

Declaration in response to the request made to it in General Assembly resolution 3267 (XXIX), the informal working group set up by the Commission at each of its sessions since 1974 has so far adopted the title and preamble of a draft Declaration,⁶³

1. *Requests* the Commission on Human Rights at its thirty-fifth session to give high priority to the drafting of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to strive towards completion of the draft Declaration at that session;

2. *Requests* the Secretary-General to make available to the Commission on Human Rights the provisions of existing international instruments which relate to the problem of religious intolerance;

3. *Requests* the Commission on Human Rights to instruct its working group which has been established to carry out this task to set a time-table for a full consideration of the remaining articles of the draft Declaration during the thirty-fifth session of the Commission;

4. *Requests* the Commission on Human Rights to submit to the General Assembly at its thirty-fourth session, through the Economic and Social Council, a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

5. *Decides* to include in the provisional agenda of its thirty-fourth session the item entitled "Elimination of all forms of religious intolerance" and to give it high priority.

*86th plenary meeting
16 December 1978*

33/162. Migratory labour in southern Africa

The General Assembly,

Recalling its resolutions 32/105 A to N of 14 December 1977 and 32/105 O of 16 December 1977 relating to the policies of *apartheid* of the Government of South Africa,

Recalling further Economic and Social Council resolution 2082 B (LXII) of 13 May 1977, in which the Council recommended that the General Assembly should declare 1978 the International Anti-*Apartheid* Year,

Noting with satisfaction the proclamation of the year beginning on 21 March 1978 and ending on 20 March 1979 as International Anti-*Apartheid* Year,

Bearing in mind the Programme for the International Anti-*Apartheid* Year,⁶⁴

Recalling also the resolutions on accelerated economic development and international action and on the promotion of development strategies with a view to reducing economic dependence on South Africa and the Charter of Rights for Migrant Workers in Southern Africa which were adopted by the Conference on Migratory Labour in Southern Africa,⁶⁵ held at Lusaka from 4 to 8 April 1978, and organized by the Economic Commission for Africa and the International

Labour Organisation, in co-operation with the Government of Zambia and the liberation movements of southern Africa that are recognized by the Organization of African Unity,

Aware of the heavy dependence of Botswana, Lesotho, Malawi, Mozambique, Namibia and Swaziland on their supply of migrant labour to South Africa and of the need to eliminate such undesirable dependence,

Convinced that the continuance of the system of migrant labour to South Africa both perpetuates the evils of *apartheid* and retards the social and economic advancement of the States supplying migrant labour,

Convinced also that the removal of this evil system of migrant labour would facilitate the elimination of *apartheid* and accelerate the socio-economic development and transformation of the supplier States,

Realizing that the weak position of the supplier States to take action individually with a view to extricating their dependent economies and their migrant nationals from the stranglehold of *apartheid* and the economy of South Africa calls for urgent concerted action and co-operation among the affected Member States as well as assistance from other African States, international organizations, non-African Governments and other organizations,

1. *Endorses* the Charter of Rights for Migrant Workers in Southern Africa as adopted by the Lusaka Conference on Migratory Labour in Southern Africa on 7 April 1978 and annexed to the present resolution;

2. *Urges* all Member States and all organizations of the United Nations system and other international organizations, pursuant to the Lagos Declaration for Action against *Apartheid*⁶⁶ adopted by the World Conference for Action against *Apartheid*, to extend to the African States affected by the migration of labour to South Africa all material, financial, technical and political support for the initiation and implementation of specific development programmes and projects aimed at enabling those States to utilize fully their available labour force for the development of their own economies and thereby eliminate the necessity to export such labour to the *apartheid* economy of South Africa.

*90th plenary meeting
20 December 1978*

ANNEX

Charter of Rights for Migrant Workers in Southern Africa adopted on 7 April 1978 by the Conference on Migratory Labour in Southern Africa

We, the representatives of the States and peoples of southern Africa,

Noting that *apartheid* has been declared a crime against humanity by the General Assembly of the United Nations,

Noting the work done by the International Labour Organisation on the problems of migratory labour in southern Africa and recalling International Labour Organisation Conventions No. 87 of 9 July 1948 and Nos. 97 and 98 of 1 July 1949⁶⁷ concerning, respectively, the freedom of association and protection of the right to organize, migration for employment and the application of the principles of the right to organize and to bargain collectively,

⁶⁶ *Report of the World Conference for Action against Apartheid, Lagos, 22-26 August 1977* (United Nations publication, Sales No. E.77.XIV.2 and corrigendum), sect. X.

⁶⁷ See International Labour Organisation, *Conventions and Recommendations adopted by the International Labour Conference, 1919-1966* (Geneva, International Labour Office, 1966).

⁶³ *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/5927)*, para. 198.

⁶⁴ Resolution 32/105 B, annex.

⁶⁵ E/CN.14/ECO/142, part two.

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.