

ALIENS - MIGRANT WORKERS

IV. CONCLUDING OBSERVATIONS

CERD

- Kuwait, CERD, A/48/18 (1993) 69 at paras. 376 and 380.

Paragraph 376

Expulsions and other discriminatory measures against especially vulnerable groups of foreigners, including Palestinians, stateless Arabs, Bedoons, Iraqis and nationals of countries which did not participate in the anti-Iraq coalition, and the treatment of foreign domestic servants, are of particular concern.

Paragraph 380

The State party should take steps to guarantee the enjoyment by individuals belonging to vulnerable groups of foreigners, including foreign domestic servants, of the rights enshrined in the Convention without any discrimination.

- Spain, CERD, A/49/18 (1994) 72 at para. 503.

Concern is expressed about *de facto* discrimination against members of the Gypsy community in the spheres of housing, education and employment, and against migrant workers and foreign nationals in general.

- United Arab Emirates, CERD, A/50/18 (1995) 95 at paras. 566 and 570.

Paragraph 566

Keen concern is expressed as to the allegations of ill-treatment of foreign workers, including women domestic servants of foreign origin. Special attention should be given to this question.

Paragraph 570

The State party should show the utmost diligence in preventing acts of ill-treatment being committed against foreign workers, especially foreign women domestic servants, and should take all appropriate measures to ensure that they are not subjected to any racial discrimination.

- Finland, CERD, A/51/18 (1996) 29 at para. 183.

The discrimination against ethnic minorities and foreigners which occurs within the labour market is

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of concern.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at paras. 239 and 253.

Paragraph 239

Concern is expressed about the "two-week rule", which prohibits foreign workers from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts. In view of the fact that the overwhelming majority of the persons affected by this rule are female Filipino foreign domestic workers, this rule appears to have discriminatory aspects under the terms of the Convention, which may leave workers vulnerable to abusive employers.

Paragraph 253

The "two-week rule" should be modified to allow foreign workers to seek new employment in Hong Kong when their employment contracts are terminated.

See also:

- United Kingdom of Great Britain and Northern Ireland, CERD, A/52/18 (1997) 9 at paras. 39 and 49.

- Republic of Korea, CERD, A/51/18 (1996) 48 at paras. 319, 320, 331 and 336.

Paragraph 319

The adoption of administrative guidelines on the protection of foreign industrial trainees, in order to ensure them protection on an equal basis with national and legally registered foreign workers, is in the spirit of article 5 of the Convention.

Paragraph 320

In that regard, it is noted that the State party is considering creating a work permit for illegal foreign workers that would place them under the aegis of the Labour Standards Act, which, *inter alia*, prohibits discrimination on the basis of nationality and ensures minimum protection against poor working conditions and low wages.

Paragraph 331

The large number of foreigners who are being employed in ever-increasing numbers by businesses in the Republic of Korea, who live and work clandestinely in the country, usually under difficult and precarious conditions, and who are the victims of discrimination under the provisions of article 5 (a), (b), (d), (e) and (f) of the Convention is of concern. The same concern has been expressed with

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regard to the situation of foreign trainees who are allegedly subjected to various forms of discrimination and forced labour.

Paragraph 336

Measures should be taken to improve the situation of migrant workers, particularly foreigners with irregular status; in particular, a work permit should be introduced for such persons, in order to legalize their situation.

- Luxembourg, CERD, A/52/18 (1997) 22 at para. 133.

The special measures to promote and protect the right to housing of foreign workers are welcomed in the light of article 5 of the Convention.

- Panama, CERD, A/52/18 (1997) 46 at paras. 341 and 354.

Paragraph 341

Concern is expressed that workers from Panama are not accorded the same rights as foreign workers employed in the Canal Zone, which has a special legal status.

Paragraph 354

With regard to the special status of the Canal Zone, the State party should take appropriate measures to ensure that the rights enumerated in the Convention, especially article 5, are enjoyed equally by all residents and workers in that specific area.

- Israel, CERD, A/53/18 (1998) 30 at para. 84.

The State party is encouraged to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis. The rights of migrant workers, including undocumented workers, are also a matter of concern.

- Lebanon, CERD, A/53/18 (1998) 42 at paras. 174 and 184.

Paragraph 174

Concern is expressed that religious courts may pass judgements on some family issues which may be construed as discriminating against members of ethnic groups, including refugees and foreign workers.

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Paragraph 184

The State party should take all appropriate measures, including those of a legal nature, to fully guarantee access to work and equitable conditions of employment to all foreign workers, including Palestinians. The practice of some employers of withholding passports of foreign workers should be prohibited.

- Republic of Korea, CERD, A/54/18 (1999) 14 at paras. 57 and 61.

Paragraph 57

Concern is expressed at the vulnerable situation of foreigners with irregular status who live and work in the country, usually under difficult and precarious conditions. Such persons are victims of discrimination, in violation of article 5 of the Convention, notably paragraphs 5 (d) and (e).

Paragraph 61

Further measures against discrimination in the labour conditions of foreign workers should be undertaken. It is recommended that measures be taken to improve the situation of all migrant workers, particularly those with irregular status.

- Denmark, CERD, A/55/18 (2000) 22 at paras. 67 and 68.

Paragraph 67

Equal attention should be paid to the economic, social and cultural rights listed in article 5. The level of unemployment among foreigners and the difficult access to employment for members of ethnic minorities are particularly of concern. Attention of the State party is drawn to the fact that although the State party is not obliged to provide work permits to foreign residents, it has to guarantee that foreigners who have obtained a work permit are not discriminated against in their access to employment.

Paragraph 68

The State party should take all effective measures to reduce unemployment among foreigners and facilitate the professional integration of all persons belonging to ethnic minorities in the public administration.

- The Netherlands, CERD, A/55/18 (2000) 55 at para. 323.

Noting that domestic servants may change employers though not occupation, it is recommended that the Government ensure that the status of domestic servants under immigration law is not exploited by employers.

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- Portugal, A/56/18 (2001) 38 at paras. 191 and 195.

Paragraph 191

It is noted with appreciation that Act No. 20/98 allows employers to freely employ any worker residing legally in the State, regardless of nationality.

Paragraph 195

It is noted with concern that discrimination exists in some industrial and service sectors where illegal migrant workers are engaged. Measures should be taken to put an end to this discrimination.

ICCPR

- Dominican Republic, ICCPR, A/48/40 vol. I (1993) 95 at paras. 450, 460 and 464.

Paragraph 450

The situation of Haitian workers remains a matter of pressing concern and little action has been taken to remedy the situation. In this connection, concern is expressed over the State party's compliance with the provisions of the Covenant concerning forced labour. Freedom of association is not guaranteed and trade unionists have been persecuted. In particular, the expulsion of Haitian workers is unjustified and inhumane, particularly in the case of those aliens under 16 or over 60 years of age.

Paragraph 460

The lack of protection afforded to Haitians living or working in the country from such serious human rights abuses as forced labour and cruel, inhuman or degrading treatment is of concern. Concern is also expressed over the fact that the protection of the fundamental human rights of foreigners is subject to reciprocity. The degrading living and working conditions of Haitian labourers and the tolerated practices that effectively restrict their freedom of movement is also of concern. Furthermore, while many Haitian workers have been prevented from leaving their place of work, there have also been incidents of mass expulsions from the country. In this regard, the Committee considers that Presidential Decree No. 233-91, which resulted in the mass deportation of Haitian workers under 16 and over 60 years of age, represents a serious violation of several articles of the Covenant.

Paragraph 464

The situation concerning the living and working conditions of Haitian labourers should be addressed as a matter of priority. The State party should ensure the implementation of laws concerning labour standards, including adequate monitoring of working conditions. In this regard, the necessity of strengthening the capacity of the labour inspectorate to effectively monitor the working conditions of Haitian labourers, with a view to ending their slave-like exploitation is emphasized. Child labourers in particular require a higher level of protection and the relevant international standards should be

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vigorously applied. There should also be more active enforcement, particularly in the "export zones", of the exercise of trade union rights in conformity with article 22 of the Covenant. Additionally, Presidential Decree No. 233-91 should be abolished rather than merely suspended.

- Slovenia, ICCPR, A/49/40 vol. I (1994) 56 at para. 346.

The provisions of article 5 of the Constitution relating to the protection of only ethnic Slovene emigrants and migrant workers, which, implicitly, tend to establish a privileged treatment in the Constitution for such Slovenes over other Slovene citizens living abroad and are of concern.

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at paras. 103 and 114.

Paragraph 103

It is noted that family reunification is not authorized immediately for foreign workers who settle in Switzerland, but only after 18 months, which is too long a period for the foreign worker to be separated from his family.

Paragraph 114

Measures should be taken to permit the family reunification of foreign workers resident in Switzerland shortly after they obtain a temporary residence permit.

- Gabon, ICCPR, A/52/40 vol. I (1997) 24 at para. 132.

With regard to the rights of non-Gabonese citizens and refugees living in Gabon, the legal impediments to their freedom of movement within the country, as well as the requirement of an exit visa for foreign workers, which run counter to the provisions in article 12 of the Covenant, are of concern.

- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at para. 352.

The difficulties faced by many foreign workers in Lebanon whose passports were confiscated by their employers is of concern. This practice, which the Government has conceded must be addressed more satisfactorily, is not compatible with article 12 of the Covenant. Effective measures should be taken to protect the rights of these foreign workers by preventing such confiscation and by providing an accessible and effective means for the recovery of passports.

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- Senegal, ICCPR, A/53/40 vol. I (1998) 13 at para. 65.

The lack of full enjoyment of freedom of association, in particular the fact that foreign workers are barred from holding official positions in trade unions, and that trade unions may be dissolved by the executive is of concern. Therefore, the State party should take all necessary measures to permit foreign workers to hold official positions in trade unions, and should provide guarantees and legal redress to trade unions, in accordance with article 22 of the Covenant, against dissolution by administrative measures.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 491 and 492.

Paragraph 491

That the right of foreign and domestic workers to form and join trade unions and to take part in their activities is restricted *de facto* is of concern.

Paragraph 492

The State party should enable all parts of the labour force to join and to engage in trade union activities, by informing them of their rights under article 22, paragraph 1, of the Covenant.

- Gabon, ICCPR, A/56/40 vol. I (2001) 41 at para. 75(16).

As regards the rights of non-Gabonese citizens and refugees living in Gabon, foreign workers are still required to have exit visas, in contravention of article 12 of the Covenant. The State party must do away with this requirement.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at paras. 78(4) and 78(17).

Paragraph 78(4)

The repeal of Decree-Law No. 233-91, which had led to mass deportations of Haitian workers under 16 and over 60 years of age, seriously violating several articles of the Covenant, is gratifying.

Paragraph 78(17)

Concern is expressed over the failure to protect Haitians living or working in the Dominican Republic from serious human rights abuses such as forced labour and cruel, inhuman or degrading treatment. Concern is also expressed over the living and working conditions of Haitian workers and the tolerated practices that restrict their freedom of movement. The State party should give priority to addressing the issue of the working and living conditions of Haitian workers, and ensure that those workers can take advantage of the rights and safeguards laid down in articles 8, 17 and 22 of the Covenant.

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ICESCR

- Costa Rica, ICESCR, E/1991/23 (1990) 41 at para. 194.

The restrictions placed on the participation of foreigners in trade unions are not in conformity with article 8 of the Covenant.

- Dominican Republic, ICESCR, E/1991/23 (1990) 55 at para. 249.

Deep concern is expressed at the situation of Haitian workers in the State party. The information concerning the massive expulsion of nearly 15,000 families in the course of the last five years, the deplorable conditions in which the families lived, and the conditions in which the expulsions took place were deemed sufficiently serious for it to be considered that the guarantees in article 11 of the Covenant were not respected.

- Panama, ICESCR, E/1992/23 (1991) 24 at para. 138.

The restrictions placed on the participation of foreigners in the executive committees of trade unions are not in conformity with article 8 of the Covenant.

- Senegal, ICESCR, E/1994/23 (1993) 51 at paras. 262 and 266.

Paragraph 262

Concern is expressed over the full enjoyment of trade union rights as provided for under article 8 of the Covenant. It is noted that foreign workers are barred from holding trade union office and that authorities may unduly restrict the right to strike by imposing compulsory arbitration.

Paragraph 266

The State party should consider amending the relevant national legislation with a view to permitting foreign workers to hold trade union office and limiting the powers of authorities to restrict the right to strike by imposing compulsory arbitration.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at para. 174.

With regard to around 10,000 foreign workers, mainly in the textile and construction industries, the

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Government appears to show little willingness to ensure that these people are treated in accordance with article 7 of the Covenant and the pertinent international labour standards.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at paras. 292 and 301.

Paragraph 292

Concern is expressed over the legal and social position of foreign employees known as domestic helpers in Hong Kong. These workers' economic, social and cultural rights are seriously impaired by the so-called two-week rule which provides that a worker may neither seek employment nor stay more than two weeks in Hong Kong after the expiration of original employment; by the fact that maximum working hours are not set; and by the discriminatory practice of not being allowed to bring their families to Hong Kong, while professional migrant workers from developed countries are allowed to do so.

Paragraph 301

The two-week rule should be repealed and a review of the employment conditions of foreign domestic helpers should be undertaken to provide the full enjoyment of their rights under the Covenant.

See also:

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 177 and 190.
- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at para. 85.

The State party is urged to swiftly expand the social welfare system to meet the needs of those on the margins of society, including foreign workers. The protection of foreign workers needs particular attention, especially considering their social isolation and vulnerability. Particular attention is drawn to the very poor, the homeless and victims of severe mental or physical illness.

- Philippines, ICESCR, E/1996/22 (1995) 30 at paras. 114 and 128.

Paragraph 114

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The situation of Filipino overseas workers, especially women, who often face hardship and humiliation, is noted with great concern. Significant problems of family disintegration and juvenile delinquency can accompany such massive exportation of labour.

Paragraph 128

On the issue of Filipino overseas workers, it is recognized that the Government cannot control such emigration. More can and should be done to inform and educate existing and potential workers about the difficulties they might face abroad and about their rights.

- Suriname, ICESCR, E/1996/22 (1995) 37 at para. 165.

Legislation should be enacted to protect workers who are not covered by collective bargaining agreements, in order to ensure them a minimum wage, health and maternal benefits, safe working conditions, and other guarantees that meet international standards for conditions of work. The Government is encouraged to extend such protection to immigrant workers.

- El Salvador, ICESCR, E/1997/22 (1996) 34 at para. 165.

The legal restrictions on trade-union freedom and the right to strike are far too extensive. The prohibition on aliens occupying positions of responsibility within a trade union is contrary to the Covenant. The numerous reports received regarding the violations, with virtually total impunity in enterprises located in duty-free zones, of the rights contained in articles 7 and 8 of the Covenant, are of concern.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at para. 335.

Serious concern is expressed that the "two-week rule" imposed on foreign domestic helpers upon expiration of their contract continues to hinder their enjoyment of economic, social and cultural rights.

- Libyan Arab Jamahiriya, ICESCR, E/1998/22 (1997) 38 at paras. 184-186, 190 and 192.

Paragraph 184

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Reports that foreigners, who have come to work in the State party in connection with the Great Man-made River project, are living and working in appalling conditions are of concern. Foreign employees in the State party who are accused of infringing disciplinary rules may be punished by penalties of imprisonment which can include compulsory labour. The State party also maintains different rates of payment of pensions for foreign and Libyan workers which is discriminatory.

Paragraph 185

Concern is expressed at reports that during the second half of 1995, thousands of foreign workers were arbitrarily expelled from the State party and were not given adequate compensation. It is regretted that there was no possibility for a legal or judicial remedy against those expulsions. The justification given for this action, that foreign workers were the cause of many of the State party's social problems, such as violent crime, immoral activities, black-market transactions, drug trafficking, trafficking in women and the spread of communicable diseases, is alarming. Such a rationale is unacceptable and a clear violation of the Covenant.

Paragraph 186

Concern is expressed that foreigners who are working in the State party with valid work permits and subsequently become HIV-positive are usually deported. This action is discriminatory and inconsistent with the provisions of the Covenant.

Paragraph 190

The status and working conditions of foreign workers should be improved without undue delay, and these persons should be treated with dignity and be enabled to benefit fully from the rights enshrined in the Covenant.

Paragraph 192

Foreign workers who are employed in the State party with valid work permits should not be deported if they become HIV-positive while in the country. The State party should not treat the HIV/AIDS problem as one essentially relating to foreigners and it should take energetic steps by way of a publicity campaign in the media to inform its population of the nature of the disease, its modes of transmission and what steps can be taken to avoid contracting it.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at para. 216.

It is noted that approximately 500,000-600,000 Haitian illegal workers reside in the State party, some of them for one or two generations, without any legal status or any protection of their economic, social and cultural rights. Particular concern is expressed about the situation of the children, who do not receive Dominican nationality on the grounds that they are children born of foreigners in transit. These children are thus denied their most basic social rights, such as the rights to education and health care. It is noted with concern that until now, measures have not been taken to improve the overall

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situation of illegal workers by regularizing their status and that of their children.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 261.

Concern is expressed that the payment of benefits abroad to a citizen of another country is ensured only if he returns to his country of origin at the end of his insured period of service. This precludes workers who leave the State party before their contract period has expired or who settle in a country other than their country of origin from receiving their benefits. Furthermore, payment of benefits is made outside the State party only under reciprocity agreements or international labour conventions, and is subject to authorization. It is noted with concern that due to the current situation in the State party all such payments have been suspended.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at para. 105.

It is regretted that the Nigerian authorities deemed it fit to expel an estimated 500 Chadian and other workers in inhuman and undignified circumstances, including persons with residence permits who had been legally established for many years in Nigeria and who had participated in and contributed to the social security system. No adequate compensation is known to have been made to the majority of them.

- The Netherlands, ICESCR, E/1999/22 (1998) 37 at paras. 179 and 189.

Paragraph 179

Racial discrimination can be seen to exist in labour matters, contributing to some extent to unemployment among immigrants.

Paragraph 189

The Government should continue its endeavours to root out racial discrimination in the labour market with a view to facilitating the integration of immigrants and their families into the national life.

- Italy, ICESCR, E/2001/22 (2000) 34 at para. 109.

The adoption of the Immigration Bill of 1998 is welcomed, as it grants one-year residence/work permits to women who have been the victims of trafficking and who denounce their exploiters, and criminalizes trafficking of migrants under the Penal Code.

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- Portugal, ICESCR, E/2001/22 (2000) 70 at paras. 413 and 421.

Paragraph 413

Concern is expressed about cases of intolerance and discrimination with regard to Roma people, refugees and immigrants. It is noted with concern that foreign workers cannot enrol in the vocational guidance and training courses to which Portuguese workers are entitled.

Paragraph 421

The State party is urged to allow foreign workers to enrol in the vocational guidance and training courses to which Portuguese workers are entitled.

- Finland, ICESCR, E/2001/22 (2000) 73 at para. 454.

The State party should ensure that legislative provisions concerning job security are effectively implemented, especially as regards the most vulnerable groups, such as part-time, "stand-by" workers and foreigners.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at para. 220.

It is noted that deeply rooted traditions and cultural prejudices marginalize certain categories of persons, such as migrant workers and many women.

CEDAW

- Cyprus, CEDAW, A/51/38 (1996) 9 at para. 61.

Additional measures should be taken through local and international law-enforcement authorities to combat the international trafficking and sexual exploitation of women. The Government is encouraged to persist in its efforts to regulate the employment of foreign artists and entertainers and to prosecute in cases of criminal offences. Education, training and support should be provided to facilitate the entry of migrant women into other occupations in the formal labour market.

- Iceland, CEDAW, A/51/38 (1996) 12 at para. 100.

Information programmes among migrant women, in particular those that pertain to the rights of women in Iceland, should be intensified. In order to ensure the protection of migrant women, the

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State party should continue with its undertaking to provide adequate health and counselling services and monitoring of the increasing number of intermarriages between Icelandic men and migrant women.

- Ukraine, CEDAW, A/51/38 (1996) 32 at para. 299.

Legislation that allows the activities of numerous sex services and the practice of hiring women as dancers, waiters or other staff to work abroad, often leading to prostitution, should be reviewed and amended, and measures should be taken to prosecute criminal offenders and to rehabilitate the victims through education, training and support services.

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at para. 202.

Adequate measures should be taken to provide skills training, retraining and credit facilities or other support services that would provide employment opportunities or self-employment for urban migrant workers, to correct occupational segregation through concrete measures and to provide the necessary protection to working women to ensure their safety and to ensure healthy conditions of work.

- Philippines, CEDAW, A/52/38/Rev.1 part I (1997) 38 at paras. 297 and 298.

Paragraph 297

The State party should ensure that its economic policy does not lead to marginalization and exploitation so that women are encouraged to seek overseas employment to the detriment of society.

Paragraph 298

Agencies that provide information and support services to women before they depart for overseas work, as well as in the receiving countries in cases of need, should be strengthened.

- Luxembourg, CEDAW, A/52/38/Rev.1 part II (1997) 92 at para. 224.

The Government's action plan should include provisions for the better integration of refugee and migrant women into the social and economic life of the State party.

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at para. 397.

The continuing adverse situation of Aboriginal and Torres Strait Islander women is of concern. Major

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causes of concern include a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence, including domestic violence, and high unemployment rates. Their situation, as well as that of migrant women, is further compromised by an apparent rise in racism and xenophobia.

- Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at para. 296.

The information on the situation of migrant women, which has been presented in the form of a supplement to the report, is noted. However, concern remains over the fact that this information does not include discussion of reports of death as a result of mistreatment and abuses of Indonesian migrant women abroad, as well as cases of trafficking for the purpose of prostitution. Concern is also expressed over the lack of mechanisms to respond to abuses of Indonesian women abroad.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at paras. 333 and 346.

Paragraph 333

The economic consequences of women's poverty are of deep concern. Women's migration to urban areas and to foreign countries render them susceptible to sexual exploitation, including trafficking, sex tourism and prostitution. The lack of creation of jobs for women in growth sectors, including in the tourism industry, contributes to the high percentage of women migrating abroad in search of work. Notwithstanding the high level of poverty among women, and especially of women-headed households, concern is expressed over the fact that no affirmative action measures are being taken to support women's efforts to break the cycle of poverty.

Paragraph 346

The Government is strongly urged to pursue bilateral agreements and to cooperate in multilateral efforts to reduce and eradicate traffic in women and to protect women migrant workers, such as domestic workers, from exploitation, including sexual exploitation. Such agreements should be concluded, in particular with those countries that are a primary destination for Dominican women workers.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 21 at para. 210.

A general policy should be developed to address the particular needs of immigrant and migrant women with regard to their protection, health, employment and educational needs. The Government is also urged to ensure that repatriation efforts are consistent with women's safety and protection needs. The Government should also consider entering into bilateral agreements with women migrants' countries of origin to ensure adequate protection of women's rights and safety.

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- China (Hong Kong), CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 326 and 328.

Paragraph 326

It is recommended that adequate regulations to protect women sex workers be put in place and enforced. It is also recommended that the links between the presence of migrant women, a regulatory approach to prostitution and trafficking in women be monitored.

Paragraph 328

The Government should monitor and take action to protect women migrant workers from abuse and violence, as well as prevent such violence.

- Spain, CEDAW, A/54/38/Rev.1 part II (1999) 70 at paras. 274 and 275.

Paragraph 274

The situation of foreign women workers in domestic service, asylum seekers and women who may be living clandestinely in Spain is a concern. These women may lack adequate protection from violence and abuse.

Paragraph 275

Measures should be taken to improve the level of literacy, including legal literacy, of foreign women workers in domestic service, asylum seekers and women who may be living clandestinely in Spain.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 227 and 230.

Paragraph 227

The situation of migrant women is of concern. Work permits should be attained by migrant women on an equal basis with migrant men and the conditions needed for their integration into the economic and social life of Austrian society should be established.

Paragraph 230

With respect to violence against women, notwithstanding the extensive measures already undertaken, the Government is urged to ensure ongoing education for law enforcement officials and the judiciary, including their sensitization to violence against women in migrant communities, and to extend such programmes to health professionals. Particular attention should be paid to the physical, emotional and financial abuse of elderly women.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 81 and 82.

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Paragraph 81

Concern is expressed that foreign domestic workers are prohibited from working during criminal proceedings against their employers, and that this forces these workers to leave Singapore without waiting to receive compensation from them. Concern is also expressed that this may reduce the chances of conviction because evidence from these workers will not be available.

Paragraph 82

The prohibition against working during criminal proceedings against their employers should be lifted and appropriate measures taken to enable domestic workers to give evidence against their employers before leaving Singapore.

CAT

- Greece, CAT, A/56/44 (2001) 38 at paras. 87 and 88.

Paragraph 87

Concern is expressed that, although the domestic legislation provides a satisfactory framework for protecting human rights in general and of certain Convention rights in particular, difficulties in effective implementation remain, which may amount to a breach of the Convention, including the harsh conditions of detention in general and, in particular, the long-term detention of undocumented migrants and/or asylum-seekers awaiting deportation in police stations without adequate facilities.

Paragraph 88

Urgent measures should be taken to improve conditions of detention in police stations and prisons and undocumented migrants and/or asylum seekers who have not been convicted of a criminal offence should not be held for long periods in such institutions. Steps be taken to create detention facilities for undocumented migrants and/or asylum seekers separate from prison or police institutions and the State party is urged to complete its proposed new building construction for aliens as a matter of urgency.

CRC

- Mexico, CRC, CRC/C/24 (1994) 12 at para. 37.

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The exploitation of children as migrant workers is of deep concern. Domestic law and its application in practice do not appear to be in conformity with the provisions of the Convention and relevant Conventions of the International Labour Organisation relating to the employment of minors.

- France, CRC, CRC/C/29 (1994) 17 at para. 98.

The necessary measures should be taken to ensure the full realization of the economic and social rights of children belonging to the poorest and most vulnerable sectors of society, including those living in suburbs, the children of migrant workers and socially marginalized children.

- Spain, CRC, CRC/C/34 (1994) 27 at para. 152.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should be considered for ratification.

See also:

- Belgium, CRC, CRC/C/43 (1995) 20 at para. 115.
- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 136.

- Philippines, CRC, CRC/C/38 (1995) 12 at para. 60.

The lack of practical measures to ensure the full enjoyment of the rights recognized in the Convention by certain categories of children, including girl children, disabled children, children of mixed marriages, children of overseas workers, working children, and children affected by armed conflicts, is of concern.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at paras. 150 and 167.

Paragraph 150

The situation of children whose mothers are working abroad, especially in Gulf countries, leaving their children behind is of concern. Those children (between 200,000 and 300,000) often live in difficult circumstances and may be subjected to different types of abuse or exploitation.

Paragraph 167

To avoid the abandonment of children by mothers working abroad, the State party should engage in dialogue with receiving countries to ensure an international agreement that permits migrant workers

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to take their children abroad. Ratification of the International Convention on the Rights of all Migrant Workers and Members of Their Families should be considered.

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 507 and 508.

Paragraph 507

While efforts in the area of birth registration are noted, concerns remain that a large percentage of children are not registered and are not provided with identity cards, thus preventing them from fully enjoying their rights. In particular, concern is expressed about the situation of children of Haitian origin or belonging to Haitian migrant families whose right to birth registration has been denied in the State party. As a result of this policy, those children have not been able to enjoy fully their rights, such as to access to health care and education.

Paragraph 508

In the light of article 7 of the Convention, the State party should strengthen and increase its measures to ensure the immediate registration of the birth of all children. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children of Haitian origin or belonging to Haitian migrant families.