

Recognizing that the migratory labour system is one of the major instruments of *apartheid*,

Mindful of the gross indignities it inflicts on workers, who are denied many of their basic human rights,

Noting that it undermines family life and disrupts agrarian economies,

Hereby pledge ourselves to strive for the abolition of the migratory labour system practised in South Africa and, pending its elimination, agree to the present Charter of Rights for Migrant Workers in Southern Africa.

CHAPTER I

RIGHTS OF ASSOCIATION, MOVEMENT AND RESIDENCE

Article 1

All workers shall have the right to:

- (a) Form and join trade unions of their own choice;
- (b) Participate in collective bargaining on equal terms with all other workers regardless of race, sex, political affiliation or religion;
- (c) Withhold their labour by strike action in support of their demands.

Article 2

All workers shall have the right to freedom of movement and shall not be required to carry a pass or similar document.

Article 3

All workers shall have the right to be accommodated near their place of work with their families in suitable houses under home ownership schemes or to reside elsewhere if they choose so to do.

Article 4

All workers shall have the right of occupation free from colour bar, job reservation and all other forms of discrimination.

Article 5

Every worker, regardless of race or sex, shall have the right to work, choose his occupation and change from one employer to another without loss of accrued benefits and claims to promotion.

Article 6

All workers, without exception, shall have the right to equal pay for equal work.

Article 7

All workers shall have equal rights to vocational training and adult education for the purpose of acquiring skills and increasing their awareness.

CHAPTER II

RIGHT TO A DECENT STANDARD OF LIVING

Article 8

Every worker is entitled to a minimum basic wage sufficient for the maintenance of the health and well-being of his family.

Article 9

All workers shall have the right to adequate protection against occupational accidents and diseases by means of approved safeguards and close supervision by an independent industrial and farming inspectorate operating in conjunction with workers' representatives.

Article 10

All workers and their families shall have an equal and absolute right to adequate, immediate and effective compensation for death or disability arising out of occupational diseases and accidents.

Article 11

All workers shall have a right to:

- (a) Free medical services for themselves and their families;
- (b) Sick leave and, where applicable, maternity leave with full pay;
- (c) Annual paid holidays.

Article 12

All workers shall be entitled to retire on full pension or with a gratuity proportionate to their period of service.

Article 13

All workers shall have a right to determine their terms and conditions of employment through collective bargaining.

Article 14

All workers shall have a right to unemployment benefits.

Article 15

All women workers shall have the right to participate in all sectors of the economy without discrimination in respect of wages, training, job allocation or pension benefits.

33/163. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights⁶⁸ and the International Convention on the Elimination of All Forms of Racial Discrimination,⁶⁹

Considering the Migrant Workers (Supplementary Provisions) Convention, 1975,⁷⁰ and the Recommendation concerning Migrant Workers, 1975,⁷¹ adopted by the General Conference of the International Labour Organisation,

Aware of the fact that the problem of migrant workers is becoming more serious in certain regions for transient political and economic reasons and for social and cultural reasons,

Recalling that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State and that, in that context, the families of migrant workers are entitled to the same protection as the migrant workers themselves,

Bearing in mind the need for the Governments of host countries and of countries of origin to co-operate with a view to finding satisfactory solutions to the situation of migrant workers,

Considering the provisions relating to the question of migrant workers contained in the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,⁷²

Recalling its resolution 32/120 of 16 December 1977,

Bearing in mind Economic and Social Council resolution 1978/22 of 5 May 1978,

⁶⁸ Resolution 217 A (III).

⁶⁹ Resolution 2106 A (XX), annex.

⁷⁰ International Labour Office, *Official Bulletin*, vol. LVIII, 1975, series A, No. 1, Convention No. 143.

⁷¹ *Ibid.*, No. 1, Recommendation No. 151.

⁷² *Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978* (United Nations publication, Sales No. E.79.XIV.2), chap. II.

Noting with appreciation the efforts of the United Nations Educational, Scientific and Cultural Organization in the field of the education of migrant workers and their families,

Having taken note of the report of the Economic and Social Council,⁷³

1. *Calls upon* all States, taking into account the provisions of the relevant instruments adopted by the International Labour Organisation and of the International Convention on the Elimination of All Forms of Racial Discrimination, to take measures to prevent and put an end to all discrimination against migrant workers and to ensure the implementation of such measures;

2. *Invites* all States, particularly host countries, to give the widest possible dissemination, *inter alia* through the mass media, to information aimed at promoting better public understanding of the contribution of migrant workers to the economic growth and social and cultural development of those countries and at fostering a climate of mutual understanding;

3. *Also invites* the Governments of host countries to adopt the necessary measures to prevent any activity that might be prejudicial to the interests of migrant workers;

4. *Again invites* the Governments of host countries to give consideration to adopting definitive measures to promote in their territories a normal family life for migrant workers by reuniting families;

5. *Expresses the hope* that the Commission on Human Rights will submit to the Economic and Social Council at its first regular session of 1979 the study recommended in General Assembly resolution 32/120, on the basis of the concrete proposals formulated by the Working Group established pursuant to Council resolution 1978/22;

6. *Calls upon* all States to give consideration to ratifying the Migrant Workers (Supplementary Provisions) Convention, 1975, adopted by the General Conference of the International Labour Organisation;

7. *Requests* the Secretary-General to explore with Member States and in co-operation with the United Nations agencies, particularly the International Labour Organisation, the possibility of drawing up an international convention on the rights of migrant workers;

8. *Invites* the Governments of host countries to adopt measures to ensure that the children of migrant workers receive genuinely equal treatment in the field of education and training;

9. *Also invites* those Governments to co-operate with the United Nations Educational, Scientific and Cultural Organization with a view to enabling migrant workers and their families to benefit from all necessary opportunities in the field of education in order to enable them to participate fully in the life of the society of the host country while preserving their national and cultural identity.

90th plenary meeting
20 December 1978

⁷³ Official Records of the General Assembly, Thirty-third Session, Supplement No. 3 (A/33/3), paras. 319-321.

33/164. Assistance to South African student refugees

The General Assembly,

Recalling its resolutions 31/126 of 16 December 1976 and 32/119 of 16 December 1977 concerning assistance to South African student refugees,

Recalling also Security Council resolution 417 (1977) of 31 October 1977 and Economic and Social Council resolution 1978/55 of 2 August 1978, in which, *inter alia*, an appeal was made to all Governments, organizations and United Nations agencies to make generous contributions to the United Nations emergency programmes of assistance to South African student refugees,

Deeply concerned by the discriminatory education policies and repressive measures being applied by the Government of South Africa against black students in that country,

Noting that the Governments concerned expect the flow of student refugees from South Africa into their countries to continue while these discriminatory policies and repressive measures are maintained,

Aware that the continued influx of South African student refugees fleeing from these repressive policies continues to cause pressure on the available educational and other facilities in neighbouring countries offering asylum to those students,

Recognizing the need to provide assistance to those countries to help them to provide adequate facilities to the student refugees,

Having considered the report of the Secretary-General⁷⁴ containing the findings of the review missions sent by him to Botswana, Lesotho, Swaziland and Zambia in May and June 1978 to examine the status of the programmes of assistance to South African student refugees,

Recognizing that the international assistance provided so far has made possible the implementation of major components of the emergency assistance programmes for South African student refugees in the region, but that further international assistance is still required for their care, subsistence and education,

1. *Endorses* the assessment and recommendations contained in the report of the Secretary-General and commends him and the United Nations High Commissioner for Refugees on their efforts to mobilize resources and organize the programmes of assistance to South African student refugees in the host countries;

2. *Notes with appreciation* that the Governments of Botswana, Lesotho, Swaziland and Zambia continue to grant asylum and make educational and other facilities available to the student refugees in spite of the pressure which the continuing influx of these refugees exerts on facilities in their countries;

3. *Notes with satisfaction* the contributions made by various States, United Nations agencies and intergovernmental and non-governmental organizations towards meeting the needs of South African student refugees;

4. *Expresses concern* that, in spite of the contributions made so far, the needs of South African student refugees continue to increase;

5. *Requests* all agencies and programmes of the United Nations system, including the United Nations

⁷⁴ A/33/163 and Corr.1.