

With regard to Africa, the report notes that migration is a recent phenomenon that can roughly be divided into three types: migration within traditional geographical areas which sometimes straddled frontiers; organized migration with the approval of the state, for example, for economic policy reasons such as the need to undertake large public works which may require the assistance of foreign labour; and spontaneous migration resulting from an attractor phenomenon, for example, migration towards industrial areas. In each of these situations there were xenophobic reactions and risks of confrontation and there remained a need for states to cope with globalization and its impact on migration.

In Asia, a major element was labour migration, predominantly from one country to another within the region. The report notes: there was a perceived need for developing agreements between sending and receiving states and for the labour laws in receiving countries to cover vulnerable workers, such as housemaids; trafficking, especially of women and children, posed major problems, especially in light of the fact that women had been subjected to various types of abuse, including detention en route, lack of means to return home, loss of the prospect of employment that had been promised to them, vulnerability for women in irregular employment to punishment or deportation; and, there was a need for a place for labour migration on the global trade agenda, bearing in mind the exigencies of the market and the needs of states.

In terms of Eastern Europe, the report notes that the characteristics and patterns of migration had changed to reflect: major geopolitical transformations; the process of transition from totalitarian political systems and centrally planned economies to those based on democratic principles and oriented towards the market; and liberalization of exit and entry procedures and adoption of new border control regimes. Labour migration, or migration for employment, was emerging as an important factor affecting the migration situation in the region and required the adequate protection of migrant workers through the development of the appropriate internal legislation, as well as elaboration of the relevant bilateral and multilateral arrangements. The report notes that irregular migrants were being brought illicitly into the region by international gangs of traffickers and, in the process of trafficking, violations of human rights were committed, often against women as reflected in, for example, forced prostitution. The WG noted the need to prevent the spread of xenophobic attitudes raised by migration.

With regard to the Americas, the report noted that obstacles to the promotion and protection of human rights of migrants include legislation that refers to possibly illegal migrants in terms of their ethnic characteristics, in some cases leading to the institutionalization of racism and xenophobia. Reference was also made to the structural vulnerability of migrants to serious violations of labour rights and human rights.

In terms of Western Europe, the WG referred to the continuing problem of clandestine migration in which there is a complete lack of protection for "migrants". The WG stated that questions could be raised in connection with the expulsion of people who, in some circumstances, had committed minor offences.

The WG interpreted the concept of migrants broadly and adopted as a working tool the definition and interpretation of the term suggested by the International Organization for Migration (IOM). Thus, the term "migrant" was understood to cover all cases where the decision to migrate is taken freely by the individual concerned, for reasons of "personal convenience" and without intervention of an external compelling factor. Irregular or undocumented migrants were also recognized on the basis that irregular migration is a phenomenon that is becoming a global crisis. "Migrant" was not understood to refer to refugees, exiles or others forced or compelled to leave their homes, while the term "migration" was understood to describe the process of the movement of persons, including the movement of refugees, displaced persons, uprooted people and/or economic migrants.

On the issue of vulnerability, the report notes that one of its essential elements was powerlessness which, more often than not, characterized migrants and their relationship with a state and societal forces. The report also notes that powerlessness was not an inherent condition but rather was created and imposed on migrants within the confines of a specific country. Specific problems associated with the vulnerability of migrants are identified as including: exploitation in the labour market — a pattern of wages well below established minimum standards and dangerous working conditions, racist-based hostility and violence, and xenophobia expressed through stereotyping and discrimination based on biased public opinion.

On the basis of responses received to a questionnaire sent to governments and others by the WG, general points were derived, including that:

- ♦ in dealing with measures to strengthen the promotion, protection and implementation of the human rights of migrants, the basic issue in this regard was national policy;
- ♦ while the political authority of the state is central to a national policy, non-governmental organizations played a major role, usually either in the form of assisting migrants on a day-by-day basis, or in terms of input into a state's legislation; but, the particular ideology espoused by some NGOs might not always be supportive of migrants or their rights and, consequently, it was impossible to make any general statements to the effect that NGOs necessarily supported the migrant cause;
- ♦ there was a need to make a distinction between legal/judicial measures and other measures;