



Parliamentary Assembly Assemblée parlementaire

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“Agriculture and illegal employment in Europe”

Recommendation 1781 (2007)

Reply from the Committee of Ministers

adopted at the 1005th meeting of the Ministers' Deputies (26 September 2007)

1. The Committee of Ministers has studied with interest Parliamentary Assembly Recommendation 1781 (2007) on “Agriculture and illegal employment in Europe” and the Resolution 1530 (2007) related thereto. It has transmitted it to the governments of member states and to relevant committees¹ for information. Comments received have been taken into consideration in the present reply.
2. The Committee of Ministers shares the concern expressed by the Assembly that migrants who are illegally employed are often vulnerable, exploited and deprived of access to fundamental rights, including social rights and are often subject to social exclusion. It considers that such situations are unacceptable and agrees with the Assembly on the crucial objective of ensuring that the rights of all workers are fully respected and protected in member states.
3. It reaffirms the position outlined in the Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, May 2005) that the Council of Europe continues its efforts with a view to contributing to a more balanced management of migration Europe-wide. It also recalls that the 7th Conference of European Ministers responsible for Migration Affairs that took place in Helsinki (Finland) in 2002 stressed the need to develop the channels for legal migration as a means to combat illegal migration and illegal employment of migrants. In the context of the follow-up to the Helsinki conference, the CDMG will continue working on this subject and will take account of the recommendation in its programme of activities.
4. As a general observation, but with particular reference to paragraphs 10.5 and 10.7 of the recommendation, the Committee of Ministers notes that the recommendation closely relates to the broader issue of protecting the fundamental rights of all workers, which also includes illegal immigrants, and it refers hereon to the pertinent replies that it has formulated to past Assembly recommendations, in particular those mentioned in paragraph 1 of the Recommendation 1781 (2007).
5. The Committee of Ministers acknowledges the specificity of the agricultural as well as of some other sectors of activity, where difficulties are sometimes encountered in finding local labour. It is aware that whilst this issue is taken into account by member states in their labour migration policies, there still remains much to be done to establish transparent and coherent recruitment policies to ensure that migrant workers arrive through legal channels, and therefore have access to social protection and are not subject to exploitation. Finding management solutions to the constant flux of illegal migrants, whilst allowing the labour needs specific to each country to be met, remains a pressing concern of all member states. The Committee of Ministers considers that a concerted action of national and international actors to address the issue is required and underlines the primary role of the Council of Europe to ensure that the human rights dimension be fully present in discussions concerning migration policies.

¹ The European Committee for Social Cohesion (CDCS) and the European Committee on Migration (CDMG).

6. The Committee of Ministers agrees with the Assembly that in order to establish successful labour migration policies it is necessary to address both the root causes which create the employment conditions which draw illegal immigrants into clandestine employment as well as those factors which account for the propulsion of growing numbers of migrant workers from their countries of origin. In this respect, it takes note of the measures mentioned in paragraph 10.1, 10.8 and 10.9 of the recommendation. It also highlights the work recently undertaken in the Council of Europe to assess recent policies of selected member states on irregular migrants and which may lead to further activities in this field. In particular it draws the Assembly's attention to the preparations for the 8th Conference of European Ministers responsible for migration affairs which will largely focus on economic migration and its implications for social cohesion, migration management and development with the aim of improving co-operation and partnership between countries of destination, origin and transit in the context of economic migration.

7. The Committee of Ministers recalls that work has also been carried out in this field with a view to promoting social cohesion, for example the "Exploratory report on the Access to Social Protection of Illegal Labour Migrants" (2004) and more recently "Achieving social cohesion in a multicultural Europe" (2006). Emphasis was put on avoiding the exposure of irregular immigrants to the discretionary power of their employers, of local administrations, volunteer organisations, and on the fact that, if they need support, they are unable to prove lack of resources

8. Finally, the Committee of Ministers invites those member states who have not yet done so to consider ratifying the European Convention on the Social Protection of Farmers. However, it considers it premature to draw up any additional protocol to the convention at this time. Similarly, the Committee of Ministers would recall the Council of Europe Convention on Action against Trafficking in Human Beings and the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime as well as the European Convention on the Legal Status of Migrant Workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It invites those member states that have not already done so to consider ratifying those treaties in an effort to combat illegal trafficking and smuggling of human beings and to further protect the growing numbers of migrant populations.