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## Committee on Migration, Refugees and Population

**ROUND TABLE on  
THE NEED FOR REINFORCED PROTECTION OF THE RIGHTS OF  
MIGRANT WOMEN**

(Rapporteur: Ms Pernille Frahm, Denmark, UEL)

**Paris, 7 December 2010**

2 – 4.30 pm

Council of Europe office, 55 avenue Kléber, Paris 16

## **PROCEEDINGS OF THE ROUND TABLE**

Moderator

**Ms Pernille FRAHM**, Rapporteur (Denmark, UEL)

*The meeting was opened at 2 pm, with **Mr Giacomo SANTINI**, First Vice-Chair of the Committee (Italy, EPP/CD), in the chair.*

**2 – 3.15 pm**

**SESSION 1: The challenges and difficulties faced by migrant women on the labour market**

**Mr Giacomo SANTINI** (Italy, EPP/CD): We will now continue our discussions by looking this afternoon at an issue which is just as important as the one we discussed this morning and which concerns all national parliaments: the need to reinforce the rights of migrant women. The Italian parliament is due to present a report on the subject shortly.

I should like to welcome the experts who have agreed to take part in the meeting.

First of all, I will give the floor to the rapporteur, Ms Pernille Frahm, who will give us her point of view and describe the situation in her country.

**Ms Pernille FRAHM** (Denmark, UEL), Rapporteur: I will not go into the details of the situation in Denmark. My country's legislation on immigrants and refugees is among the toughest in the European Union.

I, too, should now like to welcome all the experts taking part in this round table.

Our committee's last chair, Mr John Greenway, presented a motion for a recommendation concerning the subject of this round table. A conference was held in Paris a year ago and was attended by several of the speakers here today.

The aim of our meeting is to agree the main thrusts of our future report, which we hope should be adopted during the Parliamentary Assembly's April session. Before then, our committee is due to prepare a pre-report for the January session and adopt the final report at its March meeting. The timing is therefore fairly tight.

Half of the 214 million international migrants are women. The increasing number of female migrants has resulted in a major change in gender structures: whereas in the past migration by women was mainly connected with family reunification, women are now increasingly tending to migrate on their own. Migration often enables them to achieve freedom by earning incomes of their own and obtaining a higher level of education and greater independence.

However, the relative equality between the two sexes conceals major disparities. For far too many women, notably those working in poorly regulated sectors such as domestic service, migration involves risks of exploitation and harsh working conditions. There is therefore an urgent need to strengthen the protection of these women through legal means and to improve current practices.

During this first session this afternoon, we will seek to identify the challenges and difficulties faced by migrant women in the labour market. During the second session, we will seek to outline the practical measures which should be taken to protect them more effectively.

Before giving the floor to the experts taking part in our roundtable, I would like to welcome the adoption last Friday by the United Nations Committee on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW) of the General Comment on Migrant Domestic Workers. Mr El Jamri, who chairs this Committee, will be able to give us more details.

**Mr Abdelhamid El JAMRI**, Chair, UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families: It is a great honour for me to take part in your Committee's discussions.

This year, we celebrated the 20th anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was adopted in 1990 and came into force in 2003. The Council of Europe chairmanship was represented at the celebrations by the Ambassador of Turkey.

The recent adoption of the general comment on migrant domestic workers, which the rapporteur mentioned, is the culmination of a process. While the International Labour Organisation (ILO) is preparing to adopt a new instrument to protect domestic workers in June, our Committee held a day of general discussions focusing more particularly on migrant domestic workers, who are usually women. The general comment based on the day of discussions, which was organised in partnership with UN institutions and civil society representatives, is in the process of being translated. We will be glad to communicate it to you.

The Convention, which includes over 90 articles, is very wide-ranging and demands efforts in terms of interpretation and explanation. We have already done this as regards the detention of migrant workers, education and the specific issue of women. The issue of migrant women employed as domestic workers can be dealt with on two levels: firstly, existing rights are inadequate to protect these persons and, secondly, there is a problem with the applicability of the rights. In some countries, labour legislation does not make provision for domestic work or, when it does, the legislation is hard to apply, as it is inconceivable that labour inspectors should visit individuals' homes. Moreover, female migrant domestic workers often work in the places where they live and this isolation compounds their linguistic and cultural isolation. They are unable to make contact with the members of their communities or gain access to trade unions, associations and the rest of society, which are all social rights. Leaving their work would mean leaving their homes.

Hence the importance of this ILO initiative to protect domestic workers in general.

For our part, we have seen that host countries favour certain categories of migrants to the detriment of the rights of workers, in particular women. There are sectors which survive only because of illegal workers or seasonal workers, to the detriment of legal migrants. The same problem arises when child labour is encouraged – in this connection, the issue of unaccompanied minors who work is becoming a matter of concern in Europe. Lastly, informal employment is growing again after having declined for a period. In Europe, the same trend applies to domestic work.

I will now turn to the International Convention on the Protection of the Rights of All Migrant Workers and, in particular, its response to the issues of women's rights.

It should be underlined, first of all, that an approach geared towards gender equality involves a strategy aimed at taking full account of the concerns and experiences of both men and women when devising, implementing, monitoring and evaluating policies and programmes in all fields, whether legal, political, economic or social, so that men and women benefit equally from these policies and programmes and inequalities are not perpetuated. Ultimately, the goal is to achieve equality between men and women.

The proposition that the promotion of gender equality and the empowerment of women are vital preconditions for achieving human development and economic growth also applies to migration. In taking account in its preamble of the principles laid down in the fundamental UN instruments concerning human rights such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child, in particular with regard to equality and non-discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is consistent with this approach.

Article 1, which may be regarded as the cornerstone of gender equality in the Convention, provides that the Convention is applicable to all migrant workers and members of their families without distinction of any kind such as sex or marital status. It can therefore be concluded that all the provisions in the Convention incorporate this concern for gender equality. Promoting and protecting the rights of all migrant workers without exception makes it necessary to take a gender-specific approach in applying it. There are several reasons for such an approach.

The main reason is that, given the constantly changing figures, migration by women poses a whole series of problems relating to gender. How is the gender-based division of the labour market altered by migration? Do gender-specific roles remain as they were in the countries of origin or do they change? What types of employment are available to individuals depending on their gender? What specific risks do women face in terms of managing to live in the countries or communities where they are?

Some more specific reasons may also be listed.

Firstly, migrant women are particularly seriously affected by the issue of marital violence. The renewal of residence permits granted in the context of family reunification in theory requires women to continue living with their spouses. If migrant women decide to escape from violence by leaving their spouses, they run the risk of being expelled.

Secondly, migrant women's right to health is often undermined by fears of expulsion, especially if they are illegal residents. They avoid going to health centres for fear of being reported by them. To deal with this situation, Article 28 of the Convention provides that migrant workers must not be refused emergency medical care by reason of any irregularity with regard to their stay or employment.

Thirdly, domestic work continues to be undervalued and invisible. It is mainly done by women and girls, the vast majority of whom are particularly exposed to discrimination related to conditions of employment and other violations of human rights. These migrant domestic workers are more exposed to certain types of exploitation and violence because of the isolation and dependency inherent in their situation.

The question of child labour and, in particular, work by girls was the subject of much discussion when the general comment was being adopted. The Convention on the Rights of the Child defines a child as a person aged under 18 years, while ILO texts allow children to work from the age of 15. The question was whether to adopt a minimum age of 15 years, while recognising that factory work was not the same as domestic work. Or should the text state that children aged between 15 and 18 years should be allowed to work if they were accompanied by their parents? We decided to refer to the existing instruments and recommend that states should not encourage migration by children for the purpose of domestic work.

Another question is how states and practitioners can use the Convention to promote gender equality in their work on migration.

When drawing up policies and programmes, it is vital to recognise and respect the sociocultural context and past trends which characterise relations between men and women in the countries of origin. This approach, which may be based on Article 31 of the Convention concerning respect for the cultural identity of migrant workers, will be decisive in terms of the benefits which the persons concerned are able to derive from the measures.

Agreements, in particular bilateral agreements between countries of origin and destination countries of the kind advocated in the Convention, can also encourage host countries to offer migrant women better contracts. They have the advantage of creating an appropriate framework for specific groups of migrants and different types of migration (provisions of the Convention regarding co-operation between states, Articles 64-65).

Article 44 of the Convention invites states parties to facilitate family reunification and promote family unity. States should take full account of these provisions.

Nevertheless, the reports which states submit on the application of the Convention still do not enable us to distinguish the specific problems of female migrant workers. We have therefore asked countries to provide us with gender-disaggregated data so that we can determine the extent to which policies affect men and women differently and formulate recommendations and comments to the state concerned so that the relevant policies take on board the principle of gender equality. We have also requested updated and detailed information on efforts made to improve the situation of undocumented female migrant workers, in particular those employed as domestic workers, and information about efforts to combat trafficking in human beings, illegal trafficking of migrants, sexual exploitation, prostitution, forced labour and other types of exploitation of women, children and teenagers. Lastly, we want to know whether special shelters have been set up for female trafficking victims of all ages, as we believe that the establishment of reception centres is a priority: migrant domestic workers often have nowhere to go, as they live at their workplaces.

**Ms Françoise MORVAN**, European Women's Lobby: Ms Brigitte Triems, our president, thanks the Committee very much for inviting the European Women's Lobby to present its views.

The European Women's Lobby (EWL) keeps a close eye on integration policies both at local and at regional, national and European level. On the basis of a gender analysis of integration policies, we seek to ensure through our work that integration policies actually bring about improvements in the lives of migrant women. Our aim is to include the experience of migrant women and women's organisations on the ground in this debate.

Since 2006, the EWL has also been conducting a project for, and in co-operation with, migrant women's organisations in Europe aimed at involving them actively in developing, monitoring and implementing European policies. The project is called "Equal rights. Equal voices. Migrant women in the EU". One of the successes of the project was the launch on 18 June 2010 of the European Network of Migrant Women, an independent network which has been an associate member of the EWL since 2009 and is represented in all 27 member countries.

Major progress has been made in terms of recognition of the need for gender mainstreaming in immigration, integration and asylum policies and legislation, in particular at European level.

However, the challenge lies in implementing these undertakings by adopting practical measures at all levels and evaluating the impact on migrant women of the employment and education policies introduced, in consultation with associations working on the ground.

It is also vital to take account of the political context of the introduction of economic austerity measures in all EU countries, which will have a long-term impact on the employment of all women, including migrant women, because of the cuts in the funding for care facilities for children and dependent persons, the spread of flexible employment and job insecurity (which can already be seen in sectors such as cleaning, where most workers are women) and the restructuring of, and cuts in funding for, agencies responsible for promoting equality and combating discrimination.

Why are employment and education key issues for migrant women?

According to a report commissioned by the European Commission in 2008, highly educated migrant women born outside the European Union are twice as likely to occupy low-skilled jobs as women born within the EU who have the same level of education. Moreover, 50% of girls from immigrant backgrounds in Europe do not go beyond the level of compulsory schooling and only 17% complete higher education. For migrant women, access to language courses, which have actually been made compulsory in several European countries as part of their integration policies, is often limited, mainly because of the cost and a lack of day nurseries, as well as problems regarding women's legal status.

With regard to employment and working conditions, the inability of many member states to introduce effective systems for recognising qualifications acquired in countries outside the EU and provide further training for those who need to develop their skills means that many highly qualified women end up being employed in the cleaning or care sectors. Although these are worthwhile tasks, the effect is to deprive society of the benefit of the women's skills and initial qualifications.

Other obstacles related to the social situation of migrant women such as inadequate access to information, language barriers and stigmatisation and discrimination by employers also prevent migrant women from entering the official labour market. For these reasons, many of them end up working illegally in insecure jobs (usually in "typically female" sectors such as domestic work and hotels and catering), for which they are sometimes overqualified. Moreover, job security and longer-term career prospects are often limited by sexist and racist prejudices among employers. When the women concerned are undocumented immigrants, they are even more vulnerable.

I now come to the action taken by the European Network of Migrant Women, starting with the organisation of literacy and language classes. In Portugal, literacy classes are organised by an association of women from Guinea. A Grundtvig project with the same aim has been launched in Lithuania.

In France, the network has sought to help migrant women entrepreneurs. Because of the difficult conditions in the sectors where they work and the great insecurity which they suffer, migrant women often seek to set up their own businesses. We believed it was important to offer them training sessions. One is due to be held on social and vocational integration in February 2011.

Several seminars and colloquies have been held to improve the employment of migrant women, for instance by the AkiDwa association in Ireland and the FATIMA association in the United Kingdom. At European level, the European Network of Migrant Women and the EWL held a conference on integration and gender on 1 December 2008, one session of which focused on the employment of migrant women and involved representatives from the ILO, the OECD, the European Commission and member organisations of the network.

The EWL also seeks to monitor policies and legislation with an impact on the employment of migrant women. At European level, it supports the position of PICUM, ENAR and SOLIDAR on the directive concerning penalties for employers. At international level, it monitors implementation of the Convention which Mr El Jamri spoke about.

It recommends that rapid and transparent procedures be introduced for recognising qualifications obtained abroad, that free access be provided to vocational training and language courses, that support be provided for migrant women who wish to set up or expand businesses and that their contribution to the local economy be recognised as a means of demonstrating their integration in society. Full access to the right to education in accordance with the needs and abilities of migrant women must be ensured. All migrant women must be able to receive special training to facilitate access to the labour market, regardless of their status. Priority should be given to language courses for newly arrived migrant women and mother-tongue courses for migrant children. Access to lifelong learning is vital as a means of improving migrant women's qualifications. All forms of discrimination in access to employment on the basis of nationality must be eradicated and the right to work must be guaranteed, regardless of the individuals' legal status, including for female asylum seekers whose asylum claims are being processed. Facilitating access to employment for migrant women (who are often unable to count on the support of their families in the host countries) means that it is necessary to provide affordable and accessible care services for dependent persons (children, elderly people, the less fit). Lastly, gender-disaggregated statistics on the migrant population in education and employment are needed in order to identify shortcomings and develop education and employment policies which are effective and take proper account of gender equality.

**Ms Pernille FRAHM:** I now give the floor to Ms Mongaya Hogsholm, who chairs the network of Filipino women in Denmark, the Black Women in Europe Network and KULU-Women and Development, Danish Platform of Women in Development Europe (WIDE).

**Mme Filomenita MONGAYA HOGSHOLM,** Member of the executive committees of WIDE (Danish Platform of Women in Development Europe) and KULU (Women and Development Association, Denmark): As the two previous speakers have described the situation of migrant women in Europe in detail, I will try to approach the subject from a different angle. The issue of rights is still relevant: regardless of the number of migrant women or their level of education, they will never achieve equality with men if things are left as they stand.

I, too, should like to greet your Committee on behalf of the various organisations with which we work, beginning with BABAYLAN Europe, where I began my life as an activist.

Our organisation is facing the same situation today as it has done since 1992. In 2007, the Black Women in Europe Network held its first congress in Vienna, focusing on the issue of visibility, participation and the need to be recognised for what we are. Many of the women who come to Europe are married and have degrees. For my part, I had a Master's degree when I arrived in Denmark, which was of very little use to me because, wherever you go in Europe, obstacles are placed in the way of obtaining employment corresponding to that level.

We should not delude ourselves: the reason migrant women are allowed in is because they are cheap, they do not complain, they are not entitled to vote and they cannot influence politics. It's all very practical!

While the situation in Europe is quite depressing, we should try instead to see what these women can contribute and how to help their countries of origin. After all, they originally left because of the situation in their own countries and of factors such as poverty, sexual harassment in some cases and a desire to achieve a degree of independence.

We could take the example of au pairs, a system which I believe was devised by the Council of Europe in the aftermath of the war. Nowadays, they are sometimes young girls from Asia, Latin America, Africa or even Eastern Europe and they often end up being exploited. For a wage of under €500 a month, they have to work 30 hours a week. And that is only the official story: sometimes the host families make them work 12 hours a day.

These are the kinds of inequality, abuse and ill-treatment which we target. I urge you to meet our networks, which have much to share with you.

Europe is an ageing continent. Its population need care provided by younger people. That is where globalisation plays its part. But we do not only need carers. We also need female researchers and educated women who find total fulfilment in their work.

The first obstacle which newly arrived migrant women encounter is the need to look after their children. Migrants need help with their own families.

To my mind, migrant women play an active part in the development of their countries. They must not therefore lose their skills by working as domestic employees although they are researchers, doctors or teachers.

It is also important for them not to live at their workplace, so that they can change employer easily.

Many young women who arrive in Europe seek no more than self-fulfilment through jobs where they can advance personally. Why panic about this migration? Many of the young women will not stay. Some want to earn a little money, advance in their careers and then go home again.

The situations are different every time. Not only should we enable newly arrived migrant women to continue their studies, we should also recognise the true value of their levels of education and skills. "Denmark needs 5 000 new brains" was one newspaper headline. There can be no doubt that Europe has a great need for people with new talents, new skills and new qualifications. Why does it not offer migrant women an opportunity instead of relegating them to low-skilled jobs? It is no longer a matter of a brain drain: instead, we now have a waste of brains when these women's skills and knowledge are destroyed.

The women who come from the Third World are often much better educated than the men. A study conducted in Norway in the 1990s found that Filipino women came second after their Swiss counterparts in terms of education levels. An ILO report has also shown that 40% of domestic workers from the Philippines have completed higher education. The proper recognition of their knowledge and skills would be of benefit to both sides.

**Ms Pernille FRAHM:** Before we come to the questions, I call Mr Nikolaos Dendias.

**Mr Nikolaos DENDIAS,** Greece, EPP/CD: I should like briefly to describe the situation in my country, as an expert rather than a member of Parliament.

With a total population of 10.5 million, Greece has around 300 000 to 350 000 migrant women, approximately 85% of whom come from the former Soviet Union, Albania and Bulgaria, etc. The figures, the exactness of which is somewhat surprising, show that 48.5% of them are domestic workers. The remainder work in the traditional sectors of the Greek economy such as tourism.

There are no figures about prostitution among migrant women, but the problem of sexual exploitation is worsening. In Greece, as in other countries, there is a real market here.

The legal framework has evolved. Until the 1990s, Greece was a country of emigration. The immigration by Albanians was a new development. The authorities took a long time to take measures to address the specific needs of these people and protect their human rights. A law passed recently provides that the state must seek to integrate migrant women into society. As far as social protection and job security are concerned, employers have obligations in theory. In practice, however, there is a huge underground economy. This problem, which is widespread throughout south-eastern Europe, goes some way to explaining why many migrant women are not registered and do not have social cover or employment guarantees.

**Ms Ana Catarina MENDONÇA,** Portugal, SOC: I should like to thank the rapporteur for her work and her slight change in point of view. In their excellent presentations, the three experts have indicated options for improving the situation of migrant women, both with regard to the international

convention and to the recognition of qualifications and the problem of sexual exploitation, which is worsening throughout Europe.

While it is necessary to harness migrants' qualifications and combat low-skilled jobs as domestic workers as well as sexual exploitation, it is also necessary to ensure full integration through command of the host countries' languages and through education in general. All international and EU instruments make it clear that the principle of gender equality cannot be achieved unless a solution is found to the continuing discrimination suffered by migrants in the employment sector.

Over the last five to six years, Portugal has made significant progress by introducing good legislation on immigration and nationality. However, efforts do still need to be made in practical terms.

The crisis affecting all our countries and which is sometimes regarded as being particularly dramatic in Portugal also affects migrants. They are being made unemployed, too. We have, however, adopted integration plans, including specific plans for migrant women, over the last two years.

I just wanted to underline the progress which has been made in Portugal. For 36 years, the prohibition of discrimination against migrants has been enshrined in the Constitution. We are now undertaking a constitutional reform designed to grant them political rights.

Efforts to combat discrimination and bring about greater equality must be central to public policy.

**Ms Doris FIALA**, Switzerland, ALDE: I should like to thank the speakers for their contributions.

Demographic trends in Europe will force us to change our views. We need migrants and we also need migrant women – unless we all want to work until the age of 70. No matter how critical Switzerland is of inward migration, demographic trends will force it to change its position.

Moreover, women account for only 5% of the members of company boards in Switzerland, whereas other countries such as Norway impose gender parity on companies. It has been noted that this arrangement makes firms more successful.

These two factors lead me to the conclusion that the future will belong to highly qualified women.

In contrast, the integration of unskilled migrant women is a real problem. If they do not find employment, they would probably be better off in their own countries with their families. We should not delude ourselves: people who come to our countries and end up completely outside the social protection system find themselves in quite a humiliating position.

I should like to underline the extent to which Ms Mongaya Hogsholm's home country of the Philippines excels in the healthcare sector. Switzerland has held a round table on migration trends up to 2030 and discussed the issue of the possibility of the recognition of qualifications with the ambassador of the Philippines. However, EU member states need to make joint diplomatic efforts to achieve an agreement in this area, and the first problem which will affect migrant women will be the language issue. It is vital for them to learn the language of the country to which they wish to emigrate. The problem is not imposing human rights but taking a diplomatic initiative.

Nevertheless, there are 5-6 million clandestine immigrants in Europe. That is a major failure. Within this group, women and children are, of course, the most vulnerable. In this respect, what can be seen in the reception centres near to airports is most impressive. France, which is trying to provide unaccompanied minors with a future, should be cited as an example here. If these young people receive training, they will probably be able to offer their countries something. This intelligent approach does, however, cost money and will probably be difficult to continue at a time when Europe is facing economic difficulties.



**Ms Pernille FRAHM:** The Council of Europe was already debating the issue of migrant women 10 or 12 years ago. You get the impression that no progress is being made. Where do we actually stand in terms of the application of the ILO conventions on equal rights?

**Mr Arcadio DÍAZ TEJERA,** Spain, SOC: Many EU countries seem to be opposed to the application of the Community regulation on violence against women. Even the Justice Commissioner herself is against it!

**Ms Pernille FRAHM:** I would now ask the experts to reply to the questions.

**Mr Abdelhamid EI JAMRI:** As a rule, the unemployment rate among migrant women is higher than that for all women.

Moreover, migrant women are often overqualified for the jobs which they do.

In terms of rights, the problems often begin in the women's own countries with the recruitment agencies. They need to be regulated in order to limit abuses. In many cases, they recruit by means of payments, some of which are made before the women leave their own countries. They have to pay the rest when they arrive in their country of destination – under a Mafia-like system of this kind, it costs Moroccan women \$5 000-\$10 000 to emigrate to the Gulf states, for instance. However, they are not given work straightaway. They are left in hotels and have to pay the bills. The recruitment network harasses them in the host countries and harasses their families in their countries of origin to obtain payment of the instalments and the families start putting pressure on the young women (emigration often involves a kind of contract with families or clans). This is why they end up working as prostitutes.

The networks sometimes also lock them up, give them drugs, ply them with drink until they become alcoholic or abuse them sexually with the result that they are afraid to return home.

Defending the rights of migrant workers is also particularly difficult in a period of economic crisis. Some trade unions have come out in favour of national preference. On the other hand, migrants are beginning to take charge of their own situations, as we have seen recently in France, where undocumented workers managed to have their status legalised, and in Dubai, where migrants involved in building the tallest building in the world went on strike – which was completely unprecedented in the country – not to obtain rights, but to obtain payment of wage arrears.

I congratulate Portugal on taking a measure which responds to a demand which I have supported for many years: enabling migrants to interrupt their migration and go back home and then, where appropriate, make arrangements for returning to the host country.

There is also the question of migrant women who reach retirement age, for whom social entitlements are transferable if based on contributions but not if they are tax-funded.

Lastly, in reply to the rapporteur's question, I would point out that the ILO is a tripartite organisation comprising representatives of labour, employers and states. At present, the main instruments for defending the rights of migrant workers are the 1990 Convention and the two ILO conventions and 88 countries have ratified at least one of these three instruments. This is an important aspect, as the conventions concerning migrant workers have not been very widely ratified.

**Ms Françoise MORVAN:** The European Women's Lobby's aim was to give migrant women a voice and raise their profile by setting up this network through which they defend their own rights.

I would place particular emphasis on the situation of migrant women from ethnic minorities, in particular Roma. The severe difficulties which they face are also related to the importance of patriarchal attitudes in their cultures. The EWL has admitted three Roma women's associations as associate members, but finds it hard to get them to admit this fact. The situation in Paris, where these women end up begging with their children, is very difficult. International law concerning children should be enforced more strictly.

**Ms Filomenita MONGAYA HOGSHOLM:** The Philippines is ranked sixth internationally in terms of gender equality. We therefore do a lot as regards empowerment.

If the situation of migrant women in Europe is to be improved, we must establish dialogue with European women. We have many points in common.

In 1994, at the Nordic forum, women gave priority to financial resources. But states, which are bastions of male power, must also be held accountable. Smugglers make great profits from trafficking human beings seeking employment, but the persons concerned are very vulnerable. A person working in a hotel without a residence permit will perhaps earn five euros an hour. If we want to tackle the problem, we need to look elsewhere and radically change attitudes – otherwise, we will keep on going on about the issue without anything changing.

**Ms Pernille FRAHM:** Thank you.

3.15 – 4.30 pm

**SESSION 2: What steps to reinforce protection of migrant women in the labour market?**

**Ms Pernille FRAHM:** For the second round table of the afternoon, I have the pleasure in welcoming Ms Sylvia Lopez-Ekra, Gender Officer, Office of the Director General of the International Organisation for Migration, and Ms Eve Geddie, Programme Officer, Platform for International Co-operation on Undocumented Migrants (PICUM).

**Ms Sylvia LOPEZ-EKRA,** Gender Officer, Office of the Director General of the International Organisation for Migration (IOM): I should like to thank your Committee for addressing this very important issue. I should also like to thank it for inviting me to discuss the practical steps which could be taken to improve women's situation in the labour market.

The first round table clearly highlighted the difficult situations and the challenges which migrant women face. It is the combination of many problems which has led to the current situation. Complex problems demand complex solutions: a strategy for improving migrant women's situation in the labour market must therefore be multifaceted.

As I cannot describe all the elements of such a strategy in the time available to me, I will focus on a few key points. I have brought the committee's attention to an IOM publication entitled *Working to Prevent and Address Violence Against Women Migrant Workers*, which sets out a whole series of best practices based on IOM programmes.

In view of the theme of today's discussion, I will confine my comments to the host countries, which must join forces with the countries of origin in order to reinforce protection of migrant women.

First of all, it is very important to have an overall framework for protecting women effectively. Such a framework requires gender-sensitive migration policies. It is necessary to protect and encourage the participation of women in migration flows and on labour markets.

Expert knowledge of gender issues is vital to the development of tools that facilitate gender mainstreaming and appropriate policies. We must make sure that policymakers' approaches take account of gender.

Among the expected results, we would like to see the opening up of new legal migration channels for women. This would prevent many women being caught up in people smuggling and trafficking. This idea of legal migration channels was a key point of the IOM's message for International Women's Day 2010. This is because women do not have the same opportunities as men to migrate legally. This is largely due to the fact that the main sectors where they work – care and domestic work – are not covered by admission and integration policies. As demand for staff in these sectors is increasing, the women migrate anyway but do so illegally, which puts them at risk.

It would therefore be very desirable to have a gender-disaggregated assessment of the labour market situation, to study the difficulties which migrant women face and lastly, to open up legal migration channels for them.

Under such arrangements, the symbiotic link between migrants and their employers would have to be broken, as workers can end up in situations where they are no longer able to leave their employers even if they exploit them. That also applies to all policies involving migrants being accommodated in private individuals' homes. Live-in arrangements are difficult for the authorities to monitor and increase the risk of overexploitation or even sexual harassment. It is better to avoid all arrangements whereby migrant women live with individual families.

In the case of women living illegally in our countries, amnesty procedures could be an effective solution, provided that they take account of the specific profiles of these women, for whom it

is very difficult to get out and about, make contact with the authorities or provide documentary evidence.

The degree of integration in the labour market is also important. Many jobs held by migrant women are below their levels of skill and experience. We are going to devote International Women's Day 2011 to this subject and are preparing a publication on the matter. We believe that migrant women stuck in jobs as domestic workers or carers are underemployed and that their productivity could be much higher. As Ms Mongaya Hogsholm said, this waste of brains and intelligence is unacceptable. It is essential to recognise these women's skills and introduce programmes for integrating them in the labour market.

The care and domestic work sector, where most migrant women work, is particularly sensitive and we must give it our full attention and make sure that no exploitation takes place and there are no breaches of labour legislation.

The solutions should involve innovative partnerships between governments, civil society, migrants' organisations and trade unions. Migrant women should have a voice but do not. The paternalistic approach should be dropped and they should be enabled to take control of their own lives. The societies which take in these migrants should think about the way migrant women are undervalued on gender grounds: very often, the work which they do is not regarded as real work, which is quite ironic when you consider how they help to tackle the crisis facing European countries in the area of care for the elderly. Governments are withdrawing from this sector, believing that services of this kind can be bought freely on the labour market. But the system is based on the exploitation of migrant women.

It is therefore necessary to open up debate in European countries. Migrant women's image will change when we realise how much they contribute to the well-being of our societies.

Lastly, we recommend the establishment of shelters where women who have suffered abuse could receive legal and medical assistance and get back on their feet. Whatever the arrangements, account must be taken of the fact that, very often, these groups are afraid to report the abuse which they have suffered and to seek assistance. We must make it possible for them to come to these shelters. We must also show that we are capable of meeting their expectations and taking account of cultural differences and gender-specific problems.

**Ms Eve GEDDIE**, PICUM (Platform for International Co-operation on Undocumented Migrants): I should like to thank your Committee for inviting me and for addressing these issues.

The Platform for International Co-operation on Undocumented Migrants (PICUM) is active in many EU countries. We put the number of undocumented migrants in the member states at 3.8 million. As women have fewer rights and are less independent than men, they are more exposed to the risk of becoming undocumented migrants, especially since they are often faced with violence, exploitation and a lack of information. Moreover, European countries mostly turn down asylum requests based on gender violence. Lastly, illegal entry increases the risks for women.

What I would call the "continuum of insecurity" which develops between clandestine migration and crime is clearly at odds with the fundamental principles of human rights on which international law is based, namely non-discrimination, full equality before the law and so on. In particular, the Convention for the Elimination of All Forms of Discrimination against Women is rarely complied with.

This is therefore a growing concern for our network, which seeks to monitor what happens in terms both of legislation and of practices.

Inequalities in employment mean that women do not have access to certain jobs. In many sectors, employers exercise unilateral control over their status, confiscate their identity documents and threaten to report them to the authorities if they protest.

In Ireland, there is an association which works with migrants who have ended up undocumented because their employers, who had been exploiting them, had failed to apply for their permits to be renewed. We support this association in its efforts to obtain temporary amnesties, or "bridging visas", for these individuals to enable them to change jobs. Many women have benefited from this system.

We also try to defend migrant women's right to sexual and reproductive health. As undocumented migrants, many women do not have access to health care or family planning. We do work to provide them with care and, in particular, to prevent the transmission of the AIDS virus from mothers to children. When they give birth, hospitals sometimes present these women who have no social cover with huge bills. Many are forced to take the risk of giving birth at home.

The lack of protection against gender-based violence is an additional difficulty. As you are aware, many women come to Europe to work or for the purposes of family reunification, which means that their status often depends either on their employers or on their spouses. If their relationship with one or the other comes to an end, they end up being undocumented and exposed to pressure and violence. When they suffer such violence, they cannot complain to the police, so the problem goes unnoticed. Administrative and financial barriers prevent them from finding shelter. Moreover, government-funded bodies are often required to turn them back.

Undocumented women therefore find themselves in a situation where there is no way out and national legislation keeps them there by excluding them from public campaigns and strategies against gender-based violence.

There are, however, some examples of good practices, for instance, Spain's 2004 law which applies to all women victims of violence, including undocumented migrants. The latter are entitled to protection, may be granted a work permit and provided with accommodation, while expulsion orders are suspended until the criminal proceedings against the perpetrators of the violence are completed.

The Council of Europe has a key role to play in strengthening the protection of migrant women through rules on non-discrimination and combating violence against women.

Some people claim that migrant women will take advantage of these rights. However, the support which we wish to offer women is one thing, while opening up loopholes for migration is another. We have a duty to help people who live in terrible conditions in their own countries. It is essential to provide all women with the same high standards of protection as we wish for the nationals of our own countries. What is the point of signing conventions if they do not concern everyone? The reinforcement of protection should apply to all women, whether undocumented or not. I would point out that the states parties have undertaken to abolish all legislation which discriminates against women, regardless of the latter's status.

It is therefore necessary to remove the legal and structural obstacles which prevent undocumented migrant women from gaining access to essential services and lead health and housing organisations to deny them assistance.

With regard to gender-based violence it is important not only to protect the victims' dignity and privacy but also to make sure that justice is done. The states parties must take steps to protect all victims who report instances of violence.

Lastly, it is necessary to raise the profile of undocumented women in national legislation and in strategies to combat gender inequalities, social exclusion and gender-based violence. Otherwise, we will just push exploitation and violence against women underground.

**Mr Boriss CILEVIČS**, Latvia, SOC: It is easy for politicians to make moving speeches. But what we need to do is to change the situation and solve the problems. Among migrants, women are very vulnerable and suffer multiple discrimination. I entirely agree that the approach to migration and integration should take account of gender.

Although it is challenged in some quarters, the concept of Fortress Europe remains popular. Whatever the case, it is a goal which cannot be achieved. That is why I believe that integration is more and more of a priority issue, even though the concept has various meanings – the Council of Europe, for instance, places the emphasis on social cohesion.

The presentations by the experts suggest two types of approaches: firstly, steps to boost integration at national and European level and, secondly, steps of a more strategic kind.

Of course, situations vary. In Latvia, for instance, many migrant women come from former Soviet republics. The difficulties which they face are the same as for women from Asia and Africa, however. The issues are therefore universal. It would be wrong to proceed on the basis of overly cultural aspects.

We must also harmonise legislation. I share the belief that we will have to resort to immigration sooner or later. From this perspective, it is necessary to open up new legal channels for migration so as to prevent illegal immigration as far as possible.

Legal frameworks do exist for combating trafficking and sexual exploitation of women, but they are not very effective. We must work together to make them more effective, as it is only at European level that we will achieve results against networks of international smugglers and traffickers. Trafficking in human beings is very lucrative and the networks make huge amounts of money. We also need substantial resources to combat them.

The effectiveness of the arrangements for helping the victims must also be improved. It is unacceptable, for instance, that migrant women are denied the medical assistance and care to which all human beings are entitled.

Improvements are also required in the area of employment law. There are difficulties regarding the opening up of the domestic work and care sector. Although we live in post-industrial societies, jobs are still regulated in the same way as they were in the old industrial societies. We need to adapt the legislation and it will be no easy task. In Latvia, the introduction of the concept of domestic violence into legislation is being opposed by some legal experts, who believe that it is already covered by other sections of the criminal code. It is also difficult to define the concepts of households and families, etc. Once again, harmonisation at European level is needed.

In terms of the policies to be conducted, we must look at the arrangements for putting migrants' status in order. The longer migrant workers remain undocumented, the greater the problems will be for them, their families and the state concerned. Society as a whole will suffer from the lack of possibilities for legalising their status.

Education, training and language courses are also very important. As far as the recognition of qualifications is concerned, the problem is complex and already exists within the European Union, where the universal approach is subject to exceptions in the medical sector, in particular, and for various legal and other professions. There again, the processes require co-ordination at European level. In particular, the opening up of registered childminders' jobs to migrant women should take place in consultation with the bodies responsible for family affairs, with care being taken to make sure that the legislation is not discriminatory.

Lastly, governments and parliaments should draw more on the support of civil society and grant it greater responsibilities.

**Ms Pernille FRAHM:** Unless we make real efforts to monitor the implementation of the conventions – in particular, the Convention on gender equality and the ILO Convention – and unless we extend our work to all areas of our societies, including the grey areas, we will be neglecting our duties. That is in no way a matter of idealism, it is because we want to advance the cause of human rights in Europe and not allow them to be rolled back.

**Ms Corien JONKER**, Netherlands: I quite agree with the speakers, but I believe that the real questions are practical. A new convention will not solve the problem. Instead, we could strengthen our labour inspectorates. In my town, for instance, nurses from EU countries are subject to great pressure. What the speakers proposed is fine, but who will monitor application of the measures? Would it not be better to address the issues at grassroots level, keeping things small?

**Ms Sylvia LOPEZ-EKRA**: I do not have much to add. I would just stress the need to create synergies between stakeholders who are not usually regarded as such. Attempts by trade unions to work with migrants, in particular illegal migrants, need to be encouraged. Empowering migrant women's organisations is also a good thing. The voice of civil society must be heard, as at this round table. I hope that the finalisation of the report will be fully successful. The IOM will be glad to help you.

**Ms Eve GEDDIE**: It is right to say that conventions already exist but are not applied. We keep on asking members to do so because the people working with undocumented migrants – not to mention the undocumented migrants themselves – are often unfamiliar with these texts. When we help clandestine migrant women on the ground, we are often told that they do not have any rights because they are illegal. This is an argument which we must combat: they do have rights, but only very few people know that.

We seek to collect examples of what happens on the ground. Our report, *Ten Ways to Protect Undocumented Migrant Workers*, is based on accounts which we gathered from around 50 bodies, associations, NGOs and trade unions in Europe and the United States and attempts to summarise the ways in which they operate on the ground.

I agree that the importance of civil society must be underlined, but we must also recognise that associations working with undocumented immigrants are often penalised and harassed by the police, their members are sometimes arrested and they occasionally suffer criminal attacks, arson and burglaries, etc. Most of the time they do not receive any government support. Publicising these facts is a real feat for them. We stand by them to help them deal with these problems.

**Ms Filomenita MONGAYA HOGSHOLM**: What we need to achieve is the ratification by governments of the around 20 existing conventions so that policies can really be harmonised in this area.

### **Conclusions of the rapporteur**

**Ms Pernille FRAHM**: I thank all the participants for their very useful contributions.

I would now like to sum up the main points which I believe have emerged from today's discussions.

The right to migration must be ensured. All migrants who enter a member state must be granted residence rights. It is essential to grant women the right to work regardless of their family situation. Migrant women, whether qualified or unqualified, must be treated equally.

Steps must be taken to combat not the brain drain but the waste of brains. In the case of low-skilled women, domestic work must be recognised as a real job covered by employment legislation.

Even without pushing for the drafting of a new convention, we must do something to promote a decent, humane status for migrant women which enables them to earn a proper income.

At the same time, it is necessary to establish legal migration channels, especially for domestic workers and home carers. That would prevent them being trapped in situations of illegality, exploitation or, worse still, human trafficking.

States must also make it easier for migrants to enter the ordinary labour market by introducing consistent, comprehensive and systematic policies. This will improve the situation of migrant women and enable them to make a full contribution to the host societies.

More broadly, we must remove the barriers which prevent these women from playing a full part in the host societies.

We should also give them greater opportunities to change employers or types of employment when they want to.

The existence of differences in types of asylum according to gender should be recognised more clearly. Although the Council of Europe is not in a position to deal with this problem, it can at least raise the issue and continue to combat forced marriages, female genital mutilation, crimes of honour and the other gender-based crimes to which migrant women are exposed.

Undocumented migrant women must have access to health and education services, they must be protected against exploitation and they must be able to report instances of violence to the authorities.

Women at risk of being victims of trafficking and also of discrimination, abuse, exploitation and violence must have access to the judicial system.

Migrant women must be kept informed of the dangers of trafficking. They must be given the possibility of finding assistance and improving their economic situation and status both in host countries and in their countries of origin, which demands better co-operation between the two categories of countries.

To improve their integration and participation in host societies, migrant women must be encouraged to take part in political and social life and enabled to make their views heard more clearly. To my mind, that requires support for NGOs.

It is also necessary to provide greater support for ageing migrant women and improve their access to certain services and social benefits. Sometimes they have not been in the host countries for long enough to be entitled to a pension or other benefits which they nevertheless need in order to survive when they stop work.

**Mr Giacomo SANTINI:** On behalf of the Committee, I should like to thank everyone who has taken part in these excellent discussions, which have been led so skilfully by Ms Frahm.

We will meet again tomorrow at 9.30 am. In the course of the morning, we will discuss two reports and elect the new Committee chair.

*The meeting rose at 4.30 pm.*



## **APPENDIX**

### **PROGRAMME OF THE ROUND TABLE**

Moderator

**Mrs Pernille FRAHM**, Rapporteur (Denmark, UEL)

**14:00-15:15**

**SESSION 1:**

**The challenges and difficulties faced by migrant women on the labour market**

Keynote speakers:

- **Mr Abdelhamid El JAMRI**, Chairman, UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families
- **Ms Françoise MORVAN**, Board member, European Women's Lobby (EWL)
- **Ms Filomenita MONGAYA HOGSHOLM**, *KULU* (Women and Development), Danish platform of Women in Development Europe (WIDE)

Parliamentary Panel:

- **Mr Nikolaos DENDIAS**, Greece, PPE/CD
- **Ms Ana Catarina MENDONCA**, Portugal, SOC

Discussion

**15:15-16:30**

**SESSION 2:**

**Towards reinforced protection of migrant women – what steps to be taken ?**

Keynote speakers:

- **Ms Sylvia LOPEZ-EKRA**, Gender Officer, Office of the Director General, International Organization for Migration (IOM)
- **Ms Eve GEDDIE**, Programme Officer, Platform for International Co-operation on Undocumented Migrants (PICUM)

Parliamentary Panel:

- **Mr Boriss CILEVIČS**, Latvia, SOC
- **Ms Doris FIALA**, Switzerland, ALDE

Discussion

**Conclusions by the rapporteur**