

Recommendation 2255 (2023)¹

Health and social protection of undocumented workers or those in an irregular situation

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2504 \(2023\)](#) “Health and social protection of undocumented workers or those in an irregular situation” and underlines the responsibility of member States to prevent human rights violations against undocumented workers. The currently prevailing national policies and legislation tend to render this category of workers invisible, extremely fragile and exposed to exploitation or even trafficking in human beings, including for the purpose of forced labour.
2. The Assembly supports the ongoing national efforts and institutional mobilisation to strengthen socio-economic rights for all across Europe, notably through the work of the Committee of Ministers Ad hoc Working Party on improving the European Social Charter system (GT-CHARTÉ), the Rapporteur Group on Social and Health Questions (GR-SOC) and the European Committee of Social Rights. In this context, the Assembly stresses the need to remove the restriction of the scope of application of the European Social Charter (ETS No. 35) concerning the exclusion of persons from countries that have not ratified it, and of those not lawfully resident or working regularly on the territory of the party concerned, and suggests adding new provisions to the Charter on enhanced protection of workers in non-standard forms of employment.
3. To this end, the Assembly calls on the Committee of Ministers to insist that all member States sign, ratify and fully implement as many provisions of the European Social Charter and its protocols as possible, and expand the reach of existing rights under the Charter to all persons *de facto* living under their jurisdiction.
4. Considering the relevance of the European Convention on the Legal Status of Migrant Workers (ETS No. 93) with regard to the general conditions for entry and residence of migrant domestic workers and aiming to ensure treatment no less favourable than that afforded to nationals, the Assembly asks the Committee of Ministers to encourage among member States the highest number of signatures to, and ratifications of, this convention.
5. Drawing on the experiences during the Covid-19 pandemic, the Assembly further asks the Committee of Ministers to recommend to member States to extend the criteria for access to permanent regularisation mechanisms and/or consider putting in place targeted regularisation programmes which would offer greater protection of the socio-economic rights of undocumented workers, to facilitate their access to justice, which is the cornerstone of respect for their rights, by setting up procedures to ensure the data are not cross-referenced between the various services, and to facilitate their access to a universal healthcare system.

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15784](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Ada Marra; and [Doc. 15794](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Arusyak Julhakyan). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).

