

**CHARTER OF FUNDAMENTAL SOCIAL RIGHTS AND DUTIES**  
**OF AFRICAN AND ARAB MIGRANT WORKERS IN EUROPE**

**FREE MOVEMENT**

1. Any African or Arab worker residing legally in the European Community has the right to free movement in the territory of the Community, subject to justified limitations for reasons of public order, security and health and that in conformity with:

- a. the Universal Declaration of Human Rights;
- b. the International Agreement on Civil and Political Rights and the International Agreement on Social and Cultural Rights on 19 December 1996 and the related Protocols.

2. The right to free movement enables every African or Arab worker to undertake any profession or trade in the Community according to the principles of equal treatment for access to work, the working conditions and social welfare of the host country.

3. The right to free movement also involves:

- a. the most advantageous harmonization of terms and conditions for stay in all the Member States, particularly for family grouping;
- b. the removal of obstacles resulting from non-recognition of diplomas or equivalent professional qualifications.

4. In conformity with the Convention Governing Migration under Abusive Conditions and Promotion of Equal Opportunities and Treatment of Migrant Workers (Geneva 1995).

## **EMPLOYMENT AND REMUNERATION**

5. Every person has the right to freedom of choice and the exercise of a profession, according to the provisions governing each profession.

6. Every employment must be fairly and equally remunerated. To this end, according to the modalities specific to each country, it should:

- a. be ensured for African or Arab workers an equitable remuneration, that is adequate remuneration to enable them have a decent standard of living;
- b. ensure that workers under a labour regime, other than the full time contract for indefinite duration, benefit from an equitable reference salary;
- c. ensure that the salaries be subjected to deductions, seizure or transfer only in accordance with national provisions; these provisions should provide for measures ensuring to the worker the maintenance of necessary means for his own upkeep and that of his family.

7. African or Arab migrant workers must benefit from the gratuity of public placement services.

## **IMPROVEMENT OF LIVING AND WORKING CONDITIONS**

8. Every African or Arab worker must have a decent housing accommodation for him and his family.

9. As regards workers living in hostels, they should benefit from the maintenance of these hostels and the status of a full fledged tenant.

10. Every African or Arab worker should be able to live with their family in one of the countries of the European Union (right to family reunion in conformity with the European Convention on the Protection of Human Rights and the 1996 United Nations instruments relating clauses on the rights to live in a family, and the ILO Conventions No 97 of 1949 revised).

11. The working conditions of any African or Arab wage earner must be identical to those of other workers of the European Union.

## **SOCIAL WELFARE**

### **According to the modalities specific to each country:**

12. Every African or Arab worker living in the European Community is entitled to adequate social welfare, must have, whatever be his status or the size of the enterprise in which he works, social security of an adequate level.

13. The persons excluded from the world of work, either they could not have access to it or they could not reintegrate it, and who are without subsistence means must be provided adequate services and resources adapted to their personal situation.

14. Request Member States of the European Community to ratify the International Convention on the Protection of the Rights of Migrant Workers and their Families approved by the UN General Assembly on 18 December 1990.

15. In conformity with Convention 118 of the International Labour Organization (ILO) – 1962 on Equality of Treatment of Nationals and Non-Nationals with regard to Social Security and the ILO Convention 199 on Migrant Workers (Revised).

16. Migrant Trades, craftsmen, independent workers and members of liberal professions must be given the same treatment as their colleagues from the European Community.

17. African or Arab workers should enjoy their right to renew their 10 year residence permits, issued, notwithstanding their situation, at the employment point (ILO Convention 97).

### **FREEDOM OF ASSOCIATION AND PARTICIPATION IN THE CIVIL LIFE**

18. African or Arab Migrant Workers, independent or traders, have the right to associate themselves freely in all the Member Countries of the European Union for the defence of their economic, social and cultural interests.

19. Any African or Arab Migrant Worker, independent or trader, has the right to be a member of a Trade Union of his choice and carry out all related responsibilities.

### **TRAINING**

20. Any African or Arab Migrant Worker must be able to have access to vocational training and benefit from it throughout his economically active life. There can be no discrimination, based on nationality, in the conditions of access to this training.

21. The appropriate public authorities, the enterprises or social partners, each on in its area of competence, should establish the mechanisms for continuous and permanent training, enabling every African or Arab worker to retrain, particularly by having leave for training, further training and acquiring new knowledge considering the technological development without loss of salary.

## **EQUAL TREATMENT FOR MEN AND WOMEN**

22. In conformity with the UN Convention on the Elimination of all Forms of Discrimination against Women, the wife of any African or Arab worker living in the European Union, is entitled to a personal status giving her, among others, the right to work and this in conformity with the European Convention on the Status of the Migrant Worker of 1977, Article 12.

23. Equal Treatment of African or Arab migrant men and women workers must be ensured, equal opportunities for men and women and must be developed.

24. To this end, wherever necessary, actions should be intensified to guarantee the implementation of equality between men and women, particularly access to employment, remuneration working conditions, social welfare, education, vocational training and career development.

25. In conformity with the ILO Convention 118 of 1962, on equal treatment of nationals and non-nationals as regards social security and ILO Convention 1997 on the Problems of Allowances, we should also develop measures enabling men and women to reconcile their professional and family obligations.

## **PROTECTION OF CHILDREN AND ADOLESCENTS**

26. Without prejudice to the rules most favourable to youths, particularly those ensuring their training, their professional registration and except derogations limited to some light jobs, the minimum age for access to work must not be less than the age at which compulsory schooling ceases, that is 15 years.

27. Any young person who works must receive equitable remuneration, in conformity with national practices.

28. The necessary measures should be taken to accommodate the rules of the Labour Law applicable to young workers so that they meet the exigencies of their development and the needs of their vocational training and their access to employment.
29. The youths should have, at the end of their compulsory schooling, an initial vocational training for an adequate duration enabling them to adapt themselves to the exigencies of their future professional life; for the young workers, such a training should be given during working hours.
30. Any young African or Arab should enjoy the following rights: the right to land, freedom of movement of non-European students on study travel, access to the culture of origin, the organization of holiday camps between Europe and the countries of origin.

## **OLD PEOPLE**

31. According to the specific modalities of each country, any African or Arab worker should have, at the time of retirement, resources assuring him a decent living.
32. Any person having reached the retirement age, but who is denied the right to pension and who has no other subsistence means should have adequate social and medical resources adapted to his specific needs.
33. Any African or Arab worker, independent or trader, who has lived in the European Union under a residence permit and who is entitled to old age pension, through direct or indirect law, paid by a basic social security system of one of the European Union Countries, should have, at his request, a residence and with the words "Pension" enabling him and his spouse who resided regularly in the European Union with him, to enter, at any time, the

territory of the European Union to stay temporarily in and to leave freely that territory; that cards is valid for ten years. It is renewable by right and does not allow the exercise of a professional activity.