

Women's organisations, feminists, migrant women's and migrant organisations' proposals for the European Pact on Immigration and Asylum



MAISHA e.V.
Selbsthilfegruppe afrikanischer Frauen in Deutschland



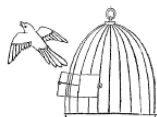
RESPECT NL
WIDE-Netzwerk in Austria

KOOP Natin

KARAT

Commission for Filipino Migrant Workers

Businesswomen Organisation of Lithuanian Ethnic Groups.



KALAYAAN
justice for migrant domestic workers

Platform for Filipino Migrant Workers



KASAPI – Hellas

Babaylan Denmark

DIWATA

Ménedek – Hungarian association for Migrants



Akina Mama wa Africa



MONIKA-NAISET LIITTO RY

Babaylan Europe

To:

The President of the European Council, Nicolas Sarkozy,
The President of the European Commission, José Manuel Barroso
The President of the European Parliament, Hans-Gert Pöttering
Ministers for Interior and for Justice of the EU Member States
Ministers of Employment and Social Affairs of the EU Member States

Cc:

Jacques Barrot, Commissioner for Freedom, Security and Justice
Vladimír Špidla, Commissioner for Employment, Social Affairs and Equal Opportunities
Jonathan Faull, Director General, DG Justice, Freedom and Security
Nikolaus Van der Pas, Director General, DG Employment, Social Affairs and Equal Opportunities

19 September 2008

Dear President, and Ministers,

Re: Women's organisations, feminists, migrant women's and migrant organisations' proposals for the European Pact on Immigration and Asylum

As women's organisations, feminists and migrant women's and migrant organisations from across Europe, we would like to express our views regarding the European Pact on Migration and Asylum that will be adopted at the EU Summit on 15 and 16 October 2008.

In particular we would point out that it remains fundamental for further harmonization of EU policies on immigration and asylum to be based on superior human right standards, including due respect to women's human rights and the need to develop a positive approach to migration.

We are also concerned by the demand made to Member States and the European Commission to increase the amount of funding devoted to border control whilst neglecting to safeguard a balanced approach to migration which ensures legal migration opportunities and access for asylum seekers. As correctly stated in the preamble to the Pact, "international migration is a reality that will persist as long as there are differentials of wealth and development between the various regions of the world".

Therefore given the current imbalances, rather than decreasing the flows, these policies would lead to:

- An increase in the number of deaths and violation of people trying to reach European borders by boat or by foot, with the routes becoming more and more dangerous;
- The increasing vulnerability of migrant women and men who indebted themselves to pay smugglers and traffickers to reach Europe.

In order for coherent rights-based migration and asylum policies to be implemented, we call upon you to enrich the Pact with the following commitments:

Commitment I. Respecting human dignity and fundamental rights

- (a) All women and men residing within the EU, be they documented or undocumented migrants, should have the same fundamental rights. As stated by the Commission, the Common European Immigration Policy *“should build on universal values of human dignity, freedom, equality and solidarity espoused by the EU, including full respect of the Charter of Fundamental Rights and the European Convention of Human Rights”*.
- (b) The Pact must lead to strengthening the fundamental social rights of all migrants. This includes the right to work, to business support, to housing, to health, to social assistance and services of general interest. Particular attention should also be paid to ensure access to these rights to migrant women workers who work in sectors which are traditionally not recognized as “work” such as domestic and care work. Particular attention should also be paid to ensure migrant women have access to safe, equal, and culturally sensitive health services and rights, in particular, sexual and reproductive rights.
- (c) We call upon you to include in the Pact that “migrant women should be granted an independent legal status, whatever the reasons or their stay, in accordance with the Resolution 1478 (2006) of the Parliamentary Assembly of the Council of Europe”.
- (d) We call upon you to undertake an impact assessment on human rights and women’s rights, of the upcoming measures that will be taken to implement the Pact.

Commitment II. Providing immigrants with opportunities to participate in society

- (a) We urge Member States to ensure a coherent approach to integration policies. As the Common Basic Principles on Integration state, “integration is a two-way process”, therefore the capacity to integrate should not be a condition to enter the territory of the EU. When evaluation of integration is carried on, it is essential that a gender sensitive approach is applied to ensure that migrant women will not be discriminated from such measures e.g. any evaluation of the knowledge of the country’s language should take into account the fact that women’s literacy in many societies is still very low.
- (b) Particular attention should be paid to tackling discrimination, including multiple discrimination, with effective legal measures.
- (c) The Pact should ensure that integration is not only about anti-discrimination measures but also about recognising professional qualifications acquired abroad, and providing services such as language and literacy courses and other training programmes to all women and men migrants.
- (d) Particular attention should be paid to facilitate migrant women’s access to employment. This especially requires the availability, accessibility and affordability of care services for dependants and people with additional support needs (children, older people, disabled people etc...).

- (e) The preservation of social rights in old age (portability of pension rights and health insurance rights) should be guaranteed including for those migrants returning to their home country or moving to another country outside the EU.
- (f) We call upon Member States to commit to supporting civil society initiatives for and by migrants which provide choices and options for women and men migrants and lead to bridge building between communities and help to create bonds within communities and facilitate links with the authorities. Particular attention should be paid to supporting grassroots migrant women's organizations.
- (g) We call upon Member States to lift restrictions on the political rights of migrants to join political parties or form political associations and encourage political parties to include women and men of migrant background amongst their members

Commitment III. Working in partnership with civil society on immigration policies, in origin and host countries

- (a) The pact should support the voice of migrant organisations, including migrant women's organisations, and recognise the savoir faire and expertise of civil society actors in the field of migration and integration.
- (b) In the area of integration, Member States should commit to setting integration policies through consultation with, and the active involvement of, migrant associations and civil society organisations working with them. When consultative bodies are being set up, equal representation of women and men should be ensured.
- (c) In the area of migration and development, and in the development of bilateral agreements, the immigration pact should explicitly commit to developing mechanisms to involve civil society in both the origin and host countries.

Commitment IV. Reinforcing international solidarity

- (a) Reinforcing international solidarity means that development aid must remain a priority in EU external policy and that trade agreements should not impede the development of the countries of origin.
- (b) We urge the Council to ensure that future discussions regarding development are never held hostage by a third country's ability to 'manage' or control migration flows.
- (c) With regard to remittances in particular, they can in no way substitute Official Development Aid, nor can any increase in the amount of remittances be used as an argument to justify lowering Member States' commitments to the developing country concerned: Whilst being an important source of income for some households in developing countries, migrants should not be made responsible for the economic, social and democratic development of their home countries.

- (d) We call upon you to delete in the introduction to the pact the sentence stating that “the organisation of migration must consequently take into account Europe’s welcoming capacities on the labour market, lodging, health, education and social services” as this contradicts the principle of international solidarity. Moreover, from a statistical point of view, the method to reach these figures is highly questionable, as it is a matter of political choice and lodging, health, education and social services are rights that are not negotiable.

V. Within the existing commitment “Construct a Europe of asylum”

- (a) We support the inclusion by the European Commission in its Communication on a policy plan on asylum in June 2008 the need “to incorporate gender considerations” in the future CEAS and call you to add this commitment to the existing commitment of the Pact to “Construct a Europe of asylum”.
- (b) We call for a gender unit to be set up within the European support office that will be established in 2009. This unit could be responsible for sharing practices on the integration of a gender perspective in examining asylum applications; providing gender training and harmonizing practices.
- (c) Member States should be encouraged to introduce gender sensitive guidelines, such as the UNHCR gender guidelines (2002), at national level to interpret existing legislations that are currently gender neutral (e.g. The European qualification and the Asylum Procedure Directive).

We strongly hope for your support to make this pact a cornerstone of a Europe free of xenophobia, respectful of human and women’s rights and committed to international solidarity and are at your disposal to discuss this further.

Signatories:

European and Regional networks:

Babaylan Europe
 European Women’s Lobby
 KARAT
 RESPECT Network
 WIDE - Women in Development Europe

National organizations:

Akina Mama wa Afrika (AMwA), United Kingdom
 Babaylan Denmark
 Commission for Filipino Migrant Workers, Netherlands
 Cultural House of Albanian Immigrants in Greece
 DIWATA – Greece
 FATIMA Women’s Network, United Kingdom

GRAAL, Portugal
 Immigrant Council of Ireland, Independent Law Centre, Ireland
 Kalayaan, United Kingdom
 Kasapi-Hellas, Unity of Filipino Migrants in Greece
 KOOP Natin, Netherlands
 KULU-Kvindernes U-landsudvalg, Denmark
 Maisha e.v. African Women in Germany
 Menedék - Hungarian Association for Migrants
 Monika – Multicultural Women’s Association in Finland
 Platform for Filipino Migrant Workers
 RESPECT NL, Netherlands
 TRUSTED Migrants, Netherlands
 WIDE-Netzwerk in Austria

