



EQUAL RIGHTS, EQUAL VOICES

MIGRANT WOMEN IN THE EUROPEAN UNION

BRUSSELS,
19-21 JANUARY 2007



EUROPEAN WOMEN'S LOBBY



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FOREWORD BY KIRSTI KOLTHOFF, PRESIDENT OF THE EUROPEAN WOMEN'S LOBBY



Dear friends and colleagues,

This publication is the result of a three-day event "**Equal Rights, Equal Voices - Migrant women in the European Union**" organised by the European Women's Lobby in Brussels. A **European public Seminar**, gathering women leaders within migrant communities across Europe and other actors active in the field of immigration, took place on the 19th of January 2007. This was followed by **workshops** in closed sessions where the migrant women had the full opportunities to debate around key integration issues (20-21 January).

I would like to thank the migrant women participants who came from across the European Union to meet for the first time, to exchange their experiences and the experiences of their sisters, both as women and as leaders in migrant women organisations in EU Member States.

I would also like to thank our funders who have made it possible for us to run this project: EWL was awarded a grant under the European Programme on Integration and Migration (EPIM) launched by the Network of European Foundations for Innovative Cooperation to stimulate debate and encourage broader commitment to the development of constructive integration policies at EU level. Sigrid Rausing Trust also supported this project.

The issue of immigration is a critical area of concern in Europe particularly for women as not only is this policy being pursued in the framework of security and border control, it is above all an issue that is gender neutral. The human rights dimension of migration policy in Europe is seriously lacking. Women now account for more than 45% of the migrant population in the European Union. Despite their contribution to economic and social development in EU Member States, they experience high levels of poverty, social exclusion and violence and still tend to be invisible in the European debate in the field of integration/immigration.

The situation of migrant women in the EU is therefore of great concern for EWL and an area where EWL has been keeping a key watch on policy-makers over recent years and has responded to several proposals for legislation in this regard. Without the input of women, immigration policy will remain gender neutral.

EWL believes that it is migrant women from across the European Union themselves who are best placed to articulate their experiences and that they should have the opportunity to meet, to organise themselves and to speak out in order to promote their rights to European decision-makers. This event is about giving them this space.



This initiative is a wonderful opportunity for the European Women's Lobby to listen to migrant women's concerns and challenges that they experience in EU countries and to examine with them ways to translate these concerns into recommendations to EU decision-makers.

This initiative is also an opportunity for the European Union representatives themselves to hear directly from migrant women NGOs the extent to which the development of European immigration policies and legislation impacts on their daily lives as migrants and as women and to listen to their priorities in that regard.

But it is also a challenge: the challenge to ensure that the various and diverse voices of migrant women in Europe are heard and considered. Migrant women come from all parts of the world and have different migratory paths and different stories. Their experiences may also vary depending on their status as independent economic migrants, whether they are coming to Europe under family reunification programmes to join their partners, or in the absence of any status, as undocumented migrants. We will have to be careful to make sure that this diversity is reflected in our work.

Working for women's influence and power means challenging the patriarchal society we are living in, where women are subordinated to men and where in particular we have to fight for migrant women to be equal citizens. Diversity should be seen as an advantage and be recognised as such. We are facing a strong trend towards conservative policies, which are against women's rights, and it is time for a new paradigm in this area.

The public seminar and workshops, which took place on 19-21 January, are not a means to an end, but a milestone, marking the beginning of a new route towards gender equality and the advancement of the fundamental rights of migrant women in Europe.

KIRSTI KOLTHOFF,
President of EWL

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INTRODUCTION



1. The European Women's Lobby: missions and actions

Founded in 1990, the European Women's Lobby (EWL) is the largest alliance of women's non-governmental organisations in the European Union with more than 4000 member organisations. Our influential voice makes a significant difference as we work together to achieve equality between women and men in all areas of public and private life; actively addressing issues of economic and social justice for women, women in leadership and decision-making, women's human rights, violence against women, and women's diversity.

EWL works within democratic, open and transparent procedures of communication, decision-making and accountability, including financial accountability.

The European Women's Lobby through its member organisations, aims:

- To support the active involvement of women in working to achieve equality between women and men and ensuring the representation of women from different parts of the European region.
- To support national members through information/lobbying resources and training to actively engage with EU policy shaping and implementation of legislation at national level.
- Through analysis, evaluation and monitoring, to provide regular input on all areas of EU policy development and implementation that have an impact on women's lives and on the promotion of equality between women and men with specific reference to the Roadmap for equality between women and men, the United Nations Beijing Platform for Ac-

tion and the Convention on the Elimination of All Forms of Discrimination against Women.

- To monitor and raise awareness about the development and implementation of gender mainstreaming in order to ensure the full integration of women's rights, interests and perspective in all areas of EU policy.
- To take into account the needs and perspective of different groups of women, and the diverse experiences of women at all stages of their life cycle. These actions take place both in its internal policy and organisational development as well as in developing partnerships and joint working relationships with organisations that represent the many women that face multiple discrimination in the European Union and globally.

EWL's main areas of activities are:

- Promoting **economic and social justice** for women;
- Advancing the position of women in all areas of **decision-making** and working to achieve parity democracy in the political processes of the European Union;
- **Eradicating all forms of violence against women**, with a specific focus on trafficking in women for sexual exploitation;
- Promoting **women's human rights** in Europe and internationally;
- Monitoring the **EU gender equality legislation** and supporting the development of effective institutional mechanisms for gender equality at European and Member State level.
- Promoting **civil dialogue** and enhancing the empowerment of women's NGOs in their relationship and interaction with EU institutions as well as at national level;

INTRODUCTION



- Advocating for the interests and rights of women experiencing **multiple discrimination**.

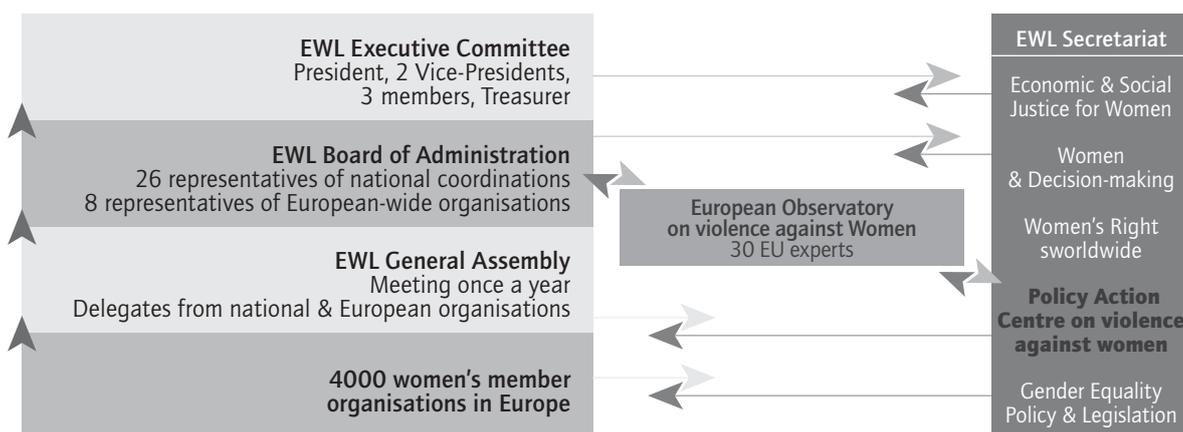
2. How can migrant women benefit from European policies and legislations on equality between women and men?

With the entry into force of the Treaty of Amsterdam on 1 May 1999, gender equality was integrated into the principles and objectives of the Community legal order (article 2). In addition, Article 3 requires the Community to eliminate inequalities and to promote equality between women and men in all its activities (gender mainstreaming).

Since the creation of the European Communities in 1957, legislation on equality for women and men has therefore made extensive progress, which started out to guarantee equal pay for women and men and now extends to cover all forms of discrimination against women in the workplace and in the access to goods and services.

Aside from specific legislation and policies, **gender mainstreaming** is part of the European strategy to realise equality between women and men. According to the Commission: "Gender mainstreaming involves not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving

European Women's Lobby 4000 women's organisations working together in Europe





equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them."¹

¹ European Commission (1996) Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities, COM(96) 67final

It is with the aim of developing a strategy to mainstream gender into EU immigration / integration policies, that EWL carried a project for and with migrant women living in Europe.

EWL project "Equal Rights, Equal Voices – Migrant women in the EU"

EWL held a European public seminar and workshops on 19-21 January 2007 in Brussels gathering women leaders within migrant communities, identified and selected with the support of EWL member organisations across Europe. Other actors active in the field of immigration/integration also participated in the seminar.

EWL considered this 3 days event as a unique opportunity to bring together migrant women from European Union Member States and countries in accession for a discussion on the main challenges migrant women face in terms of integration and empowerment in their host countries. Participants were able to exchange positive and negative experiences, explore together innovative ways to ensure that the particular concerns of migrant women are taken care of by decision-makers and to discuss opportunities to develop and strengthen networking between migrant women at European level in particular.

WORKSHOPS: EQUAL RIGHTS, EQUAL VOICES – MIGRANT WOMEN IN THE EUROPEAN UNION, 20-21 JANUARY 2007

Working for Migrant Women's Rights: EWL's Guiding Principles



The European Women's Lobby (EWL) based its actions and reflections within a feminist analysis.

Women's rights are human rights

EWL holds governments to the commitments made by all European and States Parties of the United Nations, in the Beijing Platform for Action, in Human Rights instruments and especially in the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW).

EWL strongly believes that women's rights are fundamental and universal rights and that all women should have access to these rights, without any differentiation based on the status or the origin.

Religion – used as justification for infringements of women's human rights

EWL acknowledges that many women find comfort and wisdom in their faith and would not wish to undermine this positive experience. EWL recognises that religious influences may be progressive, for example when tolerance and equality are part of the teaching. EWL is also fully aware that traditions or cultural practices that are harmful or violate human rights have developed, that are closely associated with religious commands but may not directly be attributable to them.

None the less, EWL is concerned that religion is impacting on European and national level policies in ways which undermine equality between women and men, and curtails women's access to and enjoyment of their basic human rights.

At no time will EWL accept cultural relativism when the argument may be made that a violation of women's rights is decreed by faith and culture and is therefore exempt from human rights concerns. EWL strongly supports the statement of the Council of Europe: "**Freedom of religion cannot be accepted as a pretext to justify violations of women's rights, be they open, subtle, legal or illegal, practiced with or without the nominal consent of the victims – women.**"¹

Sexual and Reproductive Rights

EWL insists on a woman's right to bodily integrity and freedom from violence and on her right to reproductive choice, health care and services. **Her right to form partnerships and marry, to choose the timing and number of her children and to take steps to meet these goals may not be impeded.**

Violence against Women

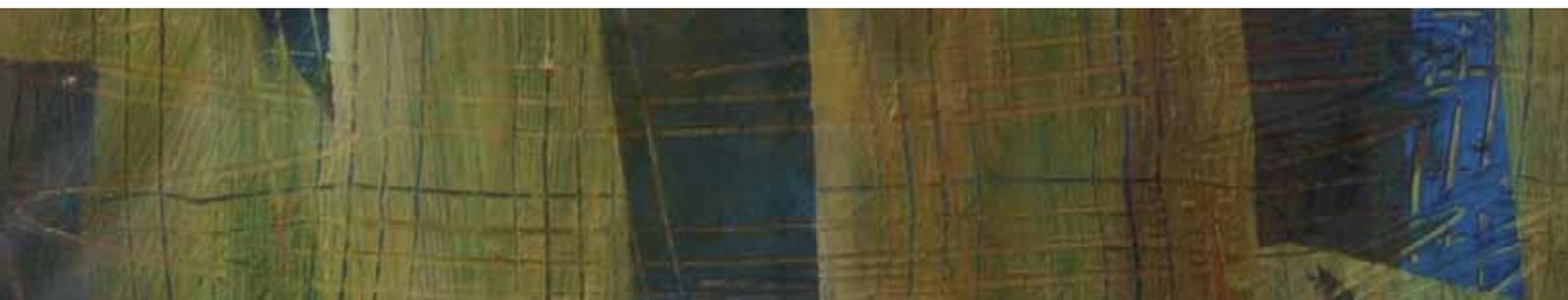
Violence against women is a structural phenomenon, the cause of which is a direct result of gender inequality. The EWL endorses the statement of the Beijing Platform for Action: «violence against women is a manifestation of the historically unequal power relations between men and women which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. «(paragraph 118). The persistence and tolerance of all forms of male violence against women is a fundamental obstacle to the achievement of full equality between women and men in all areas of life.

¹ Council of Europe's report and resolution, Women and religion in Europe, 16/9/2005

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WORKSHOPS: EQUAL RIGHTS, EQUAL VOICES – MIGRANT WOMEN IN THE EUROPEAN UNION, 20-21 JANUARY 2007

Working for Migrant Women's Rights: EWL's Guiding Principles



The autonomy and the empowerment of migrant women

The EWL believes that the **work of NGOs** in the area of migration/integration should aim to achieve the **autonomy and the empowerment of migrant women**. This goal underpins all actions undertaken by the EWL in advocating migrant women's rights.

Multiple discrimination

EWL recognises the **diversity of women's lives and experiences in Europe** and aims to include in its work the interests and concerns of the many women who face multiple forms of discrimination.

This involved ensuring that EU policies to combat discrimination on other grounds than sex integrate fully a gender equality perspective: The examples of the different experiences of women and men within the groups that face discrimination clearly shows that any effective anti-discrimination strategy must adopt an approach that addresses inequalities between women and men.

WORKSHOPS: EQUAL RIGHTS, EQUAL VOICES – MIGRANT WOMEN IN THE EUROPEAN UNION, 20-21 JANUARY 2007

Thematic workshops' conclusions



The participants met in parallel workshops on 20 January 2007 to look at the particular challenges that migrant women experience in the European Union and agreed the following conclusions:

Legal status

1. All migrant women entering the European Union should be granted an **independent legal status**, whatever the reasons for the stay.
2. The **law of country of residence** should be applied when it comes to personal status, in order to secure the fundamental rights of migrant women.
3. **Undocumented migrant women** should have full access to their basic fundamental rights and channels for legal migration should be developed.
4. All migrant women should enjoy full **equality of rights**. This involves the implementation of proactive policies - including the recognition of qualifications - so that they access their rights.

Sexual and reproductive rights

5. Ethnic Minority women, irrespective of their legal status, should have access to public funds to ensure **safe, equal, culturally sensitive health services and rights**, in particular sexual and reproductive health and rights.
6. Mechanisms, such as **culturally sensitive counselling, funding and capacity building for community organisations, particularly women's organisations**, working on issues of sexual

and reproductive rights should be supported and developed. These organisations should be involved in the planning, implementing and evaluation processes.

7. There is a need to **document women's voices** to build an evidence base of their real life experiences, which will feed into policy making with the objective of shaping the outcome of policies.
8. It is urgent and essential to adopt and implement a **European legal framework to ensure the physical integrity of young girls from Female Genital Mutilations (FGM) in practicing communities**: given that the enforcement of the law varies in different countries, this might encourage FGM practicing communities to move from one country to another to avoid prosecution.

Violence

9. It is imperative to recognise that all forms of gender violence are crimes and that particular forms of violence are faced by migrant women, such as honour based violence. Services to support victims of violence should be equally accessible to all migrant women.
10. The important contribution of **grassroots organisations working with migrant women on violence** should be made more visible and recognised, in particular through sustainable financial support.

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WORKSHOPS: EQUAL RIGHTS, EQUAL VOICES – MIGRANT WOMEN IN THE EUROPEAN UNION, 20-21 JANUARY 2007

Thematic workshops' conclusions



11. Information and awareness raising **campaigns on equality between women and men** should be developed and run widely, including amongst migrant communities.
12. The collection of **data on gender violence** against migrant women is one important strategy to define and implement targeted and efficient prevention policies.
17. Facilitating access to employment for migrant women (who often do not benefit from the support of extended family in the host country) requires the availability, accessibility and affordability of **care services for dependants and people with additional support needs** (children, older people, disabled persons..);

Education & access to employment

13. The full access to the **right to education** that meets the needs and abilities of migrant women should be guaranteed.
14. All migrant women, whatever their status, should benefit **special training courses** allowing access to the labour market. In particular, priority should be given to language training for newly arrived migrant women, as well as mother tongue education for migrant children ;
15. Access to **life-long learning** is indispensable to upgrade skills and qualifications of migrant women ;
16. All forms of discrimination based on nationality in access to employment should be eradicated and the **right to work** should be secured, regardless of legal status, including for asylum seekers (awaiting the outcome of their asylum claims) ;

18. **Gender disaggregated statistics** of the migrant population in education and employment are necessary to identify gaps and develop efficient gender sensitive education and employment policies.

Working conditions

19. Increasing the **visibility of all migrant women workers** should be prioritised, by documenting their experiences, fighting the biased misconception about the existence of traditional female professions and by enhancing the role of trade unions in organising and recruiting migrant women workers ;
20. It is critical to ensure a **better recognition of the qualifications** and of the potential of migrant women workers in all working areas, together with promoting access to further education and training, or self-employment opportunities ;
21. The **legal protection of migrant women workers** to no discrimination should be guaranteed. This requires promoting the possibility for both documented and undocumented migrant women workers to claim those rights ;



22. **Care workers** should enjoy the full access to social security, credits and pensions benefits.
23. Democratic mechanism should be developed in the workplace, in cooperation with Trade Unions, allowing for the election of a **representative of the diversity of the workforce**;
24. EU Member States should urgently adopt, ratify and implement the **UN Convention of the rights of migrant workers**;
25. The creation of **migrant women workers' networks** and specific support groups should be actively supported.

Participation in public and political life

26. Although institutional mechanisms, such as quotas and voting rights, are important to facilitate participation, it is also critical to secure equality of rights to access to **European citizenship** as defined by the European treaties for third-country nationals residing in the EU;
27. **Solidarity between women's organisations and migrant women's organisations** should be reinforced, including by opening EWL to migrant women's organisations, in order to guarantee to migrant women a representation at European level;
28. **Grass root migrant women's organisations** need strong support in order to reinforce their capacity building and to facilitate their participation into political life and relevant networks.

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WORKSHOPS: EQUAL RIGHTS, EQUAL VOICES – MIGRANT WOMEN IN THE EUROPEAN UNION, 20-21 JANUARY 2007

Strengthening migrant women's rights in the European Union, a roadmap



The roadmap follows from the conclusions of the workshop sessions "Next steps: How to strengthen the voices of migrant women at national and European level?" (21 January 2007)

Reporting from EWL event "Equal Rights, Equal Voices - Migrant women in the EU" (19-21/02/2007)

EWL and migrant women's NGOs to:

1. Provide a comprehensive report of the seminar and the workshops reflecting the discussions and priorities identified by migrant women participants and to disseminate the report widely at national and European level as a lobbying tool;
2. Report back to EWL national coordinations and explore possible follow-up actions at national level, including events to launch the report at national level;

Strengthening national migrant women's NGOs

EWL to:

3. Provide regular information on international and European immigration policies (including on the UN High-level Group on migration), and on fundraising opportunities for migrant women's NGOs;
4. Develop information tools for the benefit of migrant women NGOs in the European Union, in particular to set up an electronic mailing list of the migrant women participants only, with the aim of sharing information, providing supports

to each others and maintaining the political momentum achieved. Create a website specifically dedicated to migrant women's rights and concerns;

5. Develop capacity building of migrant women's NGOs, through training, provision of relevant information and ad hoc support;

Mainstreaming migrant women NGOs within the feminist movement

EWL and migrant women's NGOs to:

6. Develop close dialogue and partnerships between migrant women's NGOs and women's organisations at national and European level;
7. Ensure that migrant women NGOs are represented within EWL structures, by joining EWL national coordinations and/or by developing close partnerships;

Channelling the voices of migrant women at European level

EWL and migrant women NGOs to:

8. Ensure that migrant women's NGOs have a voice at European level to advocate their rights and common concerns, while respecting fully the diversity of the experiences of migrant women;
9. Appoint within EWL secretariat a policy officer in charge of advocating migrant women's rights at EU level;

WORKSHOPS: EQUAL RIGHTS, EQUAL VOICES – MIGRANT WOMEN IN THE EUROPEAN UNION, 20-21 JANUARY 2007

Strengthening migrant women's rights
in the European Union, a roadmap



10. Explore opportunities to set up on the longer-term a European Migrant Women's Lobby, bringing together migrant women's NGOs from across the European Union;

Developing partnerships and cooperation

Migrant women NGOs to:

11. Create trans-national alliances between migrant women's NGOs to exchange good practices and develop projects on common concerns, when and where appropriate;
12. Develop partnership with development NGOs and with countries of origin.

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MAPPING THE CHALLENGES FACED BY MIGRANT WOMEN IN THE EUROPEAN UNION

Summary of the resource document "Equal Rights, Equal Voices – Migrant Women in the European Union", 19-21 January 2007.



Introduction

The purpose of the resource document is to provide information on the impact of the development of EU immigration/integration policies on the lives of migrant women at national level. It also aimed to stimulate reflections and debate between the migrant women activists who participated in the workshops "Equal Rights Equal voices – Migrant women in the EU".

The document was drafted by the EWL secretariat and was inspired by a broad range of documentation in the field of immigration/integration, including: EU official documents and legislation, UN official documents, EWL positions papers, other NGOs' position papers and background papers as well as academic articles.

The 1st section of the resource document provides basic information on European Union legislation and policies in the field of immigration and integration of third-country nationals¹ and aims to demonstrate the added value of acting at European level for migrant women accessing their fundamental rights.

The themes identified in the 2nd section of the document relate to the main obstacles facing migrant women in everyday life.

Terminology: The term 'migrant' in this paper refers mainly to non-EU citizens, in particular regarding EU legislation and policies on the conditions of entry and residence of third country nationals. However, some of the issues addressed in this paper relating to integration refer also to persons of third-country origin who have acquired the nationality of one of the EU Member States (migrants from the second and third generation) as well as women refugees and ethnic minority women.

1. The development of immigration – integration policies & legislation at European level

In 1999, the **Treaty of Amsterdam** grants the EU the capacity to act in the field of immigration. Immigration is therefore no longer a matter for inter-governmental coordination but for actions to be adopted by the Council of Ministers of the EU. The Treaty states that the EU must be maintained and developed as an area of freedom, security and justice, in which the free movement of persons is assured; in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention of crime.

Further to the Amsterdam Treaty, Heads of EU Member States meeting in Tampere adopted an initial work programme, which was followed by The Hague Programme in November 2004. The Hague Programme defines the objectives to be achieved with a view to establishing a **common immigration and asylum policy for the period 2005-2010**. In June 2005, the Commission presented an action plan² to implement the programme adopted in The Hague. The action plan identifies several key areas for priority action, which include:

¹ 'Third-country national' (i.e. citizens who do not have the nationality of one of the Member States of the European Union) is the term used in EU official documents. In this document, the terms "Third-country national" or 'migrant' are understood as having the same significance.

² Communication from the Commission 'The Hague Programme: Ten Priorities for the next Five Years', COM(2005)184

MAPPING THE CHALLENGES FACED BY MIGRANT WOMEN IN THE EUROPEAN UNION

Summary of the resource document "Equal Rights, Equal Voices – Migrant Women in the European Union", 19-21 January 2007.



- Ensuring the full development of policies enhancing, monitoring and promoting the respect of **fundamental rights**;
- Defining a **common immigration policy** covering procedures and criteria, delivering a secure legal status and a guaranteed set of rights to assist the integration of those who are admitted, and to define a return procedures for 'illegal' migration';
- Adopting support and incentive measures to help Member States deliver better policies on **integration** so as to maximise the positive impact of migration on our society and economy.
- The presentation by the Commission of a proposal for a framework directive guaranteeing a **common framework of rights to all third-country nationals in legal employment already admitted in a Member State, but not yet entitled to the long-term residence status**;
- The presentation by the Commission of a proposal for the directive on the conditions of **entry and residence of highly skilled workers**;
- Starting a process of **reflection on the revision of existing directives** based on the actual implementation by the Member States and proposals for amendments of the existing directives, where necessary;
- The presentation by the Commission of a proposal for a directive on the **conditions of entry and residence of seasonal workers**.

1.1 The development of a common immigration policy

Since 1999, the European Union has adopted important directives and policies with a view to progressing towards a common immigration policy. Some of this legislation, which has had a direct impact on the integration of migrant women, will be highlighted in this document.

In December 2005, the European Commission published a **Policy Plan on Legal Migration**³ that lists the actions and legislative initiatives that the Commission intends to take for the period 2007-2009 in pursuit of the ongoing development of EU legal migration policy. The Plan only addresses the conditions and procedures of admission for a few selected categories of economic migrants. Some of the key actions envisaged by the Commission include:

1.2 The integration of third-country nationals in the European Union

The European Commission defines integration as a "two-way process based on mutual rights and corresponding obligations of legally resident third-country nationals and the host society which provides for full participation of the immigrant"⁴.

³ Communication from the Commission - Policy Plan on Legal Migration COM (669)2005 of 21.12.05

⁴ Communication of the Commission on Immigration, Integration and Employment, 03/06/2003, COM(2003)336 final.

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MAPPING THE CHALLENGES FACED BY MIGRANT WOMEN IN THE EUROPEAN UNION

Summary of the resource document "Equal Rights, Equal Voices – Migrant Women in the European Union", 19-21 January 2007.



1.2.1 Legal instruments for integration and against discrimination

In 2000, two directives were adopted preventing people in the European Union from being discriminated against on grounds of race and ethnic origin – the **Racial Equality Directive**⁵ – and on grounds of religion or belief, disability, age or sexual orientation at work, known as the **Employment Framework Directive**⁶. The two Directives define a set of principles that offer everyone in the EU a common minimum level of legal protection against discrimination. They follow on directly from the general anti-discrimination clause (Article 13 of the Treaty) integrated in European Treaties in 1999.

The **Council Directive of 25 November 2003 concerning the status of third-country nationals who are long-term residents**⁷ is also an important legal instrument at European level in the field of integration. The aim of the directive is to establish and regulate the status of long-term residency for third-country nationals who have resided legally and over a continuous period for five years in one of the Member States. Under the directive, long-term residents must enjoy treatment equal to the citizens of the Member States in a wide range of economic and social matters.

In the field of **equality between women and men**, a set of directives was adopted in 1975 with a view to fighting discrimination against women and promoting gender equality. These directives applies to all women, including migrant women, with the exception however of undocumented migrant women in most cases. These directives intervene in the area of work and access to goods and services

1.2.2 The Common Basic Principles on Integration

Member States have called on the Commission to support national efforts in the fields of integration of third-country nationals, as there can be many benefits from both exchanging information and good practices and working together to address common problems and work towards a certain amount of convergence in terms of policy and objectives for integration across the EU.

In November 2004, they adopted **Common Basic Principles** (CBPs) on integration, which were announced as a major step forward in developing a common approach to integration. As such, these CBPs have been taken as the focus of the Common Agenda for Integration adopted by the Commission in September 2005⁸.

The Commission recommends in its Common Agenda for Integration that "a gender perspective [should] be incorporated into all relevant actions" implementing the CBPs.

It is to be noted as well that the CBPs, and more generally EU integration policies, refer only to migrants residing in the European Union legally, and exclude from the start undocumented migrants, although many have been living and working in Europe for many years.

5 Council directive 2000/43/EC of 29 June 2000 implementing the Principle of Equal Treatment between Persons irrespective of Racial or Ethnic Origin

6 Council Directive 2000/78/EC of 27 November 2000 establishing a General Framework for Equal Treatment in Employment and Occupation

7 Council Directive 2003/109/EC concerning the Status of Third-country Nationals who are long term residents; 25.11.03

8 Communication from the Commission "A Common Agenda for Integration: framework of the Integration of Third Country Nationals in the European Union, COM(2005) 389 final.

MAPPING THE CHALLENGES FACED BY MIGRANT WOMEN IN THE EUROPEAN UNION

Summary of the resource document "Equal Rights, Equal Voices – Migrant Women in the European Union", 19-21 January 2007.



THE COMMON BASIC PRINCIPLES

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.
2. Integration implies respect for the basic values of the European Union by every resident.
3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
4. Basic knowledge of the host society's language, history, and institutions is indispensable to integration, enabling immigrants to acquire this basic knowledge is essential to successful integration.
5. Efforts in education are essential in preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
6. Access for immigrants to institutions, as well as to public and private goods and services, on an equal basis to national citizens and in a non-discriminatory way is an indispensable foundation for better integration.
7. Frequent interaction between immigrants and citizens of the Member States is a fundamental prerequisite for integration.
8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local and regional levels, is a key to effective integration.
10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public policy formation and implementation. The principle of engaging civil society is also endorsed.
11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective, so as to transfer good experience.

MAPPING THE CHALLENGES FACED BY MIGRANT WOMEN IN THE EUROPEAN UNION

Summary of the resource document "Equal Rights, Equal Voices – Migrant Women in the European Union", 19-21 January 2007.



9 Commission's 1st report on Migration and Integration, COM (2004) 508 final, 16/07/2004

10 'L'Union européenne et les femmes immigrées et le marché du travail' (European Union and women migrants and the labour market) Isabelle Carles, International Seminar Rabat, 15/16 March 2006

11 The Racial Equality Directive and the Employment Framework Directive, see under 1.2.1

12 Roadmap for equality between women and men, Communication from the European Commission, 1.3.06, COM(2006)92 final

1.3 The invisibility of migrant women in the EU framework on immigration/integration

In 2004, the Commission recognised that "a systematic mainstreaming of gender considerations seems to be lacking in most Member States when dealing with immigration, both in terms of policy and data"⁹.

How is it that women are excluded from the European debates and policies in relation to immigration and integration? Some researchers advance two main reasons¹⁰:

- The non-recognition of the intersection of gender and ethnicity in policies;
- The public perception of migrant women.

1.3.1 The intersection of gender and ethnicity (multiple discrimination)

One reason advanced for the invisibility of migrant women is the **absence of a policy at European level covering gender and ethnic background**. Issues related to gender and to ethnic minorities tend to be covered by separate policies rather than as part of an integrated approach.

The issue of multiple discrimination has been raised within several international bodies.

The final Declaration of the **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**, which took place in Durban in 2001, states: "We are convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among

the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights." (Para. 69). The Durban Program of Action: "urges States, in the light of the increased proportion of women migrants, to place special focus on gender issues, including gender discrimination, particularly when the multiple barriers faced by migrant women intersect"

At European level, the **two anti-discrimination directives**¹¹, adopted in 2000, recognise that women are often victims of multiple discrimination but do not provide proper gender mainstreaming mechanisms. More generally, despite the Treaty requirement that the European Community should "eliminate inequalities and [to] promote the equality of women and men in all its activities" (article 3.2 TEC), in practice the European Union fails to integrate a women's perspective in a comprehensive way in its activities on immigration and integration, as in many other areas.

Although recent developments show positive change towards recognition of multiple discrimination experienced by migrant women: in the **Roadmap for Equality between Women and Men**¹² adopted in March 2006, the Commission makes a commitment to promote "gender equality in migration and integration policies in order to ensure women's rights and civic participation, to fully use their employment potential and to improve their access to education and lifelong learning". The key actions proposed are, in particular, to monitor gender mainstreaming in the Framework for the Integration of Third-Country Nationals in the EU and in the follow-up to the Policy Plan on Legal Migration.

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1.3.2 The public perception of migrant women

For a long time, research on immigration has focused on the male migrant worker. Migration was therefore only considered from an economic perspective, reinforcing a single model of migrant woman only expected to assist her husband and children, with no independent status (family reunification).

Patriarchal mentalities and systems support this public perception of migrants in European societies of the men producing and the women reproducing. The Commission's reflection paper "Migration and Public Perception"¹³ explains: "Together with the 'feminisation of migration flows, political attention has recently been drawn to migrant women under two negative headings: their low labour market participation and the growing phenomenon of trafficking. The combination of poor integration, low labour market participation and violations of human rights (trafficking) reinforces the 'victim' and 'dependant' image of women migrants", while in fact increasingly migrant women tend to migrate on their own to improve their skills and send money back home.

2. Integration of migrant women in the EU: the gender gaps of EU policies in the fields of immigration/integration

2.1 The status of migrant women

A range of obstacles to the empowerment of migrant women in the host country derive from the legal status they hold when they arrive in the EU. In many cases, migrant women cannot benefit from European legislation on equality between women and men. The main obstacle relates to the **dependency factor** created by the status, for example:

- dependence on the husband in the case of family reunification;
- dependence on the employer when the migrant woman enters the EU for economic purpose in a designated sector (e.g. domestic work in some countries), or because she does not have a status as undocumented;
- dependence on the State, for women asylum seekers who do not always have the right to work before obtaining the status of refugee.

Obstacles are often linked to working conditions, but not only: for example the capacity to denounce and get out of situation of violence by the partner or by the employer.

It is therefore essential to acknowledge that the legal status granted to an individual is a key criterion for successful integration in the host country and to make the necessary link when designing and implementing immigration policies.

¹³ Migration and public perception, Bureau of European Policy Advisers, European Commission, 4.10.06, 33

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2.1.1 The dependent legal status under family reunification

In European Union countries, the status of migrants, a large percentage of whom are women, joining their spouse under family reunification arrangements is directly linked to that of the principal legal status holder, i.e. their husband. This fact directly affects the personal situation of migrant women who may lose their provisional residence permit and therefore find themselves in an irregular situation in the event of divorce or the departure of their husband in the year following their arrival. This can also dissuade women who have experienced domestic violence from making an official complaint. Dependent status can also result in "brain drain"¹⁴, when skilled migrant women remain unemployed.

14 UNFPA 2006, 34

At EU level, family reunification is covered by the 2003 directive on the right to family reunification. The purpose of this directive is to determine the conditions under which family reunification is granted to third-country nationals legally resident in the territory of the Member States. The directive does not provide for an independent resident/work permit to the spouse once he/she has arrived in the host country.

2.1.2 The application of the personal status law of the country of origin

The personal status of migrants in Europe is regulated either by the law of a person's habitual place of residence or by personal status law. In absence of bilateral agreements, the situation differs from one country to another, with each country using its own private international law: it is therefore for the national courts to identify and apply the law pertaining to the situation when necessary. This can result in **legal conflicts between foreign family codes, international conventions signed by the host country and the fundamental values and rights guaranteed by the host country**. The victim may therefore be required to refer the matter to a court in the host country in order to overturn judgments delivered by a foreign court that conflict with equality between women and men and women's fundamental rights guaranteed in the European Union (e.g. repudiation or polygamy). This might be difficult for migrant women who may not know their rights or the language of the host country well enough or who cannot afford legal aid.

The application of personal status laws of the country of origin in the host country can undermine the fundamental rights of third-country national women or EU nationals of migrant origin, and this is clearly unacceptable in countries that have integrated gender equality rights in their constitutions and legislation and have ratified international and European Human Rights instruments.

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2.1.3 The absence of legal status of undocumented migrant women

Because undocumented migrants do not have a legal status, there are no official statistics on the number of undocumented migrants living in the EU. There is also little information on their country of origin and their migratory path. Undocumented migrant women are quite often in very distressful and precarious situations and their basic **fundamental rights** are denied. Yet undocumented migrants do have rights guaranteed by international Human Rights instruments, including the right to health care, fair labour conditions, education and training, shelter, the right to family life and to moral and physical integrity.¹⁵

At EU level, official debates concerning undocumented migrants focus on the development of European standards to return "illegal" third-country nationals to their countries of origin. The European Commission presented in September 2005 a proposal for a directive on common standards and procedures in Member States for returning "illegal" third-country nationals, also called the "**return directive**". The objective of this proposal is to establish common rules concerning voluntary return, deportation, use of coercive measures, temporary custody and re-entry, while respecting the human rights and fundamental freedoms of the persons concerned.

Apart from the political significance of this proposal, we believe that the text fails to integrate a gender perspective. The decisions for women to immigrate are often based on 'push' factors closely related to gender, such as the feminisation of poverty, oppressive gender relations, sexual violence notably in situ-

ations of armed conflict and more generally, political and cultural structures and practices in the country of origin that violate women's human rights. It is therefore essential that any legislation which aims to regulate the return/deportation of "illegally" resident third-country nationals in the EU considers this important factor of the migration process.

2.2 Securing the human rights of migrant women

2.2.1 The impact of migration on gender roles and equality

The relationship between gender and migration is complex. Women immigrating under family reunification programmes, depend on their husband socially, financially and legally, and are likely to be isolated and marginalised with their close family circle and particular cultural identity as their only reference. For other migrant women entering the country legally and working outside the home, migration can be a positive experience. The report of the UNFPA-IOM Expert Group meeting specifies that "in societies where women's power to move autonomously is limited, the act of migration is in itself empowering" and can become a force for "removing existing gender imbalances and inequities". The report concludes that women's migration is "a powerful force for positive change in countries both of origin and of destination".¹⁶

¹⁵ PICUM "Ten Ways to protect Undocumented Migrant Workers, October 2005

¹⁶ Female Migration: Bridging the Gaps through the Life Cycle, UNFPA-IOM Expert Group Meeting, May 2006, 3

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2.2.2 Violence

*Gender-based violence is not only a violation of human rights, but also threatens health, productivity and social and economic integration into the host society.*¹⁷

17 UNFPA 2006, 39

DOMESTIC VIOLENCE AGAINST WOMEN

Domestic violence penetrates every society and socio-economic group. The United Nations Population Fund Report 2006 notes that "the strains of moving to a new environment, unemployment, inadequate wages and racism can lead to frustration that finds its outlet in the abuse of female partners".¹⁸

18 UNFPA 2006, 39

Women who migrate as dependents of their husbands under *family reunification* are particularly vulnerable to physical and psychological violence and are often dissuaded from making formal complaints because of linguistic barriers, family pressure, isolation, cultural traditions or discrimination practiced by police officers in charge.

19 Report: More than Words -- Spain: Making Protection and Justice a Reality for Women Victims of gender-based Violence in the home (in Spanish), Amnesty International, Spain, 12.5.05.

Access to women's shelters can be difficult for *undocumented migrant women*. Even if this varies considerably from Member States to the next, it is generally accepted that there is a lack of appropriate legislation and protection against gender based violence and of services for the support of victims. Access to the limited number of shelters are therefore given as first priority to women nationals or migrant women who are legally resident in the host country.¹⁹

20 Report on Women's Immigration: the Role and Place of Immigrant Women in the European Union (2006/2010(INI)), European Parliament, 24.10.06

HARMFUL TRADITIONAL PRACTICES

Some traditional practices continue to systematically violate women's human rights and discriminate against women and girls either directly or indirectly. These practices may exclude them from public and political life and deny them equal rights to economic independence and women's rights and to autonomy in matters of sexual and reproductive choice and health. All of these practices constitute violations of women's human rights and should never be justified on the basis of their cultural context.

The Parliamentary Assembly of the Council of Europe adopted a resolution '**Women and Religion in Europe**' on 4th October 2005 condemning any form of religious practice that results in the violation of women's human rights and recommending actions to seek to ensure the supremacy of basic freedoms and rights by ensuring a clear separation between Church and State.

In its **Report on Women's Immigration**²⁰ adopted last October, the European Parliament insists that "Human rights violations against immigrant women and girls in the form of so-called honour crimes, forced marriages, genital mutilation or other violations cannot be justified on any cultural or religious grounds and should in no circumstances be tolerated", and calls on Member States "to speak out against tradition-based violence against women, to condemn family-induced violations of immigrant women and girls' human rights, and to check which laws are applicable to hold family members responsible, especially in the case of so-called honour crimes".

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SEX TRAFFICKING

Human trafficking is the third most lucrative illicit business after arms and drug trafficking and is a major source of organised crime revenue. Women are the first victims of sex trafficking. Once in the host countries, they are victims of prostitution, sex tourism or commercial marriages. Increasingly, restrictive immigration policies in the EU limit the possibility of entry of migrant women, which is in turn driving more and more would-be migrants to unwittingly entrust themselves to traffickers.²¹

Efforts to combat trafficking have gained prominence on the international migration policy agenda in response to a steady rise of the phenomenon. At the European Union level, the Council Directive of 29th April 2004²² grants temporary residence permits to victims of trafficking in human beings if they assist the competent authorities and give evidence against the traffickers. The conditional element here undermines the support to the victims of trafficking. Women should be fully supported and should be granted a residence and work permit in the host countries without any conditions attached.

In general, the European legal framework on trafficking fails to address the root causes of trafficking, which is the demand for commercial sex, the unequal access of women to financial resources and their unequal status in society in the countries of origin.

2.2.3 Sexual and Reproductive Rights

Women's sexual rights include the right to sexual well-being and the freedom of choice concerning partner(s), sexual orientation, sexual preferences and the choice of each woman whether or not to have sexual relations. It also includes reproductive rights where the number and spacing of children can be chosen in a free, responsible and informed way as well as the provision of sexual and reproductive health-related services.

Many migrant women face particular challenges in relation to their reproductive health-care needs. They tend to be vulnerable due to their insecure economic and social situation. A different culture, language barriers and this insecurity make it difficult to access health services and information about contraception. Furthermore, trauma endured by people fleeing conflict settings often affect interpersonal relations and may result in gender-based violence both before and after arriving to the destination country²³. Pregnancy-related problems in the migrant population are also a major issue throughout the EU, where studies have found that migrant women receive inadequate or no antenatal care, and show higher rates of stillborn children and infant mortality²⁴. Migrant women also have a higher incidence of unplanned pregnancies owing to poor access to family planning and lack of information regarding contraceptives and their availability.

In 2001, the European Parliament adopted an own initiative report on "Health and Rights concerning Sexuality and Reproduction". The Parliament outlines the situation of sexual and reproductive rights in Europe (education, access to contraception and

²¹ UNFPA 2006, 44

²² Council Directive 2004/81/CE of 29th April 2004 on the residence permit issues to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

²³ Integration of the Human Rights of Women and the Gender Perspective: Violence against Women. Report of the special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk. ECOSOC, December 2003

²⁴ UNFPA 2006, 36

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abortion, etc.). The document has a strong political and symbolic value, as it is the first time for any European institution to address the issue of sexual and reproductive rights.

25 "Femmes sans-papiers": quel accès aux soins pour quels problèmes de santé?" ("Undocumented migrant women: What access to health care for which health problems?"), Dr Pierre Ryckmans, Coordinateur médical, Médecins Sans Frontières, Colloque "Vivre en clandestinité", Brussels, November 2005

26 Female Migration: Bridging the Gaps through the Life Cycle, UNFAP-IOM Expert Group Meeting, May 2006, 3

2.2.4 Health

The greatest barrier to improved access to health-care for women is the persistent discrimination against women in all areas of life. In all countries of the European Union, the feminisation of poverty, the high unemployment rate among women, the high numbers of women in atypical jobs with little or no social protection and an increase of women as heads of lone-parent families prevent the improvement of the level of women's health.

For migrant women, not knowing the host-country's language or the health/social security system and low-paying and exploitative labour conditions may restrict access to health care. Their health may be also compromised by the stress adjusting to a new country and/or violence and sexual exploitation.

Member States of the European Union have excluded health treatment from the Community competencies. The European treaties only contain some articles on promoting health and therefore health policies remain a competence of Member States at national level.

MENTAL HEALTH

Undocumented migrant women experience specific problems in the field of mental health, as women *and* as migrants with no legal status. The following factors have a significant impact on their mental health²⁵:

- Caring for their children (housing, food);
- The loneliness and severe trauma associated with emigrating;
- The absence of their official recognition in the host country that is associated with a general sense of insecurity and instability.

More generally, "women migrants are a main source of physical and emotional support for older and younger family members. As such, women have additional responsibilities, whether they migrate with their families or leave them behind, and additional stress that can strain the fabric of their lives. The cost to their families and communities may not be completely quantifiable, but it is none the less real"²⁶.

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2.3 Economic and social justice

2.3.1 Education and training

One of the main problems facing migrant women and girls (in particular those from the second and third generation) is **education**, considering the fact that 50% of migrant girls in Europe do not go beyond compulsory education, while only approximately 17% go through tertiary education²⁷.

The education system plays an essential role both in acquiring knowledge and as a place where formal and informal information on norms and values in society is acquired, including gender equality.

Language learning, knowledge of human, civic and social rights, as well as training in new skills are essential tools for integrating newly arrived migrants, both women and men. For migrant women, the access to language courses is often restricted, mainly due to cost and lack of childcare facilities and/or absence of legal status.

Another important barrier to migrants' access to the labour market is the lack of **recognition of acquired experience and informal/formal qualifications**. Many of the women who are migrating are not the poorest women and are more likely to be middle class and educated²⁸. They therefore have ambitions about their own advancement both economically and socially. But facing high-unemployed rates together with racist attitudes, many qualified migrant women are forced to take whatever work is available. This results in the host society considering them as unskilled, although many may be better qualified than their job suggests²⁹.

The **Council Directive of 25 November 2003 concerning the status of third-country nationals who are long-term residents** grants to migrants with a long-term residence permit "equal treatment with nationals (...) as regards recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures". If this directive is transposed adequately and fully in national legislation³⁰, it will be an important step to integrate migrants into the labour market by ensuring that their qualifications and periods of study are recognised on equal terms with nationals. However, this would not cover the situation of migrants who are not entitled to a long-term resident permit, i.e. the ones who are more likely to be exposed to unstable situations.

²⁷ Eurostat, Statistics in Focus, 3-2/2003, p. 1

²⁸ Female Migrants, Bridging the Gaps Throughout the Life Cycle, UNFPA-IOM Expert Group Meeting, May 2006, 31

²⁹ UNFPA 2006, 34

³⁰ The deadline for transposition of the directive was the 23rd of January 2006

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2.3.2 Employment

(I) Access to the labour market & working conditions

The economic empowerment of migrant women is essential to improving their situation. Barriers preventing migrant women from accessing the formal labour market are often linked to social isolation, lack of access to information, language barriers, racist attitudes and to the absence of an independent legal status.

Precarious working conditions - Job opportunities for migrant women are limited. Often considered as cheap and flexible employees, migrant women are strongly concentrated in a few female-dominated occupations: domestic work, helping in restaurants and hotels, clothing companies, assembly lines in labour-intensive manufacturing plants. These jobs offer unstable working conditions with little access to information networks and social support.

Limited prospects - Access to employment and prospects for longer-term security and professional advancement are often limited due to the prejudice and racism of employers. Access to work experience may be restricted further due to age barriers but is also influenced by the length of migration as well as by gender. Often, finding a job or training opportunity is helped by personal contacts and informal networking. This fact excludes a large number of migrants, especially new or recent migrants who usually have a marginal position in host societies and lack the networks and contacts often needed to enter the labour market. Even young migrants or second-generation migrants can be affected by the marginalisation their

parents faced before them, in a way that these structural inequalities are perpetuated.

At European level, the **Racial Equality Directive and the Employment Framework Directive** may be the legislative tools to address the double discrimination experienced by migrant women, notably regarding the access to work and working conditions. However, as explained above (see 1.3.1), the directives fail to integrate a proper gender mechanism. To date the way in which both pieces of legislation have been applied in most countries is unsatisfactory and the European Commission is instigating procedures against the Member States who have not fully implemented the legislation.

(II) The case of migrant women domestic care workers

*Domestic workers experience a degree of vulnerability that is unparalleled to that of other workers*³¹

In certain countries, domestic workers are used to overcome the problem of a lack of child-minding and/or care facilities. These workers are mainly women, often migrants, sometimes undocumented and often under-paid. The demand for domestic workers is growing in the EU as a result of changes in the economy and society, namely women's growing employment rate and the ageing population. The fact that many of these workers are undocumented increases their vulnerability even more.

31 ILO 2001, 30

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THE NATURE OF DOMESTIC WORK

For migrant domestic workers, the nature of the work itself implies very complex relationships. Bridget Anderson explains: "There are many advantages for migrants to work in private households. It is work that is accessible through the informal networks, by word-of-mouth. The 'home' can be a refuge from the State and other authorities, or from other individuals and groups. It can provide accommodation – which is of crucial importance to understanding the demand and supply of migrant labour in many sectors. (...) It might be seen at first sight that there is a coincidence of interests between those who employ migrant workers and the workers. They both avoid State control; there is informality between them; the one gains flexibility while the other gains accommodation. But it is often not such a win-win situation. (...) The impact on domestic workers, especially those that live in, is the power their employers have over them, (for example) the power to withdraw accommodation or access to hot water. (...) It is this kind of power that is largely unacknowledged and not captured by employment regulations."³²

The private home as a workplace is open to **abuse and discrimination, not only sexual but also racist**. A study from the Migrant Rights Centre in Ireland³³ emphasises the "level of dehumanisation that takes place", the migrant women workers frequently referring to themselves as 'household objects', with the expectation that the employee 'belongs' to the employer. Employers tend to consider that migrant workers are more 'hardworking' than other citizens, more 'willing and cooperative', and 'prepared to work more flexible hours'.

ORGANISING DOMESTIC WORK

In 2000, the Committee on Women's Rights and Equal Opportunities of the European Parliament adopted a **report on regulating domestic help in the informal sector**³⁴ recognising the specific employment relationships of domestic workers, including their isolation and their atypical relationship with their employers and calling for domestic work to be recognised as an occupation in its own right, with the adoption of European rules on the social rights of workers. Regarding women migrant domestic workers in particular, the Women's Rights Committee recommends that "specialised reception centres be set up for female migrant workers to provide the psychological and psychiatric help required by migrant women who have suffered mental or physical or sexual abuse and any assistance needed to draw up applications to regularise their situation if they have temporary residence permits".

More recently, the **European Trade Union Confederation** has highlighted the link between the growing needs of European households for domestic services and the feminisation of migration. It started a debate to address the need to organise domestic work in a sustainable way, providing those in need of domestic support with appropriate services and those who perform those services with proper employment opportunities and protection³⁵.

³² ETUC conference "Out of the Shadows, Organising and Protecting Domestic Workers in Europe, the role of Trade Unions", November 2005

³³ Private Homes, a Public Concern – The Experience of Twenty Migrant Women Employed in the Private Home in Ireland, Migrants Rights Centre Ireland, December 2004

³⁴ Report on Regulating Domestic Help in the Informal Sector (2000/2021(INI)) of the Committee on Women's Rights and Equal Opportunities of the European Parliament

³⁵ ETUC conference "Out of the Shadows, Organising and Protecting Domestic Workers in Europe, the role of Trade Unions", November 2005

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2.3.3 Access to social rights

Access to social protection remains an area of national competence, although Member States are committed – by developing joint policies – to a "high level of social protection" through adequate, sustainable and modern pension systems, high quality healthcare accessible to all and the eradication of poverty and social exclusion.

Access by migrants to these services varies from one Member States to another, and depends on the status of the migrant. It is clear that undocumented migrants do not have access to social rights in most EU countries, except for basic/urgent health care. Migrant women residing in the EU under family reunification programmes are "more exposed to poverty because of their dependant status, their inferior and informal labour market participation. Many fail to access social security entitlements"³⁶.

The Council Directive concerning the status of **third-country nationals who are long-term residents** states that long-term residents shall enjoy equal treatment as regards to "social security, social assistance and social protection as defined by national law" (article 11.1). The same article specifies later that: "Member States may limit equal treatment in respect of social assistance and social protection to core benefits" (article 11.4), i.e. minimum income support, assistance in case of illness, pregnancy, parental assistance and long-term care. Depending on how Member States are transposing this directive in their legislation, these limitations can significantly impact migrant women, notably in terms of sexual and reproductive health.

As regards pensions, older migrant women living in Europe need specific attention. The conclusions of the Conference Age+ 'Poor, poorer, the poorest - A focus on the socio-economic situation for older migrant women in Europe" (September 2005) emphasised that "the group of currently retired migrants are in the lowest income-levels and the income situation for **older migrant women**, who have higher life expectancies than men, is extremely worrying"³⁷.

In general most pension systems are based on the life cycle of men, and therefore discriminate against women, as their pension level is often affected by care responsibilities, career breaks, part-time work and less years of labour market activity. For migrant women, the discrimination is further compounded by the fact that most pensions systems are based on a work-cycle of 35 years or more. Many migrants, coming to the EU countries at a later stage, do not have the time to build up pension contributions. Migrant women tend to be more involved in undeclared work and thus on retirement, they find themselves living in poverty.

2.4 Participation in public and political life

The participation of migrant women in public and political life, including local elections, is essential for their integration into the host society. It can "extricate them from their sense of isolation and alienation from the host society"³⁸. Granting **electoral rights** to third-country nationals for the local elections is a first step towards integration. However, far-reaching information campaigns are essential for migrant women in particular to encourage them not only to vote, but to stand as candidates in local elections and more generally to participate in political

³⁷ Conference Age+ 'Poor, poorer, the poorest - A Focus on the Socio-economic Situation for Older Migrant Women in Europe", the Netherlands, September 2005

³⁶ Migration and Public Perception, Bureau of European Policy Advisers, European Commission, 4.10.06, 35

³⁸ Report on Women's Immigration: The Role and Place of Immigrant Women in the European Union (2006/2010(INI)), European Parliament, 24.10.06

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debates and the democratic life of their country of residence, both as an act of empowerment in itself and to represent their interests within the political system.

At the same time, there is a need to encourage the establishment of **migrants' organisations**, which are in a position to provide information and support for newly arrived immigrants. Such initiatives can also be empowering for migrant women: "Meeting other migrant women and men can break isolation and offer the possibility of collectively analysing their situation, defining their needs and finding adequate solutions. The realisation that certain violations of their rights are not based on "personal inadequacy" but rather on social exclusion mechanisms and discrimination, can increase their self-esteem and their capacity to formulate proposals and viable solutions"³⁹.

Due to their precarious situation, undocumented migrant women, often working in the domestic fields, are particularly exposed to isolation and discriminations. It is essential for them to build strong networks with their peers as a way to become empowered and this should be strongly supported.

³⁹ Daeren live, International workshop on Best Practices of Migrant Workers and their Families organised by the IOM, Santiago de Chile, June 2000

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ANNEX 1

Public Seminar Equal Rights, Equal Voices-Migrant women,
in the European Union, 19 January 2007

PROGRAMME OF THE SEMINAR, FRIDAY 19 JANUARY 2007



CHAIR MARY McPHAIL, Secretary General of EWL.

EWL's welcome: KIRSTI KOLTHOFF, President of EWL

Keynote presentations:

- ANNA DEUTELMOSER, Office of MARIA BÖHMER, Minister of State in the German Federal Chancellery and German Federal Government Commissioner for Migration, Refugees, and Integration
- EMINE BOZKURT, Member of the European Parliament
- SANDRA PRATT, Deputy Head, Immigration and Asylum Unit, DG Justice, Freedom and Security, European Commission

Discussion

Roundtable: What tools for advocating migrant women's rights at European level?

- Presentation of a research project from the Irish Equality Authority on the situation and experience of women migrant workers in Ireland, DR JANE PILLINGER, independent consultant and researcher
- The Common Agenda for Integration of the European Commission (CBPs): A tool for migrant women's integration? ISABELLE CARLES, Researcher, University of Brussels (ULB), Study Group on Gender and Migration
- The NGO perspectives:
 - MR BASHY QURASHY, President of the European Network Against Racism (ENAR)
 - MICHÈLE LEVOY, Director of the Platform for International Cooperation on Undocumented Migrants (PICUM)

Discussion

Concluding remarks and closing

ANNEX 1

Public Seminar Equal Rights, Equal Voices-Migrant women,
in the European Union, 19 January 2007

KEYNOTE PRESENTATIONS | EMPOWERING MIGRANT

WOMEN IN THE EUROPEAN UNION

ANNA DEUTELMOSER,

Office of Maria Böhmer, Minister of State in the German Federal Chancellery
and German Federal Government Commissioner for Migration, Refugees, and Integration



1. Introduction

Integration has become a very important political field in Germany. Therefore the Commissioner for Migration, Refugees and Integration has become a Minister of State and now works in the "Bundeskanzleramt", the Office of the Federal Chancellor.

At the moment the acting Commissioner for Migration, Refugees and Integration, Prof. Dr. Maria Böhmer, is working – together with several departments such as the Federal Ministry of the Interior or the Federal Ministry of Labour – on a so-called «National Integration Plan», which includes a wide range of topics such as language, education, the labour market, integration at local level and of course women's rights.

I have been asked to present the views of the German Presidency on how best to promote the integration of migrant women in the framework of EU political and legislative developments. I do not think you will be surprised if I tell you that the working programme of the German Presidency does not include a specific chapter on the rights of migrant women. There are several reasons for this.

The main one – besides political reasons – is that the EC Treaty does not specifically confer powers on the Community to take measures in the field of integration policy. One could say that there is a general recognition that primary responsibility for the development and implementation of integration policy remains with the Member States, but that the Community has a supporting role, by providing examples of best practice and furnishing financial support. Therefore the constitutional Treaty states

that European measures «may provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonization of the laws and regulations of Member States».

The chapter on integration in the working programme of the German Presidency reflects this very clearly. It is rather short and it more or less only states that the integration of immigrants is one of the major political and social challenges in Europe and that one major project is to improve the European dialogue with Islam. The Federal Minister of the Interior will hold a ministerial meeting on this topic; it is scheduled to take place in Potsdam on 10 and 11 May 2007.

There is also a small chapter on integration and intercultural dialogue in the 18-month programme of the German, Portuguese and Slovenian Presidency, which states that particular priority will be given to developing a coherent approach to integration policy and to fostering mutual understanding between people from different backgrounds and cultures through dialogue. One can also find a small chapter on fighting trafficking of human beings, stating that the Commission has been actively addressing the problem of trafficking in human beings, of which women continue to be the primary victims, and that it is important to develop an action plan underlining the importance of the gender perspective in prevention strategies.

As a result one can say that integration is still a question which has to be dealt with primarily at Member State level. In this presentation I will there-



fore try to show that a lot can be done at a national level. I will concentrate especially on German integration policy concerning migrant women. But I will also examine some of the recommendations of the European Women's Lobby on how to empower immigrant women in the European Union. I am sure that the other speakers from the European Commission and the European Parliament will inform you about the steps that will or can be taken at European level.

2. Empowering migrant women at Member State level via integration policy

As I have just mentioned, migrant women's rights play an important role in the work on our National Integration Plan, which will be presented to the public by our Federal Chancellor, Mrs Merkel, this summer. One working group is dealing with the improvement of the situation of women and girls and the realization of equal rights. The group is focusing on the following two topics: the first is integration through law. This topic includes information and consultation to improve access to law and the judiciary, implementation of the new legislation on equality, forced marriages, protection from violence and other matters. The second is strengthening migrant women in their families and social surroundings. This includes topics such as sex education, health and aid for elderly people.

There already exist – independent of the National Integration Plan – a lot of institutions and regulations in Germany which are meant to support migrant women.

On a local basis we have a large range of organizations that help and inform victims of physical or psychological violence. The Commissioner for Migration, Refugees and Integration has recently launched a brochure in various languages containing information on legal status, protection of children and financial support for victims of violence. Moreover, every new immigrant who comes to Germany is, for example, informed on his or her rights and duties in the host country. The European Women's Lobby recommends to the Member States the training of immigrant women, including language courses as well as information on existing human and civic rights in the host city. This idea is already part of our integration policy, since the main focus of national German integration policy is the so-called integration courses. Under German law, every new immigrant now – since 2005 – has a right to such an integration course, which entails 600 hours of language training and 30 hours of lectures on our society and our system of law. Immigrants already staying in Germany can attend these courses as well. The percentage of immigrant women in the courses is very high (about 60 percent). These integration courses are now under scrutiny and will be improved soon (for example, to provide better transport for migrants living in the countryside or better care for the children of migrant women).

Finally I would like to mention the recommendation of the European Women's Lobby to encourage access to employment for migrant women. Employment is one of the most important factors guaranteeing integration. The Federal Government, and especially the Federal Government Commissioner for Migration, Refugees and Integration, has launched numerous measures/initiatives to increase the education

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and employment rate of immigrants. The focus lies not only on women and girls but also on men, as the unemployment rate among young male immigrants of the second and third generations is extremely high. We already have a commitment from foreign companies in Germany that they will increase the number of training vacancies by 10,000 by 2010.

We all know that the recognition of qualifications is essential to facilitate the participation of immigrant women in the labour market. As the recognition of qualifications lies in the competence of our Federal states (Länder) and the Federal state, however, it is rather complicated to tackle this problem.

3. Empowering migrant women beyond integration policy

One of the demands of the European Women's Lobby is to facilitate the granting of legal status that is independent of and separate from the principal legal status. The status of immigrants who are joining their spouse under family reunification arrangements is linked – probably in most Member States – to that of the principal legal status. This directly affects the personal situation of immigrant women, who may lose their provisional residence permit if they are divorced from their husband in the year following their arrival.

The European Women's Lobby therefore recommends that the EU and its Member States ensure that autonomous status and a work permit is granted to the spouse and children of the principal legal status holder at the earliest opportunity – that is once the request for family reunification is accepted.

I think a lot of people agree with the idea of an early autonomous status for spouses. However, I cannot approve of the idea that this status should be granted once the request for family reunification is accepted. Such a regulation would be easily open to abuse and would never be accepted by the Governments or populations of the Member States. It is therefore important to find a balance between the rightful expectations of migrants coming to an EU Member State under family unification law and the need to exclude the risk of the regulations for legal migration being circumvented.

In my opinion, German law has found the right balance between these two aims.

Under German law, the residence permit will be extended after a divorce, if the marriage lasted for at least two years in Germany. If necessary to avoid certain hardship, an autonomous status will be granted even if the marriage lasted for less than two years. Certain hardship would be given if – for example – the spouse had beaten his or her partner, or if there were other grounds that made it impossible for the spouse to remain in the marriage.

I think as long as we provide for special regulations for hardship cases, it is fair that somebody has to stay in a Member State for a certain time before his or her right to stay in that country becomes independent from the spouse. After all, the reason for family reunification is the close relationship between two people. If this relationship ends very quickly after arrival in one of the Member States, it is reasonable to deny those people a residence permit.

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I am sure that a lot of people in the room do not share this opinion. And I want to stress that I am perfectly aware of the fact that in individual cases this might destroy the hopes and expectations especially of migrant women. That is why I think that the clause on hardship is very important.

Another recommendation of the European Women's Lobby is the non-application of any provision contrary to fundamental human rights, such as equality between women and men, which could be applied to immigrant women pursuant to private international law.

I think I first have to provide you with some information on private international law. Private international law is that part of law which comes into operation whenever a court/authority is faced with a case involving one or more foreign elements. This foreign element may be a foreign domicile – for example, an Englishwoman marries a man domiciled in Iran. Private international law determines what system of law should be applied to the dispute. That is, it determines the particular system of law by reference to which the rights and liabilities of the parties to the dispute must be ascertained.

Every Member State has its own rules of private international law, and they differ from one another, though in recent years there have been strong movements towards harmonizing the various systems. These attempts have been framed in two different ways:

The first is the unification of the internal laws of the various countries on a given topic at EU level via directives, so that no conflict of laws arises. In this context I would like to mention that the Justice and Home Affairs Council has recently discussed practical relief for binational couples. Our Minister of Justice, Mrs Zypries, who is the current Council President, recently announced that most Member States agreed that spouses should – within reason – have the right to choose the law that governs the divorce. Minimum standards should also be found in the fields of maintenance law and inheritance law.

The second method attempts to unify the rules of private international law, so that a case containing a foreign element, wherever tried, will result in the same outcome. A good illustration of this method is the adoption of the Rome Convention on the law applicable to contractual obligations by the European Community in 1981. This means that in certain areas we have the same conflict of law rules already. In other fields, for example in family law, the conflict of law rules are not yet harmonized.

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My thesis is that the legislation of at least most Member States provides for rules which stipulate that a court has to refuse the application of a law identified as applicable provided that it is manifestly contrary to public policy. Such public policy statutes exist for example in French, German and English law and all existing EU conventions on conflict of laws. Let me give you an example: the German conflict of laws regulations contain a rule stating that the foreign law will not be applied if the result of the application of the foreign law contradicts elementary principles of German law. Our Federal Constitutional Court once ruled that every violation of fundamental rights leads to the non-application of that particular foreign regulation. Therefore German courts would conclude that provisions which grossly infringe the equality between women and men would be contrary to public policy and therefore would not be applied.

The European Women's Lobby recommends that the European Commission undertake an in-depth survey in all EU Member States of the legal discrimination experienced by immigrant women who are subjected to discriminatory laws in force in their country of origin regarding their personal status. I suggest that this survey also looks into the question of whether public policy statutes exist in all EU Member States and whether they are suitable to avoid the application of discriminatory law.

Another recommendation of the women's rights lobby is «guaranteeing protection to immigrant women victims of violence». It is true that immigrant women legally staying in Germany are often prevented from making formal complaints because of linguistic barriers, family pressure, isolation or cultural traditions. The Council Directive on women who are victims of trafficking grants temporary residence permits to those victims if they assist the competent authorities and give evidence against the traffickers. This directive has not yet been transposed into German law, nevertheless the protection of those victims is guaranteed in practice. The draft bill to implement this directive does not contain the call from the European Women's Lobby for a permanent residence and work permit for those women – which would be in accordance with EU law, but there are strong supporters, especially among non-governmental organisations, of this idea.

4. Conclusion

The rights of migrant women are a very important subject. A lot of the recommendations of the European Women's Lobby can be implemented at Member State level; some have already been implemented – at least in Germany. I think if we want to be successful we have to work together: the EU, the Member States and the European Women's Lobby.

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AND THE COMMON EUROPEAN MIGRATION POLICY

SANDRA PRATT,

Deputy Head, Immigration and Asylum Unit, DG Justice, Freedom and Security, European Commission



Let me first of all thank you for inviting me to speak at this important seminar. I want to emphasise at the outset that the Commission acknowledges that the particular needs and situation of women immigrants require more focused action as we develop a common European immigration policy. This is a priority of the Vice-President, Commissioner Fratini, who regrets very much that prior commitments prevent him from being here today.

Family reunification used to be the main channel for the legal admission of women to the EU. This has been changing in recent years as the number of immigrants has grown. More and more women, in some countries as many as 50% of those admitted, are now migrating in their own right as labour migrants, as students and as researchers.

The Commission has been committed to the promotion of gender equality in all its policies for many years and has put this principle into action in legislation and many other measures. More of course needs to be done and we are currently finalising a work programme for 2007 based on the roadmap for equality 2006-2010.

The position of women migrants has also, from the beginnings of the common immigration policy in 1999, been a special concern. But I agree with the European Women's Lobby that in this area especially, more needs to be done, particularly as the numbers of women migrants are growing and their role is changing.

This seminar is very timely because as you can see in the European newspapers almost every day of the week, migration has become a major political priority for the European Union. The EU considers that

it is one of the most visible effects of globalisation. We realise that international migration is a reality and that the central question is how to manage it efficiently.

It is true that there is a major concern to ensure the security of the EU and therefore to improve border controls. But it is also accepted that immigration is a necessity as the population of the EU, in spite of enlargements, begins to decline and age. We will lose some 20 million people from the work force by 2050 and at the same time 1/3 of the population will be over 65. This creates demands for labour and there will be very strong calls for more women migrants, in particular in the caring, domestic and health professions.

This is why one of our priorities in 2007 and 2008 will be the preparation of directives on the admission of labour migrants in specific sectors and a framework directive on the rights of migrant workers. The impact analysis which is currently underway to prepare the ground for this directive will specifically look at the rights of women migrants. This new legislation provides us with real opportunities to improve the situation of women migrants working in the EU.

There will also be a major effort to improve our partnerships with third countries via the so-called global approach. This aims to develop policies with third countries which cover a wide range of issues linked to migration: development, trade, the Lisbon agenda for example. We want to see cooperation not only on preventing illegal migration but also on managing legal flows, including pre-departure training and integration programmes, the develop-

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ment of temporary and circular migration etc. This provides new opportunities for women migrants and we need to ensure that their needs are taken into account in developing these policies.

In this context, I would like to highlight some of the areas where I think that we have already made progress in taking into account the specific needs of women and to protect their rights, and others where we are keen to see more being done. Many of these are areas where the European Women's Lobby can provide us with information and ideas for improving European policy based on the experience of women migrants.

First, integration. Integration is of course an area of key importance to ensure that immigrant women are able to access their rights. Successful integration is a precondition for sustainable and successful immigration policies, because it is crucial to the cohesion of society.

Our yardstick in this area are the **Common Basic Principles** for immigrant integration agreed at Council level in 2004, and the Commission **Communication on a common agenda for integration** of 2005, proposing concrete measures to put these principles into practice. In this Communication we drew attention to the need to incorporate gender perspective into all relevant actions. There are also some interesting examples of good practice in the Handbook on integration. Moreover, during the course of this year the EU website on integration will be elaborated and this will provide a way of giving wide publicity to good practice and I hope that you will help us to ensure that information on the integration of migrant women are included. In this connection, I would add that we have already

supported under the INTI programme a number of projects focussed on women migrants which I think have contributed to the improvement of integration measures. An on-going project which I think will produce some very interesting results for policy makers is the FEMAGE Project (supported by DG RTD) which is studying the needs for female immigrants and their integration in ageing societies.

The INTI programme is now coming to an end but my colleagues are working very hard to ensure that specific mention is made in the Strategic Guidelines for Member States for the new European Integration Fund, of the need to deal with gender issues. The Fund will be launched this year and it will have 825 million to devote to integration activities over the period 2007-2013 so it is going to have a major impact and it is therefore really important that women's needs receive proper attention. Especially at national level, since the majority of the money will be distributed to Member States to manage. I hope that NGO's and other project promoters will therefore put forward good proposals and take advantage of the new funding.

Access to Employment is a key part of the integration process. The full utilisation of the potential of immigrant women in the labour market will be an important contribution to reaching the Lisbon targets and at the same time will enable immigrant women to lead an independent life. In our Communication we therefore expressly encourage Member States to promote the employment of immigrant women. This is also a major focus of the 2007 Work Programme in relation to gender equality with respect to equal pay, reconciling work and family life, and participation in decision making in the workplace.

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The Commission has always stressed the importance of including spouses and children of migrants in **introduction programmes** and the learning of the host society's language. The Directives on family reunification and on long-term residents expressly authorise Member States to apply **integration measures or conditions**. Such measures may be a very helpful tool – if used properly – for empowering migrant women and for making them aware of their rights and opportunities in the EU.

Cultural and religious practices should not prevent individual migrants from exercising their other fundamental rights or from participating in the host society. This is of course particularly relevant with respect to the rights and equality of women and their role within the family as the purveyors of tradition and culture.

It is important that **EU legislation on migration** should be gender sensitive. Since 1999 the EU has adopted a number of directives on the conditions for the admission and stay of third-country nationals. These directives create a legal framework, prescribing equality of treatment and according rights of access to employment, education and training, and other key social rights irrespective of gender.

You may not feel that they go far enough but the Commission is now engaged in the process of monitoring and evaluating the transposition of these directives. There are serious delays in this process in particular for family reunification and the long-term residence directive and the Commission is taking action against the Member States concerned, including infringement procedures. An in-depth evaluation of the monitoring of the transposition of the first 10 immigration and asylum directives is also underway.

This is important because, for instance, the Directive on family reunification contains specific rules that directly concern migrant women. These are: restrictive measures against **polygamous marriages**; measures aimed at preventing **forced marriages**; and the promotion of the granting of an **independent status** to spouses in cases of separation or widowhood.

You will know also that there are specific issues covering the situation of women **asylum seekers and refugees**. **The Qualification Directive** has an explicit gender perspective. It sets out the conditions under which international protection can be granted and the rights that Member States should grant to the beneficiaries of international protection. Until the adoption of this Directive, not all Member States interpreted the refugee definition in the Geneva Convention as covering gender-related claims.

It was a priority for the Commission to ensure that gender-related persecution can be a valid claim for refugee status. Under the Directive, women may bring forward gender-related claims, concerning such issues as family or domestic violence and forced marriage.

The position of **irregular women immigrants** can, I agree, be particularly difficult. This is the case for all irregular migrants but women can be in an especially vulnerable position. They benefit, of course, from certain fundamental human rights irrespective of their status - such as a standard of living capable of ensuring subsistence or access to emergency medical treatment. Community law cannot however give them the same rights as legal migrants.

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In spite of this, the Commission does not turn a blind eye to the situation of irregular migrants. For example, it has proposed in the return Directive that illegally staying third-country nationals should be given certain rights pending their return: rights such as access to education for minors or necessary health care. Also, the Directive under which a residence permit may be granted to victims of trafficking - the majority of whom are women - grants certain rights even before they are in possession of such a permit, such as emergency medical treatment and a subsistence allowance.

We need, however, to approach this issue not only from the perspective of border security but also from that of the employer and this is why the Commission will be proposing later this year a new Directive providing for sanctions on employers of irregular migrants. This is the approach of the stick. For women the carrot approach may be more effective especially where they are engaged in domestic service. There are already a number of national schemes which encourage households to employ their cleaners and home helps on a regular basis. This is something which could be explored further.

In conclusion, I do not minimise what still needs to be done to improve the position of women migrants in the EU. There have been some positive steps and we must build on these to ensure that equality becomes a reality for all migrant women. The ideas which you will develop over the next two days will be of great interest to the Commission and I can assure you that they will be warmly received by Vice President Frattini.

I hope you will take a broad view of the issues in the context of the overall policy developments, which I have sketched out. Your experience as women migrants will be enormously helpful to us in developing and implementing policies for managing migration which really do provide for equality between men and women migrants in the EU in the years to come.

Thank you for your attention.

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ROUNDTABLE | THE SITUATION AND EXPERIENCE

OF WOMEN MIGRANT WORKERS IN IRELAND

DR JANE PILLINGER,
Researcher and independant consultant, Dublin



This small-scale research documents the experiences of thirty-six women migrant workers. Although women migrant workers have shared experiences of sexism and racism, the complex intersection of gender with nationality, race and ethnicity, as well with education, economic and social backgrounds and cultural capital, means that there is no one experience of migration.

The report highlights the specific experiences and situation of women migrant workers, whilst also drawing on good practices, and areas for further action by employers, trade unions, the Equality Authority and government departments. The report identifies areas where a gender dimension can be brought into an improved understanding of the experience of women migrant workers living and working in Ireland.

Gender assumptions underpin the experience of women migrants. These are rooted in the policies that influence the arrival and settlement of women migrants. Although women's migration has been associated with dependence and the breadwinner model, in more recent years there has been an increase in women migrating alone and parenting from a distance.

The internationalisation and feminisation of migration

Today we are experiencing the internationalisation and feminisation of migration. Worldwide remittances equal \$232 billion; many of these remittances are supporting children and families in developing and poor countries. Nearly half of all migrant workers today are women.

Globally there are a number of measures that call for the improvement of the situation of migrant workers and their families and establish minimum standards. Some of these make specific reference to gender equality and the rights of women migrant workers. However, no receiving country has adopted the 1990 UN Convention on the Rights of All Migrant Workers and Members of Their Families (came into force 2003), although it has been adopted by most sending countries.

The European Commission has identified demographic changes with an ageing population and a shrinking workforce to be a major problem facing all member states. Consequently the integration of a gender dimension is seen to be important to attaining the Lisbon objectives. Alongside this equality focussed labour market policies, measures to reconcile family and work life are seen important to enhancing the integration of women, including migrant women, into the labour market in order to meet the Lisbon objectives.

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The situation in Ireland

Many women who migrate do so to make better lives for themselves and their families. Women migrate for a variety of reasons, including preventing the family from falling into poverty, for improved job opportunities, to escape domestic violence or sexual harassment. Low pay, lack of employment opportunities and poverty are the factors that influence women's decisions to migrate. However, little is known about the experiences of women migrant workers in the workplace, which can include negative experiences such as discrimination, harassment, social isolation, loneliness and stress, as well as positive experiences which include opportunities for career development and progression, better support for families at home, and possibilities for financial independence. Because of the diversity of migration experiences and patterns of migration women, migrant workers are a heterogeneous group.

The contribution of migrant workers has been significant in both economic and cultural terms. The reality is that labour migration, particularly for high-skilled workers, will continue in coming years. From this small study of women migrant workers, it is clear that many women wish to stay and see their long-term work experience and career development to be located in Ireland. For women this raises some particular contradictions and difficulties, which are significant for those women that are involved in transnational parenting and family support.

Gender disaggregated data and the situation of women migrant workers

The research found that improved access to gender specific information that is tailored to women's particular needs - English language training, interpretation and translation services, access to healthcare, housing and education - would all contribute to the longer term integration of women into the labour market and into Irish society. These measures could help to avoid the longer-term isolation and exclusion of women migrant workers.

Although the availability of gender-disaggregated data has improved in recent years, there still remain significant gaps, for example, data on gender and education achievement, work experience, family composition, and work status by gender. There is an absence of data that reveals women's and men's differential roles, including access to resources and services. Similarly, there is no system for a gender-based analysis of immigration, integration and settlement. Immigrant women represent a larger proportion of full-time workers than Irish women and are a lower proportion of part-time workers and those economically inactive. They also tend to be of a younger working age, with an average age of 30 years, an age group where women are likely to be engaged in childbirth and child rearing.



Findings from the research

The women migrant workers that were interviewed were very invisible and tended to work in the highly feminised and low paid sectors of the economy, in jobs such as cleaning, health care, hotel work and domestic work. Women migrant workers in these sectors tend to have higher levels of skill and education than their Irish counterparts, but considered their work as being important to gaining new opportunities, higher incomes and the possibility to send money home to children, partners and other family members.

In order to highlight the specific situation and experience of women migrant workers, the following framework was employed for analysing the interviews:

I) Shared issues with men migrant workers

Women migrant workers share a number of inequalities and experiences with men migrant workers; these are issues that are affected by their legal status and their positions as non-nationals.

II) Women migrant workers in a labour market characterised by inequality

Women migrant workers experience a labour market characterised by gender inequality. Gender gaps exist in pay, conditions of employment, access to promotion and career development, and the presence of women in decision-making. Occupation segregation also exists whereby women are clustered into lower paid and lower skilled jobs. Women's relatively lower wages has made them an attractive source of labour in jobs that are generally considered 'suitable' for women.

III) Specific experiences of women migrant workers

In addition to a segregated labour market, women migrant workers have a range of experiences that are unique to their status. Because of gender stereotypes, women migrant workers are often viewed as dependants of male migrants, rather than women with financial independence. Globally women migrate to work in low skilled and unregulated sectors of the economy. The general under-valuing of women's skills is considered to be one of the main reasons for the persistence of the gender wage gap.

IV) Double burden of racism and sexism

There is also a growing understanding of the intersection between race and ethnicity, on the one hand, and gender, on the other, in contributing to the double disadvantage and discrimination faced by minority ethnic women and how their identities, roles and situations are shaped by a range of inequalities. In addition, the *Committee for the Elimination of Discrimination Against Women* (CEDAW) highlights the multiple forms of discrimination experienced by women and in particular that "migrant women are faced with multiple discrimination in society at large and in their own communities and that the intersection of gender and ethnic and religious factors negatively affects access to health, education, permanent residence status, work permit and employment".

It tends to be in those companies that have good human resources policies, including workplace equality and diversity policies and trade union coverage, where the best experiences can be found.

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Integrating into the community

Related to this is that many women migrant workers interviewed experienced difficulties settling into life in Ireland and on arrival had limited information about housing, health, childcare, maternity and other services. Key problems identified concerned the integration of female spouses of migrant workers who are disallowed from working and claiming child benefit, social welfare, health and other services.

The Habitual Residency Condition leaves many women in marginal and excluded situations; this is particularly problematic for women who have childcare responsibilities and women who experience domestic violence and who are unable to claim services and benefits for themselves and their children. Female dependent spouses and women working in some sectors are particularly socially isolated and lack access to information in their local communities. Social isolation is enhanced because many women migrant workers do not have family networks to help them with childcare and other support.

In the interviews several women spoke about the experience of racism in accessing housing and other social supports. Racism is a daily experience for many women when they are out shopping or on public transport.

Many of the women do not access services or have information about services such as health care, children's services, maternity services and benefits, accommodation and services for women experiencing domestic violence. Language is a major barrier in the take up of information and services.

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Voices of women migrant workers

Lilia is from Moldova and came to work in Ireland for a contract cleaning work. Although she realised that she was very deskilled in this work, she saw it as a way of gaining experience and a route into less exploitative work. She had a very bad experience working for the contract cleaner and as soon as she had worked her contract she gained a new work permit job as a cleaner in a hotel. This turned out to be a very positive experience and she has had opportunities for promotion. There have been no problems getting work permits renewed for these new jobs.

Irina from Belarus works as a hairdresser in a beauty salon earns EUR 360 per week, which including overtime. She doesn't think that the wage is fair and thinks she is being exploited, the impact is that she is not motivated and wants to leave. Most Irish women that have worked there have had better wages. She said "these women didn't stay because they could earn better money in other salons".

Olga from Russia worked in Co Galway for seven months as a waitress, in a pub and a take away restaurant. Her employer did not give her a work permit. She felt that he "wanted to keep me as a slave with no rights". Olga eventually went to the Garda Station to complain and she was sent to the Galway immigration registration office. At this time her English was poor and she was entitled to interpretation. Olga felt she was treated very badly and was very deskilled.

Sasha was recruited from South Africa to work in a meat packing factory. She came to work in Ireland through a recruitment company that was working on behalf of Irish companies. Although the work was low paid "We all signed seven month contracts with pay of £130 a week. That seemed loads considering where we came from. Many of us were working from six in the morning till eight at night in order to earn as much money as possible. After a while it didn't seem so much money because we had to buy food to eat. On my second contract I earned more. The big problems started when the employer changed. We were still doing the same job but then we found that we were getting lower pay and worse conditions of employment. When I questioned and kicked up a fuss, I was told that they had to let me go". She was sacked but got support from her union.

Anita used to work in the horticultural sector, picking mushrooms, but was sacked for speaking out against low pay, which averaged 50 cents per hour. She felt very strongly that women migrant workers in the horticultural sector should be supported by unions and that there should be more detailed inspection of workplaces, particularly because on the surface "everything looks fine, its only when you look under the surface that the exploitation and bad treatment of women is found...many women are too scared to speak out in case they loose their jobs...they have no rights".

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OF WOMEN MIGRANT WORKERS IN IRELAND



A group of Latvian and Lithuanian women working in a mushroom factory spoke in a group interview about the bad conditions of employment, concerns about chemicals in the polytunnels, poor light conditions and being treated with a lack of dignity. "They know they can exploit us. We have no power and no right to complain". Although normal working hours are around 40 hours a week, it is not unusual for her to work 80 hours per week on very low pay. The piecework system

meant that it was often difficult to earn minimum wages. One woman stated that she was only paid EUR 3 overtime for an additional 2 hours work picking the small mushrooms, whilst other women stated that their average weekly earnings were EUR 160-200, which included overtime. One woman said "I feel that I am nothing here. I am not valued as a person, but I still earn more than I would at home, so I carry on doing the work".

Recommendations:

the recommendations made in the research concern the following main areas:

- Partnership between employers, trade unions and migrant support organisations.
- The development of equality and diversity policies and practices at workplace level.
- The enforcement of a legal framework that provides for both protection against exploitation at work and the enhancement of the security and legal status of women migrant workers.
- Improving the rights and access to rights at work and in the community of women migrant workers.
- Improved support for migrant women's organisations.
- Improve coverage of trade unions and representation of women migrant workers rights.
- Gender specific information about rights and entitlements e.g. childcare issues, family friendly working hours, pregnancy and maternity.
- Lobby for the enforcement of equal working conditions, working hours and equal pay for work of an equal value between migrant and non-migrant workers.
- Improve awareness about how to combat the double discrimination of sexism and racism in the workplace.

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ROUNDTABLE | THE EUROPEAN COMMISSION COMMON PROGRAMME
FOR INTEGRATION: A TOOL FOR THE INTEGRATION OF MIGRANT WOMEN?

ISABELLE CARLES,

Researcher, University of Brussels (ULB), Study Group on gender and migration



1 In my communication, I will refer to migrant women as those women who have experienced migration themselves. Women from ethnic minorities but who belong to the second or third generation of immigration living in the EU are excluded.

2 *European Council Meeting Tampere, Presidency conclusions*, 15th and 16th October 1999.

3 *The Hague Programme: strengthening freedom, security and justice in the European Union*, (Official Journal n° C 53 from 3.3.2005), European Council of 4th – 5th November 2004.

4 *Handbook on integration for policy-makers and practitioners*, Directorate-General of freedom, Justice and Security, November 2004.

1. Introduction

The European Union has recently become aware of the feminisation of migration. The predominant image of the male immigrant worker accompanied by his wife who is usually not working herself seems to be out of date. The present day circumstances are much more varied and complex, such as the ever increasing number of single female migrants and skilled and even highly skilled women.

The concept of "migrant woman" applies to many different circumstances. It can apply to women who belong to different generations of immigration, different kinds of legal status apply whether they are refugees, legally resident or undocumented migrants. The reason for them to have moved country are varied: for some it is family reunification, for others economic factors are at play¹. Regardless of their circumstances, they often face double discrimination based both on their gender and on their ethnic origin and this happens in particular in one of the key sectors for integration – the labour market.

So, how can the integration of these women be improved in a European Union which currently wishes to develop a policy of integration, advocates gender equality and is against discrimination on the grounds of gender and race?

2. The gradual establishment of a Common European Policy of Integration

The European Union has held powers related to immigration and asylum since the Amsterdam Treaty (Article 63). The Tampere programme (1999)² took the next step in defining a two-part European policy, the

first part concerning immigration and the second the integration of *legal* immigrants from third countries.

The next step was the phased establishment of a common integration policy called for by the European Council, policy which, in the Hague Programme³ succeeding to Tampere, highlights the need to strengthen *the coordination* of the national integration policies by developing a coherent framework.

This coherence is primarily based on the Common Basic Principles which are inspired by the *Handbook on Integration*⁴ and implemented in the *Common Programme for integration* adopted by the Commission in 2005⁵ and by the establishment of a number of tools, such as national contact points and annual reports on integration.

Funding will be allocated to support the implementation of these policies: the current actions of INTI⁶ will be replaced by a European Integration Fund (2007-2013) and specific budget lines will be used for integration within the European Social Funds (Equal) and the European Regional Development Fund (ERDF).

3. What are the common basic principles?

The general philosophy behind the common basic principles is based on an idea of mutual accommodation of integration. It is defined as a "dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States." (CBP1). It is for this reason that I suggest dividing the principles into three groups: those relating to the responsibilities for the migrants themselves; those relating to responsibilities for the hosting country and those underpinning the relations between residents and immigrants.

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3.1 Responsibilities of the migrants

The first duty is based on *understanding, respect and the benefit of the fundamental values of the EU* (CBP 2). These are values that are indivisible and universal included in the European Charter for Human Rights namely human dignity, freedom, equality and solidarity.

The second duty is *basic knowledge of the host country* (CBP 4). This is covering language, history and the institutions.

3.2 Responsibilities of the hosting country

The host country's first objective is to *improve knowledge and understanding of migration* through information and awareness raising campaigns.

It must also promote access to *education* (CBP 5) and *employment* (CBP 4), which are considered two of the key factors for integration.

Integration in the host country involves a facilitated access to *institutions and public and private goods and services without any discrimination* (CBP 6).

The State must also *protect and safeguard the practice of diverse cultures and religions*, by promoting dialogue between different cultures and religions while ensuring that the latter are not in violation with European basic rights and national law (CBP 8).

Finally, integration policies must be mainstreamed into other more general policies *such as urban planning, employment, education* (CBP 10) and *other clear goals, indicators and evaluation mechanisms*

must be developed. The responsibility lies with the Member States for these different policies (CBP11).

3.3 The principles organising the relationship between the society of residence and the migrants

These principles encourage *frequent interaction between immigrants and the citizens of the Member States* while promoting the development of places and opportunities for meeting (CBP 7) on the one hand, *participation of immigrants in the democratic process*, especially at local level, on the other hand (CBP 9).

In its communication, the Commission makes several references to migrant women by highlighting the need to consider specific gender-related issues in general and *in the field of employment* in particular and in the area of *participation in the political process*, where it is recommended that the Member States encourage parity in the representation of men and women. Finally, *as far as the basic knowledge of the host country is concerned*, it recommends that specific activities and programmes be developed for dependents including women.

4. How can a gender perspective be applied to the programme?

Action must be taken in three areas:

- Participation of migrant women in democratic life should be increased;
- Integration measures should be established in employment and education addressing the specific needs and difficulties experienced by migrant women;

5 Communication of the Commission Common Programme for Integration – Framework related to the integration of third-country nationals in the European Union Com (2005) 389 final.

6 INTI is a European Union programme funding actions aiming to promote integration in the Member States of the EU of people who are not EU citizens.

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- An inventory should be compiled and measures which infringe the basic human rights of women and are contrary to the principle of equality between men and women should be abolished.

4.1. Strengthening the participation of women in democratic life

4.1.1. Promoting the participation of immigrant women in public life at different levels and in different bodies.

Firstly, women should be informed as soon as they arrive in the host country that they are entitled to vote at local level where this is the case.

They should be encouraged to establish *contacts with local NGOs, who receive funding and housing*, who will be able to identify their specific needs and working at grassroots level can help them to develop their skills.

Furthermore, the demands of women migrants must be heard in a wide range of arena by encouraging *links between migrant women and women's associations working in human rights, anti-racism as well as with the social partners* so that the specific problems that they are facing receive more attention.

With this in mind, "*women's*" sections within *immigrant associations* should be developed so that these sections can be a source of information for women who have recently arrived in the host country and who can participate in programmes that are targeting them specifically.

4.1.2 Promoting and funding associations of Migrant Women.

The development of these associations could take place in different ways at different levels:

At a transnational level: Problems linked to immigration both in the country of origin and the host country can be politicised through transnational networks. Political activism involves recognising and developing rights in favour of migrant workers which are related to human rights in general⁷.

At European level: Within structures that already exist such as EWL or ENAR, or by promoting the development of a specific European Association of Migrant Women.

In all the above women need to have a strong voice within the different bodies of democratic dialogue. In all cases, it is essential that women have a strong voice within the different bodies working democratically in society. This includes religious communities or associations of immigrants so as to avoid the absence of women from the dialogue between religious communities and political decision makers. Here I refer to criticisms made by some feminist women from ethnic minority backgrounds in the UK in 1980s. They criticised in particular the institutionalisation of 'race relations' which contributed to the establishment of a dialogue between the British authorities and the leaders of religious communities or ethnic minorities, who were exclusively male⁸.

⁷ Cf. PIPER Nicola, "Gendering the politics of Migration", in *International Migration Review*, volume 40, Number 1 (Spring 2006), pp.133-164.

⁸ Ref.: LLOYD Cathie, 'Migrant and Women's movements: gender, migration and ethnicity: female perspectives in UK' in *Femmes en Migrations, Cahiers du CEDREF*, 2000, pp. 17- 43.

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4.2 Measures promoting the entry of women into the labour market

Foreign women are discriminated against in the workforce when compared to European women. This becomes apparent when looking at these three indicators:

Employment rates⁹:	
European Women	68%
Non-European Women	44%
Unemployment figures¹⁰:	
European Women	10%
Non-European women	19%
Gender pay gap¹¹:	
European women	16%
Non European women	-10%
(in relation to pay rates received by European women)	

This situation must be addressed and attempts must be made to rectify it by taking appropriate steps in the field of education and employment.

4.2.1 Education and training

We must fight against the trend of the most common career options being towards vocational training and if necessary *positive action measures should be taken*, i.e. measures aiming to guarantee full equality in practical terms to guard against or compensate disadvantage which are due to a particular racial or ethnic origin, *encouraging migrant girls to access third-level education*.

Recently arrived migrant women must have *proper access to education and if necessary to training in new skills* so that they are not restricted to low paid jobs (health, services, catering).

As far as skilled and highly skilled women are concerned *their diploma and qualifications, training and professional experiences must be recognised*.

Finally, public and private organisations which help migrant women to set up their own businesses as an alternative to unemployment must be supported.

4.2.2 Employment

As far as employment is concerned, the first demand is concerned with the recognition of the individual right of women who have arrived in the country of residence as part of family reunification to enter the labour market.

The second is concerned with accessing information on the labour market such as particular measures of information on job offers, in places or publications targeting migrant women (local NGOs, women's associations).

Assistance for entering the labour force cannot be achieved without the social partners who are essential partners in this task. Their responsibility in this regard is to make sure that the social rights of migrant women are respected and to fight discrimination against them. This should take place both at the time of recruitment but also throughout their careers.

Furthermore, as far as urban planning is concerned and with a view to a holistic approach to integration we must encourage the conciliation of professional and family life by promoting access to crèches and after-school care for migrant women who often lack a family support network in the host country.

⁹ Report on Employment in Europe CE 2003

¹⁰ Eurostat, Statistics in focus, Theme 3-2/2003.

¹¹ European Commission Annual Report on Equality between men and women 2005, p.6.

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4.3 The protection of basic human rights for women

This protection must include giving information in an effective way to women in relation to their rights and about their rights that are infringed.

4.3.1 Information

FOR BOTH MEN AND WOMEN

Integration programmes targeting migrants in general can also be a good way to inform migrant women about their rights in different areas. Care must be taken not to present migrant men as the opposite to the European model of gender equality.

Programmes could also bring together both husband and wife to inform them about the knowledge of their rights, democratic values, basic human rights, and basic principles of democracy such as equality between men and women and non-discrimination.

TARGETING WOMEN IN PARTICULAR

Migrant women must be informed on issues relating to health, reproductive and sexual health and they must be able to access to health services.

As far as combating violence is concerned (domestic violence, sex trafficking, etc.) action must be taken in two areas: ensuring real access to assistance and protection (giving evidence to the police, access to women's shelters and developing accessible and free services providing information about their rights and defending them when necessary) and advocating the granting of residency or work papers independently in the case where violence has been proven.

Concerning women victims of violence relating to traditional practices such as female genital mutilation, forced marriage, honour killings..., on the one hand we must make sure that laws banning and criminalising these practices are introduced, on the other hand, we must provide assistance to women by developing for example free legal aid and shelter where this is necessary.

Preventative information tools on the dangers of these practices must be developed which are targeting schools, training colleges and health services.

4.3.2 Defence of basic human rights that are infringed

Women's basic human rights can be jeopardized by the recognition in the hosting country of legal decisions made in their country of origin relating to their personal status, in relation to divorce or repudiation for example.

In this case, it is important to identify and not to implement all laws which are contrary to the European Convention of Human Rights, to Protocol 7 annexed to the Convention and to the basic principle of gender equality and/or bilateral agreements which infringe human rights, such as those relating to age and consent for marriage, unilateral divorce and care for children.

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Conclusion

The Common Integration Programme can, as we can see, be applied in different ways from a gender perspective. However, actions must also be developed independently from the programme.

It is essential in the first instance to develop awareness raising and information campaigns in the media and schools to *increase* the status and role of migrant women and thus get rid of stereotypes linked to the image of migrant women as victims, subordinate and not in the workforce.

We also see that there is no reference to the situation of undocumented migrants in the Common Integration Programme. We know how vulnerable undocumented women migrants are in cases of violence, in relation to their employer if they are working in the informal economy or in the society where they live. Faced with this extremely precarious situation we need to act towards recognising basic human rights which should be afforded to undocumented migrants such as the right to education and training, housing. These rights should be accessible to everyone but in particular to women.

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ROUNDTABLE | UNDOCUMENTED MIGRANT WOMEN IN EUROPE

MICHÈLE LEVOY,

Director of the Platform for International Cooperation on Undocumented Migrants (PICUM)



Summary

The EU underlines the need to guarantee the fundamental rights of migrants but the real focus remains on border control, as reflected in the Communication from the Commission on "Policy priorities in the fight against illegal migration of third-country nationals" (COM (2006) 402 final) of July 2006. To tackle irregular migration, the EU has developed strict measures such as the community return policy, reinforcement of external borders and readmission agreements. These measures focus on the entry or return of undocumented migrants, but not on those currently staying in the European Union. Regardless of efforts, it is estimated that there may be from 5-8 million undocumented migrants in the EU.

Undocumented migrants face important challenges in Europe in accessing decent health care, fair working conditions and housing, which lead to marginalization and exploitation. On the one hand, undocumented migrants are criminalized and chased, on the other hand they are desired and exploited. While undocumented migrants have rights that are recognized in international human rights treaties, these rights are systematically abused.

Women constitute a substantial proportion of undocumented migrants. They face urgent problems, such as:

1. Lack of access to health care

Access to health care is increasingly being used as an instrument of immigration control policies and has become a highly politicised issue. Access to health care tends to become more restrictive. In various EU member states, there is a range of legal entitlements to health care for undocumented migrants:

- Some member states provide no subsidized health care to undocumented migrants, allowing access only on a payment basis (e.g. Sweden and Austria);
- Some member states (e.g. Germany) provide subsidized access in very limited cases but this access is overridden by civil servants' duty to denounce the irregular migration status to the immigration authorities;
- Some member states run parallel health care services for undocumented migrants, which can lead to an increased risk of stigmatization (e.g. France, Belgium and the Netherlands);
- Some member states offer free health care to undocumented migrants almost under the same conditions as nationals (e.g. Italy, Spain).

Even if these entitlements exist, a lack of clear-cut definitions and poor awareness of all actors about those entitlements persists.

Basic health care needs of undocumented women often go unmet. Most of their health problems are related to **stress** (digestive problems, depression, anxiety and sleeping disorders, etc.).

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The **mental health's** needs of undocumented women also often go unmet and are aggravated by the social burden placed on women to provide material and emotional support for children who live with them in Europe or who remain in countries of origin.

Sexual **health** is also critical for undocumented migrant women. HIV-AIDS is increasing amongst women and treatments are not always subsidized or available at an early stage in the diseases when it comes to undocumented migrants.

Pregnant undocumented women are confronted with the lack or poor access to pre- and post-natal care, as illustrated by the following two examples:

- A survey in May 2006 among gynecologists in Amsterdam showed that 33% of referrals of pregnant undocumented women failed because the general practitioners refused to treat the women or because they wanted financial guarantees.
- Médecins sans Frontières (MSF) reported in 2005 that undocumented women in Sweden may get access to maternity centers only after advance payment in full (2,197 euros for delivery).

It must be underlined that there is a general lack of awareness of undocumented women about their rights concerning health care.

2. Undocumented migrant women in the workplace

Undocumented women overwhelmingly work in sectors of the informal economy, which are poorly regulated and organized, such as domestic work, the garment industry ("sweatshops") and agriculture. They suffer from harsh forms of exploitation and abuse, including degrading physical and mental conditions. Many undocumented women don't receive wages or receive less than was agreed upon. If they suffer work-related accidents, the absence of legal status makes it difficult to get workers' compensation. If they are apprehended or deported due to irregular residence status, they usually cannot claim lost wages.

A Human Rights Watch report on migrant domestic workers (January 2007) has underlined that many undocumented workers fear reporting abuse because this may result in imprisonment or criminal penalties. In addition, in some countries, undocumented migrants lose their legal status once they leave their employers, since their visas are tied to the employers. The British NGO Kalayaan waged a 10-year campaign to change the immigration rules concerning migrant domestic workers and their employers, and in 1998 a law was enacted that allows migrant domestic workers to change employers. Nonetheless it is particularly worrying that this law may be reversed, which would mean more vulnerability of migrant domestic workers towards abusive employers.

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How can undocumented women be protected from exploitation and abuse in the workplace? In PICUM's report *Ten Ways to Protect Undocumented Migrant Workers*, the following ways are highlighted:

- Engaging public support;
- Collecting data;
- Informing undocumented workers about their rights;
- Building capacity through empowerment;
- Unionizing undocumented workers;
- Working with employers to prevent exploitation and for the implementation of fair employment standards;
- Using mediation and community action;
- Asserting rights through the legal system;
- Working with government agencies, such as labour inspectors, to promote undocumented workers' rights;
- Advocating for regularisation.

There have been some recent positive developments concerning domestic workers and civil society organizations:

- An agreement was forged in summer 2006 between RESPECT, a domestic workers organization, and the FNV union in the Netherlands, to allow migrant domestic workers (many of whom are undocumented) the possibility of joining the union anonymously;
- An international seminar on domestic workers was held in November 2006, which aimed at better cooperation between NGOs, unions, and the International Labour organization (ILO).

3. Gender-based violence

Undocumented women are afraid to report **domestic violence** to the police because of the fear of deportation. The following items from Spain indicate the vulnerability of undocumented migrant women suffering from domestic violence:

- The Catalan Data Institute estimated that 1/3 of women suffering from gender violence in Catalonia are immigrants (Jan. 2007). Catalan Association of Separated and Divorced Women affirmed that only women with legal residence permits denounce aggressions, and that a rather big group of undocumented women is "living in hell."
- The Spanish Parliamentary Commission for Women's Rights urged the government to protect undocumented women who are victims of violence (March 2006).

Undocumented women are victims of **sexual and other abuses in detention centers** and are often deported without receiving redress:

- The Public Prosecutor of Crotone (Italy) reported crimes of violence, kidnapping and rape of undocumented migrants in detention center. Some cases were closed because the victims were deported. (Jan. 2006)
- Six young women (from the Ukraine, Brazil, and Morocco) alleged that they were sexually abused when held in a detention center in Malaga (Spain). Three of the abused women were deported to their countries of origin without any conclusions of the cases. (August 2006).

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Conclusion

Undocumented women need more visibility. One immediate priority would be to mainstream their basic social rights into the European Social Inclusion-Social Protection Strategy.

Furthermore, appropriate mechanisms should be developed to protect and assist undocumented women who are victims of exploitation/abuse in the workplace and/or gender-based violence, and to empower them.

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OF THE EUROPEAN NETWORK AGAINST RACISM

MR BASHY QURAI SHY,

President of the European Network Against Racism (ENAR)



Dear friends, sisters
and fellow anti-discrimination activists,

Standing in front of you to speak about: "Equal Rights, Equal voices – Migrant Women in the European Union" has a very special meaning for me. First because it is the first time for me to speak at an event organised by the European Women's Lobby and secondly, because as a man, I know that I need to learn much more about the multiple discrimination facing women today. We men are often not aware that more than half of the world population is suffering right in front of our eyes.

In 2001, UNICEF estimated that up to half of all women and girls in some countries have experienced physical violence at the hands of husbands, partners or a family member. At any given time, approximately 20 million women living in the EU are facing situations of violence. By 2006, this figure had increased even further and continues to rise. According to the International Herald Tribune of 24th Dec 2006, the gender pay gap, which was once narrowing, has not changed for the last 5 years.

These two examples are just the tip of the iceberg. Just imagine the amount of discrimination facing women that lies under the surface. This discrimination is noticed by few and even complaints made by women often fall on unsympathetic ears whether these are made through official bodies or in civil society. Through my many years' work in the area of racism and discrimination in Denmark and in Europe, I know that ethnic minority women suffer from multiple discrimination. Firstly, they suffer from discrimination on the basis of gender, then from discrimination on the basis of race or ethnic

background and in addition to this from cultural discrimination and finally religious discrimination: layers upon layers of unfair treatment.

Considering this dreadful situation, it is commendable that EWL is doing something to correct the situation and that you have taken on board the cause of ethnic minority women.

To those who may not know about ENAR it stands for **European Network Against Racism**. It was established in 1998 as an advisory body to the EU institutions, especially the Commission. ENAR came into to being because of the tireless efforts of many European grassroots antiracist NGOs under an initiative – The Starting Line. These NGOs wanted to have anti-discrimination laws incorporated into the EU treaties. After nearly 10 years of different EU Presidencies, NGOs succeeded in getting 3 lines included in the Amsterdam Treaty, which later came to be known as Article 13. That opened the way to the anti-discrimination directives also known as the "Race Directive" and "Equality Directive".

ENAR's office is based in Brussels but we have coordinations in all 25 EU countries and soon we shall also establish a base in Bulgaria and Romania.

ENAR is organised in a very democratic way. All countries elect their local ENAR board and send one representative to be part of the Main Executive Board. Decisions are made collectively in the Board and the Bureau, which meets regularly. An Annual General Assembly approves the Annual Work Programme and overall strategies are set by the Strategic Congress which takes place every 3 years.

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Our membership comprises over 650 NGOs, who take part in local antiracist work and campaigns, lobbying the governments, drafting Shadow Reports, communicating with the Head Office in Brussels and include European issues in their work. ENAR works together with other networks, including the Social Platform, European Anti-Poverty Network, MPG, ILGA, AGE, EDF and of course EWL.

In ENAR we have a principle. The composition of our Boards, both at national and EU level, has to reflect 50/50 reality. It means that not only do we maintain equal minority/majority ratio, but also gender balance has to be respected. Today 12 out of 26 Board members, 3 out of 7 Bureau members and 6 out of 7 staff members are women. We are sure that soon it will be 50/50.

Many of the organisations that are involved with ENAR, actively promote the rights of migrant women, e.g. in Ireland the Migrant Rights Centre has set up a Domestic Workers' Support Group, as well as a Women's Group to support migrant women in the most vulnerable situations. In Denmark we have a Migrant Women Advisory Service and in many other countries it is part of our work to help this disadvantaged group.

Just 2 weeks ago, for the first time in Denmark's history, the largest women organisation signed an anti-discrimination declaration together with many anti-racist NGOs, including ENAR Denmark.

ENAR is very aware of the fact that **an increasing number of asylum-seekers, people migrating under family reunification and domestic workers as well as cheap labourers are women:**

The latest statistics on female migration in Europe reveal that around 45% of immigrants are women. For women, the differences in employment rates are significant. Whereas 68% of women nationals in the EU - aged 25 to 39 - were employed in the year 2000, the figure for non-EU women nationals is only around 44%. At the same time, the unemployment rate for the latter averaged 19% as opposed to 10% for nationals. These are official figures and the reality is even worse. In my own country, Denmark, unemployment among non-European ethnic minorities is nearly 50% and among ethnic women can be as high as 80%, depending on the ethnic group. All this while the national unemployment rate is only 6%.

ENAR works actively on the issue of **multiple discrimination**, including the intersection between race and gender.

ENAR, which is of course primarily concerned with racism, is very aware that individuals cannot be truly free from racism until everything related to their personal is protected.

ENAR recognises the particular situation of women. For example, when it comes to advocacy work on family reunification, we must be conscious that family reunification affects far more women than men as does violence at work, domestic violence, unequal situations in family reunification and deportations.

That is why ENAR believes that anti-discrimination protection should apply across the grounds of discrimination at the European level.

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The issue of multiple discrimination is not a new one and the effect it has is clear. As early as 1851, Sojourner Truth, a freed black woman living in the United States noted that racism and sexism could not be neatly separated into distinct issues; she drew the link between gender and the experience of slavery.

"Look at my arm! I have ploughed and planted and gathered into barns, and no man could head me—and ain't, I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have born thirteen children, and seen most of 'em sold into slavery, and when I cried out with my mother's grief, none but Jesus heard me—and ain't I a woman?"

ENAR has addressed the situation facing ethnic minority women both in its specific work on third-country nationals as well as in its broader work in the field of anti-racism in general.

In November 2006 ENAR members adopted a **General Policy Paper on Third Country Nationals**. In that paper we outlined five key principles that we believe should underpin the equal treatment of third-country nationals in the EU. These are:

1. European immigration and asylum policy must respect all international human rights instruments.
2. Anti-discrimination legislation must protect everyone living in the EU.
3. All security measures must be fully compatible with fundamental rights.
4. Positive steps must be taken to ensure equal access to, and the effective enjoyment of, fundamental rights by third-country nationals.

5. Member States must protect fundamental rights in implementing the 'external dimension' of migration and asylum policies.

Last October ENAR published an edition of its Newsletter on **mobility and racism**, in the context of the 2006 European Year on Mobility. In that newsletter, we looked at a number of issues relating to mobility, including the question whether racism is a barrier to mobility, and how immigration policies in the EU undermine the principle of mobility. The reality is that the EU's mobility programmes consistently exclude the one group most likely to be mobile, because they already are, i.e. migrants!

ENAR always tries to integrate a gender perspective in its work. For example, to ensure that women are represented in our upcoming conference on Integration, Social Inclusion and Anti-discrimination on 1-2 March 2007, we are working with EWL to make sure that we include gender issues in the programme.

ENAR and EWL

I believe that it is in our common interest that we become more involved in each other's organisations so that we can help each other understand the complexity of the issues. It is true that ENAR's work programme deals with ethnic and racial discrimination in general but your input will definitely help us to actively support gender issues. We have already established close co-operation with Roma Networks, Gay and Lesbian Organisations and NGOs working with religious discrimination issues.

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We already have one board member in common – Julia Kovalenko from Estonia – this is an excellent start and we need to build on this. We should encourage cooperation at national level too so that our own cooperation is strengthened. In Denmark, we work closely with women organisations on discrimination and ethnic equality issues. Now we are going to have a single specialised body to deal with complaints of discrimination..

We continue to work together on joint initiatives. ENAR is particularly delighted to work with EWL in the context of our work on multiple discrimination, but we need to build on this in the future. I shall leave the issue of concrete projects in the able hands of our secretariat. But any co-operation will have full political support from me and the Board.

I am sure that EWL is aware of some powerful tools provided by the international bodies. Here are two such suggestions:

UK NGO Oxfam has launched a CD and associated web page about **Gender Budgeting** called "A Change in Thinking". It is timely because the gender equality responsibility for public bodies will come into force in April 2007. It will require all public authorities to work towards promoting gender equality and eliminating discrimination based on gender. Public bodies will be required to set their own gender equality goals in consultation with their service users and employers. "A Change in Thinking" gives clear examples of how using gender budgeting techniques can quickly and easily provide better quality information from which we can target services more effectively.

A unique paper in **Women Watch 2005** from the United Nations Department of Economic and Social Affairs addresses both the opportunities for empowerment of migrant women and the challenges and vulnerabilities facing women in the context of migration. It focuses on all types of international migration, both legal and illegal, including migration for family reunification and family formation purposes, labour migration, refugee movements and human trafficking.

The report sets out recommendations aimed at improving the situation of migrant and refugee women and those who are victims of trafficking. The recommendations include:

- Ratifying and implementing all international legal instruments that promote and protect the rights of migrating women and girls;
- Reviewing national emigration and immigration laws and policies in order to identify discrimination in the provisions which undermine the rights of migrant women;
- Taking steps to reduce the cost of remittance transfers, e.g. by encouraging competition in the remittance transfer market; by providing financial literacy training to the migrant women who send and receive remittances;
- Developing policies that enhance migrant and refugee women's employment opportunities, access to safe housing, education, language training in the host country, healthcare and other services;
- Developing education and communication programmes to inform migrant women of their rights and responsibilities;

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ANNEX 1

Public Seminar Equal Rights, Equal Voices-Migrant women,
in the European Union, 19 January 2007

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- Improving access of migrant women, including refugee women and displaced girls, to primary and reproductive healthcare services, including programmes to address sexual and gender-based violence, trauma resulting from flight and conflict, and sexually transmitted diseases, including HIV/AIDS;
- Highlighting the role of migrant women, including refugee and displaced women, in the reconstruction and development of post-conflict societies and ensuring their full participation in decision-making processes;
- Promoting research and data collection, disaggregated by sex and age, that improve understanding of the causes of female migration and its impact on women, their countries of origin and their countries of destination in order to provide a solid basis for the formulation of appropriate policies and programmes.

I am not a religious person, but when it comes to the importance of women in society, I wish to quote a great person who was asked a beautiful question, 1,400 years ago, as to what should a person do to enter paradise.

“Look under the feet of your mother”, was the answer from the Prophet Mohammed.

ANNEX 2

Workshops | List of participants



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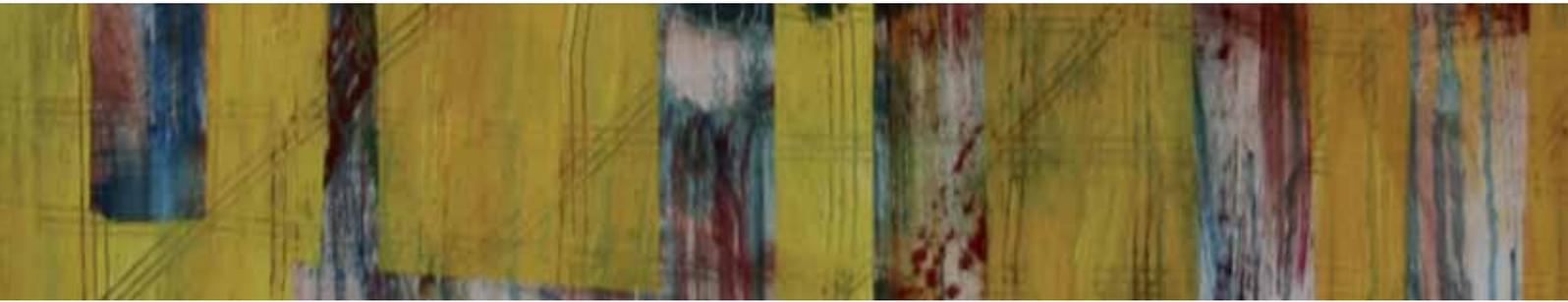


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ANNEX 2

Salimata Kaboré



Salimata Kaboré was born in 1978 in Burkina Faso. She finished her primary education in Ouagadougou after several years spent in the Ivory Coast and then went to the Netherlands in 1992 and later on to Belgium.

It was only when she arrived in Europe that Salimata Kaboré became aware of her own talent for art. Encouraged greatly by her art teacher and sculptor Lina Hodoraoba, Salimata decided to study art and specialised in painting where she developed her own varied and personal techniques using sand, cement, grains and collage.

She has painted many different subjects: portraits of women and of children, self-portraits, every day scenes, abstract studies. But it is the topic of African women and tolerance which is her favourite. Her work, whether abstract or figurative, is rich and vibrant in its use of colour.

For Salimata, art is a way of expressing her inner feelings, or in other words, using a medium to explore the coming together of her observations of our contemporary world and her own experience. Art is also a way of revisiting her African origin. Art is also the adrenaline which makes her want to continue. Finally, art is sharing. Once she has created a work of art alone, the experience of sharing it with the public is for her a particularly enjoyable one.



On the cover page:
"Motif de pagne (tissu africain)",
24 X 18 cm, Oil on canvas.



We would like to thank in particular

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- Network of European Foundations for Innovative Cooperation (NEF)
- Sigrid Rausing Trust

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