnionMigrantNet provides assistance in this regard.