

Contribution on behalf of CCME, the Churches' Commission for Migrants in Europe and the Conference of European Churches to the

Hearing of the Economic and Social Committee of the EU on the International Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Family", 4 May 2004

Ladies and Gentlemen,
colleagues and friends,

Introduction

May I first of all express the highest appreciation of the two organisations I am representing today for the initiative of the Economic and Social Committee to tackle the International Convention on the Protection of the rights of all migrant workers and the members of their family as the first of the EU institutions. As Secretary for Human Rights of the Church and Society Commission of the Conference of European Churches I am today also representing our partner organisation, the Churches' Commission for Migrants in Europe (CCME), which is the specialised ecumenical agency on migration and integration, refugees and asylum as well as against racism and discrimination in Europe.

CEC and CCME together represent more than 130 Churches, diaconal agencies and Councils of Churches across Europe, comprising churches and related institutions of the Protestant, Anglican, Orthodox and Old Catholic traditions in Europe. Through offices in Brussels, Strasbourg and Geneva, CEC and CCME work towards and in contact with the institutions of the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe OSCE, and last but not least the European Union.

Our common work is based on the biblical message and the conviction that human beings are created in the image of God. Thus we are sincerely committed to the universal principles of Human Rights. Both organisations attach particular importance to the protection of the rights of those who are most vulnerable in our societies, such as migrants and refugees. Inspired by the biblical history of the chosen people being people on the move (in fact migrants), our organisations have underlined the enormous richness which migrants bring into our societies.

General appreciation of the Convention

As said above, we appreciate the initiative of the Economic and Social Committee to take up the convention. This is in line with the general commitment

to a human rights oriented migration policy which has been expressed already in the ESC' s opinion of 10th December 2003 on the European Commission' s "Communication on immigration, integration and employment".

The International Convention is an instrument initially developed in the context of the tripartite structure of the ILO, negotiated between employers, trade unions and governments. The ESC as an organisation, in which the social partners are the important stakeholders, is thus well placed to further understanding of and need for the migrants' rights convention.

Since the adoption of the Convention in 1990, CCME has argued and lobbied for the ratification of the Convention by all European states, including member states of the EU. CCME members in the Netherlands and Sweden, for example, have done considerable work to inform about the Convention in their countries. The Conference of European Churches has complemented these efforts, most notably by a resolution of its Assembly in July 2003 and a public appeal to European governments issued on International Migrants Day, 18 December 2003. In their lobbying efforts CCME and CEC are part of a global network of more than 300 member Churches of the World Council Churches, which has done important work with regard to the Convention in other world regions as well. As part of this network, we know that the Convention is highly valued as and instrument safeguarding migrants' rights by organisations and churches in countries where many migrants emigrate to other parts of the world.

The Convention and a comprehensive migration policy

In our view the Convention forms one of the cornerstones of a comprehensive approach to migration, which should also be at the heart of a harmonised EU approach to migration. In essence it stipulates a number of principles, which had been part of the spirit of the conclusions of the European Council of Tampere in 1999, but in our view have yet not been adequately translated into EU legislation.

As migration is in its very nature international, the Convention provides and international rights framework. As we have underlined on many occasions in recent years, migration is a normal phenomenon and thus a migration policy ought to provide regulation rather than prevention of movement. We support the Convention because it provides the framework for regulation.

175 million persons are counted as migrants today. We are convinced that a good legal framework will facilitate easier movement of persons to but also back to their countries of origin. Increasing economic globalisation leads to increased mobility. It is against this background that an international instrument is necessary and appropriate.

In this context we would like to underline a few points which seem of crucial relevance in the current debate on the EU migration policy.

- The fact that the convention, in line with other UN instruments, recognises migrants and the members of their family as subject of rights is for us the central point. This is particularly important as we currently observe a tendency to regard migrants at best as service provider (such as under GATS), in many cases rather as a commodity or merely as a problem.
- A central point is in our view the recognition of the human right of having the freedom to leave one's own state and return to it, a right which we see

increasingly undermined. The focus on readmission agreements with countries of origin and transit in the cooperation of the EU with third countries on managing migration, has as a consequence that third country citizens' rights to leave their country are restricted and even nationals of other countries find themselves contained due to immigration controls. While we appreciate the obligation contained in the convention that governments facilitate the return of their nationals by providing the necessary documents, we would underline the need to facilitate return, but to limit the use of force and pressure for return on both the individual migrants as well as the countries of transit.

- Important provisions of the convention are contained in art. 11 against slavery and forced labour. As today a huge number of persons do not see an alternative than to turn to smugglers to find access to Europe as visa requirements make it almost impossible to enter without "good connections", many persons find themselves in the hand of organisations trafficking in human beings. Thus we see new forms of slavery in Europe. The phenomenon is recognised by the European Union member states, but the rights of the victims of trafficking, slavery and forced labour still need to be strengthened as a necessary component of combating trafficking.
- We are convinced that art. 14 and 15 containing the right to privacy, property, honour and reputation are extremely important for the individual person and for the societies at large. These rights are recognised as fundamental for European citizens and ought to be recognised for every resident to facilitate equal treatment and integration.
- Equal conditions of employment and remuneration with nationals of a country is important to minimize the fear of nationals that migrants take their job and contribute to lowering existing standards.
- Remittances of migrants are an important economic factor for many countries. Thus we regard it as important that the Convention also provides for the transfer and safety of migrants remittances.
- Churches have emphasized the importance of family life of migrants particularly during the negotiations on the directive on family reunification of third country nationals in the EU. Churches regard family life as a fundamental right and essential for community building and integration in society. We therefore appreciate that the Convention also covers rights of the members of the family of migrants.
- It is important to note, that the Convention applies to all migrant workers including frontier workers, seasonal (short-time) workers, seafarers etc. In our view it is important that this international instrument refers to migrant workers regardless of their status and documents, although some provisions can only be extended to documented migrants.

As we are convinced that Europe as a whole will need immigration in the coming years at various levels, we regard it as highly necessary to ratify this convention. It will provide an important framework for better migration management and could contribute to improved integration and social policies, which could prove also to be a competitive advantage in the global economy. In addition, by ratifying this convention, the EU and its Member States would give a clear signal for strengthening a rights-based approach in the international policy development.

Donatella Rostagno

CCME is the ecumenical agency on migration and integration, refugees and asylum, and against racism and discrimination in Europe. CCME members are Anglican, Orthodox and Protestant Churches, diaconal agencies and Councils of Churches in presently 16 European countries.

CCME cooperates with the Conference of European Churches and the World Council of Churches.

CEC – The Conference of European Churches (CEC) is a fellowship of 126 Orthodox, Protestant, Anglican and Old Catholic Churches along with 43 associated organisations from all countries on the European continent. CEC was founded in 1959 and has offices in Geneva, Brussels and Strasbourg