



Report

Multi-stakeholder Consultations on the Implementation of the Global Compact for Safe, Orderly and Regular Migration in Africa

Thematic Area One: Ensuring that migration is voluntary, orderly, and regular
(addressing GCM objectives 2, 5, 6, 12, 18)

Co-leads: OHCHR and ILO

Tuesday June 29th, 2021

1. Introduction

A first 2021 Multi-stakeholder Consultation on the implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) in Africa took place on Tuesday June 29th, 2021. It addressed thematic Area One “*Ensuring that migration is voluntary, orderly, and regular*” and more particularly GCM objectives 2, 5, 6, 12, 18. The Office of the High Commissioner for Human Rights (OHCHR) and the International Labour Office (ILO) acted as co-leads in the organization and the holding of this consultation. The Multi-stakeholder consultation gathered more than 70 participants. Stakeholders included representatives from the civil society, NHRIs, academia, trade unions, employers’ organizations, migrants themselves or their representatives, and other relevant target groups.

The introductory session was facilitated by Ms. Phumza Manqindi, representing the UN Network on Migration. Ms. Manqindi recalled that, the United Nations Secretary General, while acknowledging the potential benefits of migration in his report “Making migration work for all”, he emphasized that “managing migration is one of the most urgent and profound tests of international cooperation in our time¹”. As a response to this call and other similar prior efforts, the Global Compact for Safe, Orderly and Regular Migration (GCM) was adopted at an intergovernmental conference on migration in Marrakesh, Morocco and further endorsed by the General Assembly in December 2018.

2. Purpose and specific objectives of the stakeholder consultations

The UN Human Rights Office (OHCHR) and the International Labour Organisation (ILO), with support from IOM, UNECA and AUC were assigned to lead and co-lead responsibility respectively for thematic issue 1 “**ensuring that migration is voluntary, orderly and regular**”. This thematic issue 1 addressed five GCM objectives which include:

¹ A/72/643, UN General Assembly,



- 2- *“Minimize the adverse drivers and structural factors that compel people to leave their country of origin”*
- 5- *“Enhance availability and flexibility of pathways for regular migration”*
- 6- *“Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work”*
- 12- *“Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral”*
- 18- *“Invest in skills development and facilitate mutual recognition of skills, qualifications and competences”*

Overall, the stakeholder consultations sought to elicit progress made regarding the implementation of GCM objectives **2, 5, 6, 12 & 18**. More specifically, the proposed consultations aimed at:

- 2.1 Identifying the achievements regarding the implementation of the commitments and actions under GCM objectives 2,5,6,12 &18
- 2.2 Identifying the challenges facing the implementation of commitments and actions under GCM objectives 2,5,6,12 &18
- 2.3 Identifying best practices and lessons regarding the implementation of commitments and actions under GCM objectives 2,5,6,12 &18
- 2.4 Proposing tangible actions towards addressing the challenges impeding the implementation of commitments and actions under GCM objectives 2,5,6,12 &18

3. Summary of the consultations

Welcoming remarks to this first multi-stakeholder consultation were provided by Mr. Felipe González Morales, the Special Rapporteur on the Human Rights of Migrants. In his remarks, Mr Morales underscored that the novel approach GCM brought to the international community serves as a catalyst in addressing wholistically migration issues around the world in general and in Africa in particular. In this connection, he noted that given the multilateral approach of the GCM, Migration cannot be addressed by each country in isolation, but requires instead a collaborative approach by States, UN agencies, the civil society and other stakeholders. In that , **Regional dynamics is crucial for achieving the Global Compact objectives.** The Special Rapporteur offered **the good services of his mandate to help implement GCM in Africa**. As part of the involvement of his mandate, he stressed the necessity of factoring in the following topics in relation to Africa:

- Intra-regional and extra-regional human mobility. Not well known beyond Africa.
- Conflict-led migration is also a relevant feature in some regions of Africa.
- Food insecurity, economic needs
- Climate change and mobility. An increasing factor



- Criminalization of migration in some countries. This has led to increasing smuggling and trafficking of migrants
- Migratory detention in some countries. Sometimes with no separation between children and adults. Many allegations of torture, including sexual violations and abuses, and other inhuman treatments.
- Pushbacks, collective expulsions and violations of the non-refoulement principle
- Returns and reintegration. “Voluntary returns”.
- Serious flaws of access to justice and of asylum procedures
- A Gender perspective on migration

The SR concluded his intervention by noting that , while recognizing the impact of COVID-19 on the GCM implementation, the pandemic should not be an excuse for some to delay or not to take action altogether to advance toward the achievement of the GCM goals. Rather, the pandemic should even be an opportunity for all of us to speed up public policies and State practices as regard GCM goal attainment. Non-discriminatory approach toward migrants in the access to health services and in the ongoing vaccination against COVID-19, must be observed at all time.

Ms Thokozile Ruzvidzo, UNECA Director of Gender, Poverty & Social Policy Division (on behalf of the UN) followed by evoking the GCM 23 objectives, each reflective of State’s commitments with accompanying concrete actions. She underscored that the GCM aptly rests on the purposes and principles of the Charter of the United Nations. Additionally, it expressly rests on international human rights law and reflects States’ commitments to respecting, protecting and fulfilling all human rights for all migrants². Conceptually, the GCM aims at mitigating “the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin, and so compel them to seek a future elsewhere” and to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance³.

She added that cognizant that no State can effectively respond to the “challenges and opportunities” of migration as a global phenomenon, the GCM expresses the necessity for cooperation including at the local, national, regional and global levels. Under paragraph 50 of the GCM, the United Nations regional economic commissions are tasked to hold regional consultative processes to review the implementation of the Global Compact within their respective regions, ahead of the International Migration Review Forum scheduled for 2022. These reviews are required to involve the participation of all relevant stakeholders.

² See Preamble of the Global Compact for Safe, Orderly and Regular Migration

³³ *ibid*



Ms. Monami Maulik, representing the Secretariat of the UN Network on Migration, provided an overview of the GCM process, as well as an update on the recent developments & introduction of the objectives of the multi-stakeholder consultations. She stressed that in the GCM, Member States commit to review the progress made at the local, national, regional and global levels in implementing the Compact in the framework of the United Nations with the participation of all relevant stakeholders (paragraph 48 and 50). Between 8 and 9 December 2020, the UN Economic Commission for Africa (ECA) and the International Organization for Migration (IOM) along with other members of the United Nations Network on Migration (UN Network) and in collaboration with the African Union Commission (AUC) jointly convened the first consultation of GCM stakeholders.

Ms. Maulik reminded that following this first consultation, it was resolved that in order to strengthen the review process, there was need for a transparent, inclusive, diverse and meaningful participation of different stakeholders consistent with the whole-of-society GCM guiding principle (GCM para. 15) and the commitment to partnership with all relevant stakeholders in the implementation, follow-up and review of the GCM (GCM para. 48). This thematic-based stakeholder consultations will be driven under the auspices of the UN Network with particular agencies assigned lead or co-lead roles.

- a) **The meeting listened to a presentation by Professor Charef Mohammed on GCM Objective no. 2 “Minimize the adverse drivers and structural factors that compel people to leave their country of origin”, and GCM Objective no. 5 “Enhance availability and flexibility of pathways for regular migration” .**

In his presentation, Professor Charef highlighted the most saillant issues pertaining to this objective nowadays. Hence he noted that today, migrants are as much the object of apprehension as of repression, migration is a subject of controversy and an irritative thorn that provokes empathy among some and rejection by others. Migrants give rise to increasingly acute fears, to increasingly fanatical debates, to increasingly drastic policies and, consequently, to increasingly strict controls. In that he underscored that there is no doubt that the issue of migration is now at the heart of national, continental and international public debates since 1995. The awareness from these various conferences led the then Chairperson⁴ of the African Union Commission, during the 28th AU Summit held in Addis Ababa, to task His Majesty King Mohammed VI to coordinate the African Union's action on migration. The approach proposed by his Majesty which was adopted by the 31st African Union summit in Nouakchott, Mauritania in July 2018, entailed, among others, the establishment of the African Migration Observatory in Rabat, Morocco. The main mission of the observatory is to collect intelligence

⁴ Alpha Omar Konare



and develop the exchange of information as well as coordination among African countries. The mandate is based on the following three components: "*understand, anticipate and act*".

He stressed that migration is neither a burden nor a windfall and if most of northern countries have not ratified the UN convention on migration, the true fact is that migration contributes to the development of these countries. Based on statistics from the observatory, 4 out of 5 migrants remain in Africa continent. Statistics also show that in term of remittance, only 15% come to country of origin meaning that 85% remain in the the country of destination. He drew participants' attention on the fact that migration cost African continent 10% of its skilled labor forces every year and that all indicators being on red, there is a paramount necessity to create an environment for the return of those who left the continent. In that , he asserted that COVID-19 and its impact on all economies should be a wake up call for all countries to take steps to achieve GCM Goals. He concluded by making the following recommendations:

1. A shared responsibility between countries of origin, countries of transit and destination countries,
2. Improve and made access to services easy to migrants;
3. Continue scientific research on migration to inform policy decisions at all levels;
4. Continue to improve and prioritize African solutions to African problems;
5. Strengthen regional integration to make the African Continental Free Trade Area (AfCFTA) effective, in order to facilitate movement between the States of the African continent; and to allow citizens to reside and settle freely in any african country.
6. The importance of the collective, of proximity, of interdependence, of solidarity, but also the importance of building the community of destiny in regard to migration issues.

b) **GCM Objective no. 12 “Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral”** was evoked by Professor Ermal Frasheri

In his interpretation of objective 12 of the GCM, Professor Frashery noted that the objective should be understood wholistically in the conexte of the GCM. As regard the scope of this objective, he emphasized that it speaks for all migrants and thereby broadening the number of who are entitled to benefit. The objective also created a platform for capacity building, for social protection, and for human rights based approach through human rights mechanisms. Some of the questions he raised include, on the one hand, the extent to which all requirements of the objective can be met, on the other hand, and as regard internal state procedure, what kind of capacity building is needed, what would be the referral mechanism at international and regional levels? etc. Furthermore, he noted that objective 12 created space for vulnerable groups and measures to be taken in this regard. Professor Frashery concluded by indicating that



the objective 12 creates a lot of opportunity but the question remains as how to help States comply with this objective and how Civil Society Organizations could be part of the implementation.

- c) **GCM Objective no.6 “Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work”** was presented by Ms. Heike Lautenschlager, Labour Migration and Fair Recruitment Specialist from the ILO.

Ms. Lautenschlager mentioned that there are approximately 260,000 private employment agencies operating worldwide (national and international recruitment, in 2013) and up to 10 billion USD in illegal recruitment fees collected from migrant workers annually.

She provided the definition of Fair Recruitment which includes the advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. In practice, it means that:

- workers do not occur any costs throughout the process;
- workers are protected from abusive and exploitative situations;
- the recruitment process is not discriminatory on the basis of nationality, gender, religion, ethnicity, status;
- recruitment is in line with internationally recognised human rights standards;
- recruitment respects fundamental principles and rights at work; and,
- workers’ access to justice is facilitated.

She added that under GCM Objective 6 “Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work”, Member States commit to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination.

In addition, she mentioned that the specific actions related to recruitment under GCM Objective 6 include:

- Promote ratification of relevant international instruments;
- Improve regulations on public and private recruitment agencies;
- Strengthen the enforcement of fair and ethical recruitment and decent work norms and policies;
- Ensure roles and responsibilities within the recruitment and employment processes are clearly outlined;
- Develop and strengthen labour migration and fair and ethical recruitment processes that allow migrants to change employers and modify the conditions or length of their stay;



- Establish partnerships with stakeholders (e.g. employers, trade unions);
- Develop and improve national policies and programmes relating to international labour mobility, including by taking into consideration relevant recommendations of the ILO GPOG, UN GPBHR, IOM IRIS.

Ms. Lautenschlater mentioned that with the right policy, legislative and practices in place, African countries can achieve fair and effective labour migration governance fostering a positive impact of international migration in the economic growth and development of countries of origin, transit and destination. At the same time, as labour migration expands, so does the need for fair recruitment and placement services, as well as skills recognition in order to avoid abuses and improve labour matching.

Finally, she cited three important ILO Conventions that cover work in the area of fair recruitment and placement:

- The **Employment Service Convention, 1948 (No. 88)** which calls for “effective co-operation between the public employment service and private employment agencies;
- The **Migration for Employment Convention (Revised), 1949 (No. 97)** along with its Annexes I and II of the Migration for Employment Recommendation (Revised), 1949 (No. 86) that define the notions of recruitment, introduction and placement of migrant workers;
- The **Private Employment Agencies Convention, 1997 (No. 181)** which purpose is to “allow the operation of private employment agencies as well as the protection of the workers using their services”.

A Q&A session followed where the expert replied to the following questions:

- Shouldn't the IOE join forces with ITUC in promoting the Migrant Recruitment Advisor?;
- How can countries prevent contract substitution abroad?
- How can African countries put pressure on Arab States to abolish the Kafala system or at least improve it?
- Can Africa show a unified voice and find an African solution to combat the recruitment abuses and exploitation experienced by migrant workers during the migration process?

- d) **GCM Objective no. 18 “Invest in skills development and facilitate mutual recognition of skills, qualifications and competences”** was presented by Ms. Christine Hoffman, Skills Specialist from the ILO.



Ms. Hoffman started by mentioning that GCM Objective 18 include the following thematic areas:

- Promote **mutual recognition of foreign qualifications and non-formally acquired skills**, including through technology and digitalization, and better information on processes for migrant workers
- Build **global skills partnerships**
- Strengthen **partnerships between the private sector and educational institutions** in countries of origin and destination to enable mutually beneficial skills development opportunities for migrants, communities and participating partners
- Promote **student exchange programmes**, scholarships, professional exchange programmes and trainee - or apprenticeships
- Improve **career and employment services** for migrant workers and cooperation with employers to improve skills matching and enhance their ability to transition from one job or employer to another
- Promote **documentation and information tools** that provide an overview of a worker's credentials, skills and qualifications, recognized in countries of origin, transit and destination, in order to enable employers to evaluate the suitability of migrant workers in job application processes.

She added that the term Skills Recognition is used to describe a variety of processes that recognise the knowledge, skills and competences that a person has acquired through formal, non-formal or informal training, work or life experience. Skills Recognition therefore places an emphasis on assessment / validation rather than teaching or training. Skills Recognition makes knowledge, skills and competences visible for purposes of certification, career progression and professional standing.

Ms. Hoffman also presented a list of instruments for formal skills recognition:

- **Credential evaluation:** first instrument used: a competent body evaluates the content of a foreign qualification and then (sometimes another body) takes a decision to recognize (partially or fully)
- **Credit transfer and exemption:** process that allows to obtain credit for successfully completing a unit of competency/module in one course transferred to or accepted by another training program
- **Professional standards:** professional bodies and public authorities use professional standards and related criteria to award professional designations to individuals that meet the requirements
- **International qualifications:** provided for specific sets of skills considered “universal” by multinational private companies such as Microsoft, SAP, intel (in IT);



international education providers such as city and guilds, Pearson etc.; or multinational ship companies for seafarers

- **Recognition of prior learning:** process of identifying, documenting, assessing and certifying formal, informal and non-formal learning outcomes against standards used in formal education and training
- **Different types of recognition agreements exist:** stand-alone or part of trade agreements (e.g. WTO General Agreement on Trade in Services-GATS Article VII), mostly based on the principle of equivalence and mutual cooperation
- **Mutual recognition agreements:** labour markets two or more countries agree on the qualifications to be recognised and procedures applied, including professional recognition and mutual access to the
- **Regional or sub-regional agreements:** A group of countries in a region agree on the qualifications to be recognised and procedures applied, including professional recognition and mutual access to the labour markets

Ms. Hoffman continued by mentioning the **challenges for implementation of Objective 18 which include:**

- Under-utilization of skills of migrant workers
- Lack of adequate (decent) employment opportunities
- Weakness of skills development systems
- Often still supply-led, low levels of employer engagement
- Public support prioritizes initial training over continuous training
- Limited workbased learning or purely informal, including apprenticeships
- Low value of certificates/qualifications in highly informal labour markets
- Limited access to information and guidance for migrant workers pre-, during or post-migration
- Skills dimensions often not sufficiently mainstreamed in migration governance

She added that the low capacity of national recognition bodies and processes in both countries of origin and destination has been one of the major barriers of portability and recognition of migrant workers' skills. Migrant workers are over-represented in jobs and tasks that require fewer and lower level skills, are lower paid and offer restricted career prospects. Migrant



workers, especially women migrant workers, are often subjected to “deskilling⁵” and “brain waste⁶” through the migration corridors.

She also mentioned ILO **Recommendation No. 195 concerning human resources development**: education, training and lifelong learning, 2004, which defines portability of skills along the following two dimensions:

- employable skills which can be used productively in different jobs, occupations, industries; and;
- certification and recognition of skills within national and international labour markets.

She continued by providing information on good practices of agreements in Africa:

AU Migration Policy Framework for Africa emphasizes the need for Member States to adopt all appropriate measures to “maximize the contribution of skilled professionals in the Continent by facilitating mobility and deployment of professionals in a continental and regional framework”

South African Development Community (SADC), Regional Qualifications Framework, development of guidelines, providing commonly agreed elements to facilitate the implementation of RPL

Djibouti Declaration on Regional Refugee Education in IGAD Member States in December 2017 : Action plan for the development of a regional mechanism for

5 Labour market-related term that describes the phenomenon experienced by skilled or highly-skilled workers who enter the labour market and obtain a job below their skills or qualification level (compared to their acquired qualifications) and are considered to be “overqualified” for the job they occupy. This means that workers end up working in lower-skilled jobs, and are often badly paid. If they stay (which is often the case) in that same job, they can never climb the occupational ladder. The longer they stay in that lower-skilled job, the harder it is for these foreign workers to obtain a job in accordance with his/her qualifications, since unused skills might be lost or use value after time – and workers suffer deskilling. The end result is an unfair loss of the time and money that the worker spent in obtaining (eventually unused) qualifications and the waste of funds that his/her family and country spent on human resources.

6 A term commonly used in migration terminology in relation to other terms such as brain drain and brain gain. It determines the lack or bad utilization of potential foreign human resources available in the labour market. It relates to migrant workers’ skills, qualifications and job experience acquired in the country of origin that are not properly utilised in the labour market of the country of destination. The main causes include the lack of recognition of skills and qualifications and hence underutilization of people’s skills, and/or difficulties to obtain work permits, also driving migrant workers to work in the informal economy and often in jobs below their skills level. This results in a loss-loss situation for workers, countries of origin and countries of destination.



recognition of formal qualifications obtained throughout the education systems of the Member States as well as the recognition of prior learning outcome

East African Community: 4 Mutual Recognition Agreements (MRAs) for the professions of architects, accountants, engineers and veterinarians, Qualifications Framework for Higher Education (EAQFHE)

Finally, she said that policies to develop portable skills have the potential to benefit individual workers, enterprises, the economy and society. Workers need to have relevant and verifiable skills in order to gain access to job opportunities and to adjust to changing labour markets. This means skills need to be transferable between jobs and easily recognized by employers – i.e. portable.

A Q&A session followed where the expert replied to the following questions:

- Should Africa establish a platform for skills recognition and strengthen the partenariat within African MS?
- How can Africa advance more rapidly on skills development?
- How can Africa better utilise its own skills?
- How can African countries decide on which sectors and occupations to prioritize for labour markets abroad?

e) **Summary and closing remarks** were provided by **Ms. Phumza Manqindi** as follows:

- The Special Rapporteur emphasised the importance of the GCM, enforcing the intraregional aspect of migration in Africa, meaning that African migrants mostly do not leave the continent.
- The regional reviews and implementation of GCM began end of last year, first with European and North American regions, being the African review the last of the regional reviews. All regional reviews had similar stakeholders' consultations such as this one and the engagement of stakeholders has been supported by each region, by the secretariat and by the UN network. Next year there will be the international migration review forum in New York City with submissions of national reports by countries.
- The objective 12 is one of the most complex among the GCM. The objective speaks for all migrants, being a sign that the GCM has seen that is unreasonable to create categories on migrants. It is a very broad objective and helps to ensure that vulnerable groups are achieved through legislations, imposing states to come up with human rights mechanisms, etc. The objective creates a lot of opportunities to create special protection of migrants, helping states on compliance, and enforcing GCM's implementation.



- Some participants spoke on some vulnerabilities of migrants, including in relation to human trafficking, lack of participation of migrants on decision-making regarding migration, discrimination, harassment, and lack of integration.
- The Pandemic of COVID 19 has been an issue regarding migration aspects, halting some advancements regarding the implementation of GCM and hindering health access to migrants (e.g. access to vaccines).
- Migrant workers suffered immense job losses across all regions due to COVID 19. Some issues they endured were: income losses, impact on remittances, return due to COVID 19, unpaid leave, some returned on leave and were not able to go back to the country of employment.

4. Annex I. Agenda

Time (EAT)	Session	Facilitator
11.00am-11.30am	Start of the Webinar and Welcoming Remarks (10 min each) Mr. Felipe González Morales Special Rapporteur on the Human Rights of Migrants Ms Thokozile Ruzvidzo , UNECA Director of Gender, Poverty & Social Policy Division (on behalf of the UN)	IOM (Ms. Phumza Manqindi)
11.30am-11.50am	11.30am-11.50am Overview (20 min) of the GCM process, update on the recent developments & introduction of the objectives of the multi-stakeholder consultations	Secretariat of the UN Network on Migration (Ms. Monami Maulik)



Time (EAT)	Session	Facilitator
11.50am-12.00pm	11.50am-12.00pm Introduction (10 min) of the thematic discussions (each to discuss achievements, challenges, best practices & lessons learnt and proposed actions)	ILO (Ms. Gloria Moreno-Fontes)
13:00am-14:00	<p>13:00am-14:00 Experts thematic presentations:</p> <p>The experts provided consecutive 20 min presentations followed by 20 min Q&A.</p> <p>Thematic DISCUSSIONS</p> <p>Group 1 (Objective 2) Minimize the adverse drivers and structural factors that compel people to leave their country of origin</p> <p>Group 2 (Objective 5) Enhance availability and flexibility of pathways for regular migration</p> <p>Group 4 (Objective 12) Strengthen certainty and predictability in migration procedures for appropriate</p>	<p>Moderated by OHCHR (Mr. Chafi Bakari)</p> <p>13:00 to 13:20 GCM Objectives 2 Root causes and Objective 5 Regular Pathways). Expert: Mr. Charef Mohamed</p> <p>13:20 to 13:40 Group 4 (GCM Objective 12 Migration Procedures). Expert: Mr. Ermal Frasher</p> <p>Questions and Answers – 20 min</p>



Time (EAT)	Session	Facilitator
	screening, assessment and referral”	
14.00pm-15.00pm	<p>Experts thematic presentations- The experts will provide consecutive 20 min presentations followed by 20 min Q&A.</p> <p>Group 3 (Objective 6) Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work</p> <p>Group 5 (Objective 18) Invest in skills development and facilitate mutual recognition of skills, qualifications and competences</p>	<p>Moderated by the ILO (Ms. Gloria Moreno Fontes)</p> <p>14:00 to 14:20 Group 3 (GCM Objective 6 on Fair recruitment of migrant workers and decent work). Expert: Ms. Heike Lautenschlager, Labour Migration and Fair Recruitment Specialist, ILO</p> <p>14:20 to 14:40 Group 5 (GCM Objective 18 on Skills recognition of migrant workers). Expert: Ms. Christine Hoffman, Skills Specialist, ILO</p> <p>Questions and Answers – 20 min</p>
15.00-15.35	Feedback from the thematic sessions	Respective group rapporteurs
15.35-16.15	Summary & Closing Summary and Closing remarks: (Ms. Phumza Manqindi)	AUC, UNECA

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5. Annex II. List of participants