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Effects and consequences of labour migration

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December 18 is an international advocacy and resource centre on migrant workers' rights, based in Belgium and established in 1999 by a group of volunteers. The primary focus of our work is the UN Migrant Workers Convention, of which I will talk about more in detail later on. In addition we actively promote International Migrants' Day - which falls on the 18th of December - as an opportunity to celebrate the positive contributions made by migrant workers and their families to the economies and societies of both the sending and receiving countries. This international day is of course also an opportunity to denounce the ongoing abuses of the human rights of migrants. Last year, activities took place in some 30 countries.

December 18 is also the facilitator and convenor of two platforms. Firstly, the International Platform on the Migrant Workers Convention, which monitors the implementation of the UN Migrant Workers Convention and provides support to civil society organisations in the States parties. We are, for example, working together with them on the production of alternative or shadow reports as well as on the follow up to the recommendations from the various Treaty Monitoring Bodies. This Platform operates from Geneva and has 15 member organisations.

Secondly, following the request from groups involved in national-level campaigns around the Convention, we took the initiative to set up the European Platform for Migrant Workers Rights. This platform brings together leading non-governmental organisations from across Europe, working together for the ratification of the Convention in the European Union. Just last weekend, the Platform held its second annual meeting, adopting an action plan for the next 12 months, continuing with the focus on ratification of the Convention and adding to this a critical engagement with respect to the migration policies of the European Union and its member states. One example of the latter would be the transposition of the long-term residence directive.

The EU must in our opinion adopt a rights-based approach to economic migration, grounded in the principles of non-discrimination and equality of treatment. We strongly feel that appropriate and effective legal protection mechanisms are needed to ensure that the rights of all migrant workers and members of their families are respected. The full realisation of their rights is essential to their successful integration.

The section on rights in the Green Paper correctly stated that migrant workers must have a secure legal status. In his speech in Boston last November, Vice-President Frattini emphasized that "third-country workers should enjoy the same working conditions and rights as our nationals. This will protect both the third-country migrants and EU workers from discrimination and exploitation. There is a need for a basic set of rights, common to all Member States."

Such a basic set of rights is provided for in international law. The key international instruments are the UN Migrant Workers Convention and the ILO Conventions 97 and 143. These international conventions on human rights as well as the EU Charter of Fundamental Rights should be the basis for the entire European legislative structure with respect to migration.

We are, therefore, calling upon the EU member states to ratify the Convention. This call is supported by 370 organisations from 80 countries. It is also supported by the European Parliament in its resolution of 26th October 2005 and amongst others by such diverse actors as the Mayor of London, the Flemish regional government, the European Economic and Social Committee, the Austrian and Italian national contact points of the European Migration Network, the European Trades Union Congress and the IOM.

Why is it so difficult for Europe to recognize the need to bring about the international protection of the rights of all migrants and members of their families, reaffirming and establishing basic norms in a comprehensive convention, which should be applied universally? This convention, after all, is one of the seven core UN human rights treaties. Are the European member states afraid of the international scrutiny that comes with the ratification of international instruments? Are we afraid of participating in bodies that would address migration issues on a genuinely shared basis?

Turning to the recently published Policy Plan on Legal Migration, we remain supportive of the so-called horizontal approach because it offers a better opportunity to structure policy around agreed standards of rights and obligations. The Commission is favouring the vertical or sector approach with the reference to the introduction of four special instruments. It does propose the elaboration of a general framework directive "to guarantee a common framework of rights to all third-country nationals in legal employment." We will seek for this Directive to reflect what could be called a set of common basic principles, which each member state would have to use as the framework for whatever migration policy they would like to adopt. We are very concerned by the fact that the policy plan only talks about labour migrants who are already admitted in a member state. So, what about the undocumented migrants and what about the prospective labour migrants?

The EU legislative framework on labour migration should ensure that all migrant workers - regardless of their status - have access to fundamental rights; especially with respect to housing, health services and social protection. The basic rights of migrants who find themselves in an irregular status should be guaranteed. We hope that the Communication on the future priorities in the field of illegal migration will reflect a similar concern for the respect of human rights.

The UN Migrant Workers Convention takes a clear position with respect to irregular migration. It is to be discouraged and prevented. The establishment of open, transparent and accessible admission channels and procedures is vital to a reduction of irregular migration and related phenomena such as trafficking. This position is supported by the EU experts' group on trafficking in human beings in its 2004 report and reiterated in their submission to the Commission as part of the Green Paper consultation process.

Turning to another point, I would like to emphasise the need for regular monitoring of the implementation of the migration policies of the European Union and its member states. The annual report on Migration and Integration, which the Commission for the first time published in 2004 as a follow up to the June 2003 European Council meeting in Thessaloniki, provides a first attempt. The second report should be published soon. One could envision this to be complemented by a shadow report produced by migrants' organisations and other civil society actors.

In addition, an annual meeting attended by representatives from European institutions, national government agencies and civil society actors - including unions and employers' organisations - could be considered as a way to provide for the critical exchange of views on Europe's migration policies.

I would argue that participation from sending countries - both governmental and non-governmental - will be crucial if we want to address the full impact of the European Union's and the member states' migration policies. The Green Paper correctly stated that European migration policies "should function in the interests of all parties involved: the migrants, the sending countries and the receiving countries." However, when we look at the Green Paper consultation process, we notice that by and large migrant organisations based in the sending or transit countries were not at all involved.

In conclusion, I would like to say that economic migration or labour migration should, in our view, be firmly placed in the context of globalisation and the fight against poverty. International migration is often the result of the major economic and social inequalities between poor and rich countries. The purely utilitarian approach to economic migration is not acceptable. The EU and its member states should rethink their trade policy and their engagement in international financial institutions in such a way that these policies truly contribute to the eradication of poverty.