

European Communities

EUROPEAN PARLIAMENT

Working Documents

1983-1984

17 October 1983

DOCUMENT 1-811/83

Report

drawn up on behalf of the Committee on Social Affairs
and Employment

on the problem of migrant workers

Rapporteur: Mrs Tove NIELSEN

PE 84.870/fin.

At its meeting of 24 April 1980, the Committee on Social Affairs and Employment decided to draw up a general report on the problem of migrant workers in the light of the following motions for resolutions referred to it as the committee responsible by the President of the European Parliament pursuant to Rules 25 or 47 of the Rules of Procedure :

1. Doc. 1-516/79 - tabled pursuant to Rule 25 of the Rules of Procedure by Mr CERAVOLO and others on the Statute for Migrant Workers
Referred : 16 November 1979
Committee asked for opinion : Legal Affairs Committee
2. Doc. 1-535/79/rev.II - tabled pursuant to Rule 25 of the Rules of Procedure by Mrs CASSANMAGNAGO CERRETTI and others on migrant workers
Referred : 10 December 1979
Committees asked for opinions : Political Affairs Committee and Legal Affairs Committee
3. Doc. 1-664/79 - tabled pursuant to Rule 25 of the Rules of Procedure by Mr ALMIRANTE and others on the problems of migrant workers in the Community Member States
Referred : 16 January 1980.

At its meeting of 29 May 1980 the Committee on Social Affairs and Employment appointed Mrs Tove NIELSEN rapporteur.

In the course of its deliberations, the Committee on Social Affairs and Employment was designated the committee responsible for further motions for resolutions. It decided to incorporate the following motions for resolutions in the general report :

4. Doc. 1-870/81 - tabled pursuant to Rule 47 of the Rules of Procedure by Mr von WOGAU and others to amend Article 14 of the Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community.
Referred : 16 December 1981

5. Doc. 1-165/82 - tabled pursuant to Rule 47 of the Rules of Procedure by Mr EPHREMIDIS on the freedom of movement of Greek workers in EEC countries
Referred : 23 April 1982

6. Doc. 1-907/82 - tabled pursuant to Rule 47 of the Rules of Procedure by Mr KYRKOS and others on the Fourth European Conference for Immigrants
Referred : 19 November 1982
Committee asked for opinion : Legal Affairs Committee

7. Doc. 1-9/83 - tabled pursuant to Rule 47 of the Rules of Procedure by Mrs MAIJ-WEGGEN and others on the European Convention on the legal status of migrant workers
Referred : 11 April 1983

8. Doc. 1-178/83 - tabled pursuant to rule 47 of the Rules of Procedure by Mr SIEGLERSCHMIDT on facilitating travel within the Community by nationals of third countries permanently resident in a Member State
Referred : 16 May 1983
Committee asked for opinions : Political Affairs Committee, Legal Affairs Committee

9. Doc. 1-201/83 - tabled pursuant to Rule 47 of the Rules of Procedure by Mrs CASSANMAGNAGO CERRETTI and others on a framework directive on migrant workers
Referred : 16 May 1983
Committees asked for opinions : Committee on Youth, Culture, Education, Information and Sport, Legal Affairs Committee, Political Affairs Committee

10. Doc. 1-209/83 - tabled pursuant to Rule 47 of the Rules of Procedure by Mr KYRKOS on emigrants in Europe and their countries of origin
Referred : 16 May 1983
Committees asked for opinions : Committee on Economic and Monetary Affairs, Committee on Youth, Culture, Education, Information and Sport

The Committee on Social Affairs and Employment also decided to deal with the following motions for resolution, referred to it for an opinion, as part of this report¹ :

11. Doc. 1-382/79/rev. - tabled pursuant to Rule 25 of the Rules of Procedure by Mr CERAVOLO and others on the right of migrant workers to vote and stand for election
Referred : 19 November 1979
Committee asked for opinion : Legal Affairs Committee

12. Doc. 1-322/81 - tabled pursuant to Rule 47 of the Rules of Procedure by Mr CARIGLIA and others on the need for the Commission to submit formal proposals to the Council of Ministers and the European Parliament on the exercise by migrant workers of the right to vote and to stand for election
Referred : 6 July 1981
Opinion for the Legal Affairs Committee

13. Doc. 1-692/82 - tabled pursuant to Rule 47 of the Rules of Procedure by Mr BROK and others on the integration of the children of migrant workers in the Community
Referred : 8 November 1982
Opinion for the Committee on Youth, Culture, Education, Information and Sport

The Committee on Social Affairs and Employment considered problems relating to migrant workers at its meeting of 22 September 1981, 25 November 1981 and 26 February 1982 on the basis of a working document (PE 73.935).

At the last of the above-mentioned meetings it decided to hold a public hearing with experts and representatives from the government, migrant workers' organizations, employers' and employees' associations. This hearing was held on 25/26 November 1982 on the basis of a questionnaire (PE 76.987/rev.).

¹ See letter from the chairman of the Committee on Social Affairs and Employment, Mr PAPAEFSTRATIOU from 14/15 March 1983 to the chairman of the Legal Affairs Committee, Mrs VEIL.

At its meetings of 25 May 1983, 21 June 1983 and 29 September 1983, the Committee on Social Affairs and Employment discussed a draft motion for resolution (PE 84.870/A) and adopted it at the last of these meetings by 14 votes with 3 abstentions.

The following took part in the vote : Mr Papaefstratiou (chairman), Mr Peters (first vice-chairman), Mr Frischmann (vice-chairman), Mrs Nielsen (rapporteur), Mrs Cassanmagnago Cerretti, Mr Ceravolo, Mr Chanterie, Mr Duport, Mr Eisma, Mr Ghergo, Mrs Kellett-Bowman (deputizing for Mr Simpson), Mrs Maij-Weggen, Mr van Minnen, Mr Patterson, Mr Prag, Mr Ouzounidis (deputizing for Mr Dido') and Mrs Squarcialupi (deputizing for Mr Damette).

The opinion of the Political Affairs Committee on Doc. 1-535/79/rev.II (PE 78.132/fin.) is attached. The Political Affairs Committee decided not to deliver an opinion on the motion for a resolution Doc. 1-201/83. The opinion of the Political Affairs Committee on Doc. 1-178/83 will be distributed separately.

The attached opinion from the Legal Affairs Committee (PE 71.005/fin.) refers to Docs. 1-516/79 and 1.535/79/rev.II and also deals with Doc. 1-201/83. It was decided not to deliver an opinion on Doc. 1-907/82. The opinion of the the Legal Affairs Committee on Doc. 1-178/83 will be distributed separately.

The opinion of the Committee on Youth, Culture, Education, Information and Sport on Docs. 1-201/83 and 1-209/83 is attached.

The Committee on Economic and Monetary Affairs is delivering its opinion on Doc. 1-209/83 in the form of a letter which will be distributed separately.

The explanatory statement will be delivered orally.

The report was tabled on 6 October 1983.

C O N T E N T S

	<u>Page</u>
MOTION FOR A RESOLUTION	8
Annex I (Doc. 1-516/79)	16
Annex II (Doc. 1-535/79/rev.II).....	17
Annex III (Doc. 1-644/79).....	19
Annex IV (Doc. 1-870/81).....	21
Annex V (Doc. 1-165/82).....	22
Annex VI (Doc. 1-907/82).....	24
Annex VII (Doc. 1-9/83).....	25
Annex VIII (Doc. 1-178/83).....	26
Annex IX (Doc. 1-201/83).....	27
Annex X (Doc. 1-209/83).....	30
Opinion of the Political Affairs Committee.....	31
Opinion of the Legal Affairs Committee.....	33
Opinion of the Committee on Youth, Culture, Education, Information and Sport.....	45

The Committee on Social Affairs and Employment hereby submits to the European Parliament the following motion for a resolution :

MOTION FOR A RESOLUTION
on the problem of migrant workers

The European Parliament,

- having regard to the motion for a resolution by Mr CERAVOLO and others pursuant to Rule 25 of the Rules of Procedure on the statute for migrant workers (Doc. 1-516/79),
- having regard to the motion for a resolution by Mrs CASSANMAGNAGO CERRETTI and others pursuant to Rule 25 of the Rules of Procedure on migrant workers (Doc. 1-535/79/rev. II),
- having regard to the motion for a resolution by Mr ALMIRANTE and others pursuant to Rule 25 of the Rules of Procedure on the problems of migrant workers in the Community Member States (Doc. 1-664/79),
- having regard to the motion for a resolution by Mr von WOGAU and others pursuant to Rule 47 of the Rules of Procedure to amend Article 14 of the Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (Doc. 1-870/81),
- having regard to the motion for a resolution by Mr EPHREMIDIS and others pursuant to Rule 47 of the Rules of Procedure on the freedom of movement of Greek workers in EEC countries (Doc. 1-165/82),
- having regard to the motion for a resolution by Mr KYRKOS and others pursuant to Rule 47 of the Rules of Procedure on the Fourth European Conference for Immigrants (Doc. 1-907/82),
- having regard to the motion for a resolution by Mrs MAIJ-WEGGEN and others pursuant to Rule 47 of the Rules of Procedure on the European Convention on the legal status of migrant workers (Doc. 1-9/83),

- having regard to the motion for a resolution by Mr SIEGLERSCHMIDT pursuant to Rule 47 of the Rules of Procedure on facilitating travel within the Community by nationals of third countries permanently resident in a Member State (Doc. 1-178/83),
- having regard to the motion for a resolution by Mrs CASSANMAGNAGO CERRETTI and others pursuant to Rule 47 of the Rules of Procedure on a framework directive on migrant workers (Doc. 1-201/83),
- having regard to the motion for a resolution by Mr KYRKOS pursuant to Rule 47 of the Rules of Procedure on emigrants in Europe and their countries of origin (Doc. 1-209/83),
- having regard to the motion for a resolution by Mr CERAVOLO and others pursuant to Rule 25 of the Rules of Procedure on the right of migrant workers to vote and stand for election (Doc. 1-382/79/rev.),
- having regard to the motion for a resolution by Mr CARIGLIA and others pursuant to Rule 47 of the Rules of Procedure on the need for the Commission to submit formal proposals to the Council of Ministers and the European Parliament on the exercise by migrant workers of the right to vote and to stand for election (Doc. 1-322/81),
- having regard to the motion for a resolution by Mr BROK and others pursuant to Rule 47 of the Rules of Procedure on the integration of the children of migrant workers in the Community (Doc. 1-692/82),
- having noted the political agreement reached within the framework of the Council of Europe to improve the legal position of migrant workers and their families,
- having noted the preparatory discussions in the United Nation's General Assembly concerning the International Convention of all migrant workers and their families,
- having regard to the report of the Committee on Social Affairs and Employment and the opinions of the Political Affairs Committee, the Legal Affairs Committee, the Committee on Youth, Culture, Education, Information and Sport and the Committee on Economic and Monetary Affairs (Doc. 1-811/83),

- A. having regard to the report by Mrs MACCIOCCI on behalf of the Legal Affairs Committee on the right of citizens of a Member State residing in a Member State other than their own to stand for and vote in local elections¹;
- B. assuming that the subject of the report should be the foreign workers residing within the Community;
- C. whereas the report is concerned with foreign workers and their families who have settled permanently in the Community;
- D. whereas the alarming development of racism in the Member States calls for a very firm reaction by governments in exposing, condemning and combating all forms of discrimination between workers;
- E. whereas migrant workers employed in European countries, cut off from the political and social organization of their own countries in which they enjoy political rights and not properly integrated into those of the host countries where they do not yet enjoy those rights, have only limited social and political representation;
- F. whereas, in the light of experience so far, economic and social integration of migrant workers wishing to return to their countries of origin offers little possibility of a solution owing to the national and international economic problems prevailing in those countries;
- G. whereas measures to facilitate the voluntary return of migrants to their country of origin may under no circumstances be used as a pretext for the failure to introduce a genuine policy of integration;
- H. whereas so far host countries given insufficient consideration to the social consequences of permanent settlement by large numbers of migrant workers and their families;

¹ Doc. 1-121/83, OJ No. C 184, 11 July 1983

- I. whereas some European states in which migrant workers find employment have at times drawn up complicated rules that are difficult to apply in a desire to enhance the economy without, however, assuming any responsibility for the social consequences;
1. Points out that the European Community¹ and the European Parliament² have been intensively considering the problems of migrant workers since 1973 and that a decade later the problems raised at the time which were considered to require urgent solution have still not been solved and, because they were neglected, have been further exacerbated;
 2. Is concerned at the upsurge in racism in all the Community Member States and at the continuation of clandestine immigration;
 3. Notes that the lack of a coordinated policy has serious consequences both for the social structure of the host countries and for the social, economic, cultural and political position of the migrants;
 4. Believes that migrant workers for inside and outside the Community were recruited at a time of economic expansion, and did jobs for which the local workforce constituted an insufficient source of supply or which it was unwilling to undertake and that even in periods of economic recession they continued to fulfil a structurally important economic function on the employment market;
 5. Calls on all Community countries to make provision for the legal and social integration of foreign workers who have migrated to them during times of economic expansion and have now been joined by their families and children, especially the second and third generations, while ensuring that the characteristics and identities of the migrant population are respected;

¹ Council resolution of 21.1.1974, Council resolution of 9.2.1976 (OJ No. C 34, 14 February 1976) 1975 Action Programme (COM 2250/74 of 18.12.1974) Doc. 465/74

² Albers Report on Action Programme (Doc. 160/75/rev.)
Pisoni Reports on Illegal Migrant Workers (Doc. 352/77 and Doc. 238/78)

6. Having regard to the differences in the legal situation of foreigners in the European Community:
 - EEC nationals,
 - citizens from associated states,
 - citizens from their countries with bilateral treaties,
 - citizens from countries which have concluded no treaties with the host country which particularly in the case of residence permits, pensions and sickness insurance claims results in serious differences,it must be pointed out that by far the greatest proportion of foreigners employed in the European Community are not EEC nationals and that European action programmes should be extended to migrants from third countries;

7. Points to the need to simplify the complicated legal rights to residence and work permits and the impenetrable legislation in the field of social welfare;'

8. Expresses its concern that, because of the total marginalization and social and political weakness of migrant workers, they are poorly organized even in the unions;

9. Emphasizes the importance of providing adequate opportunities for migrant workers to become socially integrated within the host countries and recognizes their right to form their own communities, thereby facilitating such integration on a group basis;'

10. Considers that since migrant workers are one of the groups in society most affected by unemployment, information should be supplied concerning:
 - (a) the provisions applying when unemployment occurs,
 - (b) the provisions applying to the payment of unemployment benefit,
 - (c) the total financial burden represented by unemployed foreign workers;

11. Draws attention to a problem inherent in the economic crisis, namely that the blame for socio-economic difficulties is being shifted onto the weakest categories of migrants, giving rise to racist tendencies which must be combatted with determination;
12. Opposes all direct or indirect measures designed to force immigrant workers to return to their country of origin on the pretext of the difficult economic and employment situation obtaining in the Member States;
13. Points out that some 70% of the foreign workers are of serving age as regards pension insurance funds, i.e. they finance a substantial proportion of the pensions of the indigenous pensioners; the Commission of the European Communities should therefore undertake studies to examine the effect that periods of residence by migrant workers have on the insurance institutions concerned and to establish the net balance in respect of workers who have emigrated (benefits allocated - contributions paid);
14. Considers that in addition to the discrimination against women in the family and society practised in the countries of origin, women suffer a further handicap in the societies of the host countries:
 - (a) the scope for the personal, social and economic emancipation of foreign women - even in the second generation - is greatly restricted,
 - (b) the principles of equal pay for equal work, equal treatment and equal access to employment and vocational training which European women can invoke only with difficulty, are almost unattainable for foreign women,
 - (c) language barriers or obstacles resulting from traditional or religious customs, which persist in the society of the host country owing to lack of contact, aggravate the situation;

15. Is particularly concerned at the prospect of a further deterioration in the situation of second or third generation migrant workers born and raised in the host countries as a result of the poor schooling facilities in some states of the Community, having regard also to the generally difficult situation of the youth labour market in the European Community;'
16. Calls on the Council of Ministers and the Commission to draw up as a matter of urgency a directive updating the action programme for migrant workers and setting as its priority objectives:
- the signing and ratification of the Council of Europe's Convention on the legal status of migrant workers and the UN declaration on the protection of migrant workers,
 - the drafting, in agreement with migrant workers' organizations, of a Community statute that in clear and binding terms
 - (a) promotes harmonization of Member States' social directives that have a bearing on the position of migrant workers,
 - (b) lays down specific measures for abolishing any trace of xenophobia or racism,
 - (c) ensures full implementation of Directive 77/486 in educational matters and provides the new generations of immigrants with all the support they need from nursery school to vocational training,
 - (d) ensures that the host country's incentives for the national integration of immigrants really enable them to work independently and that their countries of origin respond to this initiative with parallel integration measures,
 - (e) ensures that when migrant workers are offered employment in any Member State due account is taken of the fact that they are a particularly disadvantaged group in order to prevent any increase in the high rate of unemployment to which they are particularly subject and if possible help to reduce it,
 - (f) guarantees in clear terms that all migrant workers have the right to vote and stand for election, at least at local level;'

Stresses that particular attention should be paid to the acute problems that may arise in areas with a high concentration of migrants, especially in the big cities, for example in the area of housing. Despite these problems, the freedom of establishment of migrants legally resident in the host countries must be safeguarded;

3. Urges that the resources allocated to programmes for migrant workers under the ESF should be maintained in the plans for the reform of the Fund and where possible extended. The effectiveness of the projects in social terms should also be evaluated systematically;

7. Calls on the Commission to report to Parliament in the November session on the current position of migrant workers in the Community in the light of the unemployment crisis, and on proposed Community policies designed to alleviate distress and inequalities which affect them;

8. Calls on the Commission to include a chapter on the rights of and guarantees for migrant workers from the ACP countries in the development cooperation section of the convention that will supersede Lomé II;

9. Calls on the Council and the Commission to give full backing and support to the Fourth European Conference of migrant workers' associations to be held in Stockholm in the spring of 1984.

Instructs its President to forward this resolution to the Council and the Commission of the European Communities.

Motion for a resolution (Doc. 1-516/79) tabled by Mr CERAVOLO, Mr DIDO', Mrs CAST
Mr FERRI, Mr ARFE', Mr GATTO, Mrs SQUARCIALUPI, Mrs BADUEL GLORIOSO,
Mr CARDIA, Mr D'ANGELOSANTE, Mr DE PASQUALE, Mrs PAPIETRO and Mr BONACCINI
pursuant to Rule 25 of the Rules of Procedure on the Statute for migrant workers

The European Parliament.

- having regard to the serious situation of migrant workers which is tending to deteriorate still further because of the economic and social crisis,
 - whereas the problem is extremely important in the EEC because it affects some eleven million workers,
 - noting that an important organization which is one of the most representative bodies of migrant workers, FILEF¹, has submitted to Parliament a petition accompanied by a proposed Statute,
 - recognizing the topicality of this matter, stresses the need for an international Statute of the rights of migrants to be adopted at the earliest possible opportunity,
 - whereas, although the matter has been considered by the Committee on Social Affairs of the previous Parliament and a favourable opinion delivered, no action has yet been taken, even after the lapse of a considerable time, by the Commission and Council,
1. Calls once again upon the Commission to recognize the need to draw up a proposed Statute of the rights of all migrants, having regard also to the indications contained in the petition submitted by FILEF;
 2. Requests the Commission to submit such a proposal to Parliament and to the Council at an early date;
 3. Instructs its President to forward this resolution to the Commission and Council of the EEC.

¹Federazione Italiana Lavoratori Emigranti e Famiglie - Italian Federation of Migrant Workers and their Families

Motion for a resolution (Doc. 1-535/79/rev.II) tabled by Mrs CASSANMAGNAGO-CERRETTI, Mr BARBAGLI, Mrs MAIJ-WEGGEN, Mr NORDLOHNE, Mr VERHAEGEN, Mr McCARTIN, Mr SPAUTZ, Mrs MOREAU, Mr DALSSASS, Mr GHERGO, Mr WAWRZIK, Mr von BISMARCK, Mr VANDEWIELE and Mr GIAVAZZI, on behalf of the European People's Party (Christian-Democratic Group) pursuant to Rule 25 of the Rules of Procedure on migrant workers

The European Parliament,

- having regard to the fact that there are about 6 million migrant workers resident in the Community, and that, with their families, the number is 12.5 million,
- having regard to the Council resolution of 21 January 1974 which expressed the political resolve to take the necessary steps to draw up an action programme on behalf of migrant workers and their families and the fact that the action programme subsequently adopted includes a chapter on the coordination of migration policies,
- aware of the fact that the economic situation in the Community has changed considerably and that the economic and social crisis, which is likely to continue for many years to come, primarily affects migrant workers and their families and creates a permanent state of uncertainty and insecurity,
- having regard to the fact that the progressive increase in the number of young people emigrating underlines the concern repeatedly expressed by this Parliament as regards employment among young people and women, the recognition and equivalence of diplomas, vocational training and retraining, and unemployment among young women,
- reiterating its concern at the slowness of harmonization of social legislation in the Member States and of Community coordination of migration policies including policy on migration from third countries, and at the apparently restrictive approach of the Council towards the Community budget,
- aware of the fact that migration policy occupies a central place in the preparations for the accession of the three applicant countries,
- reasserting that the migrant worker is a European citizen having full rights but that his rights must be safeguarded by the law and that he must have better social guarantees,

1. Refers to its resolution of 16 November 1977 (Scelba report) on the granting of special rights to the citizens of the European Community which, if implemented, would extend guaranteed basic rights and the possibility of organizing and expressing themselves as European citizens to migrant workers;
2. Calls on the Commission to draw up as soon as possible an 'outline' report on the situation of migrant workers, indicating the extent to which Commission initiatives have been implemented and giving prominence to the problems of social security, trade union rights, political rights, schooling, the quality of family life, social and cultural integration, the preparation of young people for work, and illegal immigration;
3. Invites the Commission not to delay any longer in submitting to Parliament and the Council a draft statute for migrant workers, as called for by this Parliament in 1971 (Califice resolution) and as requested in petitions from associations of migrant workers;
4. Instructs its President to forward this resolution to the Council and Commission.

Motion for a resolution (Doc. 1-664/79) tabled by Mr ALMIRANTE, Mr PETRONIO, Mr BUTTAFUOCO and Mr ROMUALDI pursuant to Rule 25 of the Rules of Procedure on the problems of migrant workers in the Community Member States

The European Parliament,

- Having regard to the living and working conditions in Europe of migrant workers and their families who number in all, according to the most recent reports, some 13 million persons,
- Having regard to the fact that, despite the concern shown and the resolutions passed by the Council and the concern shown and proposals submitted by the Commission, migrant workers and their families still do not enjoy the most basic guarantees for the practical implementation of a programme of measures designed to defend their vital interests and fundamental rights; this is particularly important at the present time of crisis, given the worsening employment situation, the growing illegal traffic in labour as a result of the existing restrictions, and given also the presence of migrant workers in the hardest hit sectors of the economy where they and their families, particularly young people and the women members of this vast and often distressed community are the first to be affected, a community which, despite the concern expressed repeatedly on all sides, continues to be the focus of problems which are in part unsolved and in part still untackled, such as professional qualifications, recognition of diplomas, the increasing difficulty in finding a first employment, schooling and the employment of young people and women,
- Having regard to the need to make financial assistance from the European Social Fund increasingly effective on the basis of a new, open policy to implement programmes that meet the emerging requirements raised by changes in the quality of work, essential to the improvement of living and working conditions of migrant workers, and having regard also to the fact that control over the management of finance must be increasingly stringent,
- Having regard to the lack of harmonization of the social legislation of the Member States of the Community, the restrictions and complications in the application of Community statutory provisions, due in part to difficulties of interpretation the reason for which is that the extent of rights in the sphere of social security and assistance, has not been fully defined, and having regard also to the wide disparities existing between Community rules and those of the third countries from which many migrant workers come, thus leading to inequalities in treatment and difficulties in claiming benefits;

- Solemnly reaffirming the need to recognize the moral and juridical equality of all migrant workers in Europe as a human and political community in which they must feel themselves to be citizens enjoying the same rights and duties as all other citizens, regardless of their origins and the country from which they come, and reaffirming also that freedom of movement must be ensured for workers within the Community because they cannot and must not be compelled to remain at the place or in the undertaking in which they began but have the right to change their employment in order to improve their social condition, together with the right to receive and disseminate information and ideas, the right to social security for themselves and their families and the right to equal payment for equal work and the right to respect and dignity for themselves and the nation they represent, just as they have duties to the community in which they live and work;
1. Calls upon the Commission to submit at the earliest possible opportunity a report on the situation of migrant workers, having regard in particular to the problem of social security, electoral and political rights and the conditions necessary to exercise those rights, as well as the problems of accommodation and living conditions of their families and their integration into the life of the countries in which they live and work; and obviously having regard also to the problems of employment with special reference, as mentioned earlier, to the employment of young people and women, in order to arrive at the earliest possible date, although necessarily in gradual and responsible stages, at a Statute of European Workers, a most worthy objective whose attainment this House has repeatedly called for in recent years;
 2. Instructs the President to forward this resolution to the Council and Commission of the European Communities.

Motion for a resolution (Document 1-870/81) tabled by Mr VON WOGAU, Mr PÖTTERING, Mr VERGEER, Mrs CASSANMAGNAGO CERRETTI, Mr PFLIMLIN, Mr Konrad SCHÖN, Mr CLINTON, Mr WAWRZIK, Mr HABSBURG and Mr GIUMMARRA on behalf of the Group of the European People's Party (Christian-Democratic Group) pursuant to Rule 47 of the Rules of Procedure to amend Article 14 of the Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community

The European Parliament

- having regard to the aim of Regulation No. 1408/71 (EEC) that all nationals of the Member States should receive equal treatment under national laws and other regulations and that employed persons should enjoy social security benefits irrespective of their place of residence and place of employment without being required to pay additional contributions,
- 1. Considers it necessary to ensure that transfrontier workers with supplementary earnings in their country of residence who have already paid pension contributions on their earnings in their country of main employment are only required to pay additional pension contributions on these supplementary earnings;
- 2. Calls on the Commission to prepare a proposal to amend Article 14 of Reg. No. 1408/71 to this effect.

JUSTIFICATION

Under Article 14(1)(c)(i) the country of residence is entitled to social security contributions from transfrontier workers who are attached to several employers in different Member States. This means that a transfrontier worker with supplementary earnings in addition to his income in his main country of employment, has to pay pension contributions in his country of residence on his total earnings and not only on his supplementary income although he has already paid pension contributions from his main source of income in his main country of employment. Article 14(1)(c)(i) should therefore be amended to preclude such double payments by transfrontier workers.

Motion for a resolution (Doc. 1-165/82) tabled by Mr EPHREMIDIS, Mr ADAMOY and Mr ALAVANOS pursuant to rule 47 of the Rules of Procedure on the freedom of movement for Greek workers in EEC countries

The European Parliament,

- whereas the freedom of movement for workers is one of the fundamental principles of the European Communities,
- whereas the Treaty of Accession of Greece to the EEC provides for a transitional period for extending to Greek workers the provisions of Regulation (EEC) No. 1612/68 and Directive 68/360/EEC on equal treatment for workers of the Member States of the Community and their families in employment, on the freedom of residence, freedom of movement and the freedom of establishment, thereby making inadmissible discrimination against Greek immigrants and their families in cases where no such discrimination exists against immigrants from other Member States,
- whereas Greek workers are entitled to freedom of movement as from 1 January 1988, while Turkish workers are entitled as from 1 January 1986 thereby amounting to further blatant discrimination against Greek immigrants and conflicting with the Commission's view that 'the situation in which workers in the three applicant countries are placed must not be less favourable than that of workers in associated or non-associated countries' (COM(78) 200 final),
- whereas arguments by certain governments, such as the West German Government, in favour of the present discriminatory practices against Greek immigrants and their families, have been accepted on the basis of false assumptions since the number of immigrants is decreasing, not increasing,
- whereas the present situation in which Greek immigrants are placed, especially at a time of crisis and unemployment, means in real terms unfavourable treatment, pressures and severe economic and social problems for them and their families after they have made an important contribution, at a very high price, to the development of the countries in which they settled,

Resolves

1. to abolish the transitional periods laid down in the Treaty of Accession of Greece for all Greek workers and members of their families;
2. Resolves in particular, to remove immediately all discriminatory practices against those Greek workers and their families who are already settled in the Member States;
3. Calls upon the Commission to draw up a relevant proposal for submission to the Council of Ministers;
4. Instructs its President to forward this resolution to the Commission, the Council and the governments of the Member States.

Motion for a resolution (Doc. 1-907/82) tabled by Mr KYRKOS, Mr VGENOPOULOS, Mr PAPANTONIOUS, Mr ZIAGAS, Mr PESMAZOGLOU, Mr ALAVANOS, Mr EPHREMIDIS, Mr CHAMBEIRON, Mrs LEROUX, Mr MAFRE-BAUGE, Mrs HOFFMANN, Mr FERRERO, Mrs DURY, Mr CERAVOLO, Mrs SQUARCIALUPI and Mrs L. CASTELLINA pursuant to Rule 47 of the Rules of Procedure on the Fourth European Conference for Immigrants

The European Parliament,

- A. having regard to the initiative taken by immigrants' associations for the organization of the fourth consecutive European Conference for Immigrants,
 - B. whereas all the Community Member States and the applicant countries have to face the immigration problem, either as host countries or as countries of origin of the immigrants,
 - C. having regard to the immigrant workers' interest in protecting their right to work and to freely choose their place of residence,
 - D. whereas the free movement of workers is a declared principle of the Community,
 - E. declaring once again its commitment to the protection of the democratic rights of all European citizens,
 - F. expressing yet again its concern at racist demonstrations against immigrants, even against immigrants originating from Community Member States,
 - G. wishing to strengthen its links with the broad masses of workers in Europe,
1. Resolves to send a delegation from the Committee on Social Affairs and Employment to monitor the proceedings of the European Conference for Immigrants;
 2. Calls on the Commission to send a delegation to monitor the proceedings of this Conference and to examine the possibility of providing financial aid;
 3. Instructs its President to forward this resolution to the Commission, the Council, the Governments of the Member States and the Presidency of the Conference.

Motion for a resolution (Doc. 1-9/83) tabled by Mrs MAIJ-WEGGEN, Mr PAPAEFSTRATIOU, Mrs CASSANMAGNAGO CERRETTI, Mr PFLIMLIN, Mr COSTANZO, Mr BOURNIAS, Mr CHANTERIE, Mrs PHLIX, Mr DEL DUCA, Mr PROTOPAPADAKIS and Mr von WOGAU on behalf of the Christian Democratic Group (EPP) pursuant to Rule 47 of the Rules of Procedure on the European Convention on the legal status of migrant workers

the European Parliament,

whereas:

In 1977 the Council of Europe drew up a Convention on the legal status of migrant workers,

This Convention contains a number of fundamental rights for foreign workers in the area of recruitment, residence and work permits, conditions of employment and working conditions, social security, housing, family reunion and education,

Sweden, Portugal, Spain, Turkey and the Netherlands have since ratified the Convention and France, Italy and Norway will do so shortly,

The Convention entered into force on 1 February 1983 which means that it is applied in some Member States but not in others,

In view of the difficult situation in which migrant workers find themselves as a result of the economic crisis, it is highly desirable that the Convention should be implemented in all the Member States of the Community,

requests the Commission

Urgently to examine whether this Council of Europe Convention on the legal status of migrant workers can be signed and ratified at Community level so that all Member States are bound by its provisions.

To study the possibility of gradually extending Regulation No. 1408/71 to cover workers from third countries.

To submit proposals on this subject to the Council and the European Parliament.

Motion for a resolution (Doc. 1-178/83) tabled by Mr SIEGLERSCHMIDT on behalf of the Socialist Group pursuant to Rule 47 of the Rules of Procedure on facilitating travel within the Community by nationals of third countries permanently resident in a Member State

The European Parliament,

- A whereas at the present stage of European integration, freedom of movement within the territory of the European Community can only be granted to nationals of the Member States;
- B whereas even this legal right of Community citizens is not yet fully implemented;
- C whereas action should nevertheless be taken to facilitate visits of limited duration to or travel through other Member States of the Community by nationals of third countries permanently resident in a Member State, regardless of whether visas are generally required by nationals of third countries wishing to visit the country in question;
- D whereas the extent to which such visits are facilitated should depend on the length of the right of residence accorded to each third country national in question in the Member State in which he or she is permanently resident;
- E whereas efforts should be made to reach an agreement between the Member States which could be implemented without requiring any change in their national legislation;
- F whereas Parliament, in its resolution of 8 July 1982 on visa requirements for Turkish workers, has already taken a step in the right direction requiring corresponding measures to be taken by the Member States;
1. Calls on the Foreign Ministers of the Member States meeting in political cooperation to draw up such an agreement without delay;
 2. Calls on the Commission, particularly in view of its responsibility towards workers from third countries with which the European Community has concluded an association agreement, to cooperate in achieving an agreement to facilitate travel within the Community by nationals of third countries;
 3. Instructs its President to forward this resolution to the Governments and Parliaments of the Member States and to the Commission.

ANNEX IX

Motion for a resolution tabled by Mrs CASSANMAGNAGO CERRETTI, Mrs MAIJ-WEGGEN, Mr LIGIOS, Mr PAPAEFSTRATIOU, Mr GHERGO, Mr VERGEER, Mr COLLESELLI, Mr BROK, Mr GIUMMARRA, Mr BEUMER, Mr COSTANZO, Mrs RABBETHGE, Mr DEL DUCA, Mr WAWRZIK, Mr BERSANI, Mr CHANTERIE, Mr NARDUCCI, Mr MOMMERSTEEG, Mr GIAVAZZI, Mr MERTENS, Mr ANTONIOZZI, Mr O'DONNELL, Mr LIMA, Mr VERROKEN, Mrs GAIOTTI DE BIASE and Mr ZECCHINO on behalf of the Group of the European People's Party (CD Group) pursuant to Rule 47 of the Rules of Procedure on a framework directive on migrant workers (Doc. 1-201/83)

European Parliament,

ing regard to the Council Resolution of 21 January 1974, on a social programme,

ing regard to the action programme in favour of migrant workers and their families of 18 December 1974

ing regard to the Council Resolution of 9 February 1976 on an action programme for migrant workers and members of their families

ing regard to the Scelba report of 25 October 1977 on special rights,

ing regard to the motion for a resolution by Mr Ceravolo and others on the statute for migrant workers (Doc. 1-516/79),

ing regard to the motion for a resolution by Mrs Cassanmagnago-Cerretti on migrant workers (Doc. 1-535/79/rev. II)

ing regard to the motion for a resolution by Mr Almirante on the problems of migrant workers in the Community Member States (Doc. 1-664/79),

ing regard to its resolution of 15 October 1981 on social policy priorities (OJ No C 287/1981),

ing regard to the working document by Mr Nielsen on the problems of migrant workers,

ing regard to its resolution on a Community programme in the field of education (OJ No C 87/1982),

ing regard to the motion for a resolution by Mrs Maij-Weggen on the European Convention on the legal status of migrant workers (Doc. 1-9/83)

whereas the only point of the abovementioned action programme to have been partially implemented so far has been the directive on the education of the children of migrant workers,

3. whereas almost all of the problems of migrant workers remain unresolved,

Calls on the Commission to draw up, by the end of 1983, a proposal for a framework directive on the following subjects:

1. Coordination of emigration policies both between the Member States and with third countries which should also include the definition of uniform and clear legal instruments with the principal objective of eliminating competition (standard bilateral agreements between countries, uniform conditions for entry and residence in the Community for workers from third countries);
2. Ensuring the extension of the rights, laid down in Regulation 1612/68 and the subsequent amendments and additions to it, in respect of the free movement of workers from third countries, following a specified period of legal residence in a Member State;
3. Ensuring information prior to entry into the community as regards working conditions (wages, taxes, etc.), legal status, social security, housing, schools, vocational training and families;
4. Harmonization of existing laws on racialism and xenophobia and the extension of their provisions to the other Member States of the Community;
5. Full exercise of trade-union rights and rights of representation in matters pertaining to public bodies (social security institutions, for example) and of the right to hold public office (workers' tribunals, for example); publicizing any obstacles preventing the exercise of these rights;
6. Recognition of the representative role of democratic immigrants' associations: setting up of permanent consultation bodies by the Community institutions;
7. Establishment of consultative bodies on immigration and emigration in the individual Member States;
8. Recognition of the right to vote and stand for election at local level;
9. Harmonization of the laws on the right to vote in political elections in the country of origin;
10. Adoption of a uniform electoral system for the European elections;

Monitoring of the application of the Council Directive of 25 July 1977 on the education of the children of migrant workers, and its extension to the children of workers from third countries and the admission of foreign teachers to the educational system of the host country;

Mutual recognition of diplomas and professional qualifications and the coordination of national legislative and administrative provisions and rules on this subject;

Introduction of programmes for the construction of low-cost housing, with guaranteed access for migrant workers;

Introduction of a family policy aimed at social, cultural and environmental integration;

Instructs its President to forward this resolution to the Commission of the European Communities and the Council of Ministers.

Motion for a resolution (Doc. 1-209/83) tabled by Mr KYRKOS pursuant to Rule 47 of the Rules of Procedure on emigrants in Europe and their countries of origin

The European Parliament,

whereas:

- A. there are within the boundaries of Europe many thousands of emigrants who would like to return to their countries,
 - B. the economic recession in which the countries of the Community have found themselves in recent years has had a particularly serious effect on emigrants,
 - C. unemployment has provoked the appearance of manifestations of racism directed against emigrants,
 - D. the development of their countries of origin would make it easier for emigrants to return to their countries, and the experience and specialist skills probably acquired by emigrants could be of use in the development of their countries of origin, particularly as far as Greece is concerned,
 - E. emigrants' savings could be a source of funding for various development programmes in emigrants' countries of origin,
 - F. opportunities for investment exist in the countries of origin, and such investment would revive the various regions of southern Europe which are already the disadvantaged regions of the Community,
1. Requests the Commission to take the initiative of convening a meeting of the countries of origin and reception of emigrants with an interest in the matter, and of the emigrants' own organizations, to discuss:
 - (a) cooperative-based investment programmes in the countries of origin,
 - (b) the financing of such programmes, (c) the employment of emigrants and their children in such investment programmes, (d) emigrant housing programmes, (e) education programmes for emigrants' children, and (f) emigrant reintegration programmes;
 2. Instructs its President to forward this motion for a resolution to the Commission, the Council of Ministers and the Governments of Member States of the Community.

UNION OF THE POLITICAL AFFAIRS COMMITTEE

draftsman : Lord DOURO

The draft opinion was considered and adopted unanimously by the committee at its meeting of 28-30 April 1982.

The following took part in the vote : Mr HAAGERUP, acting chairman; Lord DOURO, draftsman; Mr BOURNIAS, Mr FERGUSSON, Mr HABSBERG, Mr HÄNSCH, Mr PRAG, Mr SCHALL, Sir James SCOTT-HOPKINS, Mr J.M. TAYLOR and Mr WALTER.

Letter from Mr Mariano RUMOR, chairman of the Political Affairs Committee to
Mr PAPAEFSTRATIOU, chairman of the Committee on Social Affairs and Employment

Dear Mr Chairman,

On 10 December 1979 the Political Affairs Committee was asked to provide an opinion for the Committee on Social Affairs and Employment on the problems of migrant workers (Rapporteur: Mrs NIELSEN) based on the motion for resolution tabled by Mrs CASSANMAGNAGO-CERRETTI and others on behalf of the Group of the European People's Party (Doc. 1-535/79/rev.II).

On 8 July 1980 the Political Affairs Committee appointed Lord DOURO draftsman and at its meeting on 28-30 April 1982 adopted the opinion set out below which it has instructed me to forward to you in the form of a letter.

The Political Committee feels that migrant workers from other European Community countries should be accorded basic civic and human rights in the host country where they are working in accordance with the provisions of European Community legislation, and the European Convention on Human Rights.

The Committee feels that for the time being these rights should not be extended to include the right to vote in national elections, which is either not constitutionally or politically acceptable in most Community Member States. It does, however, feel that migrant workers from Community countries should have the right to vote and stand for election in local elections.

The Committee recognises that it will not be possible to accord such extensive rights to migrant workers from non-Community countries, which should be governed by bilateral arrangements such as already exist between Member States and third countries.

The Committee also believes that great account must be taken of the accession of Spain and Portugal in these matters.

Yours sincerely,

Mariano RUMOR
Chairman
Political Affairs Committee

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman : Mrs Francoise GASPARD

At the sitting of 16 November 1979, Mr Ceravolo, Mr Dido', Mrs Castellina, Mr Ferri, Mr Arfé, Mr Gatto, Mrs Squarcialupi, Mrs Baduel Glorioso, Mr Cardia, Mr D'Angelosante, Mr De Pasquale, Mr Papapietro and Mr Bonaccini tabled a motion for a resolution (Doc. 1-516/79), pursuant to Rule 25 of the Rules of Procedure, on the Statute for migrant workers. This motion for a resolution was referred to the Committee on Social Affairs and Employment as the committee responsible and to the Legal Affairs Committee for an opinion.

At the sitting of 10 December 1979, Mrs Cassanmagnago-Cerretti, Mr Barbagli, Mrs Maij-Weggen, Mr Nordlohne, Mr Verhaegen, Mr McCartin, Mr Spautz, Mrs L. Moreau, Mr Dalsass, Mr Ghergo, Mr Wawrzik, Mr von Bismark, Mr Vandewiele and Mr Giavazzi tabled a motion for a resolution (Doc. 1-535/79/rev.II) on behalf of the European People's Party (Christian-Democratic Group), pursuant to Rule 25 of the Rules of Procedure, on migrant workers. This motion for a resolution was referred to the Committee on Social Affairs and Employment as the committee responsible and to the Legal Affairs and Political Affairs Committees for opinions.

On 29 January 1980, Mr Pelikan was appointed draftsman for these two motions for resolutions.

On 28 October 1980, Mrs Gaspard was appointed draftsman in place of Mr Pelikan who had left the Legal Affairs Committee in the meantime.

At its meeting of 25 and 26 February 1981 the Legal Affairs Committee considered the draft opinion in the light of an introductory statement by the draftsman.

The Legal Affairs Committee resumed consideration of the matter at its meeting of 25 and 26 June 1981 and adopted the opinion unanimously.

Present: Mr Ferri, chairman; Mr Turner and Mr Chambeiron, vice-chairmen; Mrs Vayssade, acting draftsman; Mrs Boot (deputizing for Mr Luster), Mrs Cinciari Rodano, Mr Dalziel, Mr Donnez, Mr Megahy, Mr Peters (deputizing for Mr Vetter), Mr Schwencke (deputizing for Mr Plaskovitis), Mr Sieglerschmidt and Mr Tyrrell.

INTRODUCTION

A. - BACKGROUND

1. There are 6 million migrant workers resident in the Member States of the Community, and with their families the number is 12 million.

73% of them come from countries outside the Community.

2. The legal situation of migrant workers varies considerably according to whether or not they originate from a Community country or whether or not their country of origin has special agreements with their host country.

The single term 'migrant' therefore covers a wide variety of legal situations. These are, in decreasing order of priority :

- migrant workers from the Community
- migrant workers from non-member countries which have signed special agreements containing social clauses with the Community (Greece, Portugal, Turkey, Maghreb)
- migrant workers originating from non-member countries which have bi- or multilateral agreements with one or more of the Member States
- migrant workers originating from non-member countries which have not signed an agreement of any kind - these migrant workers are subject to national provisions under common law.

3. The legal discrimination to which migrant workers are subjected is most often reflected in their inability to participate in political life, the precariousness of their right of residence, which is quite simply a matter for the discretion of the host country, poor working and living conditions, particularly in such matters as accommodation, schooling, social security, means of cultural expression and the maintenance of family units.

4. A solution should be found to the question of protecting the rights of migrant workers and their families, the more so since their presence in the Community is now an established fact and is unlikely to develop any further. Since the oil crisis in 1973, the borders have been closed to new immigrants and the size of the Community's foreign population has levelled off. The numbers of those returning to their home country are offset by births and family reunions.

B. - CONTENTS AND AIM OF THE TWO MOTIONS FOR RESOLUTIONS

5. The two motions for resolutions contain nothing which is new : ten years ago, the European Parliament adopted the CALIFICE resolution calling on 'the Commission to promote a European statute for migrant workers establishing civil, political, social and human rights'.

6. The aim of these motions for resolutions is two-fold :
- to reactivate a debate that was getting bogged down and revive the European Parliament's long-standing hopes of obtaining action in favour of migrant workers
 - to obtain legal protection - now more necessary than ever in view of the current economic situation - for a group of individuals who have suffered more than any other from the effects of the crisis.

7. This is a difficult aim in that the same crisis created other priorities at a time when there was no clear political backing for a statute for migrant workers.

8. We might therefore make four preliminary remarks :
- From time to time Parliament presses the Commission and the Council to act and, whilst the issue is never exactly avoided, it has clearly met with some resistance ;
 - Progress is halted when the matter is handed over to the Commission, which is asked to report on the situation of migrant workers and draw up a draft Statute setting out their rights ;
 - In its resolution of 21 January 1974, the Council approved a programme of measures in favour of migrant workers. By definition, this programme is not binding ;
 - At present, the term 'migrant workers' covers two distinct categories with different rights :
 - . Community migrants, whose legal status is roughly equal to that of nationals in all but the important area of political rights
 - . extra-Community migrants (3 migrants in 4) and their families, who are most often simply neglected by Community law and deprived of true legal protection.

C. - THE APPROACH TO THE PROBLEM

9. The tendency to confuse Community migrants and extra-Community migrants as members of two quite separate legal classes has hindered progress on the question of a statute. In order to avoid this legal impasse, it would be necessary to establish the two categories de facto and de jure when examining the call for a statute on the rights of migrant workers.

10. It should be noted that this request was put in general terms in the two motions for resolutions : 'calls once again upon the Commission to recognize the need to draw up a proposed Statute on the rights of all migrants ...' (Doc. 1-516/79), 'invites the Commission not to delay any longer in submitting to Parliament and the Council a draft statute for migrant workers ...' (Doc. 1-535/79/rev. II).

11. It should be pointed out that the FILEF petition referred to in motion for a resolution 1-516/79 has already been the subject of a report by the Committee on Social Affairs and Employment of 27 May 1974, on the basis of an opinion dated 20 February 1974 from the Legal Affairs Committee. The latter stated that 'the Community does not have any legal instruments at its disposal' in the case of workers from non-member countries and, in its proposals, expressed the view that it would be 'reasonable that, in its approach to the Commission and Council, Parliament should concentrate on encouraging them to adopt ... the measures envisaged in the Social Action Programme'.

I. - ABSENCE OF A LEGAL BASIS FOR A SINGLE TEXT ESTABLISHING A STATUTE

12. There are two possible definitions of the word 'statute'. It may be a single text in the form of a legislative instrument, regulation or convention or it may comprise a number of texts whose aim is to regulate the position of a certain group of individuals. The authors of the two motions for resolutions seem to opt for the statute based on a single text.

13. In each and every case, the content of the proposed statute, as expressed either explicitly (Doc. 1-535/79/rev. II) or by reference to the statute proposed by FILEF (Doc. 1-516/79), is the same : the assertion and protection of :

- fundamental rights or 'human rights ; in other words rights designed to protect individuals' fundamental freedoms in their relations with the state ;

- economic and social rights ;
- civil rights, i.e. rights which citizens can invoke their dealings with the state ;
- political rights, i.e. rights which allow the citizen to play a full part in the working of state institutions.

14. It is therefore clear from the existing texts - which in fact make it plain that they are liable to change - that this demand lies partly outside the Community's sphere of activity regarding both the rights to be enshrined by the statute and the persons to be covered by it (all migrant workers in the Community, whether they are nationals of a Member State or not), since it goes beyond the EEC Treaty's provisions on the free movement of workers (nationals of Member States) as defined in Article 48 of the EEC Treaty.

15. For example, there is nothing to prevent a Member State granting civil and political rights to migrant workers employed in their territory - should it wish to do so. This is a matter for bi-lateral agreements which it has signed or may sign. However, civil and political rights may only be granted at Community level to the nationals of Member States.

16. On the other hand, there is nothing to prevent it drawing up such a statute for migrant workers in the Community. In fact, Article 7 of the EEC Treaty on non-discrimination on grounds of nationality, Article 48 on freedom of movement and Article 220 on identical treatment in law, invite Member States to produce such a statute or at least the substance of the statute.

17. Nor is there anything, including the treatment of migrant workers from non-member countries, to prevent the Community taking steps within its sphere of activity to grant and protect the rights in question.

International agreements which either have been or could be signed are based on reciprocal rights ; they also involve the interests of a country's own nationals abroad. Article 238 of the EEC Treaty allows the widest possible scope on this point and even provides for possible amendments to the Treaty in accordance with Article 236 :

'The Community may conclude with a third State, a union of States or an international organization agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

These agreements shall be concluded by the Council, acting unanimously after consulting the Assembly.

Where such agreements call for amendments to this Treaty, these amendments shall first be adopted in accordance with the procedure laid down in Article 236'.

II. - COMPILATION AND CODIFICATION OF PROVISIONS FOR WORKERS IN THE COMMUNITY

A. - INTERNATIONAL CONVENTIONS -----

18. Two international labour conventions, adopted by the ILO in 1949 (Convention N° 97) and 1975 (Convention N° 143) relate to the protection of the rights of migrant workers.

These stipulate that states which are signatories to the Conventions must provide medical cover for migrant workers and give them equal treatment with their own nationals (Convention N° 97), observe basic human rights and combat illegal immigration (Convention N° 143).

To date, only Convention N° 97 has been ratified and here again only by certain Member States : Germany, Belgium, France, the Netherlands and the United Kingdom.

19. Similarly, the European Convention on the legal status of migrant workers, adopted by the Committee of Ministers of the Council of Europe on 31 May 1977 was, until recently, ratified only by Germany, Luxembourg, the Netherlands and Belgium.

20. These texts are valuable in that they stipulate the minimum amount of progress to be achieved in the fields of living and working conditions, and the economic and social rights of migrant workers.

However, these are simply multilateral treaties under international law which create certain obligations on the part of the signatory states but do not create any legally protected rights in favour of the migrant workers concerned. For example, unlike the Community, The Council of Europe has no binding instruments, such as the power to issue regulations or directives, at its disposal to make its provisions directly applicable in the Member States and to give it a right of recourse to the Court of Justice for failure to comply.

21. It should also be noted that according to the terms of Article 220 of the Treaty, an agreement might be signed with the Member States of the Community with a view to integrating the provisions of these international agreements into Community law and, with the addition of a special clause, to ensure through the Court of Justice that the agreements are uniformly applied. However, such an agreement - with its special clause - would apply only to migrant workers who are nationals of a Member State of the Community.

B. - AGREEMENTS BETWEEN THE EEC AND THIRD COUNTRIES

22. The EEC-Maghreb and EEC-Portugal Cooperation Agreements provide for measures to end discrimination in matters concerning working conditions, pay, social security, health care, the payment of retirement and invalidity pensions and family allowances for members of the family of a migrant worker resident in the Community and also the free transfer of different allowances from one country to another.

23. The special agreements concluded by the EEC with Greece and Turkey make provision for the free movement of persons, the exchange of young workers and the promotion of vocational training schemes, amongst other things.

The agreement with Greece, which officially became the tenth Member State of the Community on 1 January, is interesting in two respects :

- (a) it is a truly exemplary agreement in regard to its provisions for social measures and freedom of movement, since it was signed in the context of the Treaty of Accession and relates to a new Member State of the Community ;
- (b) reservations and time limits are nevertheless applied to its social provisions. Freedom of movement for workers will take effect only at the end of a seven-year transition period, freedom of access to the Community for the family of a Greek worker after five years and the alignment of family allowance for members of the family not resident in the country of employment only after three years.

24. Annex XV to the Second Lomé Convention signed on 31 October 1979 is the first to include social provisions, albeit in the form of a commitment in principle by the Contracting Parties to conclude, within a given period, an agreement on the protection of the rights and the improvement of the living conditions of ACP migrant workers resident in the Member States of the Community. But it is an important step and it has political significance. The Contracting Parties have expressly stated in the context of the Lomé Convention - which until now had made no reference to human rights - that they cannot and will not now be content with a purely economic and commercial agreement, but that they are now taking account of individual rights.

This development is characteristic of a state of mind and indicates an awareness of the need for the codification of the rights of migrant workers.

C. - THE COMMUNITY ACTION PROGRAMME

25. The Council resolution of 21 January 1974 on an action programme in favour of migrant workers, is being applied in stages in the form of directives and regulations which define and guarantee rights simultaneously.

This is certainly the right method to concentrate on, as it is derived from the Treaties and relates to all migrant workers in the Community :

. The aim of this social action programme is to eliminate progressively all forms of discrimination as regards living and working conditions once authorization has been given to migrant workers from non-member countries to work in the Community (Commission proposal on migrant workers and their families of December 1974).

. 'It is necessary to improve the circumstances of workers who are nationals of third countries and members of their families who are allowed into the Member States, by aiming at equality between their living and working conditions, wages and economic rights and those of workers who are nationals of the Member States and members of their families' (Council Resolution of 9 February 1976, based on the Commission's action programme).

26. If this is the path which the Community must follow, there is still some way to go :

- The proposal for a directive on illegal immigration (roughly 10% of the Community's foreign working population), approved by the European Parliament on the basis of the PISONI report in October 1978, is still being examined by the Council.

It is of great importance not only because it provides for preventive and repressive measures but also because it protects the rights of illegal immigrant workers in regard to work which they have done.

- The proposals for the coordination of the Member States' immigration policies in relation to migrant workers from non-member countries have also been left in abeyance.

27. Such coordination, if implemented, could well serve as the basis for the organization of a statute on the rights of migrant workers from non-member countries, in the form of a set of homogeneous measures.

28. With this aim in mind and with a view to preparing the way for the coordination of immigration policies, the Commission could - on a proposal from the Committee on Social Affairs, the committee responsible, and in line with the requests put forward in the two motions for resolutions under consideration - draw up a detailed report on the legal position of migrant workers in the Community, pursuant to Article 122 of the EEC Treaty.

III. - PREPARATIONS FOR 'EUROPEAN UNION'

A. - MINIMUM POLITICAL REPRESENTATION

29. With the sole exception of Ireland, the exercise of political rights is dependent on prior acquisition of the relevant nationality. The Member States are the highest authorities empowered to grant national status. The extent of this national status will vary according to the Member State in question. Hence Commonwealth nationals are 'British citizens' whilst those of Surinam and the Caribbean are 'Dutch citizens' and as such they have the right to vote.

30. There is a growing consensus of opinion in Europe today on the involvement of all migrant workers to some extent in the process of decision-making at the political level closest to ordinary citizens, that is at the level of the local authority. Indeed, the Commission has made a proposal along these lines with a view to promoting the involvement of migrant workers in local affairs. Participation would initially be on a consultative basis and would presuppose a minimum period of residence.

B. - EUROPEAN CITIZENS - AUTOMATIC STATUS

31. If we consider the Treaty and the work carried out by the institutions over the past ten years in relation to Community migrants, the sole remaining problem¹ should, in theory, be that of raising their legal status to that of European citizens which would involve granting them civil and political rights.

32. Since the legal basis for these objectives exist in the Treaty, particularly in Articles 7, 48 and 220, the efforts of the institutions over the last ten years have concentrated on defining them at Community level in the first instance and on the time-table and legal means to be used to achieve them.

33. The Summit conference held in Paris in October 1972 decided to transform the European Community into a 'European Union' by the end of the decade whilst the Summit conference of 9 and 10 December 1974 (point 11 of the final communiqué) made provisions for the citizens of Member States to be granted 'special rights as members of the Community'.

34. The Commission defined these 'special rights' as follows : 'political in nature, they will mainly be concerned with the right to vote, eligibility for and access to public office, in connection with this right of eligibility ... ; the granting of these rights would be based on a principle parallel to that on which the Community Treaties are based, i.e. equality with nationals of the host country in economic matters'.

35. A whole chapter ('A Citizens' Europe') of the report by Leo TINDEMANS submitted to the Council and published at the end of 1975 is devoted to the granting of these special rights whereby, he writes, 'the Union will find confirmation of its political objectives'.

¹ This does not mean however, that all other problems have been solved ; the right of establishment, for example. Its application has become more widespread but does not yet cover all the professions.

C. - THE NEED FOR A STATUTE OR A 'EUROPEAN CHARTER'

36. Ever since it first took an interest in this subject, the European Parliament has pressed for the proposed rights to be legally guaranteed. In successive resolutions of 10 July 1975, 16 November 1977 (SCELBA report) and 13 April 1978, Parliament called for these special rights to be enshrined in an 'EEC Charter of Citizens' Rights'. It is not enough to proclaim rights, the essential thing is to ensure that they are respected.

37. With this aim in mind, the SCELBA report proposed that the provisions governing civil and political rights enshrined in the constitutions of the Member States be raised to the status of Community law. The procedure envisaged by Mr SCELBA involves the adoption, on the basis of Article 235 or Article 236 of the EEC Treaty, of an outline convention which would be restricted to two articles :

'The first article should make provision for constitutional laws and international conventions relating to civil and political rights to be raised to the status of Community law.

The second article should allow the Member States, by means of an ordinary law, to grant citizens of the Community equality with their own nationals in all areas, including civil and political rights.'

'A convention of this type, ratified by the national parliaments, would make it possible to grant the various rights in question by means of Community legislation in progressive stages as required by the process of political unification'.

38. As a corollary to this outline convention on rights, the Community would have to ensure that all obligations were honoured, particularly in such matters as military or community service and the exercise of the right to vote, which could only be authorized in one Member State for any one Community national.

39. It is both possible and necessary to draw up a single text establishing a statute setting out the rights of Community migrant workers, as part of progress towards European Union. Beyond declarations of principle, this act alone would have legal significance for the future citizens of Europe by defining and protecting their rights under Community law.

40. In this context, it would then be possible to give non-Community migrants some of these rights, and the obligations that go with them, on the basis of reciprocal agreements with third countries which would protect Community citizens resident in them.

IV. - CONCLUSIONS

The Legal Affairs Committee, which approves the tenor of the motion for a resolution on the Statute for migrant workers (Doc. 1-516/79) and of the motion for a resolution on migrant workers (Doc. 1-535/79/rev.II), draws the attention of the Committee on Social Affairs and Employment to the following points:

- (a) Articles 7, 48 and 220 of the EEC Treaty provide a legal basis for a statute for Community migrant workers. The Council action programme of 21 January 1974 constitutes a commitment by the Community (see paragraph 32);
- (b) the Commission must submit to Parliament and the Council without delay a draft statute for migrant workers, which, once adopted, must become a source of statutory rights (see paragraphs 38 to 40);
- (c) Community migrants must be able to enjoy civil and political rights in line with the European Parliament's resolution of 16 November 1977 (report drawn up by Mr SCELBA) - (see paragraph 36);
- (d) non-Community migrants must be able to remain in the host country if they have jobs and must be protected against arbitrary expulsion and withdrawal of work permits;
- (e) the provisions covering migrants from countries enjoying preferential status by virtue of Community commitments or bilateral agreements must be updated (see paragraphs 22 to 24).

OPINION OF THE COMMITTEE ON YOUTH, CULTURE, EDUCATION, INFORMATION AND SPORT

Draftsman : Mrs P. GAIOTTI DE BIASE

The Committee on Youth, Culture, Education, Information and Sport was asked to draw up an opinion for the Committee on Social Affairs and Employment on the problem of migrant workers.

At its meeting of 21 and 22 September 1983 the committee appointed Mrs P. GAIOTTI DE BIASE draftsman.

The committee considered this opinion at its meeting of 21 and 22 September 1983 and adopted it unanimously at the same meeting.

The following took part in the vote: Mr BEUMER, chairman; Mrs Gaiotti de Biase, draftsman; Mr Arfe, Miss Brookes, Mr Gerokostopoulos, Mr Vandemeulebroucke (deputizing for Mr Bógh) and Mrs Viehoff.

The Committee on Youth, Culture, Education, Information and Sport:

- having regard to the draft motion for a resolution by the Committee on Social Affairs and Employment (PE 84.870/A), asks that the following points be incorporated:

1. Considers that the European Community as a supranational political area has a duty to represent to the world an example of an open society, properly regulated and safeguarding human rights;
2. Considers that geographical mobility is destined to become an increasingly typical characteristic of future society and that therefore global policies are necessary to mitigate the problems arising therefrom;
3. Believes that the final resolution should contain explicit reference to all the resolutions already adopted by Parliament or the Council on this subject (Council: 21.1.1974/9.2.1976 - Parliament: Scelba 25.10.1977 as well as Albers on the action programme, July 1975 and Pisani on illegal migrant workers: October 1977, mentioned in the resolution) and should also include the recent VIEHOFF resolution on the education of the children of migrant workers (Doc. 1-329/81);
4. Believes that the resolution should adopt a specifically favourable position on the basic question contained in the motions for resolutions concerning a framework legal instrument to guarantee the rights of migrant workers, in the form of a Statute, as proposed by the Filef, or through accession by the Community as a body to the Convention of the Council of Europe and, at the very least in the form of a framework directive;
5. Believes that the framework directive should include the following points in particular:
 - (a) coordination of emigration policies, of measures to combat illegal immigration and of ways of providing initial information and support for immigrants,
 - (b) harmonization of laws against racism and xenophobia and training and education programmes to combat these,
 - (c) exercise of trade union and political rights at local level,
 - (d) social security, and access to low cost housing,

(e) recognition of the representative role of associations of migrant workers;

6. Stresses with particular emphasis the educational and cultural aspects of a global policy on migrant workers which should be included in a framework directive, bearing in mind that:

(a) the systematic and generalized application of the programmes contained in the directive on education of the children of migrant workers from Community countries should provide the experience and the pedagogic basis for extending these programmes to migrants from third countries;

(b) measures for the education of children of migrant workers should be accompanied by measures to encourage the linguistic integration and the social and cultural support of the parents;

(c) measures to assist cultural integration should be accompanied by parallel measures to support the ethnic and cultural identity of ethnic groups, in agreement with the organizations representing migrant workers, as a positive way of providing a meeting ground for the diversity and special features of each people;

(d) specific training programmes for group leaders and teachers - including those from ethnic migrant groups - should be proposed by the Commission and should be taken account of in relation to the over-supply of teachers discussed by the Council of Education Ministers at its meetings of 21 June 1981, 24 May 1982 and 2 June 1983.

(e) a guarantee of the personal right to free movement for women members of the families of migrant workers.

