

## INTRODUCTION

### *1. Challenges for Europe, economic well-being, development and social cohesion*

1. This report is prepared for the 8th Council of Europe Conference of Ministers responsible for migration. It presents certain aspects and characteristics of migration in the member states of the Council of Europe, analyses the policy challenges raised by contemporary migration, and identifies appropriate policy and practical responses. The report also examines the extent to which, on the one hand migration affects economic development in both origin and destination countries and, on the other hand, the impact it has on social cohesion in the countries of destination. Particular attention is given to the situation of migrants from the viewpoint of respect for their rights and dignity. The report also explores areas of co-operation in this field between member states as well as with non-member states.

2. Migration is a central theme in contemporary European policy because it is intrinsically connected with several of the most formidable challenges facing Europe: development, economic growth and productivity, demographic change, maintaining social security systems, ensuring social cohesion and intercultural dialogue, and upholding human rights and the rule of law.

3. By en large, Europe needs migrants today, and many countries in the region will need them even more in future, in order to meet labour-market requirements, counter work force decline and population ageing with growing numbers of retired people, and help social-security systems stay in balance<sup>1</sup>. Immigration is clearly a palliative at times of critical labour shortage in host countries.

4. However, while immigration may be viewed as having positive effects on economic growth and employment by boosting labour supply and helping overcome shortages, it is only one element of solving the challenges of demographic, labour market and economic changes in Europe.

5. Migration results from a combination of push and pull factors, including notably poverty, absence of decent work, and political and environmental factors in origin countries, and demand for labour and skills, family ties, and better conditions in destination countries.

6. In many cases, migration reflects global economic, social, political or demographic disparities. Sometimes it is a means to access peace and security with respect for human rights. While the proportion of migration at about 3% of global population has remained steady over the last three decades, the absolute numbers of both migrants and population are increasing and will continue to do so over the next three decades.

---

<sup>1</sup> A. Geddes, "Citizenship and the welfare state in Europe" in S. Spencer (ed.): *The politics of migration: managing opportunity, conflict and change*, (Oxford, Blackwell, The Political Quarterly Publishing, 2003b); C. U. Schiump, P. Hansen and S. Castles, *Migration, citizenship and the European welfare state: a twenty-first century dilemma*, (Oxford University Press, 2006).

7. Migration may also be due to particular social, political and environmental factors, especially because of family reunification or for political reasons (refugees, asylum seekers) or as a result of environmental degradation (people escaping natural disaster, famine, desertification or rising sea levels).

8. From an analytical viewpoint, many factors affect the nature and structure of international migration. Significant factors include geographical distance, demographic structure, historical links between countries of origin and host countries, cultural, economic and family links with the country of origin, strength of migration networks, the range of economic and political opportunities offered by the host country and the size and degree of concentration of immigrant groups.

9. Migrants and immigrants are typically disposed to territorial and social mobility and have high motivation for hard work, success, earning, and saving. Their productivity is often higher than among local workers in similar occupations and positions.

10. The development of new production techniques, the emergence of new technologies, and changes in the forms of organising work are signs of our time. Nonetheless, human capital is still an important economic factor. For this reason, competition in this area is strong on a global scale. Human capital determines not only the progress and competitiveness of a company or an industry, but of countries as a whole.

11. The free movement of goods, capital and services facilitates economic integration processes and interconnection. The globalisation of the economy means that the delocalisation of an entire company from one country to another becomes an option. However, the liberalisation of the world economy is not yet complete. Destination countries continue to implement the restrictive provisions on the movement of people, as do certain countries of origin. Even if major changes can be seen in this field, particularly as regards visa regimes, barriers limiting the movement of persons still remain in place.

12. For the Council of Europe countries, migration undeniably presents new challenges when it comes to integrating immigrants economically and socially. The aim must be to have immigrants genuinely participate in the labour market, the economy and society. Proper integration in the host country helps strengthen identity, promotes civic participation and increases social cohesion.

13. The fundamental policy challenge addressed in this report is obtaining economic and social benefits from international migration --migration that is today primarily about labour and skills mobility-- through democratic means and regulatory instruments while avoiding overemphasis on restrictive control measures.

14. A central concern is reconciling economic pressures that urge constraints on human and labour rights protections for foreign workers in order to sustain labour cost competitiveness, with the need to uphold equality of treatment and non-discrimination as guarantors of labour market coherence, work force productivity, and social cohesion.

15. A major policy conundrum for governance is how to confront widespread adverse public perceptions, opinions and resentment against foreigners, particularly migrant workers, especially where they are commonly portrayed as competing for scarce employment and housing, unfairly or illegally drawing on public welfare resources, and associated with criminality.

16. The goal of this process is establishing a framework for a comprehensive, integrated and credible approach to regulating migration with a pan-European relevance; reconciling the contentions noted above, the broad spectrum of different situations of European countries, and within each, the diverse agendas of different branches of government responsible for the multiple aspects of migration policy and administration, including employment and labour, development, interior and security, foreign relations, health, education, housing, law enforcement, local administration, etc.

17. Equally at issue is generating the political will, social partner co-operation and popular support to extend, apply and consolidate rights protections and equality of treatment to foreign workers and populations as foundation and guarantors of economic progress and social cohesion.

## **2. *Competence of the Council of Europe***

18. The Council of Europe is an institution founded on the principles of the rule of law, of advancing democratic governance and of respect for human rights. The Council of Europe thus provides all European states with a valuable forum in which to devise migration and integration policies founded on human rights, democracy and the rule of law.

19. The Council of Europe has a unique role, competence and capacity in addressing migration. Its Committee on migration incorporates operational participation from all member countries. It represents the full spectrum of migration experiences, from those of primarily origin countries to those of primarily destination countries as well as transit countries, with many member countries being all three today. The composition of the committee reflects the breadth of government institutions charged with addressing migration concerns, including particularly ministries of immigration, labour/employment, interior or home affairs ministries, ministries of foreign affairs, ministries of integration, and others.

20. This composition and its results are unique in the world and in particular allow the Council of Europe policy elaboration to take into account and address from the outset reconciling and coordinating interests among distinct national migration experiences and the diverse concerns of the various branches of government addressing migration and its consequences.

21. Through its long history of addressing migration, the Council of Europe has built up a large body of knowledge and experience on migration policy relevant to the spectrum of concerns within and across its member states.

22. Over the last two decades, the CDMG Committee on Migration has conducted studies, developed recommendations, contributed to elaborating normative standards and delineated policy guidance covering most issues of migration governance. Many of these policy lines have been subsequently endorsed by the periodic Council of Europe Conferences of Ministers on Migration Affairs, thus politically commending them at the highest level for implementation by member states.

23. The evolution of policies of many member states demonstrates that the policy guidance elaborated in the Council of Europe context has been especially important and relevant, not only to shaping consistent national policies but also to encouraging coherency and co-operation among member countries.

24. The regular meetings of the CDMG and its various working groups also facilitate building relations of trust and co-operation on migration between the

operational institutions and actors of the member countries, further facilitating common and coherent approaches across the region.

25. Other bodies of the Council of Europe address migration issues and human rights aspects of international migration. The European Commission against Racism and Intolerance (ECRI), set up in 1993 by decision of the 1<sup>st</sup> Council of Europe Summit of Heads of State and Government, is tasked to combat racism, xenophobia, antisemitism and intolerance at the level of greater Europe and from the perspective of the protection of human rights. Its annual seminar for national specialised bodies to combat racism and racial discrimination in February 2008 focused on issues of discrimination and integration regarding foreigners and persons of immigrant origin.

26. Another important body is the Commissioner for Human Rights,<sup>2</sup> who serves in an independent capacity to promote the awareness of and respect for human rights in the 47 Council of Europe member states. The Commissioner is mandated to foster the effective observance of human rights; assist member states in the implementation of Council of Europe human rights standards; promote education in and awareness of human rights in Council of Europe member states; and identify possible shortcomings in the law and practice concerning human rights. The current Commissioner as of 2006, Mr Thomas Hammerberg, has given particular attention to rights of migrants as a major theme under his mandate.<sup>3</sup>

27. The Parliamentary Assembly of the Council of Europe (PACE) also plays an important role in addressing migration, particularly through its Committee on Migration, Refugees and Population. This Committee fulfils a dual purpose: firstly by elaborating policies for protection of the rights of migrants, refugees and displaced persons and the improvement of their living conditions; secondly, by proposing political solutions consistent with the humanitarian values of the Council of Europe.<sup>4</sup> A number of recent relevant PACE resolutions and recommendations are listed in paragraph 35 below.

### **3. *Towards a comprehensive, integrated approach to migration across Europe***

28. Today, international migration is not just a relationship between an individual moving for purposes of permanent settlement or work, and a government acting as a gatekeeper for entry into a country and acquisition of its citizenship. International migration is better understood as phenomena requiring *broad and diverse internal and international co-operation*. Under contemporary circumstances, government can exercise its major regulating role only in partnership with a wide range of other actor-stakeholders, including migrants themselves, employers, trade unions, recruitment agencies, migrant organisations, legal and advisory firms, and local civil society institutions.

---

<sup>2</sup> The fundamental objectives of the Commissioner for Human Rights are laid out in Resolution (99) 50 on the Council of Europe Commissioner for Human Rights, for more see: [http://www.coe.int/t/commissioner/default\\_en.asp](http://www.coe.int/t/commissioner/default_en.asp).

<sup>3</sup> See feature webpage at: [http://www.coe.int/t/commissioner/activities/themes/rightsofmigrants\\_en.asp](http://www.coe.int/t/commissioner/activities/themes/rightsofmigrants_en.asp).

<sup>4</sup> See Council of Europe Parliamentary Assembly website at: [http://assembly.coe.int/Main.asp?link=/committee/MIG/Role\\_E.htm](http://assembly.coe.int/Main.asp?link=/committee/MIG/Role_E.htm).

29. Existing European and International Conventions and Labour Standards provide references and guidance for the shape and content of national policy and relevant national enabling legislation.

30. The Council of Europe with its traditional stress on human rights approach, being concerned with insufficiency of existing migration legislation, policies and practices to deal with the contemporary challenges of international migration, has contributed to elaborating new and more comprehensive approaches to governing and regulating migration for a long time.

31. In 2000, the comprehensive document '*Towards a Migration Management Strategy*' was elaborated by the European Committee on Migration (CDMG) of the Council of Europe, with the main objective to propose a coordinated overall strategy for migration management. This approach moved away from narrowing the migration management agenda to immigration control towards characterising and responding to migration as an important resource that, when appropriately regulated, contributes to the economic and social well-being and development for the countries and actors concerned.

32. That same year, the Council of Europe published the book, *Framework for Integration Policies* by Mary Coussey, presenting a comprehensive policy agenda on integration resulting from more than two years work of the CDMG working group on integration policies.

33. Since 2000, the CDMG has elaborated a significant number of reports and recommendations offering common approaches and policy guidance across a spectrum of migration issues:

- 7th Ministerial Conference - Implementation of Action Plan (CDMG (2008) 33);
- Memorandum: *Contribution of the Council of Europe to the Global Forum on Migration and Development* (Brussels, 9-11 July 2007);
- Contribution of the CDMG to the White Paper on Intercultural Dialogue - "*Living Together As Equals in Dignity*"<sup>5</sup>, 2008;
- *Towards a Migration Management Strategy: Challenges for Countries of Origin*. Stéphane de Tapia. CDMG. Strasbourg, 2006;
- *New patterns of irregular migration in Europe*<sup>6</sup> (2004), Stéphane de Tapia, ISBN 10 92-871-5300-0;
- *Integration Indicators - A User's Manual* - Memorandum prepared by the Committee of experts on integration and diversity ((MG-ID (2004)11).

---

<sup>5</sup> Text available on the Committee of Ministers of the Council of Europe website: <http://wcd.coe.int/ViewDoc.jsp?id=1284673&Site=COE&BackColorInternet=DBCDF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>.

<sup>6</sup> Text available on the Council of Europe migration website : [http://www.coe.int/t/dg3/migration/Documentation/Migration%20management/5300-0\\_New\\_patterns\\_of\\_irregular\\_migration\\_in\\_Europe\\_en.pdf](http://www.coe.int/t/dg3/migration/Documentation/Migration%20management/5300-0_New_patterns_of_irregular_migration_in_Europe_en.pdf).

- Evaluation reports on national policies on irregular migrants (CDMG 2007):
  - *Policies on irregular migrants, Volume I - Executive summary, Italy and Germany*, (2008) ISBN 978-92-871-6397-4;
  - *Policies on irregular migrants, Volume II - Republic of Armenia, Greece, Russian Federation* (2008), ISBN 978-92-871-6401-8
- *Access to Social Rights in Europe*, Report prepared by Mary Daly, Queen's University, Belfast, adopted by the European Committee for Social Cohesion (CDCS) at its 8th meeting (Strasbourg, 28-30 May 2002)<sup>7</sup>;
- *Towards migration management strategy*, CDMG Report, Strasbourg, November 2002<sup>8</sup>
- *Framework of Integration policies*<sup>9</sup>, Mary Coussey, Council of Europe, 2000
- Proceedings of the Council of Europe Regional conferences:
  - “*Migrants in Transit Countries: Sharing Responsibility for Management and Protection*”<sup>10</sup> Istanbul (Turkey), 30 September – 1 October 2004
  - “*Migration Policies on the Eve of the EU Enlargement: What Challenges for Future Co-operation within the East European Region*”<sup>11</sup>, Kiev - 9 and 10 October 2003
  - “*Irregular Migration and Dignity of Migrants: Co-operation in the Mediterranean Region*”<sup>12</sup>, Athens - 3 and 4 October 2001

34. Based on the work of the CDMG, the Council of Europe Committee of Ministers has issued several pertinent recommendations over the last five years:

- *Strengthening the integration of children of migrants and of immigrant*

---

<sup>7</sup> Text available on the Council of Europe Social cohesion website :  
[http://www.coe.int/t/dg3/socialpolicies/SocialRights/source/MaryDaly\\_en.pdf](http://www.coe.int/t/dg3/socialpolicies/SocialRights/source/MaryDaly_en.pdf).

<sup>8</sup> Text available on the Council of Europe migration website :  
[http://www.coe.int/t/dg3/migration/Documentation/Migration%20management/Towards\\_Migration\\_Management\\_Strategy\\_en.pdf](http://www.coe.int/t/dg3/migration/Documentation/Migration%20management/Towards_Migration_Management_Strategy_en.pdf).

<sup>9</sup> Text available on the Council of Europe migration website :  
[http://www.coe.int/t/dg3/migration/Documentation/Series\\_Community\\_Relations/Framework\\_Integration\\_policies\\_2000\\_en.pdf](http://www.coe.int/t/dg3/migration/Documentation/Series_Community_Relations/Framework_Integration_policies_2000_en.pdf).

<sup>10</sup> Text available on the Council of Europe migration website :  
[http://www.coe.int/t/dg3/migration/Regional\\_Conferences/MG-RCONF\\_2004\\_9e\\_Istanbul\\_conference\\_Proceedings\\_en.pdf](http://www.coe.int/t/dg3/migration/Regional_Conferences/MG-RCONF_2004_9e_Istanbul_conference_Proceedings_en.pdf).

<sup>11</sup> Text available on the Council of Europe migration website :  
[http://www.coe.int/t/dg3/migration/Regional\\_Conferences/Kiev\\_Regional\\_Conference\\_Proceedings\\_en.pdf](http://www.coe.int/t/dg3/migration/Regional_Conferences/Kiev_Regional_Conference_Proceedings_en.pdf).

<sup>12</sup> Text available on the Council of Europe migration website :  
[http://www.coe.int/t/dg3/migration/Regional\\_Conferences/Athens\\_Proceedings\\_en.pdf](http://www.coe.int/t/dg3/migration/Regional_Conferences/Athens_Proceedings_en.pdf).

*background*<sup>13</sup> (Recommendation CM/Rec(2008)4)

- *Migrants' Associations and Co-development* and its Explanatory Memorandum<sup>14</sup> (Recommendation CM/Rec(2007)10);
- *Admission, rights and obligations of migrant students and co-operation with countries of origin*<sup>15</sup> (Recommendation CM/ Rec(2006)9)
- *Access of non-nationals to employment in the public sector*<sup>16</sup> (Recommendation CM/Rec (2004) 2)

35. The Parliamentary Assembly of the Council of Europe has also elaborated several resolutions and recommendations on migration issues:

- Resolution 1568 (2007) Regularisation programmes for irregular migrants<sup>17</sup>;
- Recommendation 1807 (2007) Regularisation programmes for irregular migrants<sup>18</sup>;
- Recommendation 1737 (2006) New trends and challenges for Euro-Mediterranean migration policies<sup>19</sup>;
- Resolution 1502 (2006) Demographic challenges for social cohesion<sup>20</sup>;
- Recommendation 1749 (2006) Demographic challenges for social cohesion<sup>21</sup>;

---

<sup>13</sup> Text available on the Committee of Ministers of the Council of Europe website :  
[http://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2008\)4&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](http://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2008)4&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75).

<sup>14</sup> Text available on the Committee of Ministers of the Council of Europe website :  
<http://wcd.coe.int/ViewDoc.jsp?id=1164833&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>.

<sup>15</sup> Text available on the Committee of Ministers of the Council of Europe website :  
<http://wcd.coe.int/ViewDoc.jsp?id=1019671&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>.

<sup>16</sup> Text available on the Committee of Ministers of the Council of Europe website :  
<http://wcd.coe.int/ViewDoc.jsp?id=132851&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>.

<sup>17</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/ERES1568.htm>.

<sup>18</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta07/erec1807.htm>.

<sup>19</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/erec1737.htm>.

<sup>20</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta06/ERES1502.htm>.

- Resolution 1462 (2005) Co-development policy as a positive measure to regulate migratory flows<sup>22</sup>;
- Recommendation 1718 (2005) Co-development policy as a positive measure to regulate migratory flows<sup>23</sup>;
- Resolution 1509 (2006) Human rights of irregular migrants<sup>24</sup>;
- Recommendation 1755 (2006) Human rights of irregular migrants<sup>25</sup>;
- Recommendation 1650 (2004) Links between Europeans living abroad and their countries of origin<sup>26</sup>;
- Resolution 1501 (2006) Working migration from the countries of eastern and central Europe: present state and perspectives<sup>27</sup>;
- Recommendation 1748 (2006) Working migration from the countries of eastern and central Europe: present state and perspectives<sup>28</sup>;
- Resolution 1534 (2007) The situation of migrant workers in temporary employment agencies (TEAs)<sup>29</sup>;
- Recommendation 1782 (2007) The situation of migrant workers in temporary employment agencies (TEAs)<sup>30</sup>.

---

<sup>21</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/erec1749.htm>.

<sup>22</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/ERES1462.htm>.

<sup>23</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/EREC1718.htm>.

<sup>24</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/ERES1509.htm>.

<sup>25</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/erec1755.htm>.

<sup>26</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta06/eRES1501.htm>.

<sup>27</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/erec1748.htm>.

<sup>28</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta04/EREC1650.htm>.

<sup>29</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/ERES1534.htm>.

<sup>30</sup> Text available on the Council of Europe Parliamentary Assembly website :  
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/EREC1782.htm>.

36. The evolving Council of Europe approach stresses the importance of establishing a broad and integrated set of policy measures within each country and engaging in constructive dialogue and proper co-operation links between destination and source countries.

#### **4. *Structure of the report***

37. The report is divided into four main chapters. Following this introduction, a first chapter on *migration and economic and social well-being* looks at the reasons for the growth of economic migration, its scale and characteristics, and the impact on the economies as well as on policies and practices of member states.

38. The second chapter on *migration and development* focuses on the impact of migration on the development of countries of origin and, to some extent, on those of destination. It discusses main policy challenges to strengthening the contributions migration makes to development, including through measures regarding return of skills, remittances, the "brain drain", the investment of migrants in countries of origin ("*co-development*") and the role of diaspora.

39. The third chapter addresses the relationships between *migration and social cohesion*. It identifies main policy issues and challenges regarding equality of treatment and integration of migrant workers and their families, and policies and practices on integration in place or proposed to promote social cohesion.

40. Finally, the fourth chapter on *an integrated policy agenda* examines the specific policy challenges and options for governments and critical stakeholders to effectively regulate migration. The chapter identifies the main components of a comprehensive and integrated approach on migration relevant across the Council of Europe member states, and summarises the elements of this approach in reference to existing Council of Europe and other international policy commitments and recommendations.