

RECOMMENDATION 51/2001*
ON
THE LEGAL FRAMEWORK OF THE PROTECTION OF MIGRANT
WORKERS IN THE BLACK SEA COUNTRIES AND THE RELATIONS
BETWEEN THE IMMIGRANT COMMUNITIES AND THE HOST
COUNTRY

1. The Parliamentary Assembly of the Organisation of the Black Sea Economic Cooperation is aware that the difficulties of the transition period, unemployment, widening gap between poor and rich countries, inter-state differences in the level of payment, as well as growing globalisation of the world economy and other factors have encouraged the population of many of the Black Sea Member States to seek temporary work abroad or to emigrate permanently.
2. The Parliamentary Assembly acknowledges that although, the short-term aspects of migration are satisfactory and attractive for all concerned - the labour migration benefits the sending countries through remittances, assists to reduce pressure on the labour market, helps to diffuse social tension and maintain stability, - the long-term effects are negative from the point of view of economic development of the countries, from which migrants came. The labour migration has also a direct negative impact on demographic trends and causes concern over the "brain drain".
3. The Parliamentary Assembly underlines the particular importance of consistent efforts by the Parliaments and Governments of the Member States with a view to elaborate and to implement comprehensive economic programs, securing better living conditions, decrease of unemployment, which can contribute to diminishing of labour migration.
4. Many migration trends in the Black Sea region reflect both the region's political and economic transformations and its growing integration with the rest of Europe. The specific geographic location of the Black Sea region, the existence of almost transparent state borders between the CIS countries attracts a big flow of both legal and illegal immigrants, as well as transit migrants, many of whom view the countries of the region as a convenient territory for further routing to the Western

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The Assembly debate on 20 June 2001 (see Doc. GA17/CC16/ REP/00 – Report on "The Legal Framework of the Protection of Migrant Workers in the Black Sea Region and the Relations between the Immigrant Communities and the Host Country" discussed by the Cultural, Educational and Social Affairs Committee at its Sixteenth Meeting in Yerevan on 4 April 2001; Rapporteur: Mr. Malkhaz Baramidze).

Text adopted by the Seventeenth General Assembly in Baku on 20 June 2001.

European states. It creates significant social-economic and other problems within the countries.

5. International labour migration is a dynamic process, and as the recent experience demonstrates, many countries of the region are often unable to keep pace with changing realities of the labour migration and to adjust their legislation to the changing migration situation. It still remains an important task to be carried out by the Governments and Parliaments of both sending and receiving countries.
6. The Parliamentary Assembly is concerned with the situation of working migrants, large number of whom mainly provide cheap, unskilled or semi-skilled labour. They are the most vulnerable and unprotected category of workers, as it is acknowledged that these persons are often subject to discrimination and problems of integration.
7. In this respect, the Parliamentary Assembly shares the principles enshrined in the universal human rights instruments: the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination, etc., claiming that all persons, regardless of their nationality, race, legal or other status, are entitled to fundamental human rights and basic labour protection, including migrant workers and their families.
8. The Assembly underlines the importance of the special legal instruments of the United Nations, Council of Europe and International Labour Organisation, reflecting an attempt by the international community to establish minimum standards for the treatment of migrant workers and their families:
 - i. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of the UN;
 - ii. European Convention on the Legal Status of Migrant workers of the CE;
 - iii. The ILO Convention concerning Migration for Employment (No.97);
 - iv. The ILO Migration for Employment Recommendation (No.86);
 - v. The ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No.143);
 - vi. The ILO Recommendation concerning Migrant Workers (No. 151), etc.
9. **The Parliamentary Assembly recommends** the Parliaments and Governments of the BSEC Member States

A. At the legislative level

- i. **to enact** appropriate national legislation on labour migrants and to harmonise it to the existing European and international standards, taking into account the dynamically changing migration situation, as well as the process of accession of some of the BSEC Member States into the EU;
- ii. **to conclude** bilateral agreements between the sending and receiving countries on recruitment and employment of foreign labour, regulating the legal status of

migrant workers, and ensuring their equal treatment with nationals of the host countries;

- iii. **to intensify** efforts on mutual recognition of higher education qualifications, as proposed in the PABSEC Recommendation 31/1998, thus enabling the labour migrants to seek job abroad, adequate to their education;
- iv. **to speed up** ratification process of the universal human rights instruments, as well as international and European Conventions on protection of rights of working migrants;

B. In the Field of Human Rights of Working Migrants

- v. **to elaborate and implement** national migration policies, securing the basic human rights of labour migrants: to work and receive wages that contribute to an adequate standard of living; to freedom from discrimination based on race, national or ethnic origin, sex, religion or any other status, in all aspects of work, including hiring, conditions of work, health care and basic services; to equality before the law and equal protection of the law, particularly in regard to human rights and labour legislation, regardless of migrant's legal status; to equal pay for equal work; to freedom of forced labour; to safe working conditions and clean environment; to protection against arbitrary expulsion from the State of employment; to return home if the migrant wishes, etc.

C. In the Field of International Migration Management Policies

- vi. **to promote** coherent migration policies among the Member States, including appropriate measures to moderate labour migration flows, a common approach to the integration of long-term migrants, protection of their social-economic interests and rights, as well as measures, contributing to the process of repatriation;
- vii. **to strengthen** actions at the national level to combat racism and xenophobia; to encourage both public and private media to play a responsible role in combating racism and xenophobia through objective coverage of migrant issues;
- viii. **to establish** a modern and centralised registration and monitoring system, securing systematic, up-to-date and reliable information on various phenomena of labour migration;
- ix. **to follow up** the implementation of the Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in its Organised Forms, calling for cooperation among the Parties in prevention, suppression, detection, disclosure and investigation of crimes, including criminal activities related to migration, illegal crossing of borders and illegal trafficking in human beings;
- x. **to cooperate** with the International Migration Organisation, the International Labour Organisation as well as with other international, inter-governmental and non-governmental organisations dealing with the problems of migrant workers, who can assist in formulating guidelines to address the situation of migrants.

10. **The Parliamentary Assembly** invites the BSEC Council of Ministers of Foreign Affairs to consider this Recommendation.