



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1325
23 October 1978

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-fifth session
Item 14 of the provisional agenda

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE
HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

Report of the Secretary-General prepared pursuant to
paragraph 1 of Commission resolution 21 B (XXXIV)

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction	1 - 3	5
I. Summary of activities concerning the situation of migrant workers by organization	4 - 68	6
A. Activities of United Nations organs	4 - 29	6
1. Summary of action taken by United Nations organs since 1972	4 - 11	6
2. Sub-Commission on Prevention of Discrimination and Protection of Minorities	12 - 16	7
3. Programme of advisory services in the field of human rights	17 - 18	8
4. World Conference to Combat Racism and Racial Discrimination	19	9
5. Commission for Social Development	20 - 24	10
6. United Nations Institute for Training and Research (UNITAR)	25 - 29	11
B. Activities of the specialized agencies	30 - 60	12
1. International Labour Organisation (ILO)	30 - 53	12
2. United Nations Educational, Scientific and Cultural Organization (UNESCO)	54 - 58	15

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
3. World Health Organization (WHO)	59 - 60	16
C. Activities of intergovernmental organizations outside the United Nations system	61 - 68	16
1. Council of Europe	61 - 64	16
2. Intergovernmental Committee for European Migration (ICEM)	65 - 68	17
II. Summary of the activities of international organizations by subject matter	69 - 121	18
A. Measures against illicit trafficking	69 - 74	18
1. Sub-Commission on Prevention of Discrimination and Protection of Minorities	69 - 71	18
2. Programme of advisory services in the field of human rights	72	18
3. International Labour Organisation	73	18
4. Council of Europe	74	19
B. Equality of treatment	75 - 79	19
1. Programme of advisory services in the field of human rights	76	19
2. Commission for Social Development	77	19
3. International Labour Organisation	78	19
4. Council of Europe	79	19
C. Housing	80	20
1. Council of Europe	80	20
D. Family reunion	81 - 82	20
1. Council of Europe	81	20
2. Intergovernmental Committee for European Migration	82	20

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
E. Social security	83 - 84	20
1. International Labour Organisation	83 - 84	20
F. Health services	85 - 89	21
1. World Conference to Combat Racism and Racial Discrimination	85	21
2. International Labour Organisation	86 - 88	21
3. World Health Organization	89	21
G. Information	90 - 93	22
1. World Conference to Combat Racism and Racial Discrimination	90	22
2. Programme of advisory services in the field of human rights	91	22
3. United Nations Educational, Scientific and Cultural Organization	92	22
4. Intergovernmental Committee for European Migration	93	22
H. Education	94 - 104	23
1. World Conference to Combat Racism and Racial Discrimination	94	23
2. International Labour Organisation	95 - 96	23
3. United Nations Educational, Scientific and Cultural Organization	97 - 101	23
4. Council of Europe	102	24
5. Intergovernmental Committee for European Migration	103 - 104	24
I. Vocational training	105 - 108	25
1. International Labour Organisation	105	25
2. Council of Europe	106	25
3. Intergovernmental Committee for European Migration	107 - 108	25

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
J. Measures specifically designed for the children of migrant workers	109 - 114	26
1. Commission for Social Development	109	26
2. Council of Europe	110 - 114	26
K. Measures adopted in the context of the International Year of the Child	115 - 121	27
1. United Nations Educational, Scientific and Cultural Organization	115	27
2. Intergovernmental Committee for European Migration	116 - 121	27
III. Proposals	122	29

INTRODUCTION

1. The present report has been prepared in accordance with resolution 21 B (XXXIV), entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", adopted by the Commission on Human Rights on 8 March 1978. In this resolution the Commission noted that, in order to be in a position to undertake the full in-depth study on this subject recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated report outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned. The Commission requested the Secretary-General to prepare such a consolidated report, preferably including proposals which would enable the Commission to define the scope of its future action regarding the protection of the human rights of migrant workers.

2. The Division of Human Rights either directly or through the International Labour Office, acting as the secretariat of the Administrative Committee on Co-ordination's Ad Hoc Group on Migrant Workers, sent letters requesting comprehensive data on activities concerning the protection of the human rights of migrant workers and their families to the following organizations concerned: (a) United Nations organs: Centre for Social Development and Humanitarian Affairs, Division of Social Affairs (Geneva), Office of the United Nations High Commissioner for Refugees, Population Division, Secretariat of the International Year of the Child, United Nations Children's Fund, United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Industrial Development Organization, United Nations Institute for Training and Research; (b) regional commissions: Economic and Social Commission for Asia and the Pacific, Economic Commission for Africa, Economic Commission for Europe, Economic Commission for Latin America, Economic Commission for Western Asia; (c) specialized agencies: ILO, FAO, UNESCO, WHO, IBRD, IMF and GATT; (d) intergovernmental organizations outside the United Nations system: Arab Labour Organization, Commission of the European Communities, Common Afro-Mauritian Organization, Council of Europe, Intergovernmental Committee for European Migration, League of Arab States, Organization for Economic Co-operation and Development, Organization of African Unity, Organization of American States.

3. As at 1 September 1978, replies had been received for the following: Centre for Social Development and Humanitarian Affairs, Division of Social Affairs, the Secretariat of the International Year of the Child, United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Industrial Development Organization, United Nations Institute for Training and Research, Economic and Social Commission for Asia and the Pacific, */ the ILO, UNESCO, WHO, GATT, Council of Europe and Intergovernmental Committee for European Migration.

*/ The only reply received by the Secretariat from the regional commissions was from the Economic and Social Commission for Asia and the Pacific, which stated that its activities do not include any which relate to migrant workers.

I. SUMMARY OF ACTIVITIES CONCERNING THE SITUATION
OF MIGRANT WORKERS BY ORGANIZATION

A. Activities of United Nations organs

1. Summary of action taken by United Nations organs since 1972

4. It may be recalled that the Economic and Social Council, in its resolution 1706 (LIII) of 28 July 1972, instructed the Commission on Human Rights to consider the question of the exploitation of labour through illicit and clandestine trafficking at its twenty-ninth session. The General Assembly, in its resolution 2920 (XXVII) of 15 November 1972, recommended that the Commission should consider the question, as provided in Council resolution 1706 (LIII), as a matter of priority.

5. At its fifty-fourth session, on the recommendation of the Commission on Human Rights in resolution 3 (XXIX), the Council, by resolution 1789 (LIV) of 18 May 1973, requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider this question as a matter of priority at its twenty-sixth session, in the light of United Nations instruments in the field of human rights, and to recommend what further measures might be necessary for the protection, without distinction, of the human rights of foreign migrant workers, taking into account the discussion of this question in the General Assembly, the Economic and Social Council and the Commission on Human Rights.

6. At its twenty-ninth session the General Assembly adopted resolution 3224 (XXIX) of 6 November 1974, in which it noted with satisfaction the action taken by the Sub-Commission. The General Assembly invited all States to extend to all migrant workers who entered their countries legally treatment equal to that provided for their own nationals, to promote the adoption of bilateral agreements in order to reduce the illicit traffic in migrant workers and to adopt appropriate measures to ensure that the human rights of migrant workers who entered their territory surreptitiously were fully respected.

7. Further, the General Assembly by its resolution 3449 (XXX) of 9 December 1975, called upon the United Nations organs active in the field of human rights to continue devoting their attention to this question. It urged Governments to grant all facilities to diplomatic and consular agents in order to enable them to fulfil their functions concerning the protection and defence of the human rights of migrant workers, including those that were non-documented or irregular.

8. Upon the proposal of the Economic and Social Council in resolution 1989 (LX), the General Assembly, in its resolution 31/77 of 13 December 1976, entitled "Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination", urged all States to take action to ensure the cessation of all discriminatory measures against migrant workers.

9. In this connexion, it may also be recalled that on the recommendation of the Commission for Social Development, the Economic and Social Council, by resolution 1749 (LIV) of 16 May 1973, invited the Secretary-General to submit to the Commission for Social Development a report on the welfare of migrant workers and their families, with particular attention to the educational needs of their children.

10. Upon the recommendation of the Commission for Social Development, the Economic and Social Council, in its resolution 1926 A (LVIII) of 6 May 1975 requested the Secretary-General to prepare a document incorporating principles concerning migrant workers and their families which were already embodied in international instruments adopted by the United Nations and to submit that document to the Commission for Social Development at its twenty-sixth session, in 1979.

11. Upon the recommendation of the Population Commission, the Council also recommended that the organs and agencies of the United Nations system within the framework of the Administrative Committee on Co-ordination, interested in international migration, should establish an ad hoc group to study appropriate measures related, inter alia, to the defence of the rights of migrant workers and of their families.

2. Sub-Commission on Prevention of Discrimination and Protection
of Minorities

12. The Sub-Commission by resolution 6 (XXVI) of 19 September 1973, entrusted to one of its members, Mrs. Warzazi, the task of preparing, in co-operation with the Secretariat, on the basis of information from Governments, the specialized agencies, notably the ILO, and other organizations concerned, a preliminary study on the question of the exploitation of labour through illicit and clandestine trafficking. On 6 March 1974, the Commission on Human Rights took note of Sub-Commission resolution 6 (XXVI) and decided to inform the Council of this action.

13. At its twenty-seventh session, the Sub-Commission discussed the preliminary study prepared by Mrs. Warzazi (E/CN.4/Sub.2/351 and Add.1). By resolution 5 (XXVII) of 19 August 1974, the Sub-Commission entrusted Mrs. Warzazi with the task of completing her study for submission to the Sub-Commission at its twenty-eighth session, by making an analysis of the new information and replies made available to her by Governments, the specialized agencies, in particular the ILO, intergovernmental organizations and concerned non-governmental organizations in consultative status with the Economic and Social Council and of the existing regional, subregional and bilateral instruments on the subject. On the basis of this study, the Sub-Commission intended to prepare possible proposals and recommendations on the matter.

14. At its twenty-eighth session, the Sub-Commission had before it the final version of Mrs. Warzazi's study (E/CN.4/Sub.2/L.629). The Special Rapporteur, with the assistance of a working group of the Sub-Commission, submitted draft recommendations on the subject (E/CN.4/Sub.2/L.636). By its decision 1 (XXVIII) of 10 September 1975, the Sub-Commission decided to request the Secretariat to consolidate the preliminary report, the final report, the introductory statements and the draft recommendations of Mrs. Warzazi in one single document and to send it to the Commission on Human Rights as reflecting the present status of the work on the subject in the Sub-Commission. The consolidated document (E/CN.4/Sub.2/L.640) was submitted for information to the Commission on Human Rights at its thirty-second session.

15. At its twenty-ninth session, the Sub-Commission, by a decision taken at its 769th meeting, on 31 August 1976, decided to take note with appreciation of Mrs. Warzazi's reports and of the draft recommendations (E/CN.4/Sub.2/L.640) and to send them to the Commission on Human Rights along with the record of the discussion at that session of the Sub-Commission (E/CN.4/Sub.2/SR.769).

16. The study was based on material furnished by the International Labour Organisation (ILO) and other intergovernmental and non-governmental organizations concerned. The study identified the principal causes and types of illicit migration. It examined a number of questions relating to the economic, social, cultural, political and civil rights of migrant workers and to discriminatory treatment inflicted upon them in various respects. It recommended several measures to be taken by the host countries, the countries of origin and at the international level with a view to putting an end to the illicit traffic in foreign labour and to protecting the fundamental human rights of legal and undocumented migrant workers.

3. Programme of advisory services in the field of human rights

17. At the invitation of the Government of Tunisia, the Secretary-General of the United Nations under the programme of advisory services in the field of human rights established by the General Assembly in resolution 926 (X) and in response to a request by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, organized the first seminar on a world-wide basis on the human rights of migrant workers.^{1/} It was held at Tunis from 12 to 24 November 1975.

18. The seminar unanimously adopted a number of conclusions and recommendations, including recommendations that:

(a) Standing organizations should be created in each sending and receiving country to serve the needs of migrant workers;

^{1/} For further details concerning the seminar, see document ST/TAC/HR/50.

(b) Individual complaints relating to discrimination in or concerning the employment of migrants should be dealt with by the courts or other appropriate tribunals and a general guide to the rights of appeal open to migrants should be made available to them free of charge;

(c) The United Nations should prepare a model bilateral agreement on migrant workers for use by States, containing as a minimum the essential elements of ILO Convention No. 145 and ILO Recommendation No. 151.

(d) Studies should be undertaken on the following topics:

- (i) Humanized solutions to the problems of illegal migrant workers;
- (ii) Discrimination against migrant workers through the imposition of geographical and occupational restrictions;
- (iii) Trade union rights of migrant workers in the various receiving countries;
- (iv) The role of mass information media in promoting the human rights of migrant workers and in fostering harmonious relations between the migrant and local populations, as well as the negative use of mass information media against migrant workers;
- (v) The formulation of effective communications programmes suitable to its needs and facilities of different sending and receiving countries.

4. World Conference to Combat Racism and Racial Discrimination

19. The World Conference to Combat Racism and Racial Discrimination, held at Geneva from 14 to 25 August 1978, stressed the urgent need to protect the rights of migrant workers, including all those undocumented, and their families all over the world. It recommended that States should ensure that their legislation and administrative and other practices fully conformed with international standards protecting the rights of migrant workers and of their families and that the social, economic and other causes of discriminatory measures or attitudes still existing against all migrant workers and their families should be carefully studied.^{2/} Recommendations were also made concerning problems of information, education and health care relating to migrant workers. Further, it recommended that States should pay special attention to the gross inhumanity of the migrant labour system practised in South Africa, which was a further manifestation of apartheid, and to bear in mind in particular the conclusions of the Conference on Migratory Labour in Southern Africa held at Lusaka in April 1978.^{3/} The Programme of Action adopted by the World Conference contained many other specific recommendations for measures to be taken at the national level ^{4/} and at the international level.^{5/}

^{2/} See A/33/262, sect. III, Declaration, para. 24.

^{3/} See A/33/262, sect. III, Programme of Action, para. 13(xi).

^{4/} Ibid., paras. 13 and 14.

^{5/} Ibid., paras. 24(iv) and 28.

5. Commission for Social Development

20. In accordance with Economic and Social Council resolution 1749 (LIV), adopted upon the recommendation of the Commission for Social Development, a study entitled "The Welfare of Migrant Workers and their Families" (E/CN.5/515 and Corr. 1 and 2) was prepared by the Secretary-General. It pays particular attention to migration towards and within Western Europe and also refers to international labour migration and to permanent immigration in other regions, such as Africa and Latin America. The study deals with the welfare problems experienced by foreign workers and their families at the various stages of their migration, the social programmes and measures developed on their behalf, and the need for more effective social protection. It focuses particularly on the special problems facing the children of migrant workers, namely in the process of social integration.

21. Pursuant to resolution 1926 A (LVIII), adopted by the Economic and Social Council on 6 May 1975, the Centre for Social Development and Humanitarian Affairs is at present preparing for submission to the Commission for Social Development at its twenty-sixth session, in February 1979, a report on the progress made towards strengthening programmes designed to improve the welfare of migrant workers and their families, particularly at the regional level, and towards co-ordinating activities relating to the economic, demographic, social and human rights aspects of international migration within the United Nations family.

22. The draft of the medium-term plan for 1980-1983 which is being prepared by the Centre includes a study, to be completed in 1981, on legislative and administrative regulations concerning the situation of migrant children at the national level, for the information of Governments so as to enable them to review their national legislation.

23. Moreover, a study on the implementation of national laws and regulations concerning children from migrant families is to be completed by the Centre and submitted to the Commission for Social Development in 1983.

24. In accordance with above-mentioned Economic and Social Council resolution 1926 A (LVIII), the Division of Social Affairs of the United Nations Office at Geneva is preparing in co-operation with the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization a report incorporating principles concerning migrant workers and their families which are already embodied in international instruments adopted by the United Nations system. This report will be submitted to the Commission for Social Development at its twenty-sixth session in order to enable the Commission to make an assessment of the main principles applicable in this matter.

6. United Nations Institute for Training and Research (UNITAR)

25. UNITAR has carried out work concerning the situation of various types of migrant workers. In 1970 it published a study on the migration of highly-skilled manpower from the developing countries 6/ which examined among other things the economic and social factors contributing to this type of migration.

26. In 1971 UNITAR published, in co-operation with the Institute of Race Relations of the United Kingdom, a study on "The Prevention of Racial Discrimination in Britain".7/ The volume included sections on immigrants and the receiving society and the prevention of racial discrimination.

27. Also in 1971, it published a study entitled "The Brain Drain from Five Developing Countries - Cameroon, Colombia, Lebanon, the Philippines, Trinidad and Tobago".8/

28. In 1978 a study was published on "The Brain Drain: Emigration and Return" 9/ which dealt with the migration of professionals. The study looked at motivations and factors that influence choices with regard to place of study and subsequent employment and discussed the policy implications of the findings.

29. UNITAR is at present planning, in co-operation with other organizations of the United Nations system and in consultation with Governments in the area, to undertake a study of migration within the English-speaking Caribbean and its implications for population and development policies and planning.

6/ UNITAR RR/3.

7/ UNITAR ST/4.

8/ UNITAR RR/5.

9/ UNITAR RR/22.

B. Activities of the specialized agencies

1. International Labour Organisation (ILO)

30. The ILO's mandate in respect of migrant and foreign workers is set forth in the Preamble to the Constitution, which entrusts it with the protection of the interests of workers when employed in countries other than their own. In accordance with this mandate, the ILO has given greater or lesser attention to the problems of migrations of workers according to the period and the concern shown for them by the Governments and the employers' and workers' organizations of its member States. A great deal has been achieved since 1919: research, conferences, exchanges of information, the adoption of several international standards, technical co-operation missions and co-ordination and technical support in collaboration with other organizations, particularly at the regional and subregional level.

31. These activities were intensified after the adoption of a resolution at the International Labour Conference in June 1971, requesting that priority should be given to the problems examined and that a programme of action should be drawn up. In November 1972, a report on future ILO action on migrant workers was submitted to the Governing Body. This report forms the basis of the present activities. These have consisted, firstly, in preparing the adoption of a new Convention and a new Recommendation; secondly, in dealing with various general matters (migration policy, equality of treatment, comparative studies) and special matters (social security, workers' education, migrants' health, vocational training, labour relations) or with sectoral problems (nursing personnel, hotel personnel, construction workers, foreign seamen) and, lastly, in examining the problems of particular regions or subregions (Africa, South America, Western Asia, Europe and Oceania).

32. The ILO has elaborated new instruments 10/ to supplement the international labour standards previously adopted. These new instruments are aimed at: (1) doing away with the abuses linked to the recruitment of certain migrant workers; (2) promoting effective equality of opportunity and treatment; (3) ensuring the adoption of migration policies which meet certain general requirements; (4) ensuring the adoption and implementation of a social policy to benefit migrant workers that stresses the uniting of families; minimum health protection measures and the setting up and running of specific social services; and (5) ensuring the adoption of minimum guarantees with respect to employment, residence and expulsion. 11/

33. In accordance with the Constitution of the ILO within a period of one year after their adoption, - or a maximum of 18 months; in the case of the federal States, these texts must be brought before the "authorities within whose competence the matter lies, for the enactment of legislation or other action". Every State which ratifies the Convention is obliged to make an annual report on the measures taken to give effect to its provisions. The Governing Body may subsequently choose

10/ Migrant Workers (Supplementary Provisions) Convention, 1975, (No. 143) and Migrant Workers Recommendation, 1975, (No. 151).

11/ Further details concerning ILO activities are provided at appropriate points in part II of the present report.

to make the Convention and the Recommendation the subject of a report on the application of unratified conventions and of Recommendations. Such a report should constitute a means of surveying the degree of implementation and identifying the obstacles to ratification or implementation and also of "discovering any weaknesses in the instruments with a view to determining whether additional standards are needed".

34. The ILO's activities concerning migration have been directed towards achieving a better knowledge of migratory phenomena and legislation on migrants, migration policies and equality of treatment.

35. In August 1975, the ILO completed a general survey of the principal migratory movements of workers in search of employment that have taken place over the past ten years. It has also undertaken a study of national legislation on migrants that examines, among other things, the selection and recruitment of migrant workers, their access to employment, measures to ensure equality of opportunity and treatment and the uniting of families. Moreover, preliminary studies have been made of reception services and the housing of migrant workers in Europe.

36. A study of the problems and factors connected with the integration of migrant and foreign workers into the labour relations system of the countries of employment was undertaken at the beginning of 1975 and was continued throughout 1976 and 1977. Legislative or other provisions limiting foreign workers' opportunities of joining workers' organizations or assuming responsibilities of office therein have also been studied and published by the ILO.

37. In its new programme the ILO also considers the problems of migrant workers from a sectoral point of view. This had been done before in a few cases, for instance with regard to the employment conditions of plantation workers. ^{12/} Although it is not systematically applied to all industries, the purpose of the approach is, firstly, to discover whether, among the specific problems of all the workers in the industry considered, some assume special importance for migrant and foreign workers. Secondly, it is to discover whether, among the specific problems of all migrant and foreign workers, some assume special importance in the industry considered.

38. The problems of migrant and foreign workers employed in particular industries have been or are being examined.

39. Regional activities by the ILO have been mainly in Africa and Europe and in a few countries in South America, Western Asia and Oceania.

(a) Africa

40. The problems caused by migration of workers in Africa were raised at the Third African Regional Conference of the ILO (Accra, December 1969). The matter was examined by the African Advisory Committee (Yaoundé, July-August 1971), which was asked to consider a report on the employment, status and conditions of non-national workers in Africa. The Advisory Committee recommended that an item on the employment, status and conditions of migrant workers and other workers holding the nationality of other African countries should be placed on the agenda of the Fourth African Regional Conference.

41. The ILO's report on the employment, status and conditions of non-national workers in Africa discussed the number of migrants and non-national residents in African countries and the prevailing problems of migrant workers.

42. The Fourth African Regional Conference of the ILO (Nairobi, November-December 1973) adopted recommendations on general measures, special measures for long-term residents, a preliminary study of the effects of migrations, and special measures concerning conditions of life and work, labour administration, workers' organizations and social security.

43. As a first step towards giving effect to these recommendations the ILO organized a tripartite regional seminar on the situation of migrant workers in West Africa at Accra in May 1975.

44. To ensure the application of the general convention on social security which had been drawn up by the Common African, Malagasy and Mauritian Organization (OCAM) with the help of the ILO, an administrative arrangement was prepared and adopted on 5 May 1975.

(b) Europe

45. Migration of workers in Europe was dealt with in a chapter of the report submitted by the ILO to the Second European Regional Conference, held at Geneva in January 1974. Concentrating on migration in Western Europe, this chapter of the report also touched on migration within Eastern Europe and between Eastern and Western Europe.

46. The Conference felt that the ILO should undertake certain activities, including case studies of various possibilities for the transfer of industry and employment opportunities to the countries from which migrant workers came and a study of institutional arrangements for the return of migrants to their countries with a view to reintegrating them in economic and social life.

47. The Second European Regional Conference was also asked to study a report on security of income which dealt with protective and alleviative measures on termination of employment, individual assistance to provide labour mobility and maintenance of income during unemployment for all workers in European countries, including foreign migrant workers.

48. In respect of social security, the ILO has helped the Council of Europe and the Commission of the European Communities to prepare a number of instruments.

(c) South America

49. In November 1974, the ILO organized a tripartite regional seminar in Buenos Aires on the working and living conditions of migrant workers in South America.

50. The principal conclusions of the seminar stressed various problems peculiar to migrations on the subcontinent, the need for qualitative and quantitative studies of the migratory movements in question, the adaptation and strengthening of institutions, regularization of the status of "illegal" migrant workers and the defining of consistent immigration and employment policies.

51. The Second Conference of Ministers of Labour of countries of the Andean Group, held in Caracas in the autumn of 1973, adopted a draft convention on social security that had been prepared with the help of the ILO.

52. In April 1973, the ILO organized a seminar on family planning in the Caribbean which studied the problem of certain international migrations in that region.

53. The Tenth Conference of American States Members of the ILO, which met in Mexico in November and December 1974, discussed international migrations and particularly the case of migrants without identity or other papers.

2. United Nations Educational, Scientific and Cultural Organization (UNESCO)

54. UNESCO's activities relating to migrant workers and their families date back to 1972, when the seventeenth session of the General Conference adopted resolution 1.142 authorizing the Director-General to "further the effective and universal recognition of the right to education and to promote equality of educational opportunity and treatment", in particular "by seeking extra-budgetary resources for assisting Member States to take concrete measures to secure equality of access to education and of educational opportunity for foreign migrant workers and their children, and to improve this education, their mother tongue being used in it as far as possible". 13/

55. It was within this context and in order to provide UNESCO with the necessary elements for establishing its programme, that a consultative committee of experts was convened at UNESCO Headquarters, from 22 to 26 October 1973; its recommendations were followed up in 1975 in UNESCO's programme.

56. Thus the approved programme budget of UNESCO for 1975-1976 contained a paragraph relating to the comparative study of the effects of immigration on the ethnic relations and social structure of four countries in Western Europe, a subject that was taken up again in the following biennium.

57. In 1975, two studies were carried out, one by the French National Commission, the other by the Yugoslav National Commission, on the social and educational situation of migrant workers in the countries of immigration at the same time, the National Commissions of Finland and Sweden were engaged in two studies on the teaching of the migrant's mother tongue. The National Commissions involved in those studies received financial assistance from UNESCO in order to give a practical follow-up to the conclusions of their research. The summary report on the research was used as a working paper during the international seminar held in April 1976 at Geneva in co-operation with the Swiss National Commission for UNESCO. The final report of that meeting formed the main working paper of the Meeting of Experts in Educational Planning and Administration for Migrant Workers and their Families, held at UNESCO Headquarters in December 1976.

13/ See document A/CONF/92/29, paras. 51-68.

58. In pursuance of one of the recommendations of the Geneva seminar, a survey is being prepared, in collaboration with the National Commissions and the associations of migrant workers, to identify the hopes and aspirations of migrant workers in the field of education and training. Moreover, UNESCO has collaborated with the appropriate non-governmental organizations in these fields, in order to promote measures to improve the education of migrant workers children.

3. World Health Organization (WHO)

59. The Programme of the World Health Organization includes activities concerning the health aspects of migration and joint programmes are executed with ILO, especially in the field of medical selection of migrants.

60. WHO has been preparing a guide for the medical examination of migrant workers before they leave and when they return to their home countries, a guide that is to be completed in 1978. In addition, it has found that there is a great need for epidemiological studies in order to evaluate the type and magnitude of health problems of migrant workers, with emphasis placed on the psychological aspects of such problems. Its assistance to research in 1978 includes the United Kingdom and some countries in the Middle East. The possibility of starting a pilot project involving co-ordination between a home country and a country of employment for migrants was provisionally considered by WHO at Dubrovnik, Yugoslavia, in November 1977.

C. Activities of intergovernmental organizations outside the United Nations system

1. Council of Europe

61. The Council of Europe started its activities in favour of migrant workers in 1953, when the Committee of Ministers appointed a Special Representative for National Refugees and Over-population in Europe. To assist the Special Representative, an Advisory Committee was set up in 1956 and brought together senior officials of member States specializing in these fields. At the same time the Council of Europe Resettlement Fund, a financing institution, was established.

62. This action has resulted in the adoption by the Council's organs of a number of decisions concerning:

(a) The improvement of working and living conditions through language teaching, vocational training and the participation of migrants in the life of the firms for which they work;

(b) The solution of human and social problems by the reuniting of families the provision of low-cost housing, education of migrant workers' children, introduction of the use of a school career and health record, social services; and

(c) The solution of problems that arise when migrant workers return to their home country.

63. Several resolutions have been adopted by the Committee of Ministers on different aspects of the problem, such as: the teaching of modern languages to migrant workers, the return of migrant workers to their home country, and the participation of migrants in the life of the firms in which they work.

64. The most important achievement of the Council of Europe in relation to migrant workers is the adoption by the Committee of Ministers on 6 May 1977, of the European Convention on the Legal Status of Migrant Workers. Its purpose is to supplement the European Convention on Human Rights and the European Social Charter with a separate instrument that deals with the special position of migrant workers and their families. The Convention falls into six parts. The first defines the term "migrant worker"; the second covers the various procedures involved in engaging of migrant workers, from their initial recruitment to their departure abroad; the third deals with their period of residence in the country of immigration the fourth relating to the problems of their return home and the fifth and sixth parts contain general and final provisions concerning implementation and ratification of the Convention. The Convention has so far been signed by member States and ratified by one. It will enter into force on the first day of the third month following the date of the deposit of the fifth instrument of ratification, acceptance or approval.

2. Intergovernmental Committee for European Migration (ICEM)

65. The main purpose of the Committee, as defined by its constitution, is to make arrangements for the transport of migrants and refugees, when such arrangements are essential for their orderly migration, and to provide, at the request of and in agreement with the Governments concerned, services in connexion with their reception, placement and settlement under the most favourable conditions.

66. In general, the activities of the Committee are undertaken in accordance with agreements involving the emigration and immigration countries concerned, and in many cases other intergovernmental organizations within and outside the United Nations system. Collaboration is particularly close with UNHCR and the international voluntary agencies or non-governmental organizations active in the field of migration.

67. The migration services provided by the Committee are subject to the national legislation of the countries concerned relevant bilateral agreements and other international legal instruments e.g. conventions and recommendations adopted by the United Nations the specialized agencies and other intergovernmental organizations, on the basic rights, legal status and the social protection of migrants and migrant workers.

68. The Committee ensures that the types of assistance stipulated in the international instruments are provided in all its activities. In addition, in working contacts with national authorities and employers and in providing expertise for the development of national migration programmes and policies, efforts are made to ensure that the principles governing ICEM's activities are also applied to other migrants who do not benefit directly from the Committee's services.

II. SUMMARY OF THE ACTIVITIES OF INTERNATIONAL ORGANIZATIONS BY SUBJECT MATTER

A. Measures against illicit trafficking

1. Sub-Commission on Prevention of Discrimination and Protection of Minorities

69. The study in identifying the main causes of illicit migration of workers, prepared by Mrs. H. Warzazi, Special Rapporteur of the Sub-Commission, pointed out among other things, that economic underdevelopment, underemployment, the imbalance between the rates of economic development and demographic growth in the developing countries and the manpower needs of the industrialized countries appear to be the main factors in most of the contemporary international movements of workers (E/CN.4/Sub.2/351, para. 38). The pressure of these factors has been such in recent years that workers are often willing to emigrate even under illegal conditions.

70. The study also pointed out that extension of the migrants' stay in the receiving country usually accentuates their desire to bring in their families even if the legal requirements are not complied with, and this is another important cause of illicit migration (E/CN.4/Sub.2/L.629, para. 21).

71. With a view to putting an end to illicit traffic in foreign labour, the study recommended in particular 14/ that host countries should bring immigration under control by establishing or strengthening public agencies with a monopoly on the recruitment, admission and placement of foreign workers and apply severe penalties, including imprisonment, for employers who knowingly recruit illicit workers, for traffickers, for carriers and any other person who contributes to the illicit traffic, and that host countries should publicize the risks of exploitation in legal, economic and social matters to which the clandestine worker exposes himself. The study further emphasized the need for closer co-operation among the states concerned on the Human Right of migrant workers.

2. Programme of advisory services in the field of human rights

72. The Seminar held at Tunis from 12 to 24 November 1975, recommended that all States should promote and facilitate by all means within their power the adoption of bilateral agreements which would help reduce the illicit traffic in alien workers, that the recruitment of migrant workers should, as far as possible, be done through official channels, and that private agencies should operate under governmental authorization and supervision.

3. ILO

73. The ILO Convention of 1975 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Convention No. 143) contains provisions aimed at preventing clandestine movements of migrants for employment and illegal migrant employment and also provisions relating to organizers of illicit or clandestine movements and employers of workers who have immigrated in illegal conditions.

14/ The recommendations by the Special Rapporteur are contained in

4. Council of Europe

74. It is estimated by the Council of Europe that there are about half a million foreigners working illegally in Europe. The Council therefore considered it necessary to examine the harmful effects of this illicit traffic, especially as regards the workers' human dignity, with a view to taking effective measures to combat illegal forms of recruitment. This activity was included in the 1975-1976 Intergovernmental Work Programme. A draft resolution on clandestine immigration and the illegal employment of foreign workers has been submitted to the Committee of Ministers.

B. Equality of treatment

75. The General Assembly, in its resolution 3224 (XXIX) of 6 November 1974, invited all States to extend to all migrant workers who entered their countries legally, treatment equal to that provided for their own nationals with regard to human rights and to the provisions of their labour legislation applicable to such migrant workers.

1. Programme of advisory services in the field of human rights

76. The Seminar held at Tunis concluded that all States should endeavour to grant immigrants who were lawfully within their territory treatment no less favourable than that accorded to their own nationals.

2. Commission for Social Development

77. The report prepared by the Secretary-General for the Commission for Social Development (E/CN.5/515 and Corr.1 and 2) pursuant to Economic and Social Council resolution 1749 (LIV) stressed among other things that equality of treatment required special assistance in all situations where the lack of such assistance would actually result in unequal access to services and benefits. The housing, health, social security and educational needs of migrants are such that differential treatment in their favour may be called for in order to ensure true equality.

3. ILO

78. Under the auspices of the ILO, a Symposium on Equality of Opportunity and Treatment in Employment in the European Region was held at Geneva from 21 to 29 April 1975. At the symposium it was pointed out that, whereas there were still some legislative provisions that created inequality, the main problem lay in the gaps in legislation where special measures were needed to ensure effective equality. The inequality of which migrants were victims was largely the result of factual situations and the cumulative effect of various factors, in particular linguistic and cultural barriers and insufficient information on relevant conditions and procedures.

4. Council of Europe

79. A resolution on equal treatment of national and migrant workers concerning working conditions, remuneration, dismissal and geographical and occupational mobility was adopted by the Committee of Ministers in 1974 (resolution (74) 15). It recommended to member States that efforts should be made to ensure equality of treatment, particularly in the following fields: work contract, working conditions,

assessment of vocational skills, re-employment, occupational rehabilitation, disputes concerning employment, social and vocational promotion, remuneration and other benefits, dismissal, right of appeal and aid in the event of dismissal and freedom to move and to change occupation.

C. Housing

Council of Europe

80. Following the adoption by the Committee of Ministers of resolution (69) 8 on low-cost housing for migrant workers, ^{15/} some member States have accepted that employers' contracts with migrant workers must include a clause stipulating the provision of decent accommodation at a reasonable rent. Through its financing agency, the Resettlement Fund, the Council of Europe has provided loans totalling some \$US 100 million at low interest rates for the construction of housing for migrant workers or for refugees.

D. Family reunion

1. Council of Europe

81. A section on family reunion was included in the Council of Europe's Intergovernmental Work Programme and the Special Representative and his Advisory Committee were entrusted with studying the various aspects of this problem. As a result of the work carried out by this Committee, resolution (78) 33 was adopted by the Committee of Ministers in June 1978. This resolution invites the Governments of member States to recognize as a right the reunion of families and the free departure and return of family members.

2. ICEM

82. An important part of the work for migrants performed by ICEM comes under the heading of family reunion. It concerns primary dependants and family members temporarily separated from the head of the family or other close relatives who have emigrated earlier. Out of 2.3 million cases dealt with by the Committee, between 600,000 to 700,000 have been directly concerned with family reunion.

E. Social security

ILO

83. Two studies prepared and published in French by the ILO in 1974 analyse the present situation of migrant workers with regard to the various systems of social security. The first study, "La sécurité sociale des travailleurs migrants", traces the development of international social security law from 1919 -- and in some cases, earlier -- to the present day. It goes on to review the principle of equality of treatment as regards membership, financing, participation and benefits and the progressive extension of this principle. It analyses the problems of implementation and those raised by determination of the legislation applicable, the maintenance of rights and the calculation and provision of benefits, and discusses the means used to solve these problems. The second publication is the "Liste des instruments internationaux de sécurité sociale adoptés depuis 1946", which goes up to the end of the first half of 1973.

^{15/} For the full text of the resolution, see Council of Europe, Resolutions. RS 297. n.16.

84. In addition, preliminary studies have been undertaken with a view to improving various international standards of social security which particularly concern migrant workers and their families, such as protection against unemployment and the maintenance of pension rights. The specific social security problems of migrant workers employed in particular branches of activity (hospitals, hotels) have also been examined. Lastly, at the regional level in Africa, the Americas and Europe, the ILO continues to provide technical support, including preliminary studies and measures of implementation for the preparation and improvement of multilateral and bilateral standards of social security for migrant workers.

F. Health services

1. World Conference to Combat Racism and Racial Discrimination

85. The Conference recommended that States should take effective measures in the field of health care, and in particular remedy the under-utilization by migrant workers of social and health services by making them fully aware of their rights. 16/

2. ILO

86. The ILO has incorporated general standards of particular relevance to occupational safety and health problems in its 1975 Recommendation. Furthermore, from 5 to 11 August 1975, the work of the Joint ILO/WHO Committee on Occupational Health was devoted entirely to migrant workers' health problems. The Committee was able to identify the factors affecting migrant workers' health and to examine possible preventive measures and the role of occupational health services. It noted that the frequency rate of occupational injuries seemed to be often higher for migrant workers than for national workers and that this was due to social, economic and cultural factors.

87. The Committee concluded that health standards should be more precisely defined and adapted to the conditions of various regions, that health statistics should be improved and that special attention should be given to problems of malnutrition and undernourishment.

88. One of the conditions for making health measures more effective was to elicit the active collaboration of employers' and workers' organizations in applying preventive health measures to labour migrants. The Committee suggested a number of activities to be undertaken jointly by the ILO and WHO.

3. WHO

89. Activities undertaken by WHO in 1978 include:

(a) The circulation among WHO collaborating institutions, of a working document on health problems of migrant workers and means of control, with a view to collecting more data on measures taken for the health protection of migrant workers in different countries;

(b) Preparatory steps for a survey of measures for the health education of migrant workers;

16/ See A/33/262, sect. III, Programme of Action, para. 13 (vii).

- (c) The organization of a meeting on psychosocial factors in the health of migrant workers;
- (d) The preparation of a study of psychosomatic diseases of migrant workers and implementation of this study by continuation of WHO's present research in the United Kingdom and by the initiation of a similar research on migrant workers in France;
- (e) A study of the health of migrant workers in Africa, in collaboration with the WHO Regional Office for Africa. The countries selected are Lesotho, Malawi, Botswana, Swaziland, Mozambique, Ivory Coast and Upper Volta;
- (f) WHO plans to compile reference material on studies carried out on the health of children of migrant workers in different parts of the world and prepare a survey on this matter.

G. Information

1. World Conference to Combat Racism and Racial Discrimination

90. The Conference recommended that States should ensure that migrant workers are given the opportunity to assemble and to establish organizations and that assistance should be given to them to facilitate communication in their own languages so as to enable them to promote their specific interests. 17/

2. Programme of advisory services in the field of human rights

91. It was recommended by the Tunis Seminar that a general guide to the rights of appeal open to migrants should be made available to them free of charge. Such a guide should, as far as possible outline the steps to be taken by migrant workers and the procedures followed during the hearing of the appeal.

3. UNESCO

92. With a view to improving the dissemination of information concerning migrant workers and their families, UNESCO, in co-operation with the National Commissions, will be preparing a directory of international, regional, and national organizations and associations concerned with migrant workers.

4. ICEM

93. Some of the main activities of ICEM are:

- (a) To supply information on the migration policy, legislation and procedures in the countries of departure and in the receiving countries;
 - (b) To provide general information and counselling services free of charge for migrants;
 - (c) To update regularly information on conditions of life in the receiving countries in order to exclude misleading propaganda.
-

H. Education

1. World Conference to Combat Racism and Racial Discrimination

94. The Conference recommended that, in the field of education States should adopt special measures in favour of the children of migrant workers and permit children of migrant workers to benefit from all educational opportunities needed to ensure their full participation in the life of the society of the host country and give them also all the opportunities to preserve their cultural identity. 18/

2. ILO

95. Workers' education as part of the ILO programme on migrant workers has two main purposes. Firstly, it is designed to promote the integration of migrant workers into the system of industrial relations of the country of employment and to contribute in some degree towards the training and further training of trade union officials who, when they return, will be able to help strengthen the trade union movement in their home country. Secondly, workers' education for national workers is intended to give the latter a clearer insight into the conditions of immigrant workers and thus to contribute towards mutual understanding and union action against discrimination and xenophobic reactions.

96. In October 1974, the ILO organized a Symposium on Workers' Education Needs of Migrant Workers. The Symposium highlighted the importance of the part played in training migrant workers by trade union organizations in host countries and countries of origin and by institutions and associations for workers' education and culture. It also stressed that the responsibilities of workers' organizations in these fields should be recognized by the public authorities and by employers. Lastly, it emphasized the ILO's role in workers' education for migrant workers and asked the Office to make further efforts in this matter. As a result of the Symposium, a manual is being prepared.

3. UNESCO

97. A meeting of organizers of educational activities for migrant workers is to be held in 1978 to discuss the role of associations of migrant workers in the education and training of migrant workers and their families.

98. A guide to the assessment, at the socio-cultural level, of training programmes for migrant workers, their wives and families was prepared in order to launch a series of studies on that question in the following four countries:

^{18/} See A/33/262, sect. III, Programme of Action, paras. 13 (xii) and (xiii).

France, Federal Republic of Germany, Norway and Switzerland. This research work was discussed during a symposium held at the University of Heidelberg from 23 to 27 May 1978. The documents presented at that symposium will be published in 1979.

99. A study will be made in three countries of Western Europe on literacy programmes for immigrant women so as to identify the long-term social and cultural effects of these programmes.

100. Moreover, research on the democratization of education will take into account the "racial discrimination" element, while meetings and studies of a methodological or philosophical nature on racial aspects will be developed under the present programme.

101. An exchange programme between educators of migrant workers in the countries of immigration and those in the countries of origin is being prepared, with the assistance of the national authorities concerned, for the purpose of familiarizing those educators with the cultural and social background of the migrant workers and their families. 19/

4. Council of Europe

102. The Committee of Ministers of the Council of Europe included the teaching of languages to migrant workers in the Intergovernmental Work Programme of the Council of Europe which came into effect in 1970. So far 17 experiments have been carried out in various member countries.

5. ICEM

103. Between 1952 and 1975, ICEM courses have been conducted in ten European and Middle Eastern countries and have benefited over 220,000 migrants. ICEM conducts classes in Spanish and Portuguese for candidates for migration to Latin American countries and in German for Italian workers intending to live in the Federal Republic.

19/ See A/CONF.92/29, para. 63.

104. In areas with a high concentration of migrant workers, classroom training is provided. Courses by correspondence or with the use of visual and recorded materials have also been arranged by ICEM.

I. Vocational training

1. ILO

105. Preliminary conclusions of ILO research in this field have pointed out that the main obstacles to access by migrant workers to training opportunities are language barriers and related illiteracy. In the countries of employment, there are very few training systems that cater specifically for the occupational needs of migrant workers and still fewer systems that provide occupational preparation for their return to their home country. On the other hand, pursuant to bilateral agreements with countries of employment, a number of countries of origin have set up short, intensive vocational training courses to prepare future migrants.

2. Council of Europe

106. The work of the Advisory Committee of the Council of Europe in the field of vocational guidance, training and re-training has been continued and a resolution on this matter was adopted by the Committee of Ministers in 1976. ^{20/} This resolution recommended member States to ensure effective equal treatment for migrant and national workers by the application of legislation and regulations concerning vocational guidance, training and re-training.

3. ICEM

107. Language training is one of the essential services rendered to many migrants by ICEM. In 1977 almost 8,000 migrants, both nationals and refugees, have taken advantage of ICEM-sponsored language training programmes in Austria, France, Germany, Italy, Portugal, Spain and Turkey.

108. The value of sound pre-departure language training and orientation both to the migrants themselves and to the countries to which they migrate has been fully recognized by ICEM since 1952.

^{20/} For the full text of the resolution, see Council of Europe, Resolutions, RS 297 (76), p. 83.

J. Measures specifically designed for the children of migrant workers

1. Commission for Social Development

109. The Secretary-General's report to the Commission for Social Development pointed out that ensuring the equal access of all children to educational facilities was a necessary first step which needed, however, to be supplemented with special provisions aimed at removing the particular handicaps suffered by the children of migrant workers. Moreover, the needs peculiar to those children - particularly that of maintaining their original language and culture, in the case of non-permanent migration - called for novel and carefully-conceived arrangements. Neither the common treatment of all children nor segregated facilities for those of foreign origin could be the right answer. The report suggested that migrant children should be helped to adapt to the requirements of the normal curriculum, and the curriculum should be adapted to the requirements of migrant children (E/CN.5/515, para. 114).

2. Council of Europe

110. Various organs of the Council of Europe have elaborated a common project for the education and cultural development of the children of migrant workers. Subject to the approval of the Committee of Ministers, some new activities will be started in 1980, more especially to examine problems specific to second generation migrants.

111. In 1970 the Committee of Ministers adopted resolution (70) 35 on school education for the children of migrant workers, whereby it recommended:

(a) The provision of information for families, the host community, school authorities and employers;

(b) The introduction of measures to ensure that the children of migrant workers received school education and that, if they subsequently returned to their home countries, they were reintegrated into the local school system;

(c) The setting up of special classes or courses to promote the gradual integration of immigrant children into ordinary classes in the country of immigration;

(d) The training of specialist teachers familiar with the languages of immigrant children and the school systems in their countries of origin;

(e) Various forms of assistance, such as exemption from school fees, the provision of books and other school equipment free of charge and free admission to educational establishments for children of migrant workers wishing to carry on their education in their home countries.

112. For each of the experimental classes organized, the Council of Europe makes a financial contribution to the educational establishments responsible in the various member States.

113. Because of the diversity of European school systems, which adds to the difficulty of obtaining the requisite information on the school careers of children of migrant workers, in 1978 the Council of Europe adopted a "school career and health record for children of migrant workers attending school abroad". These documents which are available in French, German, English, Italian, Greek, Turkish, Swedish, Dutch, Portuguese and Spanish, are issued by the competent authorities in the country of departure.

114. The "school career record" gives a description of the child's knowledge and aptitudes, as well as his general state of health, at a given time. It is intended to facilitate the educational assimilation of children in a new milieu, in the various countries of immigration or upon their return to their home countries.

K. Measures adopted in the context of the International Year of the Child

1. UNESCO

115. In connexion with the International Year of the Child, two studies will be undertaken on the access of children of migrants to the socio-cultural institutions of the countries of immigration and on the adaptation of the services of those institutions to the children's needs, taking into account the need to preserve cultural cohesion and to establish communication with the culture of the country of immigration. The studies carried out in 1977-1978 will be supplemented by an examination of the effects of the return of migrants on the social structures in their country of origin. The studies as a whole will form the subject of a publication in 1980. In the context of the International Year of the Child UNESCO is also planning to encourage the teaching of or teaching in the national language of children of migrant workers. 21/

2. ICEM

116. Under the auspices of the ICEM, the Fourth Seminar on Adaptation and Integration of Permanent Immigrants will be held from 8 to 11 May 1979 at the Palais des Nations, Geneva.

117. Since 1979 is the International Year of the Child and in view of the great interest demonstrated by several immigration and emigration countries in this particular field, a Working Group composed of representatives from Argentina, Australia, Belgium, Brazil, Canada, Israel, Italy, Portugal, Turkey and the United States of America has decided that the seminar will deal with the following two main subjects: (a) adaptation and integration of migrant and refugee children; and (b) adaptation and integration of migrants and maintenance of links with the country of origin.

118. As regards the subject of "adaptation and integration of migrant and refugee children", the following sub-topics have been proposed: (a) the welfare of migrant children and their initial adaptation to the social environment in

21/ A/CONF.92/29, paras. 61 and 68.

receiving countries; (b) education of migrant children, including guidance and language training; (c) socio-psychological problems of migrant children, family ties and cultural conflicts; (d) problems concerning clandestine migrant children; (e) the situation of migrant and refugee children in relation to the Declaration of the Rights of the Child; and (f) the special needs of refugee children in countries of temporary asylum and final destination.

119. The subject of "adaptation and integration of migrants and maintenance of links with the country of origin" will be divided into the following sub-topics: (a) communication and consultation between immigrants' associations in countries of origin and the countries of destination; (b) the migrant's participation in political life; and (c) preservation of the immigrant's culture, the sharing of cultural values and related questions.

120. Working papers written by experts designated by Governments and international organizations and information papers on specific experiences and activities of Governments and agencies in relation to these subjects will be presented to the seminar.

121. It may be recalled that in 1974, 1976 and 1977 special editions of International Migration were issued concerning respectively the First, Second and Third Seminars on Adaptation and Integration of Permanent Immigrants, also held under the auspices of ICEM.

III. PROPOSALS

122. As the Commission on Human Rights will note from this report, various activities have been and are being carried out and a number of recommendations ^{22/} have been made by international organizations, within and outside the United Nations system, for the promotion and protection of the human rights of migrant workers. In accordance with Commission resolution 21 B (XXXIV), the purpose of the proposals submitted below is not to restate all these recommendations but to "enable the Commission to define the scope of its future action".

(A) As emphasized in Mrs. Warzazi's study and in the conclusions of the Tunis Seminar, the root cause of migrant labour problems and of the discrimination suffered by migrant workers is economic underdevelopment and the growing disparity between the high living standards of the industrialized countries and third world poverty. Any action taken by the Commission on Human Rights to promote the realization of a new international economic order and of the human right to development will contribute ultimately to the alleviation of migrant labour problems. Such action, however, may take a long time to bear fruit. Meanwhile, the human rights problems of migrant workers will persist. They are even likely to grow worse, in view of enduring or recurrent economic difficulties in the industrialized countries. It is therefore submitted, as a first over-all proposal, that the Commission on Human Rights should continue to concern itself with developments relating to the human rights of migrant workers, such as: (1) the employment and conditions of work of migrant workers; (2) their housing problems; (3) the promotion of their health; (4) their social security, including unemployment insurance in times of economic recession; (5) their trade union activities; (6) the education and cultural adaptation of migrants and their families, and the preservation of their cultural values. The Commission may seek to identify, in these various fields, areas of discrimination, in order to propose ways and means of achieving full equality of opportunity and treatment between nationals and documented migrant workers and of protecting the fundamental rights of non-documented migrants.

(B) In accordance with the guidelines included in its resolutions 21 A and B (XXXIV) and taking into account the programme of activities for the International Year of the Child, the Commission may wish, at its next two or three sessions, to pay special attention to:

- (i) Ways and means of promoting the reunion of families of migrant workers;
- (ii) Protection of the children of migrant workers against discrimination in various fields, for instance at school, and the measures that may be needed to overcome their linguistic and other handicaps in order to ensure their full adaptation to the society of the host country;

^{22/} See in particular General Assembly resolutions 3224 (XXIX), 3449 (XXX) and 32/130; ILO Convention No. 143 and Recommendation No. 151, E/CN.4/Sub.2/L.640 (recommendations contained in the consolidated report of Mrs. Warzazi) and ST/TAO/HR/50 (recommendations of the Tunis Seminar of 1975).

- (iii) The additional problems of the children of those migrant workers who have entered the host countries surreptitiously, including their protection against prohibited forms of child labour and other ill-treatment.

Some aspects of these problems are dealt with by various international organizations and agencies, but there seems to be a need for a more integrated approach to the important human rights issues involved.

(C) Again, the Commission may wish to focus its attention on questions in which human rights issues are of paramount importance and which do not seem to have been fully dealt with by any other international organizations or agencies. These include, for instance:

- (i) The prevention and punishment of illicit trafficking in migrant workers. While it is true that ILO Convention No. 143 does contain several provisions on this subject (articles 3 to 7) and some other organizations such as the Council of Europe have expressed concern, a significant amount of work remains to be done at the national and the international level in order to stop the evil practice of trafficking in foreign labour. - In particular, consideration may be given to: better information among prospective migrants about the laws and factual situation of the host country; increasing the penalties applicable to traffickers and to the users of clandestine labour; strengthening and co-ordinating national inspection systems; and above all promoting bilateral and multilateral action by the countries concerned in order to facilitate mutual assistance between the national police, judicial and other authorities concerned. As illicit trafficking in foreign labour is essentially a transnational crime, closer co-operation among the States concerned is of the utmost importance in ensuring its elimination. The present system of bilateral and other treaties on mutual judicial assistance and extradition may be surveyed in order to increase its effectiveness. In this field, the Commission may wish to seek the assistance of INTERPOL and of certain NGOs in consultative status that specialize in penal law;
- (ii) The whole area of the civil rights of migrant workers and, in particular, crucial problems concerning their access to effective remedies (civil, penal, administrative) seems to have been given little attention so far. The Commission may wish to fill this gap by undertaking a study of the main issues in these fields, including difficulties caused by lack of information, educational backwardness, linguistic problems, lack of financial means and fear of unemployment and expulsion, which may render judicial and other remedies illusory to migrant workers;
- (iii) The fear of arbitrary expulsion or deportation appears to weigh heavily on the freedom of migrant workers. The Commission may wish to consider this matter on the basis of article 13 of the International Covenant on Civil and Political Rights and articles 8 and 9 of ILO Convention No. 143.
-