

**Doc. 11310**  
19 June 2007

## **The Turkish presence in Europe: migrant workers and new European citizens**

Recommendation 1774 (2006)

Reply from the Committee of Ministers  
adopted at the 998<sup>th</sup> meeting of the Ministers' Deputies (13 June 2007)

1. The Committee of Ministers has taken note of Parliamentary Assembly Recommendation 1774 (2006) on "The Turkish presence in Europe: migrant workers and new European citizens". It transmitted the recommendation to the European Committee on Migration (CDMG), the Steering Committee for Education (CDED) and to the Governmental Committee of the European Social Charter for information and possible comments. The comments are appended to the present reply.

2. The Committee of Ministers shares the view of the Parliamentary Assembly that the effective integration of Turkish migrants pursued with full respect for their cultural and social identity represents an opportunity for promoting European integration. The Committee of Ministers would point out that it understands the expression "cultural integration" as meaning "integration respecting cultural diversity" in the light of the general context of the recommendation. The concerns taken up in the recommendation in question may be seen as part of the broader issues of labour migration, integration of migrants and access to social rights for migrants which are current priorities of the Organisation in that field, as well as that of intercultural dialogue.

3. Several of the Assembly's recent recommendations have had bearing on these questions, as have the replies given by the Committee of Ministers to them, which already provide an overview of the Organisation's substantive contributions in this area. The Assembly's attention is drawn in particular to its more recent replies to Recommendation 1755 (2006) on "Human rights of irregular migrants", to Recommendation 1757 (2006) on "Migration refugees and population in the context of the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005)", to Recommendation 1625 (2003) on "Policies for the integration of immigrants in Council of Europe member states". It also refers to its reply to Recommendation 194 (2006) of the Congress of Local and Regional Authorities of the Council of Europe on effective access to social rights for immigrants: the role of local and regional authorities.

4. The comments appended to the present reply illustrate some of the concrete activities currently underway which respond specifically to concerns raised in the recommendation. These include ways of strengthening relations of migrants with their countries of origin and assisting their development, the specific situation of migrant children and the need to ensure, *inter alia*, equal access to education and employment and the need to develop measures to address the hurdles faced by migrants seeking access to the labour market. Access to employment and labour migration will be central to the 8th Conference of European Ministers responsible for migration to be held in Kyiv in autumn 2008. The CDED outlines a number of projects which highlight the role of education in the social integration of immigrants in general, including the development of policies for promoting social inclusion through language education and through training for educators in managing diversity and multiculturalism.

5. The Committee of Ministers notes the various forms of discrimination threaded throughout the recommendation to which migrants are sometimes subject. The Committee of Ministers deplores all forms of discrimination and strongly encourages member states to develop anti-discrimination legislation and policy

with a view to further protecting all sectors of society, particularly the more vulnerable ones, such as migrant populations.

6. In this respect, the Committee of Ministers draws particular attention to the extensive work carried out by its monitoring mechanisms. The European Commission against Racism and Intolerance (ECRI), in particular through its General Policy Recommendations and the diverse and precise recommendations included in its country-by-country reports, highlights problems specific to individual states and those of a more general nature which have been observed during country visits, including those related to education, employment and access to public services. Specific consideration is given to the situation of non-citizens, non-EU citizens and vulnerable groups of society.

7. The European Social Charter, for its part, provides explicit rights for migrant workers and their families which should be understood as the minimum legal basis for the protection and assistance of this sector of society with a view of their integration in the territory of the host state.

8. Finally, the Committee of Ministers highlights the fact that strengthening and protecting the rights of migrant workers remains a pressing challenge for the governments of the European host states to facilitate their integration, whilst bearing in mind the diverse national legislations and traditions specific to each state. In this objective, and in line with the Parliamentary Assembly's recommendation, the Committee of Ministers invites those member states that have not already done so, to consider signing and ratifying where appropriate, the relevant Council of Europe instruments likely to improve the situation of migrant workers, including Protocol No. 12 to the European Convention on Human Rights, the revised European Social Charter, the European Convention on the legal status of Migrant Workers and the other instruments enumerated in the recommendation.

#### *Appendix 1 to the reply*

#### **Opinion of the Governmental Committee of the European Social Charter on Parliamentary Assembly Recommendation 1774 (2006)**

1. At the request of the Committee of Ministers (981st meeting, 29 November 2006), the Governmental Committee of the European Social Charter examined Recommendation 1774 (2006) of the Parliamentary Assembly, and adopted the following opinion.

2. The Governmental Committee notes the interest shown by the Parliamentary Assembly in the European Social Charter. It takes note of Recommendation 1774 (2006) of the Parliamentary Assembly, and has carefully examined it.

3. The fundamental values of our societies, such as the respect for human rights, democracy and the rule of law are part of our common European heritage.

4. The Governmental Committee reaffirms its commitment to the protection of social rights and recalls the indivisible nature of human rights – civil, political, social, economic and cultural. The subject of Recommendation 1774 (2006), that is, the rights of migrant workers from Turkey, which are guaranteed both by the European Convention on Human Rights and the European Social Charter, testifies to this indivisibility.

5. The Governmental Committee believes that the host member states should enhance their efforts to achieve economic, social and cultural integration of Turkish migrants in accordance with their domestic law.

6. The Governmental Committee wishes to recall the explicit rights of migrant workers contained in the 1961 Charter as well as in its revised version of 1996. Efforts to ensure that the Charter in its revised version is ratified by all the Council of Europe's member states would constitute an active contribution towards implementing the recommendation's principles.

7. Whilst expressing in principle its agreement with the general aims of the recommendation, the Governmental Committee wishes to underline that given the diversity of national legislations and traditions, it reserves its position on certain specific recommendations.

8. The Governmental Committee points out that the Social Charter should be understood as the minimum legal basis for the protection and the assistance of migrant workers and their families with a view of their integration in the territory of the host state.

9. The Governmental Committee concurs that the reinforcement of the rights of migrant workers is a pressing challenge for the governments of the European host states to facilitate their integration.

10. In the present situation the Governmental Committee does not consider it necessary to widen the scope of the Charter with a view to including a specific target group. However, in the future it could be deemed pertinent for host states to consider reinforcing their public policies aimed at equal treatment of migrant workers in all fields of society, with a view to further facilitating their integration.

*Appendix 2 to the reply*

**Opinion of the European Committee on Migration (CDMG) on Parliamentary Assembly Recommendation 1774 (2006)**

1. The European Committee on Migration (CDMG) welcomes the attention of the Parliamentary Assembly to the situation of Turkish migrants who permanently reside in Europe. It shares the view of the Parliamentary Assembly that the effective integration of Turkish migrants, pursued with full respect for their cultural and social identity, represents an opportunity for promoting European integration and fostering ties with Turkey.

2. CDMG wishes to stress that it has undertaken considerable work to promote integration while respecting cultural, ethnic and linguistic diversity in all member states of the Council of Europe and the results of this work should also positively affect the situation of Turkish migrants. It wishes to draw the attention of the Parliamentary Assembly to the reports "Framework for Integration Policies" and "Diversity and Cohesion" that serve as a foundation for all activities of CDMG in the integration field. The following current activities are particularly pertinent to the subject of the integration of Turkish migrants:

a. CDMG believes that the role of migrants, including Turkish migrants, in strengthening relations with their countries of origin and assisting their development is invaluable. CDMG considers that it is important to support the activities of migrants and their associations playing a part in development in their countries of origin and to involve them in the design and implementation of development policies and programmes. With a view to making concrete proposals on these subjects, CDMG prepared a draft recommendation which will be considered at its 53rd meeting in May 2007.

b. CDMG also completed its work on the draft recommendation on the integration of migrant children in 2006. This recommendation contains proposals for measures that should ensure equal access for migrant children to education and employment opportunities, avoid segregation of migrant children and address the specific problems of migrant children living in segregated / disadvantaged areas. It will also encourage the member states to make provisions for promoting education in the mother tongue as a complement to the mainstream education. The draft recommendation was considered at the 53rd meeting of CDMG in May 2007.

c. CDMG was also concerned with the existing hurdles faced by migrants seeking access to the labour market and willing to advance their career. In order to develop measures that would remove these hurdles, it decided to prepare a draft recommendation. The work on this recommendation should be completed in the course of 2007. The recommendation will particularly focus on changing recruitment practices in the member states and eliminating discrimination at the workplace.

3. Following the adoption of the three aforementioned recommendations by the Committee of Ministers, CDMG will carry out a range of follow-up activities aimed at promoting the practical implementation of the measures contained in the recommendations.

*Appendix 3 to the reply*

**Opinion of the Steering Committee for Education on Parliamentary Assembly Recommendation 1774 (2006)**

The Steering Committee for Education (CDED):

Takes note of Parliamentary Assembly Recommendation 1774 (2006) on "The Turkish presence in Europe: migrant workers and new European citizens" and of the Committee of Ministers' invitation to comment on the text;

Underlines that this opinion concerns only point 11.3.6 regarding education, which is the CDED's area of responsibility;

Points out that several projects in its multilateral programme of activities respond to the concerns expressed by the Parliamentary Assembly concerning the role of education in the social integration of immigrants in general, including those from Turkey;

Put forward its reservations on point 11.3.6.1 concerning the promotion of education in the mother tongue in parallel to mainstream education and consider that the application of this measure must be open to all, as far as possible and under the condition that it is compatible with national education policies;

Endorses the provisions of paragraph 11.3.6.4 of the recommendation concerning the organisation of teaching of the host country's language for migrant workers and their families, particularly at local level and as far as possible free of charge, and underlines that it is currently conducting two projects on the specific language needs of minorities, migrants and Roma:

- a project launched in 2006 by the CDED on Languages of School Education, which will produce a reference framework for languages of instruction (national or official languages, including mother tongues) in the member states. This will take account of the needs of all pupils in compulsory education, including disadvantaged learners and those from immigrant backgrounds;

- another project on Adult Migrants and Language Policies for Integration, which will produce general guidelines and tools for helping member states to deal with the main language proficiency difficulties affecting the integration of adult migrants;

Unreservedly endorses the Parliamentary Assembly's call to member states "to devise specific training courses for primary teachers on the theme "How to live in a multicultural society/How to live with diversity" (paragraph 11.3.6.5) and wishes to underline that:

- under its "Pestalozzi" training programme for education professionals, several European workshops on managing diversity and multiculturalism are held every year, involving several hundred teachers from different signatories to the European Cultural Convention;

- it is finalising its project on the New Challenge of Intercultural Education: Religious Diversity in Europe with a policy recommendation and a reference work for teachers and trainers on managing religious diversity in intercultural education;

- in 2006, it launched a new project on Policies and Practices for Teaching Sociocultural Diversity, which will draw up a series of fundamental principles to be included in teacher training programmes to help teachers manage cultural and social diversity in schools;

- it is finalising, in co-operation with the CDEG, a draft recommendation on gender mainstreaming in education with a view to promoting and encouraging measures specifically aimed at introducing gender mainstreaming at all levels of the education system and in teacher training so as to achieve real gender equality and improve the quality of education.