

Editorial Cohesion and Diversity

Cohesion and diversity is the title of this first special issue of the "Social cohesion: developments" newsletter. What lies behind the juxtaposition of these two seemingly contradictory words?

The answer is the challenge that the Council of Europe proposes taking up regarding the integration of immigrants and minorities. The member States of the Council of Europe are aware that, in a context of worldwide migration, Europe is attracting an increasing number of people who aspire to a better life.

In the modern world, with its sophisticated new technologies and means of transport, people can travel to a foreign country in a matter of hours. Mobility is a human right. However, immigration or the possibility of settling in a foreign country is left to the discretion of the host country. For people leaving their home countries, "emigrating" often implies distress and the disruption of family life, whereas "immigrating" always implies hope of positive relations with a host society in which they will find their place as well as recognition of the contribution they are making and respect for their values. In short, "immigrating" should be synonymous with successful integration.

We hope that our presentation of "Diversity and cohesion: new chal-

lenges for the integration of immigrants and minorities" and the "Framework for integration policies" (see page 4) will make you want to read these two recent reports whose aim is to stimulate political debate on the promotion of diversity as a new win-win situation in which both immigrants and host countries can benefit. The Chairperson of the Committee of Ministers' Rapporteur Group on Social Questions, Mr Alev Kiliç (see page 2), assured us that he had read the reports with great interest.

Integration and community relations are a priority in the work of the European Committee on Migration (CDMG), as its Chairperson, Ms Marot, points out in the interview she granted us (see page 3).

However, the CDMG cannot overlook the fact that, for some time now, migration has been the focus of a highly profitable form of organised crime including trafficking in human beings, particularly women, and child slave labour. The scale of the problem is rightly a cause of considerable public alarm because illegal migration can undermine social cohesion. No-one can remain indifferent to the tragedies occurring at our borders, but the influx of illegal immigrants often provokes xenophobic reactions towards immigrants who have settled legally in their host countries.

The CDMG has undertaken to tackle this situation using the "human rights" approach that underpins all its activities. A committee of experts is currently drawing up a report on the prevention of illegal immigration and preparing a conference on the subject to be held in

Athens (Greece) in October 2001. This first conference should provide an opportunity to establish more sustained dialogue with the countries on the southern shore of the Mediterranean which are both the countries of origin of many illegal immigrants and transit countries for Sub-Saharan immigrants. We will inform you of the practical outcome of this conference in the Newsletter N° 4 of November 2001.

In order to target its current or future activities more effectively, the CDMG soon felt the need to gather reliable statistics on migration trends. The annual report on "Current trends in international migration in Europe" (see page 7), which is presented to you here by its author, fulfils this objective. The report can be consulted on the Internet site of the Directorate for Social Affairs and Health and is a mine of information for everyone involved in social cohesion activities.

The articles submitted by other Council of Europe bodies show how much importance the Council attaches to the subject of migration.

Through this special issue of "Social cohesion: developments" we hope to give our readers a better idea of the activities carried out by the Council of Europe in the field of migration, activities that mainly consist in working for a tolerant, diverse and cohesive society. Should you need more information, please, do not hesitate to contact us!

Maria Ochoa-Llido
Head of the Migration and Roma/Gypsies Division, DG III – Social Cohesion, Council of Europe

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Social Cohesion Development Division

DG III Social Cohesion

F-67 075 Strasbourg Cedex

Tel. + 33 (0)3 90 21 47 94
Fax: + 33 (0)3 90 21 49 52

<http://www.social.coe.int/>

INTERVIEW WITH TURKISH AMBASSADOR MR ALEV KILIÇ

Chair of Committee of Minister's Rapporteur Group on Social and Health Questions

Turkish Ambassador Alev Kiliç only fairly recently took over the chair of the Committee of Minister's Rapporteur Group on Social and Health Questions (GR-SOC). Migration issues are a major part of the group's brief, but also a key theme for Mr Kiliç, with an estimated three million migrant workers of Turkish origin living in other European countries.

Meeting on average once a month, the group at present gets together more frequently as it prepares a declaration on children's rights ¹⁾, which is scheduled to become public at the upcoming Committee of Ministers meeting in May.

Newsletter: How have social issues been dealt with in the past?

Social Cohesion is one of the major concerns of the Council of Europe. The Council is an organisation based on respect for human rights, rule of law and democracy, which all involve an appropriate social environment. As such the Council of Europe has involved itself from the very early days in the promotion of social rights and social welfare.

Decent standards of social rights must not remain theoretical, but must be implemented. This was one of the priorities of the second Council of Europe summit. The final declaration recognises that social cohesion is one of the foremost aims of the wider Europe and should be pursued as an essential complement to the promotion of human rights and dignity. The ministers also confirmed their determination to protect the rights of lawfully residing migrant workers and to facilitate their integration into the society in which they live.

Newsletter: Four years on from the summit, do you feel that the Council has been able to pursue those aims?

I would say so. I think these issues have been taken up very seriously. These are concepts that build up brick by brick to achieve a final structure and we have laid a good foundation.

Some basic achievements have been our work on integration and community relations policies in southern Europe and in central and eastern European countries that are beginning to face such problems.

We have drawn up a study on the implication of national citizenship laws for migration and held a major conference in Namur, Belgium, that resulted in a report on diversity and cohesion, covering new challenges for the integration of immigrants and minorities, and a framework for integration policies. The European Committee on Migration has a mandate to develop a comprehensive approach to migration in Europe and to define principles for orderly migration movements and has prepared a major report on migration management strategy. The Committee is also organising European Ministers' conferences. The next will be held in 2002, and will probably focus on prevention of illegal immigration and changes in migration flows.

Newsletter: How does the work that these experts do actually help improve lives for people in Europe?

One example would be a conference ²⁾ that brings together countries from the northern and southern banks of the Mediterranean to look at how they can cooperate. The idea is to find ways to understand and regulate illegal immigration, perhaps by changing the rules on legal migration.

The main task of the Council of Europe is to find out how to bring a more contemporary standard to the living and working conditions of migrants already in Europe. That includes integration and prevention of discrimination, but also bringing their living standards up to that of the citizens of those countries – for instance by becoming involved in political life in their host country.

Newsletter: What sort of problems do legal immigrants face?

In most countries migrants are foreigners who have come temporarily to accomplish a job for a certain period, and are then expected to go back, without having the same rights accorded to them as the inhabitants – citizens – of that country.

Different European countries have different sets of rules to deal with this... and the Council of Europe's role here is as a standard-setting institution. A lot is being achieved as the different committees and groups build up a body of theory that translate into effective action.

Newsletter: How are migration issues tackled differently between the European Union and the Council of Europe?

The Council of Europe is definitely the best centre of interest for this issue. With our membership covering nearly the entire continent of Europe, we include both "sending" and "receiving" countries, we are the only truly pan-European institution that exists and we have the qualities and mandate of Europe, as Europe.

Newsletter: What has changed over the past decades?

Migration has become much more regulated. Individual countries have developed migration policies that have led in recent times to a rise of illegal immigration. So we have – if I can generalise – two separate issues that have to be tackled. One is the rise of illegal migration and the second is the situation of those who have legally migrated.

Turkey is a country directly concerned with this subject. Originally regulated through legal bi-lateral agreements, we now have a third generation, born and raised in some of these countries who are mentally, culturally and physically part of those societies, and who have equal difficulties going back to their original countries. The question is how to make life more pleasant for them under these conditions.

Newsletter: What are your aims and ambitions for the future?

A new recommendation on family reunion for migrants is under discussion and is expected to be adopted by the end of this year. A recent recommendation protects the security of residence of long-term migrants and, I already mentioned, there will be a major Conference on North-South cooperation.

I am satisfied with the direction we are heading under this umbrella of social cohesion. We have enough elements to keep us moving, setting standards in the right direction.

1) "Political message from the Committee of ministers for communication to the special Session of the United Nations general assembly on Children (New York, 19-21 September 2001)"

2) The Conference will take place on 3-4 October 2001 in Athens (Greece).

INTERVIEW WITH NADIA MAROT

Chair of the European Committee on Migration (CDMG)

Nadia Marot is a trained lawyer who has been working at the International Affairs Bureau of the French Ministry of Employment and Solidarity's Population and Migration Directorate in Paris since 1973. On first joining the service she was responsible both for bilateral relations and for the free movement of workers within the European Community, although she preferred the former because it produced more tangible results more quickly. But, as she says, "Migration-related issues have increasingly shifted into the multilateral sphere, particularly as a result of the activities of the European Union and the Council of Europe".

Her predilection for international affairs also stems from her love of meeting people from other countries with quite different approaches to migration issues. She believes that the CDMG has fostered important contacts in this area.

She first came to the Council of Europe in 1984 – as the representative of the French delegation when Mr Henri de LARY was appointed Chair of the CDMG – and is, so to speak, one of the "old hands" with invaluable experience of the committee's activities and their development. Nadia Marot was appointed to the chair of the CDMG herself on 16 October 1998 and is already regretting that she is going to have to step down in a few months' time.

Newsletter: In your opinion, what have been the CDMG's main achievements in recent years?

It seems to me that the main advance has been the global approach to migration issues that the CDMG has been insisting on for some years now. It was in Luxembourg in 1991 that it began to be argued that a global approach to the question was needed. As a result, the CDMG, which up till then had taken an integration-based approach, added migration flows to strike a balance between the two factors.

I believe that the Council of Europe is the first international institution to have decisively gone down this road. The United Nations, for instance, tends rather to look at migration from the angle of protecting rights, while the Budapest Group sees it in terms of controlling flows; for its part the European Union has just adopted the new approach.

Newsletter: What are the CDMG's strengths and weaknesses?

The first thing I would mention is its geographic scope which can be both an asset and a drawback. The CDMG's task is to exchange information and experience relating to the policies pursued in each member State. The fact that there are 43 of them makes for an extremely broad palette, but this very broadness sometimes hinders the exchange process. The problem is compounded by the fact that not all the member States have reached the same stage in their analysis of the migration issue. Some states feel that they are not able to deal with this major preoccupation quickly enough while others have not yet even been faced with the problem or are seeking solutions to other problems which seem much more of a priority.

On the other hand, it is true that the role of the countries with a long tradition of immigration is to give the central and eastern European countries the benefit of their experience so as to enable all the member States to adopt a global approach. It is essential for immigration policies to include measures which go beyond the mere restriction of flows and include arrangements to promote integration and combat discrimination.

Another advantage is that, since it is not the Committee's main aim to establish binding instruments, everyone can express themselves more freely and so the exchange of experiences seems to be more productive. However, it is possible to adopt recommendations and resolutions by means of which common standards can be set.

I would nonetheless like to say that I find the decision to hold only one meeting per year somewhat regrettable. The CDMG is responsible for many activities, and it is becoming difficult to deal with all of them in the course of a single meeting. It seems to me that two two-day meetings would be more appropriate as this would make it possible to tackle the most important, urgent or topical problems first and leave the others until the next meeting.

Newsletter: What are your lasting impressions after three years chairing the CDMG?

I have found the job of chairing the committee very rewarding because I have sensed that I am playing a role in which I must

stimulate, lead and constantly sustain the debate so as to keep an assembly of 80 people on their toes. So I have always regarded it as a challenge to ensure that CDMG meetings do not become soporific. And, by the way, I would like to thank the Council of Europe secretariat for its assistance in preparing all these meetings.

I have greatly appreciated the quality of the working groups' activities and their contribution to the CDMG's discussions – the editorial group that prepared the report "Diversity and cohesion: new challenges for the integration of immigrants and minorities", the group of experts on the rights of long-term residents, the group of experts on integration, and the Committee of Experts on the Implementation of the Migration Management Strategy. This is proof positive that it is easier to make progress in a smaller group.

Over the years, personal ties have been established and exchanges have taken place more freely as the delegates have got to know one another, with the result that some subjects can be dealt with more effectively. It also means that if, for instance, someone needs to know more about the legislation of particular countries, the CDMG is a good place for finding the answers. The fact that one's CDMG colleagues represent various government departments is also an advantage and a privilege. It is also noteworthy that countries have increasingly appointed skilled experts to work with the Council of Europe, and this has enhanced the work of the groups of experts even further.

Newsletter: How do you see the future of the CDMG, particularly its role in relation to the CDSCS?

A link with the CDSCS is absolutely vital since we are working in similar areas, although the scope of the CDMG's work is more limited because we deal only with the problems of people of foreign origin. The CDMG thus makes a crucial and entirely positive contribution to the work of the CDSCS in this area. The two committees are effectively complementary.

Newsletter: What were the results of the French chairmanship of the EU in terms of immigration?

The Ministry of Employment and Solidarity attempted at several levels to make progress on everything relating to integration policy and the fight against discrimination. A very

INTERVIEW WITH NADIA MAROT

(continued from page 3)

valuable seminar was held in Paris in October 2000 on the legal status of long-term residents from third countries. The most important outcome of this seminar was that all the participants acknowledged that the integration of citizens from third countries who had settled in the European Union on a long-term basis would be a key ingredient in the social cohesion of European societies in the coming years and that there should therefore be a more vigorous policy to grant such residents similar rights and duties to those of other European Union citizens. Apart from recognising these people's rights, the French chairmanship promoted the implementation of support measures to remove obstacles to the exercise of rights and ensure that everyone plays an active part in the process of integrating foreigners into host societies. The whole approach was totally in keeping with the Council of Europe's social cohesion strategy.

In the same spirit, we insisted that the Social Agenda should contain measures relating to the nationals of third countries; as a result a mention of the situation and rights of these people was included in it. The Charter of Fundamental Rights also refers to the rights of foreign workers and members of their families. Furthermore, two directives were adopted, one relating to the fight against racism and the other concerning access to employment and vocational training.

Newsletter: What should we expect from the next ministerial conference in 2002?

At the Warsaw Conference in June 1996 the question of co-operation with countries of origin was raised. I now consider it essential for co-development – in other words co-operation between countries of origin and host countries – to be a key theme of the 2002 conference. This will also serve to link up the major topical subjects that will be dealt with at the conference, namely preventing illegal immigration, migration within Europe and the migration of highly skilled workers, and to place the question of migration flows in the context of economic development.

At the end of the interview, Ms Marot thanked all the members of the CDMG who had helped and supported her throughout her time as chairperson.

A REPORT OF GREAT IMPORTANCE

Diversity and Cohesion: new challenges for the Integration of immigrants and minorities

“Diversity and cohesion: new challenges for the integration of immigrants and minorities” is a recent Council of Europe report founded on the basic principle that “integration of immigrants and national minorities is one of the pillars of social cohesion”. It was officially presented at a major Conference, which took place in September 2000.

The report, which is mainly addressed to governments, tries to reflect recent developments in global migration, in particular migration to Europe, raises questions and provides some concrete suggestions on the issue.

Nearly ten years after the publication of the “Community Relations Report” from 1991, the report is now emphasising the concept of “diversity” instead of “multiculturalism”. During the official presentation at the Namur Conference, Ms Litt-Woon Long, chairperson of the Report's drafting group, explained where the difference stands by stating that “Whilst “multiculturalism” is almost associated with more or less homogeneous groups with different cultures, “diversity” is more addressed to identify diversities between regions, urban and rural areas, religions, and so on. Furthermore, and more importantly, diversity can be used to address the variety of values, lifestyles, languages and dialects within groups, right down to the level of individuals. Diversity refers therefore to the diversity of culture which is not a by-product of migratory movements or settled minorities. It is a concept which encompasses the whole society.” She also declared that “[...] Europe is a diverse continent and her diversity is her strength. Immigrants and minorities add to Europe's heritage and future strength.”

Through highlighting that diversity is part of Europe's identity and a source of enrichment, the report suggests how to maintain the distinctiveness of immigrant and minority communities and to attain at the same time an overall cohesive society.

Three issues on which to pursue the challenges for diversity and cohesion in Europe have been identified: the first step is solidarity, not only within the societies, but also between countries; good governance is the second step and implies empowering immigrants and minorities so that they might address their specific problems in partnership with governments and other actors; finally, there is multiple affiliation which consists in going beyond legal definitions of, for example, citizenship and focusing rather on social acceptance of multiple affiliation due to circular migration or to intermarriages.

According to the report, policies aimed at promoting cohesion by valuing diversity should include mainstreaming - which would mean that, ideally, all areas of governmental

policies should take into consideration/ comprise the special needs of minorities and immigrants - and managing migration, wherein the many linkages between “immigration control” and “integration” should be acknowledged.

Chapter VI of the report depicts the role of various actors, and, of course, underlines the important and critical role of the governments towards migration issues : they are legislators, facilitators through promoting collaboration among several social actors involved with migrants (such as trade unions, NGOs, employers, etc) and also employers escaping the discrimination in recruitment at all levels of authority. Non-governmental actors have a crucial role as well. This is a broad category which includes political parties, trade unions, churches, faith communities, the private sector, regional and local authorities, etc. Obviously, all of them work at a specific level: some are specialised institutes or single-issue organisations focussing on the rights of an indigenous people; others have mandate that includes both immigrants and minorities; some work exclusively at local level, and others at the national and/or international levels.

As a conclusion, the report characterises monitoring and measuring the implementation of governmental policies as its most critical part. The last chapter indeed proposes a list of some central tools aimed at examining the effectiveness and credibility of policies: for example, free access for the press and the public to the legislative proposals, national and regional parliamentary agendas, official and semi-official institutions aimed at collecting complaints from individual or groups of citizens; etc. Moreover, international organisations, such as the Council of Europe's Parliamentary Assembly, the European Union's Parliament, the European Court of Human Rights and the European Court of Justice, the European Monitoring Centre on Racism and Xenophobia, etc., can distinctively be precious in monitoring the implementation of governmental policies.

The “Diversity and Cohesion” report is accompanied by “Framework of integration policies” a checklist for social actors (governments, employers, media, social partners, etc.) working on the implementation of integration policies. These are the same actors to whom the report is mainly addressed, even though the hope is to involve a wider audience. “Framework of integration policies” brings together/ combines all the recommendations and proposals which were set out in different publications, reports and resolutions. It is meant to help experienced immigration countries to review their policies, and new immigration countries to build up their legislation on this issue.

THE WORK OF THE EUROPEAN COMMITTEE ON MIGRATION (CDMG)

The Council of Europe deals with issues of migration, integration of immigrants and community relations, with the aim of safeguarding and promoting human rights, the rule of law and pluralist democracy.

Among the organisation's 43 member states, the European Union members - most of which are traditional members of the Council of Europe - are today faced with the phenomenon of freedom of movement within the Union and increasing intra-European and extra-European migration. Moreover, in the countries of central and eastern Europe, which are third countries in relation to the European Union and only some of which are candidates for membership, there is only limited permanent immigration. Today, these states are countries of origin and transit and have more recently become destination countries.

The difference in the interests and political approaches of its member states makes the Council of Europe a valuable forum where government experts and representatives of non-governmental organisations take part - at a pan-European level - in joint discussions on immigration, the social situation of populations of migrant origin, particularly refugees, and their integration, the different categories of migration and the root causes of it, etc. With its extensive experience in the field of human rights, the Council acts as Europe's conscience or "guardian" and does not deal with the policing aspects of migration, such as restrictive measures designed to control migration by closing borders.

Activities relating to migration issues are administered by the European Committee on Migration (CDMG), made up of government experts from the 43 member states and representatives of observer states and non-governmental organisations. It is an appropriate forum for exchanging information, sharing experiences and drawing up joint strategies for all the Council of Europe's member states. The committee closely follows the latest developments in migration policies and reproduces them in a document that is regularly updated: "Recent developments in policies relating to migration and migrants".

Since the committee was set up, its work has focused on issues affecting the integration of legal migrants, the three main areas addressed being integration and community relations, migration management and the legal status of immigrants.

Integration and community relations

In connection with the development and promotion of policies for social integration and community relations, the CDMG recently published the reports *Diversity and cohesion: new challenges for the integration of immigrants and minorities* and *Framework of integration policies*, presented on page 4 of this newsletter.

Access to employment is one of the most important issues for the integration of immigrants. Without real progress in this area, it will be difficult to talk of their social integration. For the Council of Europe, migrants are an integral part of programmes aiming to achieve social cohesion in our societies. On the basis of a report on *access to employment for foreigners, immigrants and national minorities: an analysis based on national reports*, the Committee of Experts on Integration and Community Relations (MG-IN) - a committee set up by the CDMG - is preparing guidelines on access to employment for immigrants and minorities.

As part of its aid programmes to member states, the Council organises national and multilateral round-table discussions. These round tables provide an opportunity to exchange views, promote good practices, compare legislation and bring it into line with international standards.

Migration management

The following objectives have been set for work on *managing migration in Europe*:

- to adopt and develop a global approach in order to manage immigration effectively;
- to provide a forum for exchanging views and establish a pan-European network in the field of immigration;

ELSEWHERE AT THE COUNCIL OF EUROPE

The legal expert committee on territorial asylum, refugees and stateless persons (CAHAR)

Legal Protection of Refugees and Asylum Seekers

The legal expert committee on territorial asylum, refugees and stateless persons (CAHAR) is the only pan-European intergovernmental forum on refugee law and policy. Working under the Committee of Ministers, it regularly exchanges information on national and international legislative and policy developments, and follows the case law of the European Court of Human Rights, setting new standards for member states accordingly. It also looks at national implementation of the standards on asylum and refugees issues. The Parliamentary Assembly provides an important impetus. Representatives of the United Nations High Commissioner for Refugees (UNHCR) and the European Commission are active participants - enriching discussions and promoting inter-institutional synergy in standard setting.

The Committee of Ministers has adopted a wide range of recommendations and other texts on asylum and refugees on the basis of draft documents drawn up by CAHAR. Two treaties on the abolition of visas for refugees (1959) and on the transfer of responsibility for refugees (1980) have also been adopted.

More recently, the Committee adopted the following recommendations:

- Recommendation No. R (99) 12 on the return of rejected asylum seekers (1999);
- Recommendation No. R (99) 23 on family reunion for refugees and other persons in need of

- to help governments determine principles for implementing a strategy of orderly management of migration into Europe and within Europe.

In pursuit of these objectives, the CDMG has published the report *Towards a migration management strategy*. At the same time, it is working on developing and implementing the migration management strategy.

In accordance with the wishes of the Committee of Ministers, the CDMG has expanded its work to include issues relating to “illegal immigrants”. The phenomenon of illegal migration is a real challenge for modern societies. Discussions in the Council of Europe attempt to reconcile two positions: on the one hand, maintaining the right of states to set the conditions for admitting foreigners onto their soil and, on the other, the need to respect the human rights and dignity of migrants, despite their illegal or inadmissible status.

The problem of illegal migration and its human consequences will be the subject of a conference next October on illegal migration and human dignity. Moreover, the prevention of illegal migration will be one of the main subjects of the 7th Conference of Ministers responsible for Migration Affairs, to be held in Helsinki (Finland) in September 2002.

Legal status of migrants

On this issue, the CDMG has set itself the objective of strengthening the position of legal migrants. On 13 September 2000, the Committee of Ministers adopted Recommendation No. Rec. (2000) 15 and its explanatory memorandum concerning the security of residence of long-term migrants.

The CDMG is continuing to work on guidelines and principles for legislation and practice regarding residence status and the other rights of persons admitted to a country for reasons of family reunion. The report *The legal status of persons admitted for family reunion* provided the basis for a draft recommendation on this subject.

European Convention on the Legal Status of Migrant Workers

The convention aims to guarantee equal treatment of foreign and national workers, particularly in areas such as the right to work and social security, the right to organise, and a substantial number of other rights specifically associated with the status of migrant worker. These include the right to information, work permits, residence permits, family reunion and housing.

Conscious of the value of this binding legal instrument, the CDMG is continuing its efforts to give a new impetus to activities covered by the convention. It is also encouraging member states, particularly the states of central and eastern Europe, to participate.

Contact: Maria Ochoa-Llido, Head of the Migration and Roma/Gypsies Division, DG III - Social Cohesion, Tel.: + 33 (0)3 88 41 21 79, Fax: + 33 (0)3 88 41 27 31, E-mail: maria.ochoa@coe.int

Some Publications

- *Activities of the Council of Europe in the migration field* [CDMG (98) 2 E]
- *Current trends in international migration in Europe*, John Salt, November 2000, [CDMG (2000) 31]
- *The legal status of persons admitted for family reunion : a comparative study of law and practice in some European countries*, Kees Groenendijk, Elspeth Guild and Halil Dogan, 2000, (ISBN 92-871-4388-9)
- *Towards a migration management strategy* [CDMG (2000) 11]
- *Proceedings, Sixth Conference of European Ministers responsible for Migration Affairs*, Warsaw, 16-18 June 1996 [MMG-6 (96) 8 E]
- *Proceedings, Strategies for implementing integration policies*, Prague 4-6 May 1999, [CDMG (2000) 8]

To obtain publications, please contact: Hilde LÉDY, Tel.: + 33 (0)3 88 41 22 69, Fax: + 33 (0)3 88 41 27 31, E-mail: hilde.ledy@coe.int

- international protection (1999); and
- Recommendation No. R (2000) 9 on temporary protection.

CAHAR adopted three opinions for the Committee of Ministers, during its 50th session in October 2000. They covered restrictions on asylum in member states, refugee women in Europe and gay and lesbian asylum seekers and their partners. The 51st session, in March 2001, adopted an opinion on a Parliamentary Assembly recommendation on clandestine migration and the fight against traffickers.

CAHAR working groups are putting the finishing touches to two draft recommendations: the first covers detention of asylum seekers, with a focus on detention on entry - following up previous recommendations on detention of rejected asylum seekers before return to their country of origin and detention in airports.

The second concerns subsidiary protection for people who are in need of international protection but who are not recognised as refugees under the 1951 Geneva Convention and its 1967 Protocol. The European Union is also working on a text on the same theme and there is a substantive exchange of information between the two institutions.

A third priority in the committee's current work is to define the meaning of “membership of a particular social group”, in the context of the 1951 Geneva Convention's definition of refugee. This is linked to earlier discussions on gay and lesbian asylum seekers (see above).

Contact: Geza Tessenyi, Head of the Asylum Unit, DG - Legal Affairs, Tel.: + 33 (0)3 88 41 22 22; Fax: + 33 (0)3 88 41 27 64; E-mail: geza.tessenyi@coe.int

Current Trends in international Migration in Europe

This year will see the eleventh consecutive Council of Europe report documenting current trends on international migration in Europe. The first report on the subject was produced by Jonas Widgren in 1987 as a background paper for the 3rd Conference of European Ministers responsible for migration affairs in Oporto. For the 4th Conference four years later in Luxembourg John Salt was asked to write the report. Each year since then a new edition has been produced, mainly updating the text and statistics but about every three years with a substantial restructuring of the report as a whole.

The rationale for this annual production has been threefold. First, since Luxembourg it has been one of the main background papers for the periodic ministerial meetings, including those in Athens and Warsaw, and for other meetings such as that concluding the Vienna process in 1995. The reports provided up-to-date information for these meetings covering latest situation on migration and on emerging trends. Second, the reports are regarded as important complementary sources of data to inform other aspects of the Council of Europe's work, notably on integration, human rights and asylum. Finally, they have provided a convenient response to the many requests coming from a variety of individuals and institutions who have approached the Council of Europe for contemporary information on the subject.

During the 1990s the reports were produced by a single consultant, Professor John Salt of the Migration Research Unit at UCL in the UK, using the Unit's statistical database. A standard set of tables has been developed which may easily be updated. New tables are added and others removed as circumstances change. The Council of Europe report is a much less comprehensive document than

Trends in International Migration which is produced annually by the OECD. The OECD report is based on individual national reports from around 30 countries, produced by its SOPEMI Correspondents. It includes countries beyond Europe, in North America (US, Canada, Mexico) and the Asia-Pacific region (Australia, New Zealand, Japan, Korea). It is more analytical, is published and sold, but does not have the immediacy of the Council of Europe report. In essence, the two reports are complementary.

The Council of Europe's report is normally in two parts. The first is a text of around 20,000 words, dealing with topics such as the components of population change, stocks and flows of foreign population and labour, asylum, irregular migration and policy and management of migration. It provides a way of linking with other initiatives of the Council of Europe, such as the Migration Management Strategy drawn up by the Councils' Reflection Group in 1997 and 1999. The second part contains the tables and associated graphs. These are amended each year so that when the report is received and circulated it presents the most up-to-date and accurate nationally comparative statistics available anywhere.

By virtue of their regularity and continuity over the last decade the reports provide a fascinating account of how European international migration has evolved since the great political changes of 1989-91. At their Luxembourg meeting the Council of Europe ministers responsible for migration issues were confronted with a new and largely uncharted situation. Suddenly, it seemed, there was likely to be mass migration from the East, towards the lotus lands of Western Europe. Growing flows from the countries of the South were creating a new 'migration frontier' along the northern shores of the Mediterranean. A new asylum regime was coming into being although the problems stemming from the break-up of

The Parliamentary Assembly and the Human Rights of migrants and refugees

General Committee within the structure of the Parliamentary Assembly since 1958, the Committee on Migration, Refugees and Demography aims to place issues of migration and refugees high up on the agenda of the debates. By closely following developments and trends, and by organising specific hearings and fact finding missions, it advocates the human rights and cares about the humanitarian situation of those migrants and refugees who enter Europe, or of the internally displaced persons who are often on a constant move within its borders, the overall aim being to bring about an improvement in their living conditions.

The Committee therefore raises awareness among member states of the Council of Europe on issues such as the very individual needs or the specific protection of refugee groups, the perspectives of a life in safety and dignity of migrants including the community relations in multicultural societies. The Committee tackles problems concerning asylum in Europe and proposes solutions on how keeping up with the humanitarian values of the Council of Europe. On the other hand, it seeks to respond to member states' concerns about significant movements of migrants and refugees, or about issues related to their integration into the society and the problems of intolerance and racism, which they frequently have to face. On a more global perspective, the Committee also aims to contribute to the research and the discussion on demographic trends in Europe.

The work is carried out in close cooperation with governmental and non-governmental international humanitarian organisations, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), Amnesty International and many others, which representatives attend

Yugoslavia were still in the future. By the middle 1990s it was possible to say that Europe had largely adapted to a changed migration regime but that there was great uncertainty how to handle the fall-out from the Yugoslavian crisis. Elements of the picture were still blurred, especially in Eastern Europe and the former USSR where data systems remained inadequate. Furthermore, the growing significance of illegal migration and trafficking were already causing concern.

The increasing incorporation of Eastern Europe into the European migration system was discussed in the 1996 report to the Warsaw ministerial meeting. Attention was drawn to the new dialogues taking place within the forum of the Council of Europe between sending and receiving states and to the need for a migration policy regime capable of orientating itself towards new challenges. By the turn of the 20th century the burning issues were no longer those of ten years earlier. Recorded migration was now relatively stable. Unrecorded and irregular migrations posed ever growing challenges, especially from criminal traffickers and smugglers. New forms of migration were acknowledged, such as labour tourism and petty trading in Eastern Europe, alongside increasing interest in brain drains, gains and exchanges between countries. As the formerly separate Western and Eastern European migration systems fused into one, some eastern countries had also become ones of immigration.

These reports provide a valuable source of information and a tool for analysing the changing processes of international migration in Europe. They provide an essential background for many areas of the Council's work on Social Cohesion.

Contact : Professor John Salt, Department of Geography, University College London, 26 Bedford Way, LONDON WC1H 0AP, Tel.: +44 (0)20 7679 55 31, Fax: +44 (0)20 7679 7565, E-mail: j.salt@geog.ucl.ac.uk

committee meetings as observers, offering the benefit of their experience. Moreover, UNHCR offers its expertise and technical assistance for field visits.

Within the Council of Europe, the committee maintains close contact with the Commissioner of Human Rights, as well as with intergovernmental committees of the Council of Europe active within these areas, such as the European Committee on Migration (CDMG) and the European Population Committee (CAHP) or the Specialist Group on Roma/Gypsies (MG-S-ROM).

Migration

The committee has a particular interest in migratory flows and community relations. It has initiated numerous texts adopted by the Assembly on these issues, including Recommendation 1206 (1993) on the integration of migrants and community relations, or Recommendation 1500 (2001) on the participation of immigrants and foreign residents in political life in the Council of Europe member states, Recommendation 1261 (1995) on the situation of migrant women in Europe, Recommendation 1277 (1995) on migrants, ethnic minorities and the media and Recommendation 1306 (1996) on migration from developing countries to European industrialised countries.

Special emphasis has been laid on the issue of illegal and transit immigration into Europe and the protection of human rights of illegal immigrants by Recommendation 1449 (2000) on clandestine migration from the south of the Mediterranean into Europe, Recommendation 1467 (2000) on clandestine immigration and the fight against traffickers as well as Recommendation 1489 (2001) on transit migration in central and eastern Europe.

Concerning asylum, the most recent texts are Recommendation 1470 (2000) on the situation of gays and lesbians and their partners in respect to asylum and immigration in the member states of the Council of Europe and Recommendation 1440 (2000) on restrictions on asylum in the member States of the Council of Europe and the European Union.

Other issues on the committee's agenda are the reunion of migrants' and refugees'

families and the links between Europeans living abroad and their countries of origin.

Refugees

The main principle behind the texts drawn up by the committee in this area is that any persecuted person fleeing his or her country should enjoy protection in accordance with international standards. Likewise, its recommendations encourage the member states to step up their humanitarian aid to refugees and displaced persons.

The dramatic events in certain countries of Europe have led the committee to focus a large proportion of its work on the humanitarian situation of refugees and asylum seekers in those areas. In particular, the committee has been following very closely the situation in the countries emerged from former Yugoslavia, and has presented a number of reports and recommendations, many of them based on the fact-finding missions (for example Recommendation 1424(1999) on the humanitarian situation in the Federal Republic of Yugoslavia, particularly in Kosovo and Montenegro; Recommendation 1404(1999) on the humanitarian situation of the Kosovo refugees and displaced persons; Recommendation 1406(1999) on the return of refugees and displaced persons to their homes in Croatia; Recommendation 1357(1998) on Bosnia and Herzegovina: return of refugees and displaced persons).

Similarly, the Committee has monitored the humanitarian situation in Chechnya and has presented reports taking into account the conclusions of several fact-finding visits in the field carried out by representatives of the Committee (Recommendations 1456(2000) and 1444 (2000)). The situation of refugees and displaced persons in the CIS countries has been a subject of the report presented to the Assembly (Recommendation 1334(1997), and the situation in different areas of the CIS has been examined on many occasions. In particular, the south Caucasus countries (Armenia, Azerbaijan and Georgia) have been given particular attention (Recommendation 1335(1997) in view of the difficult humanitarian situation prevailing in this region.

France

An Office for International Migrations project with Romania

Before 1989, population movements between Romania and the rest of Europe were traditionally long-term migrations with no possibility of return. Today, Romanian migration has changed and is more likely to take the form of a plan to leave (Romania) and stay temporarily (in another country), with the hope of returning (to Romania) in better economic conditions. This change in behaviour has made it necessary to adopt a new approach to combating illegal immigration.

In this context, France, working through a branch of the Office for International Migrations (OMI) set up in Romania for the purpose, has developed an experimental non-punitive aid programme for the return and economic reintegration of Romanian migrants who have spent time in France.

A non-punitive programme appropriate to many situations

In operation since January 2000, this programme, which has helped more than 900 returnees, is supported by many local partners: the Romanian Ministry of Employment, national vocational training agencies, town halls and non-governmental organisations working on social issues.

Its aim is to aid migrants who return voluntarily, by paying for their travel from France and, through NGOs which are partners of the OMI, by helping them with the immediate problems associated with resettling in their country of origin: housing, schooling for their children, civil status, social rights, etc.

Another aim of the social support thus provided is, through the close links established with returning families, to design individual plans for sustainable economic reintegration: it is considered vital to link economic development with help towards reintegration, particularly in view of the kind of people concerned – mainly young, with a poor level of education and lacking vocational qualifications.

Socio-vocational assessment is used to identify the migrant's skills and personal-

ise the proposed action: help with seeking employment or choosing a vocational training course geared to the local situation, or drafting a plan to set up a one-person business.

Enhanced partnerships at local level

Job search facilities and vocational training opportunities - the cost of training courses being borne by the OMI - are provided in conjunction with Romanian local employment and training agencies.

If a migrant wishes to set up a one-person business, the OMI asks a local consultancy to carry out a feasibility study of the project. With the conclusions reached from interviewing the migrant, the study is submitted to a board chaired by the Ambassador of France, which decides what aid might be provided to launch the project, up to a maximum of 24,000 FF per project. This aid is intended to pay for the goods and services needed to get the activity going. At the same time, the consultancy is also required by the OMI to act as adviser to such businesses for a year.

Promising results

In 2000, 35 such businesses were set up in very diverse fields of activity: crafts, services, small shops, farming, etc. As a result the families concerned earn often above-average incomes, local jobs have been created and the run-down fabric of the local economy revitalised in regions with very high levels of emigration to the European Union.

The success rate of aided projects, in other words of monitored reintegration schemes, is close to 75%. In 2001, 50 new business-creation projects should come into being.

At the same time, it will be necessary, in the regions concerned, to adapt the structure of the local economy to these new entities, particularly by promoting the goods produced. This kind of experimental programme, funded by the OMI and the French Ministry of Foreign Affairs, obviously needs to receive fresh international aid in order to develop.

Contact: Christophe Gontard, Representative of the Office for International Migrations in Bucharest, Bdul Dacia No. 93 – Sector 2, Bucharest, Romania, Tel.: + 40 1 210 13 45, Fax: + 40 1 210 12 45, E-mail: omiro-man@dial.kappa.ro.

Moreover, the committee has reported on the humanitarian situation of Kurdish refugees and displaced persons (Recommendation 1377 (1998)).

In addition to its work on the problems in troubled regions, the committee has drawn up a number of recommendations aimed at establishing a concerted European policy in this field: for example, the training of officials receiving asylum seekers at border points (Recommendation 1306 (1996)), the protection and reinforcement of the human rights of refugees and asylum seekers in Europe (Recommendation 1327 (1997)), the temporary protection of persons forced to flee their countries (Recommendation 1348 (1997)), the situation of refugee women in Europe (Recommendation 1374 (1998)), the arrival of asylum seekers at European airports (Recommendation 1475 (2000)), restrictions on asylum in the member States of the Council of Europe and the European Union (Recommendation 1440 (2000)).

Demography

In the past, the committee has addressed issues related to demographic imbalances between the countries of the Mediterranean basin (Recommendation 1164 (1991)) and the demographic structure of the Cypriot Communities (Recommendation 1197 (1992)). It further contributed to the International Conference on Population and Development (Cairo, 5-13 September 1994) and drafted proposals for follow-up action by the Council of Europe and its member states (Recommendation 1260 (1995)). More recently, it adopted Recommendation 1482 (2000) on demographic trends and human potential in the countries of central and eastern Europe and is presenting, during the third-part Session of the Assembly in June 2001, a Recommendation on Demographic change and sustainable development

Contact: Mr Halvor LERVIK, Secretary of the Committee on Migration, Refugees and Demography, Parliamentary Assembly, Tel.: + 33 (0) 3 88 41 28 17, Fax: + 33 (0) 3 88 41 27 97, E-mail: pace@coe.int, Internet: <http://stars.coe.fr/>

Italy

Italian Immigration policy

Within the space of just a few decades, Italy has changed from being a country of emigration, internal migration and transit to being one of stable immigration.

The overall numbers of foreigners present are still limited, but growing. There is no doubt, however, that Italy has undergone, and is still going through, a major transformation, spread over a much longer period.

Law No. 40, of 1998, also known as the "Turco-Napolitano" law, currently regulates the complex subject of immigration and of foreigners' condition in Italy, laying down the three fundamental elements of an appropriate policy: the combating of illegal immigration, the determining of admissions and integration measures relating to the foreigners who are lawfully present.

The state's power to determine admission quotas cannot be called into question. The state is responsible for the programming of the movements of migrants arriving to take up employment and coordinates, programmes and monitors the placing of workers and employment policies, achieving both consistency and synergy. The legislation itself provides for a role for regional, provincial and local authorities in the definition of migratory movements, authorities which naturally play a part in local affairs, and requires that a preliminary opinion be obtained from the Unified Conference (Conferenza Unificata), which comprises representatives of all the local authorities, about the issuing of decrees on annual movements. The anticipated development will probably therefore be towards the acquisition by the regions of a greater say in the matter of movements, without this distorting the division of powers as a whole. Legislative Decree No. 469/97, which regulates the conferring of functions relating to immigration policies on regional and local authorities, lays down a precise division of responsibilities. In practice, the state remains responsible for "supervising the inward movements of workers from outside the European Union". The regions, on the other hand, bear administrative responsi-

bility for the "placing of workers from outside the European Union". The process by which the local authority reconciles worker supply and demand is based on the assumptions it finds in the national programming of inward movements.

Where the measures the government intends to adopt following the employers' requests for increases in the numbers of foreign workers admitted are concerned, we may say that the need for foreign labour expressed by the labour market is one of the main criteria on which the government bases its decisions on the numbers of foreign workers to be admitted. The planning document on immigration policies for 2001-2003 gave particular attention not only to the employment needs reported to the Ministry of Labour, but also to high-level studies of specific sectors of Italy's labour market. The data in the document are taken from the Excelsior-Unioncamere study of the types of occupations most needed by national employers intending to take on non-Community staff and also from the Isfol-Csa and Assinform surveys of needs for skilled staff. The aim is to refine the programming of inward movements, which only really started in 2000, so that it better meets the needs expressed by the Italian labour market in terms of both highly skilled and less skilled workers. The need less clearly quantified for the moment is the probably equally important need for domestic and care services among families, services for which foreigners are increasingly being taken on.

Where forms of agreement between government and employers in respect of social services and employers' contributions to the social expenditure on immigrants are concerned, there are no real agreements of this kind at national level. However, employers' contributions to certain expenses and certain decisions are necessary and would be useful. They could, for instance, make a vitally important contribution in respect of the problem of housing, one of the main shortage areas in absolute terms, and often a hidden source of discrimination against immigrants in Italy. It would be a significant help if, in the best tradition of the enlightened employers of the early twentieth century, today's employers were also to shoulder the responsibility, as they forcefully express their need for foreign labour, of

The European Commission against Racism and Intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) is an independent body of experts, set up by the Summit of Heads of State and Government of the Council of Europe in Vienna in October 1993. It has the task of combating racism, xenophobia, antisemitism and intolerance from the perspective of the protection of human rights, through activities which cover all necessary measures – both legal and policy – to combat violence, discrimination and prejudice faced by persons or groups of persons, notably on grounds of race, colour, language, religion, nationality and national or ethnic origin. ECRI's country-by-country monitoring work of the situation in Council of Europe member States, and the recommendations contained in its country-specific reports, stimulate the adoption of new legislation and new policy measures for fighting racism and related intolerance. In parallel, ECRI drafts and adopts general policy recommendations addressed to all member States. It considers the relations it has established with civil society as an important multiplier of its work at grass-roots level.

ECRI's Country-by-Country approach

A major pillar of ECRI's activities is its country-by-country approach, whereby ECRI closely examines the situation in each of the member States of the Council of Europe and draws up, following this analysis, suggestions and proposals as to how the problems of racism and intolerance identified in each country might be dealt with. The aim of this exercise is to formulate helpful and well-founded proposals which may assist governments in taking practical and precise steps to counter racism and intolerance.

ECRI's country-by-country approach concerns all Council of Europe member States on an equal footing. The work takes place in four-year cycles, with ten countries being covered each year. The reports for the first cycle were completed in late 1998. Since January 1999, ECRI has been working on the

playing their part, together with local authorities and with associations, in seeking solutions to foreign workers' housing problems.

Only very recently has action been taken on the integration of foreigners. Law No. 40 of 1998, was Italy's first immigration legislation to give great prominence to integration measures.

The integration model used for political action in Italy in the years following the entry into force of Law No. 40/98 may be described as a "reasonable" one. According to this model, put forward by the Commission for policies for the integration of immigrants, the main objectives to be pursued are the supervision of "the integrity of the person" and the creation of "low-conflict interaction" between immigrants and citizens, between new minorities and nationals. Thus integration policies are pursuing two aims. On the one hand, they are directed towards ensuring that the foreigners present in our country enjoy access to goods and services and, more generally, to decent living conditions. On the other, in pursuing low-conflict interaction, integration policies also, and perhaps above all, apply to Italian citizens, and not just to foreigners who live and work in Italy.

In the years ahead, a vitally important role will continue to be played by those of the measures intended to guarantee integrity of the person which are directed towards "rewarding lawfulness", the lawful situation of people who take advantage of what are now at last fully operational instruments on such matters as admission for employment, sponsored entry and family reunification in order to enter Italy lawfully. During the year 2000, several important steps were taken to reward lawfulness and long-term lawful residence: the issuing of initial residence permits and the introduction of a system of sponsors for those seeking employment.

So it seems necessary to create conditions enabling stability to be maintained where permanent residence is concerned, avoiding an automatic application of the law which may result in "relapses" into illegality. With this in mind, the instruments to which precedence should be given are constant monitoring of the functioning of measures regulating residence and of measures surveying critical points

in that context, and the adoption of measures intended to achieve a greater administrative simplification of procedures.

Greater incentive should be given to measures aimed at securing full exercise of their recognised rights to declared resident aliens. A problem of inability to exercise rights still occurs both in the health field and in that of education. Health sector data at local level suggest that about 30% of these legally resident foreigners, entitled by law to health care on equal terms with Italian citizens, have never registered with the National Health Service - the prerequisite for access to care. In education, the number of foreign pupils attending Italian schools represents little more than half the number of foreign minors recorded as resident in Italy. School attendance figures obviously only take into account those of school age, i.e. from age 3 upwards. However, further considering that undeclared minors can also attend school, while the attendance figures only concern those declared as residents, the discrepancy between residents and school attenders is plainly a cause of concern. In both these fields, it will be necessary to take measures for the gradual reduction and eventual elimination of the differential between the numbers of people entitled to and the numbers actually availing themselves of health care and education.

Priority must be assigned to the goal of removing or at least lowering barriers of a strictly linguistic or more generally cultural nature, as well as administrative barriers, obstructing usability of services where immigrants are concerned. The presence of obstacles impeding exercise of the right to receive services is particularly evident in the health and social services sector. Cultural impediments in the broad sense include not only language, but also difficulties relating to foreigners' poor understanding of how the services function, a different perception of illness or need, or different expectations regarding care, assistance and the relationship between service providers and service users.

In this context, special training of service operators in contact with immigrant users, and more general reliance on cultural mediators, should be treated as priorities.

The office of cultural mediator has been

instituted for the first time by the "Testo unico" (single digest of legislative provisions) on immigration. It is intended to form a "bridge" between immigrants, who have a different cultural background and specific demands, and the sphere of services and Italian institutions. It nevertheless seems expedient to define the role and field of action of cultural mediators more precisely, and to apply common standards unifying their training career which is at present wholly dependent on the differing orientations of each body which trains and employs them.

Other barriers are administrative, and could be overcome by greater flexibility of services and timetables, making it possible to meet typical needs of migrant (and other) service consumers, and by measures aimed at simplifying and clarifying official procedures which are often obscure (even for nationals).

A further effort should be made to disseminate information on rights and legislation more widely among foreigners and also among service operators in contact with migrant users. Problems of access to services are often caused either by users' lack of information and unawareness of personal entitlements, or by service suppliers' inadequate information concerning their own duties.

Looking to the future, social policies in respect of migrants should be integrated with general social policies. It appears advisable to start off the process of reflection from certain recent provisions such as the regulations on the maternity allowance and the minimum integration income, which include legally resident immigrants among the persons eligible, and to think about a possible reform of the social safety-net which, on the assumption that migrants now form a structural component of society, places them among the beneficiaries of general socio-economic support measures. Moreover, the aforementioned legislative digest on immigration itself lays down the principle of equal status with Italian citizens as regards enjoyment of social welfare benefits and services, financial or otherwise, for foreigners holding a residence card or permit valid for at least one year.

Law No. 91 of 1992 on Italian citizenship, though fairly recent, now appears to be

long to another age. Espousing the criterion of "ius sanguinis" and the protection of descent, it is more in keeping with the principles and outlook of an emigration country than with the demands of an increasingly multicultural society. It is a law basically inimical to the integration of migrants, who are considered an impermanent societal factor. As the immigration phenomenon has become a structural reality of Italian society, this law appears more and more outmoded as well as unjust. There have been many official pronouncements to that effect by consultative bodies of the government such as the Commission for Integration Policy, and by Minister Livia Turco. Two points of the 1992 law seem to call most urgently for amendment. Firstly, the law does not regard children of immigrants born and raised in Italy as Italian citizens. These children are to all intents and purposes classed as aliens, and may apply for Italian citizenship only on reaching the age of 18 and on condition of permanent lifelong residence in Italy up to that time. Secondly, it is extremely difficult to acquire citizenship through naturalisation. Besides the ten-year minimum residence requirement, paralleled in virtually none of the European legislation on the subject, naturalisation in Italy is a discretionary act, a concession, and thus does not necessarily imply a favourable outcome even where the foreign applicant for citizenship fulfils the stipulated requirements. These are, in addition to residence, financial self-sufficiency and proof of payment of taxes. Furthermore, the naturalisation procedure takes about two years to complete, which raises the total waiting period to 12 years. On both these issues, many proposals for amendment have been put forward, seeking to promote acquisition of citizenship by children born in Italy of foreign parents and to facilitate naturalisation. Until the law is amended, the simplest and indeed the only course for a foreigner wishing to become an Italian citizen will be to marry one; 85% of cases of acquisition of citizenship are by marriage.

Contact: Dr. Giuseppe Silveri, Immigration Policy Division, Department for Social Affairs, Presidency of the Council of Ministers, Via Vittorio Veneto, 56, 00187 Roma, Tel.: 06 48 16 15 25, Fax: 06 48 16 14 73, E-mail: immigrazione@affarisociali.it

second stage of its country-by-country approach. The second-stage reports combine the monitoring of proposals set out in the first reports, the updating of the reports' general content and an in-depth analysis of issues of particular concern in the various countries.

An important aspect of the preparation of these second-stage reports is the organisation of a contact visit to the country concerned. The visits provide an opportunity for the rapporteurs and co-rapporteurs to meet officials from the various ministries and national public authorities dealing with issues within ECRI's remit. They also allow the rapporteurs and co-rapporteurs to meet representatives of NGOs working in the field, as well as some of ECRI's other partners and anyone else concerned with matters within ECRI's remit.

ECRI has to date published its second-stage reports on Albania, Austria, Belgium, Bulgaria, the Czech Republic, Denmark, France, Greece, Hungary, Norway Poland, Slovakia, Switzerland, "the Former Yugoslav Republic of Macedonia" and the United Kingdom.

ECRI's work on general themes

The second aspect of ECRI's programme includes work on general themes and activities specifically based on these themes, with a view to making a real contribution to the setting up and strengthening of those institutions which underpin the functioning of civil society. ECRI has published general policy recommendations on the following topics: general legal and policy measures constituting a framework to combat racism and intolerance; specialised bodies at national level to combat racism and intolerance; combating racism and discrimination against Roma/Gypsies; national surveys on the experiences and perceptions of the potential victims of racism and discrimination; combating intolerance and discrimination against Muslims and combating racism on the Internet.

ECRI also publishes collections highlighting good practices in various areas such as the media.

An important instrument in ECRI's communication strategy is its "Combating racism and intolerance" website (www.ecri.coe.int). This bilingual (English/French) anti-racist site contains over 4,000 pages and is aimed at a wide-ranging audience: organisations and individuals involved in

combating racism and intolerance, researchers, students, journalists, young people, etc.

European Conference against racism

Acting on a proposal from the UN Commission on Human Rights, the United Nations General Assembly decided at its 52nd session to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The World Conference will be held in Durban, South Africa, from 31 August to 7 September 2001. The Council of Europe was entrusted with the preparation at European level of the World Conference, including a European Conference against racism.

The European Conference against racism *All different, all equal: from principle to practice* was held in Strasbourg from 11 to 13 October 2000. It was attended by over 500 participants including senior civil servants and representatives of the Council of Europe, the European Union, the United Nations and NGOs.

The European Conference against racism focused on four main themes:

- Legal protection against racism and related discrimination at sub-national, national, regional and international levels;
- Policies and practices to combat racism and related discrimination at sub-national and national level;
- Education and awareness-raising to combat racism, related discrimination and extremism at local, national, regional and international levels;
- Information, communication and the media.

The participants at the European Conference against racism adopted General Conclusions. At the closing session, the Ministers of the Council of Europe member States adopted a Political Declaration. An NGO Forum, entitled *End Racism Now!* preceded the European Conference. Some 250 NGO representatives discussed their contribution to the Conference's four main themes and added a fifth: immigration and asylum in relation to xenophobia and racial discrimination.

Contact: Louise Barton, Administrator, ECRI, DG II - Human Rights, Tel.: + 33 (0)3 88 41 29 59, Fax: + 33 (0)3 88 41 39 87, E-mail: louise.barton@coe.int, Internet: <http://www.ecri.coe.int>

The Cimade: a support service

The *Comité Inter-Mouvements auprès des Evacués* (Inter-Movement Committee for Evacuees) – Cimade – is an association of Protestant origin founded in 1939 to help people from Alsace and Moselle who were evacuated to south-western France in September 1939 (the beginning of the Second World War).

Today, pursuing no religious aims and remaining independent of the churches, it works to help refugees and foreigners in France and to encourage the development, in a spirit of solidarity, of the countries of the East and South, following the credo that to defend foreigners is to defend tolerance and solidarity throughout society. The association's objectives are:

Welcoming, listening to, advising and accompanying foreigners who are in difficulty

Cimade focuses its efforts on monitoring cases and provides legal information. It acts as an intermediary between individuals and administrations (prefectures, the Office for Refugees, the Ministry of the Interior, etc). It directs individuals to other partner associations dealing with accommodation and social, medical and psychological needs, etc. Cimade also takes action in remand prisons and holding centres to ensure that the dignity and rights of individuals are respected.

Intellectually and practically combating racism and discrimination

Another of Cimade's objectives is to take part in discussions on asylum, immigration and racism. It works in

parishes and schools or approaches elected representatives in order to raise awareness of problems and explain how it sees them. It initiates debates on important topics such as the concept of "double penalty".

International solidarity

Cimade supports associations and organisations in other countries (for example, in Latin America, Africa, Palestine) and so has an opportunity not only to give financial support to partners who are fighting to improve living conditions, justice and human rights in their countries but also to debate geopolitical situations.

Cimade is funded mainly by grants, institutional aid and private donations.

Contact: Michel Weckel, Alsace-Moselle Regional Representative, Maison Georges Casalis, 13, Quai St-Nicholas, 67000 Strasbourg, Tel.: + 33 (0)3 88 36 94 56, Fax: + 33 (0)3 88 25 76 63, E-mail: strasbourg@cimade.org; <http://www.cimade.org>

Churches in Europe and the Challenge of Migration and Asylum

„For I was a Stranger and you welcomed me“

Churches throughout Europe are involved in assisting migrants and refugees as Christian churches of different denominations share the basic principle of welcoming the stranger and assisting the poor and needy.

The Churches' Commission for Migrants in Europe (CCME) was founded in 1964. Its mandate is to cover the whole area of migration and integration, refugees and asylum, and racism and anti-discrimination. Its members assist migrants, provide legal and social advice as well as

pastoral care, and in some cases negotiate with the authorities

In the 70s, the emphasis shifted when migrants were no longer recruited and policies of immigration tightened. Since the 80s, asylum procedures and the care for refugees became more restrictive in most European countries, churches have been advocating for protection and proper asylum systems. In some countries, churches used the concept of granting church asylum to persons who feared persecution in their country of origin but their cases were not recognised as well founded by the authorities.

Challenges ahead

Since the 90s, Churches have then been facing the phenomenon of trafficking in human beings. As access to Europe had become increasingly difficult, persons seeking refuge had little option than to resort to trafficking and smuggling organisations. Particularly churches in South European countries pointed to the dangers of these developments and stated very early "we are now dealing with criminal Mafia organisations".

While governments refer to these migrants as *illegals*, in the churches we prefer to talk about *irregular migrants*. UNHCR pointed out, in a study from 2000, that many refugees who would be eligible to asylum under the Geneva Refugee Convention had to resort to irregular ways of entry.

Churches are very concerned with the fact that persons who have to resort to these criminal networks end up in total dependence on these organisations as they are not protected and may even face expulsion as soon as they turn to the authorities. We are therefore confronted with a new form of slavery: women are forced into

prostitution and threatened with damage to their family, therefore they do not dare to find an exit out of their desperate situation; similarly, quite a number of migrants are kept hostage by these organisations, either by having to pay off for their journey or by threats to their family, they are often forced to work for low - if any - wages without social protection, they are restricted from free movement, and on top, they cannot turn to the authorities, as they might face penalties.

Churches are convinced that it is vital to have less restrictive border controls to ease this situation and make access easier. Although we are aware of the fears of some European countries, we believe that positive action and counselling rather than police action can be more effective and certainly reduce the trafficking business. But it requires an active policy in partnership with countries of origin. It also requires a much closer co-operation between the different actors in the fields of migration and development.

New Immigration Policy

Today, Europe is formulating a new immigration policy. The EU Commission has issued a communication on a Community Immigration Policy at the end of 2000 which clearly reiterates the conclusions of the Tampere European Summit that the European Union will always have immigration. As churches, we would like to stress here that the positive effects of immigration need to be publicly stated to counter fears in the societies. We are very much aware of racism and xenophobia in European societies, and that it requires courage for politicians as well as for institutions to counter these. This is particularly true in the framework of the European Union's enlargement, where discussions on restricting free movement for the people in the new EU countries even

beyond the date of accession are presently taking place.

In December 2000, the Council of Europe published a very valuable analysis of the demographic situation in Europe which shows very clearly that most western European countries have a negative balance in population growth considering the birth rate as well as the immigration rate. But it also demonstrates that eastern European population growth is even lower than the western European one.

Analysing these figures could – and should – lead to more open and public debates on realistic scenarios of immigration rather than playing with dangerous myths of mass invasion. We do not deny the fears, but we are convinced they are not well founded. If restrictions on free movement are in place too long, this may create the image of second class EU citizens, which may be detrimental to the motivation to participate in other policy fields.

The need and the benefits of immigration will in our view be the major topic on the migration and asylum agenda. While we agree that the economic and labour market requirements play a very important role, as churches we would advocate to have a system which is coherent with the European obligations to grant protection and asylum according to the Geneva Refugee Convention as well as countering criminal organisations involved in trafficking. This coherence therefore needs to consider foreign and development policies as well as the (legal) status of migrants.

We know that immigration contains enormous challenges for European societies. Therefore, churches are active in intercultural affairs as well as in inter-religious dialogue. CCME will have a conference on migrant churches in Europe in October 2001

to facilitate sharing and communication. Thus we hope to contribute to the integration into one community.

Contact: Doris Peschke, General Secretary of CCME - Churches' Commission for Migrants in Europe, 174 rue Joseph II, B-1000 Brussels, Tel.: +32 2 234 68 00, Fax: +32 2 231 14 13, E-mail: ccme@wanadoo.be ; dp.ccme@gmx.net

ADOPTED TEXTS

The European Convention on the Legal Status of Migrant Workers (adopted in 1977 it entered into force in 1983) : an analysis of its scope and benefits, Elspeth Guild [CDMG (99) 11]

Recommendations:

- Recommendation Rec (2000) 15 of the Committee of Ministers to member states **concerning the security of residence of long-term migrants** (adopted on 13 September 2000)
- Recommendation 1475 (2000) of the Parliamentary Assembly concerning the **Arrival of asylum seekers at European airports** (adopted on 26 September 2000)
- Recommendation 1489 (2001) of the Parliamentary Assembly concerning **Transit migration in central and eastern Europe** (adopted on 22 January 2001)
- Recommendation 1500 (2001) of the Parliamentary Assembly concerning the **participation of immigrants and foreign residents in political life in the Council of Europe member States** (adopted 26 January 2001)
- Recommendation 76 (2000) of the Congress on Local and regional Authorities of Europe concerning the **participation of foreign residents in local public life** (adopted on 24 May 2000)
- General policy Recommendation N°6 of the European Commission against Racism and Intolerance on **Combating the dissemination of racist, xenophobic and anti-Semitic material via the Internet** (adopted on 15 December 2000)

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Newsletters:

- The newsletter *Activities on Roma/Gypsies* (Migration and Roma/Gypsies Division) available on Internet : <http://www.coe.fr/dase/en/cohesion/action/archives.htm> or from Judith Butler, Fax: + 33 (0)3 88 41 27 31, E-mail: judith.butler@coe.int

Reports:

- **Diversity and Cohesion : new challenges for the integration of immigrants and minorities**, Jan Niessen, Council of Europe Publishing, 2000 (ISBN 92-871-4345-5)
- **Framework of integration policies**, Mary Coussey, Council of Europe Publishing, 2000 (ISBN 92-871-4341-2)
- *Current trends in international Migration in Europe*, John Salt, November 2000, [CDMG (2000)31]
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- *Transit Migration in central and eastern Europe*, Report from the Committee on migration, Refugees and Demography, Parliamentary Assembly, Tadeusz Iwinski, Doc. 8904, 13 December 2000
- *Participation of immigrants and foreign residents in political life in the Council of Europe member States*, Report from the Committee on migration, Refugees and Demography, Parliamentary Assembly, M. Carlos Luís, Doc. 8916, 22 December 2000

CALENDAR

16 - 17 September 2002: 7th Conference of Ministers responsible for Migration , Helsinki (Finland)

Conferences:

- 31 August - 7 September 2001: World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the United Nations, Durban (South-Africa)
- **3 - 4 October 2001: Conference on "Irregular migration and dignity of migrants: co-operation in the Mediterranean region", Athens (Greece)**

Seminars:

- 18 - 20 June 2001: 5th Study session on the European Convention on Human Rights for persons involved in legal assistance to Roma/Gypsies, Strasbourg (France)
- 25 - 26 June 2001: Round Table on the situation of Roma/Gypsies in the Russian Federation, St Petersburg (Russian Federation)

Meetings:

- **6 - 8 June 2001 : Plenary meeting of the European Committee on Migration (CDMG), Strasbourg (France)**
- 19 - 22 June / 11 - 14 December 2001 : Plenary meetings of the European Commission against Racism and Intolerance (ECRI), Strasbourg (France)
- 19 - 21 September 2001: Plenary meeting of the CAHAR, Strasbourg (France)
- Autumn 2001: 12th plenary meeting of the Group of Specialists on Roma/Gypsies, (Finland)

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