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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families

Provisionally agreed text

Article 62

Without prejudice to the provisions of article 36, regarding the freedom of each State to determine the criteria for authorizing the admission, [duration of] stay, [type or choice of] employment [or other economic activity] of migrant workers and members of their families, the States of employment shall consult and co-operate with other States concerned with a view to promoting sound, equitable and humane conditions in connection with lawful international migration of workers and their families.

[In this respect due regard should be paid not only to manpower needs and resources, but also to the social, economic, cultural and [political] and other consequences for migrant workers, as well as for the community or States concerned.]

Article 66

(1) The States Parties to the present Convention, including countries of transit, shall collaborate with a view to preventing and eliminating [illegal or] clandestine movements and employment of migrant workers in an irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include:

- (a) Appropriate measures against the dissemination of misleading information relating to emigration and immigration;
 - (b) Measures to detect and eradicate illegal or clandestine movements of migrant workers and members of their families and to impose effective sanctions on persons or entities who organize, operate or assist in organizing or operating such movements;
 - (c) Measures to impose effective sanctions on persons, groups or entities who use violence, threats or intimidation against migrant workers or members of their family in an irregular situation.
- (2) States of employment shall take all adequate measures that might be effective in eliminating employment in their territory of migrant workers in an irregular situation, including sanctions on persons or entities employing such workers wherever appropriate. The rights of migrant workers vis-à-vis their employer arising from employment shall not be impaired by these measures.
