

complementary to, native labour; there is a conflict of interest between the nationalistic conception of the state, in which the people who have come together as a nation believe that they are also the legitimate owners of their state, and the concept of the state as the protector of the rights of all its citizens, including immigrants; and while most states now have legislation criminalizing incitement to racial hostility, punitive measures are not always the most appropriate ones, compensation from the state being another alternative.

The question of integration and/or preservation of immigrants' cultural identities in host countries raised a number of points including, *inter alia*: migration has ceased to be a domestic issue and become one of national security because of the volume of migration in recent years; past policies on immigration and the hiring of temporary workers no longer work; in general, the jobs taken by immigrants are rarely those sought by workers from the receiving country since they are considered dirty, dangerous and degrading; migrants move not only towards the developed countries, but increasingly among developing countries, consequently some receiving states may not have sufficient legal mechanisms to guarantee migrants a minimum of rights and violations of their legal rights may occur; in developed countries, attempts are now frequently made to restrict immigrants' access to public services financed by national taxpayers, particularly education, health and social security services; on the question of integration or preservation of migrants' cultural identity in receiver countries, it is necessary to take account of the asymmetrical relationships arising from the encounter between a minority culture and a very different one in the receiving country; assimilation implies erosion of a group's original culture and its replacement by the symbols of the culture it encounters, while preservation implies resistance and adaptation in order to preserve the original culture; integration lies between these two points; a number of factors favour integration, including the existence of upward social mobility, the way in which the migrant minority entered the receiver society and the degree of similarity between migrants' and the receiver population's racial and cultural characteristics; and a change in terminology, from "legal" and "illegal" migrants to "documented" and "undocumented" migrants, would make it possible to take a more human view of the phenomenon of migration.

Annex I of the report contains the conclusions and recommendations of the seminar. A number of recommendations were developed, including that:

- ♦ the right to be different, as proclaimed in the 1978 UNESCO Declaration on Race and Racial Prejudice, be respected by all and that policies in host states, aimed at integration, guarantee the preservation of migrants' cultural identity, subject to the legislation of the host country;
- ♦ governments invest in formal and non-formal educational programmes as an effective way to promote cultural understanding;

- ♦ states which have not done so ratify and implement the 1990 Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, as well as relevant ILO Conventions, including Conventions Nos. 97 and 143;
- ♦ all states ensure that both officials and immigrants are made aware of the rights set out in human rights instruments and relevant conventions on the rights of migrant workers and their families;
- ♦ governments establish suitable, efficient, accessible recourse procedures for victims of racism, racial discrimination and xenophobia, including protection, to enable undocumented migrants to denounce crimes and violations of rights to police authorities and to serve as witnesses in prosecutions;
- ♦ all governments consider and keep under review the introduction of measures enabling immigrants to participate fully in local elections and guarantee the right to organize for migrants in all receiving countries in conformity with the legislation; all governments consider and keep under review the recognition of dual nationality for immigrants;
- ♦ governments grant migrants the same rights as minorities under the relevant national legislation;
- ♦ policies be devised, in consultation with representatives of immigrant associations, to avoid enforced dispersal of immigrant families and the negative consequences of the formation of immigrant ghettos be taken into account;
- ♦ all states declare illegal and prohibit any transmission by audio-visual or electronic media, including the Internet, which incites to racial hatred or racial violence;
- ♦ bearing in mind the particularly disturbing situation of female migrants, the Committee on the Elimination of Racial Discrimination pay greater attention to a gender perspective in its work; the Sub-Commission's Working Group on Minorities take up the question of migrants; and
- ♦ further legal study be encouraged on the relationship between freedom of expression and the responsibility of limiting expressions of racial hatred harmful to a society; the mass media play an active part in the UN Decade for Human Rights Education, informing migrants of their rights and bringing to public attention any situation involving discrimination or violations of human rights law; and the OHCHR give priority to consideration of preparing a seminar on the role of the mass media in combatting racism.

### The seminar on the role of the Internet

The expert seminar on the Internet in relationship to provisions in the Convention on the Elimination of All Forms of Racial Discrimination was held in Geneva from 10 to 14 November 1997. The report of the Secretary-