



Recommendation 1211 (1993)¹

Clandestine migration: traffickers and employers of clandestine migrants

Parliamentary Assembly

1. In order to control the migratory flows from east to west and from south to north caused by social, economic and demographic differences and which have frequently fuelled ethnic and political tension and conflicts, the member states have taken various restrictive measures which are now proving inadequate.
2. Clandestine migration is due, in particular, to the growing demand in Europe for unskilled, poorly paid labour, and can neither resolve employment problems in western Europe nor stimulate economic growth in the less developed countries. It also results in a major drain on the human resources of those countries.
3. Faced with the current restrictions and difficulties in entering western Europe, would-be immigrants are increasingly resorting to "traffickers" and organised networks. Others enter legally and then go underground. In parallel with these irregular immigration methods, there has been an explosion in the numbers of asylum-seekers, a considerable number of whom do not meet the criteria laid down in the 1951 Convention relating to the Status of Refugees. Of these, some are nevertheless in situations justifying the granting of refugee status and others must be protected against forcible return.
4. Traffickers and organised networks are generally well-established both in countries of origin and in receiving countries; they put migrants in touch with employers offering clandestine work.
5. Employers thus save a large proportion of the cost of declared labour, since the clandestine migrant is not in a position to contest the proffered wage. This wage is very often lower than the legal wage, for long and irregular hours of work. The employment of clandestine migrants results in economic distortions which jeopardise the national economy as a whole.
6. The migrants, victims of unscrupulous traffickers, are not always aware of their illegal migrant status or of the strict entry conditions in force in the host countries. Most clandestine migrant workers are subject to inhuman and degrading treatment and exploitation, which constitutes a flagrant violation of human rights. These restrictions on their freedom amount to a modern form of "disguised slavery".
7. The trafficking and employment of clandestine migrants are often linked to other forms of international organised crime.
8. The Assembly has also noted that this situation is used as a pretext to stir up racism and xenophobia.
9. Accordingly, the Assembly recommends that the Committee of Ministers:
 - a. examine ways of tightening entry controls, particularly by drawing up bilateral and multilateral agreements which provide for exchanges of information between states on flows of clandestine migrants and the entry methods used;
 - b. invite member states:
 - a. to set up a system of bilateral or multilateral agreements for the repatriation and readmission of clandestine migrants;

1. Assembly debate on 11 May 1993 (31st Sitting) (see [Doc. 6817](#), report of the Committee on Migration, Refugees and Demography, Rapporteur: Mr Pahtas). Text adopted by the Assembly on 11 May 1993 (31st Sitting).



- b. to set up information programmes for migrants, explaining the rules and conditions governing entry to and residence in the host country, job opportunities, housing and the social services as well as the risks of illegal immigration;
- c. to promote the legalisation of illegal immigrants, taking particular account of existing links with the host country;
- d. to consider the possibility of offering fixed-term training and job contracts;

C.

- a. increase co-operation with the countries of central and eastern Europe with the aim of improving their prospects of social and economic development;
- b. examine ways of setting up development and investment programmes in countries particularly affected by this phenomenon, along the lines of [Resolution 981 \(1992\)](#) on the new north-south relationship;

d. draw up a convention designed to combat clandestine immigration in all its forms, with provision for penalties for traffickers and employers of illegal immigrants, and drawing upon the provisions of [Resolution 1983/30](#) of the United Nations Economic and Social Council on the suppression of the traffic in persons and of the exploitation of the prostitution of others and [Resolution 1991/35](#) on the suppression of the traffic in persons.