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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live

Report of the Secretary-General

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I. INTRODUCTION

1. By resolution 37/169 of 17 December 1982, the General Assembly, recalling Economic and Social Council resolution 1980/29 of 2 May 1980 and Assembly resolutions 35/199 of 15 December 1980 and 36/165 of 16 December 1981, requested the Secretary-General to transmit to Governments, competent organs of the United Nations system and international organizations concerned the reports of the open-ended working groups established at its thirty-fifth (A/C.3/35/14 and Corr.1), thirty-sixth (A/C.3/36/11) and thirty-seventh (A/C.3/37/8 and Corr.1) sessions to elaborate a draft declaration on the human rights of individuals who are not citizens of the country in which they live. The Assembly invited the addressees to bring up to date the comments previously submitted in accordance with Economic and Social Council decision 1979/36 or to submit new comments concerning the draft declaration on the basis of the above-mentioned reports, by 30 June 1983.
2. In pursuance of General Assembly resolution 37/169, the Secretary-General prepared a report (A/38/147) summarizing the substantive replies received before 30 July 1983. the present addendum to the Secretary-General's report contains a summary of additional replies received as at 15 September 1983.

II. COMMENTS RECEIVED FROM GOVERNMENTS

AUSTRIA

[Original: English]

[19 August 1983]

3. Regarding article 1, the Government of Austria expressed the view that the question whether the draft declaration is to apply to all aliens or only to those lawfully residing in a country had best be resolved for each article.
4. Article 2 contains not a right but an obligation on aliens and appears therefore of doubtful value in a draft declaration which aims at safeguarding the rights of aliens. If the word "alien" in that article were to be retained, it would require a wider definition. The second part of article 2 appears too vague to set an acceptable legal standard, and so carries with it the danger of abuse. The authorities of Austria are not convinced that an obligation on the part of aliens to respect the customs and traditions of the country in which they reside is either necessary or desirable.
5. The equal accessibility to courts as laid in article 4 (ii) is already implied in paragraph 1 of article 14 of the International Covenant on Civil and Political Rights.
6. Regarding the right to be reunited with one's family, the Government of Austria would advocate a cautious attitude. The implications of this right could create considerable difficulties for the countries concerned. In any case, the

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country of origin also should be included in the deliberations on this question. A right to such reunion without any qualifications would in the view of the Government of Austria place an unacceptable burden on some countries. This right therefore requires a thorough study and should be discussed at length in the final report on the draft declaration.

7. The right to retain one's own language, culture and traditions also has implications that cannot as yet be fully evaluated. There is, in particular, the question whether it is intended to create positive obligations for the country of residence. While there does not seem to exist any major difficulty in granting this right for the private sphere of aliens within the bounds of public order (ordre public), this article should be further clarified. It should apply to permanent, lawful residents only.

8. The rights covered by article 4 are already enshrined in articles 6, 9, 14, 17, 18 and 19 of the International Covenant on Civil and Political Rights as well as in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and could therefore be omitted. Paragraph 2 of article 4 envisages for the first time a right to return to one's country of nationality. The Government of Austria welcomes the inclusion of this right.

9. The implications of the right to own property require further clarification. The Government of Austria would interpret this provision only in accordance with the right to possess property, but not the unqualified right to acquire property. There are some goods such as land, works of art, for instance, that countries may rightly preserve from wholesale acquisition by aliens.

10. The other rights contained in paragraph 2 are already covered by articles 12, 18, 19, 21 and 22 of the Covenant. If they are to be retained it seems desirable to adopt the same wording in order to avoid conflicting interpretations.

11. If the first part of article 7 is to be retained, the Government of Austria would also recommend not to deviate from the formulation used in article 13 of the International Covenant on Civil and Political Rights. The ban on collective expulsions is welcomed by the Government of Austria, but it should be made to cover all such expulsions, as is set out in article 4 of the Additional Protocol to the Covenant.

12. In the view of the Government of Austria, article 8 should apply only to aliens lawfully residing in a country. The article seems based on the assumption that certain economic, social and cultural rights are already guaranteed; the validity of this assumption, however, appears questionable. The Government of Austria may transmit further observations on this article at a later date.

13. In article 9, the reservation clause "subject to national laws and regulations in force" should be deleted. The recognized principles of international law rather than national laws are the suitable framework for this provision.

GERMANY, FEDERAL REPUBLIC OF

{Original: English}

{27 July 1983}

Article 1

14. To ensure uniformity with equivalent provisions in the European Convention on Human Rights and in the International Covenant on Civil and Political Rights, the word "lawfully" should be retained. Moreover, for the sake of legal conciseness, the word "resides" is to be preferred, since article 1 of the draft seventh supplementary protocol to the European Convention on Human Rights refers to the place of residence and not simply to the place of sojourn.

Article 2

15. With respect to the above remark concerning article 1, "resides" is also seen to be preferable in article 2. Any wording should, in addition, respect the fact that States are not hindered in placing restrictions on the political activity of aliens (cf. comment by the Federal Republic of Germany of 19 December 1979 on article 2, as well as the "new article" following article 7 of the draft). Moreover, with regard to the scope of obligations, the positive wording "shall observe the laws" is to be preferred to the negative "shall refrain from ...". The wording "prejudicial to the State" would seem at any rate to be too weak. The article as such, however, should be retained to counterbalance article 4, paragraph 1 (f), to promote a policy of integration that hinders the emergence of cultural minorities.

Article 3

16. In so far as the obligation stipulated in this provision to publish administrative provisions comprises also a commitment to publish administrative provisions directed to administrative authorities and public servants, it is not compatible with administrative practice in the Federal Republic of Germany. Under German law, administrative provisions are only effective in internal use; as instructions, they are directed to administrative authorities and their personnel, but confer no rights or obligations on the individual citizen. The external effect of such provisions arises only when executed in an administrative act. Due to their internal character, administrative provisions are often not published. Thus, from our point of view the exclusion of the wording "... or administrative provisions" would seem appropriate.

Article 4, paragraph 1

17. With reference to domestic law in the chapeau of article 4, paragraph 1, the word "under" should be replaced by the wording "in accordance with" in the interest of legal clarity. Otherwise, the demand might arise that domestic law should be accommodated to the catalogue.

Paragraph 1 (c)

18. If "free assistance" is to be understood as "free of charge", certain reservations arise owing to article 12, paragraph 5, of the Labour Court Law under which the services of an interpreter are free of charge if reciprocity is guaranteed.

Paragraph 1 (d)

19. The two additions in brackets are incompatible with the existing regulations, as well as those perhaps to be made in the future, concerning family members who move to the Federal Republic of Germany to join foreign workers there. Thus, both additions in brackets will have to be excluded. Otherwise, the reservation concerning domestic law would have to be formulated so as to take into account all family reunification regulations in the Federal Republic of Germany.

Paragraph 2

20. The addition in brackets of the words "national development" should be excluded, on the one hand, with regard to the protection of any State's own nationals abroad and, on the other hand, because the notion defies exact definition, that is to say, on constitutional grounds.

Paragraph 2 (a)

21. Due to the domestic legal situation in the Federal Republic of Germany, the proposed regulation should be subject to domestic laws and regulations. According to article 7, paragraph 1, sentence 2 and paragraph 4, of the Aliens Law of the Federal Republic of Germany, a regional restriction can be placed on a residence permit. These provisions can be applied, for example, to hinder a further movement of foreign workers to areas which already have a high proportion of aliens and are no longer capable of receiving more (to hinder the creation of ghettos). In order to set this system off from those legal systems which, in conformity with the chapeau of this paragraph, involve merely limitations for reasons of public order, separate treatment of the provision of article 4, paragraph 2 (a), in the draft, declaration is advocated. In this regard, it should be noted that article 2 of Protocol No. 4 to the European Convention on Human Rights concerning the freedom of movement of persons lawfully within the territory of a State, besides restriction in paragraph 3 comparable to article 4, paragraph 2, of the present draft declaration, contains an additional restriction in paragraph 4. According to this, the rights to liberty of movement and freedom to choose one's place of residence can, with regard to certain areas, be subjected to restrictions legally provided for and justified in a democratic society by public interest. Such a clarification would seem imperative for the present draft declaration too.

Paragraph 2 (e)

22. The wording concerning freedom of assembly and association remains too far-reaching in this provision. A restriction in the political activity of aliens on the pattern of article 16 of the European Convention on Human Rights namely, restriction on the political activity of foreigners, is therefore called for.

Article 7

23. The wording should be made to conform with that of article 1.

Article 8

24. It is questionable whether the inclusion of economic and social rights in the draft declaration is meaningful at all. The contents of article 8 would seem to be covered by the provisions of the International Covenant on Economic, Social and Cultural Rights of December 1966, as well as by the draft provisions of a convention on migrant workers. Therefore, and in order to minimize expected legal concurrences and difficulties in defining the limits of application, article 8 should be deleted without replacement. If, however, the inclusion of economic and social rights on a limited scale is considered indispensable, an attempt should be made to model the text more closely on United Nations documents already existing.

25. In article 8 (iii) and (iv) the reservation in favour of national legislation, now in square brackets, should be retained. Such a reservation is also contained in article 8 of the International Covenant on Economic, Social and Cultural Rights.

26. Reference is also made to the comment by the Government of the Federal Republic of Germany, dated 18 February 1980 (E/CN.4/1354/Add.5 of 22 February 1980). What was said at that time in paragraphs 4 to 10, 11 (without the last sentence) and 12 is also fully valid for article 8 (iv) of the present draft declaration.

Article 9

27. Article 9, paragraph 2, should be made to agree with international law. A reference to national law is not sufficient.

On the proposal for a new article 3 bis

28. The proposal made in document A/C.3/37/8, page 18, contains a global reference to the Universal Declaration of Human Rights of 10 December 1948, by which reference the scope of the draft declaration under discussion here would be exceeded. The Government of the Federal Republic of Germany therefore cannot agree with the proposal.

SWAZILAND

[Original: English]

[13 July 1983]

Article 1

29. Regarding the term "alien", a situation may arise where a person enters a country lawfully but later the validity of his entry expires; accordingly, he applies for renewal thereof. In the interim, should he be denied his alien

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status? In the spirit of this view, the following text is apt. "For the purposes of this declaration, the term 'alien' shall apply to any individual who lawfully resides in a State of which he is neither a national nor a citizen. However, for the purposes of article ... of this declaration, the term 'alien' should apply to all individuals resident in a State irrespective of the legality of their status".

Article 2

30. With reference to the phrase "... shall respect the customs and traditions of the people of that State", does respect connote "observance" or "participation" in the customs and traditions of the people of that State? Perhaps more light could be thrown on this.

Article 3

31. "Every state shall make public any laws ..." All laws are deemed to be public and one is usually required to be published in the gazette before they come into operation. What further publication is contemplated?

Article 4, paragraph 1 (c)

32. Delete the words "criminal proceedings" and insert the words "court proceedings".

Article 4, paragraph 2 (b)

33. "... and to return to his/her country of nationality or citizenship". "If a right to return to his/her country ..." is not affected by his alien status and therefore appears superfluous.

Article 4, paragraph 2 (f)

34. The word "other" should read "others".

Article 5

35. No alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. For all practical purposes, this clause will fail to achieve its desired end, if there are obnoxious laws in the legal system of a particular country or State vis-à-vis aliens.

Article 7

36. In the seventh line, "... on the ground of criteria, or race, religion," should read "on the ground of race, religion ..." or "... on the criteria of race, religion".

Article 8, paragraph 2

37. In the first line delete the words "non-nationals" and replace them by the word "aliens", for purpose of uniformity.

TUNISIA

[Original: French]

[1 August 1983]

38. All non-citizens of Tunisia are subject to the Tunisian law in force; they enjoy the same rights as Tunisian justifiable persons before all the courts of the country. They are treated in accordance with established international norms and in conformity with bilateral conventions concluded between Tunisia and the non-citizen's country.

39. Accordingly, as soon as judicial proceedings are instituted in respect of a non-citizen of Tunisia, his country of origin is automatically informed through Tunisia's Ministry of Foreign Affairs.

40. The articles of the draft declaration provisionally adopted by the open-ended Working Group do not conflict with the Tunisian legislation in force and consequently do not give rise to any objection.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[18 August 1983]

41. The following are the most important remarks and proposals made in connection with the text of the articles of the draft declaration provisionally adopted by the open-ended working group.

42. It seems necessary to formulate article 1 in such a way as to avoid the use of the term "national" in addition to the term "citizen" in the article, and consequently in the entire declaration, since "national" reflects the specific features of the legislation of only a relatively small number of countries. Under Soviet law, in particular, the separation of Soviet citizens into different categories is unknown. It is therefore desirable to proceed from the universal term "citizen" and make the wording of the article approximately the following:

"For the purposes of this declaration, the term 'alien' shall apply to a person who lawfully resides or is present in a State of which he is not a citizen."

43. In draft article 2 the intention is to emphasize the obligations of aliens to observe the laws of the State in which they are present or reside and to regard with respect the customs and traditions of the people of that State. Accordingly, the article might be worded approximately as follows:

"Aliens are required to observe the laws of the State in which they reside or are present and to regard with respect the customs and traditions of the people of that State."

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44. In article 3 it is hardly advisable to make special reference to laws and other documents which distinguish between a country's own citizens and aliens. This article might be formulated as follows:

"Every State shall make public the laws, regulations or administrative documents relating to the legal status of aliens."

45. In article 4, paragraph (1), the words "at least" enclosed in square brackets could be left out. In subparagraph (d) of that paragraph, it seems desirable to retain the wording already agreed upon by the Working Group.

46. In article 4, paragraph (2), the words "public health or morals" (in Russian: "obshchestvennogo zdorovya i morali") should be replaced with the words "the health and morals of the population" (in Russian: "zdorovya i npravstvennosti naselenia"). The words "and are consistent with the other rights recognized in this declaration" should be deleted, since such an additional specification regarding admissible restrictions would be contradictory to the relevant provisions of the International Covenant on Civil and Political Rights. In subparagraph (b) the words in square brackets should be deleted, since the right to return to the country of one's citizenship is not the subject of the proposed declaration. In accordance with the Covenant, subparagraph (c) in the Russian text should read as follows:

"pravom na svobodnoe vyrazhenie svoego mnenia" ("the right to freedom of expression");

subparagraph (d) should be reworded as follows:

"pravom na svobodu mysli, sovesti i religii" ("the right to freedom of thought, conscience and religion");

the wording of subparagraph (e) should be the following:

"pravom na mirnye sobranii i svobodu assotsiatsii" ("the right to peaceful assembly and freedom of association").

47. Article 7 should begin with the words

"An alien lawfully residing or present in the territory of a State ...".

The last sentence of this article should be revised to read as follows:

"The expulsion of groups of aliens on the ground of criteria of race, religion, culture or any other discriminatory criterion shall be inadmissible" (in Russian "nedopustima").

48. Article 8 should begin with the words:

"Aliens lawfully residing in the territory of a State shall enjoy, in accordance with its laws, the following socio-economic rights:".

49. With regard to the wording of article 8, subparagraph (ii), it is desirable to retain the words "in accordance with" enclosed in square brackets, and in subparagraph (iii) the words "and national laws in force".

50. Article 9, paragraph (2), should be deleted, since an alien whose assets have been expropriated has the right to compensation only to the extent provided for by national laws in force. Furthermore, this paragraph might give the impression that a special régime of privileges is being established for aliens.

51. The Soviet side reserves the right to make other comments on the draft during the course of its further consideration.

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

[Original: English]

[18 August 1983]

52. It is the understanding of the United Kingdom Government that this draft instrument, being in the form of a declaration, is not intended to be legally binding. The United Kingdom is prepared to give its support to the principle of the declaration on this basis. The United Kingdom considers, however, that to be consistent with the principle that the declaration's provisions are not intended to be mandatory, it should be redrafted to avoid the use of the word "shall" which connotes an obligation.

53. Paragraph 31 (f) of the recommendations on page 108 in Baroness Elles' study (E/CN.4/Sub.2/392) states that a declaration on the rights of non-citizens "may by custom become recognized as laying down rules binding on States to serve as a first step towards the adoption of a convention on the same subject matter". In the view of the United Kingdom, the question of a progression towards a convention would need to be carefully and critically examined since many of the provisions in the draft declaration are already covered by existing international instruments which are legally binding and which apply equally to aliens as well as to nationals of the State concerned.

Article 1

54. The United Kingdom considers that the terms of this declaration should apply only to aliens who are lawfully resident in a State. However, in recognition of the fact that some of the rights provided for in the draft declaration may be considered to apply to any alien in the territory of the State regardless of the legality of his or her status, the United Kingdom offered the wording for the article proposed in document A/C.3/38/WG.2/CRP.5. The United Kingdom cannot accept any text which draws the distinction between those who are legally and those who are illegally in the territory of the State less clearly than that proposed in document CRP.5 referred to above.

Article 4, paragraph 1 (a)

55. The United Kingdom can accept the wording of this article only on the understanding that the right to liberty in this subparagraph does not encroach upon the right of the State to detain aliens unlawfully within its territory.

Article 4, paragraph 1 (d)

56. The United Kingdom cannot accept those parts of the text of this article within square brackets, unless it is put beyond doubt that these rights apply only to those aliens lawfully within the territory of the State, and then that those aliens are subject to national immigration laws.

Article 4, paragraph 2 (a)

57. The United Kingdom wishes to see inserted into this article the words "where lawfully in the territory of the State" before the words "the right to liberty of movement".

Article 4, paragraph 2 (b)

58. Under the law of the United Kingdom, not all United Kingdom "nationals" have the right to enter and reside in the Metropolitan territory. The United Kingdom is therefore unable to accept the wording enclosed in square brackets in this article.

Article 7

59. The United Kingdom is firmly of the opinion that the words in the first sentence, "lawfully" and "residing", must remain in the article if it is to be acceptable. Further, the United Kingdom would propose in the final sentence of the article before the words "of aliens", the inclusion of the "such", thus making it clear that the groups of aliens referred to are those lawfully residing in the country. Moreover, the United Kingdom is of the opinion that the final words of the final sentence: "or any other discriminatory criterion is prohibited" must be deleted. The United Kingdom believes that these terms may be interpreted so widely as to be virtually meaningless. If there are other discriminatory criteria which the Working Group considers should be included, these should be specifically named.

Article 9, paragraph 2

60. The United Kingdom is of the opinion that the words "prompt, adequate, effective and" should be inserted before the words "just compensation".

III. COMMENTS RECEIVED FROM SPECIALIZED AGENCIES

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: French]

[23 August 1983]

61. The text of the articles of the draft declaration provisionally adopted by the open-ended Working Group appears, in its present state, to constitute a solid basis for discussions on the subject under consideration.

Article 1

62. In the opinion of this Sector, it would be desirable to revise the definition of "alien" as it appears to be viewed in article 1, which is of the greatest importance, since it sets the tone for the entire draft declaration. In this connection, alien status should not be related to the lawfulness of the individual's stay in the State of which he is neither a national nor a citizen. Thus, it would be desirable to follow the definitions adopted in international law, as for example the one appearing in the Dictionnaire de la terminologie du droit international, published under the auspices of the Union académique internationale (International Academic Union) Paris, Sirey, 1960, 755 pp., which contains the following entry on page 269: "Etranger: Terme qui désigne l'individu qui n'a pas la nationalité de l'Etat considéré", ("Alien: term which designates an individual who is not a national of the state under consideration") and which states, citing article 1 of an 1892 resolution of the Institut du droit international (IDI) [Institute of International Law (IIL)]: "Aliens are ... all those who do not have an actual right of nationality in the State, irrespective of whether they are simply in transit or whether they are resident or domiciled there and irrespective of whether they are refugees or have entered the country of their own free will".

63. This point of view could be usefully supplemented by another source of inspiration drawn from the very title of the draft declaration, and it would then be proper to formulate article 1 as follows: "For the purposes of this declaration, the term 'alien' shall apply to any individual who is not a national of the State under consideration".

Article 2

64. The article could read as follows: "Aliens shall observe the laws of the State of which they are not nationals and shall respect the customs and traditions of its people".

Article 3

65. The article could read as follows: "Every State shall make public any laws, regulations and other administrative provisions ..." (the rest remaining unchanged).

Article 4

66. Delete [in particular] and [at least], since the wording is restrictive.

(a) and (b): Unchanged.

(c) Delete the phrase "in criminal proceedings ... other proceedings" (the rest unchanged).

(d) Delete [and to be reunited with his or her spouse, unmarried minor children, and if permitted by domestic law, other family members]. The entire text should be read without square brackets.

(e) and (f): Unchanged.

Delete [national development] and "or morals" in the second and third lines. These concepts have in fact no legal meaning.

(a) Unchanged.

(b) Should read as follows: "The right to leave the State under consideration and to return to his/her State of nationality".

(c), (d) and (e): Unchanged.

(f) Delete the square brackets.

67. In any event, article 4 in its entirety would quite probably be improved by a review, bearing in mind the work of the United Nations on migrant workers and their families and on the implications for human rights of recent developments concerning situations known as States of siege or emergency (E/CN.4/Sub.2/1982/15 of 27 July 1982, Mrs. N. Questiaux (France), Special Rapporteur).

Articles 5 and 6

68. Unchanged.

Article 7

69. Delete the two terms [resident] and [lawfully], by virtue of the comments on article 1 in this note, and revise to read: "An alien in the territory ...". The rest unchanged up to "for the purpose". The last sentence of the article could read as follows: "The expulsion of aliens on the ground of criteria of race ... is prohibited." Indeed, if only collective expulsion or the expulsion of groups were prohibited, that would still permit the expulsion of individuals; the converse is not true.

New article

70. Unchanged.

Article 8

71. (1) Paragraph 1. Delete in this first paragraph the words [who find themselves], [lawfully] and [residing], by virtue of the comments on article 1 in this note. The rest should remain unchanged.

- (i) Unchanged.
- (ii) Retain [in accordance with] without the square brackets and delete [subject to].
- (iii) Should be amended as follows:

"The right to join trade unions and other organizations or associations, and to participate in their activities to the same extent and under the same conditions as nationals of the State."
- (iv) Should be amended as follows:

"The right to health protection, medical care, social security, social service, education, professional training and rest and leisure to the same extent and under the same conditions as nationals of the State."
Delete the remainder.

72. Paragraph 2. Unchanged.

Article 9

73. Paragraph 1. Unchanged.

74. The square brackets should be deleted and the paragraph should be retained in its entirety up to [in accordance with international law]. Delete [in conformity with the recognized principles of international law].

Article 10

75. Delete the square brackets.

IV. COMMENTS RECEIVED FROM REGIONAL AND INTERGOVERNMENTAL ORGANIZATIONS

COMMISSION OF THE EUROPEAN COMMUNITIES

[Original: French]

[15 June 1983]

76. Problems analogous to those dealt with in General Assembly resolution 37/169 also arise within the Community. Indeed, the free circulation of workers and independent persons (articles 48-51 and article 52 et seq.)* is one of the objectives of the Community. The realization of this freedom, which is both one of the objectives of the establishment of the Common Market and one of the means for carrying out its mission, has been achieved:

- (a) For independent persons, by a series of directives agreed upon by the Council, and,
- (b) For workers, by successive stages which have finally led to regulation 1612/68, adopted by the Council on 15 October 1968, and directive No. 360/68 concerning the elimination of restrictions on the movement and stay of workers and their families within the Community (JOCE No. L 257 of 19 October 1968).

77. Measures adopted for the benefit of migrant workers are intended to guarantee to them and to their families a legal situation not less favourable than that of national workers. The only limitations on equality of treatment between migrant and national workers are those enumerated by the treaty (article 48, reservation relating to public order, public safety and public health; reservation relating to employment in public administration). Assimilation to national workers shall apply - apart from some minor exceptions - to the nationals of States members of the Community, it being understood that it is the responsibility of the latter to fix the conditions for the acquisition and loss of nationality in so far as they are concerned. Refugees and stateless persons are not entitled to benefit from this. On the other hand, Community rules for the co-ordination of national provisions regarding social security are also applicable to refugees and stateless persons, as well as their dependants; the latter are assimilated to nationals of member States when they reside in the territory of one of the States of the Community (regulation 1408/71). However, in an attempt to take account of the special situation of refugees, the representatives of the Governments meeting in the Council had already adopted on 24 September 1964 a declaration (JOCE No. 78 of 22 May 1964) according to which the entry into their territory of refugees

* As a contribution to the preparation of the final text of the declaration on the rights of persons who are not citizens of the countries in which they live, the services of the Commission of the European Communities have sent a copy of the official texts governing the free circulation of workers within the Community. These texts may be consulted in the files of the Secretariat.

recognized as such within the meaning of the 1951 Convention should be given particularly favourable consideration, specifically with a view to granting those refugees as favourable a treatment as possible.

78. More recently, on the occasion of the transmittal to the Council of a proposed directive relating to the rights of nationals of member States to stay in the territory of another member State (JOC 207 of 17 August 1979), the Commission, sharing in this respect the view of the European Parliament and regarding the matter as a logical consequence of the right of stay, indicated to the Council how important it believed it was that, following that directive, the Council should adopt a recommendation aimed at extending to refugees and stateless persons domiciled in a member State the benefit of rights identical with those recognized to citizens of member States. That proposed directive is being studied by the authorities of the Council.

LEAGUE OF ARAB STATES

[Original: Arabic]

[3 June 1983]

79. The League of Arab States wishes to stress its desire to promote the international rules and principles which guarantee freedom of movement, residence and work in all countries and safeguard the rights which preserve and protect human life in all its aspects. In this regard, through its Arab Standing Committee on Human Rights, the secretariat of the League of Arab States has been endeavouring to secure the final adoption of the draft Arab Charter of Human Rights, which is currently being considered by our member States. This Charter, which embodies a number of principles and precepts laid down in divinely revealed scriptures and adopted by the international community through its various organizations, contains numerous articles guaranteeing the fundamental rights of all persons living in the Arab world without any discrimination on grounds of race, colour, sex, language, religion, political opinion, national or social origin, property, birth or other status and without any distinction between men and women. These rights include the right to protection of life and the person, the right not to be subjected to coercion or torture, to cruel, inhuman or degrading treatment or to arbitrary arrest or detention, the right to the preservation of privacy, the right to legal redress and equality before the law, the right to freedom of movement and residence in any place within the limits of the law, the right to leave any country, the right to seek asylum from persecution in other countries, the right to choose appropriate employment providing a decent standard of living, the prohibition of forced labour, the right to free expression of belief and thought, freedom of religious observance, freedom of peaceful assembly and association, the right to form trade unions and to strike, within the limits of the law and other rights laid down in the draft Charter.
