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*Committee on Women's Rights and Gender Equality*

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## **DRAFT REPORT**

on women's immigration: the role and place of immigrant women in the  
European Union  
(2006/2010(INI))

Committee on Women's Rights and Gender Equality

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on women's immigration: the role and place of immigrant women in the European Union (2006/2010(INI))**

*The European Parliament,*

- having regard to Article 13 of the EC Treaty on combating discrimination,
- having regard to Article 63 of the EC Treaty which confers on the Community powers and competences in the fields of immigration and asylum,
- having regard to the conclusions of the Presidency of the European Council held in Tampere on 15 and 16 October 1999, the European Council held in Laeken on 14 and 15 December 2001, the European Council held in Seville on 21 and 22 June 2002 and the European Council held in Thessaloniki on 19 and 20 June 2003,
- having regard to the Commission's Green Paper entitled 'On an EU approach to managing economic migration' (COM(2004)0811),
- having regard to the Commission's Green Paper entitled 'On the future of the European migration network' (COM(2005)0606),
- having regard to the Commission Communication entitled 'On immigration, integration and employment' (COM(2003)0336),
- having regard to the Commission Communication establishing a framework programme on solidarity and the management of migration flows for the period 2007-2013 (COM(2005)0123),
- having regard to the Commission Communication entitled 'Migration and development: some concrete orientations' (COM(2005)0390),
- having regard to the proposal for a decision of the European Parliament and of the Council establishing the European Refugee Fund for the period 2008-2013 as part of the general programme 'Solidarity and management of migration flows' (2005/0046(COD)-(SEC(2005)0435),
- having regard to the proposal for a decision of the European Parliament and of the Council to establish the External Borders Fund for the period 2007-2013 as part of the general programme 'Solidarity and management of migration flows' (2005/0047(COD)-(SEC(2005)0435),
- having regard to the proposal for a decision of the European Parliament and of the Council establishing the European Fund for the Integration of Third Country Nationals for the period 2007-2013 as part of the general programme 'Solidarity and management of migration flows' (2005/0048(CNS)-(SEC(2005)0435),
- having regard to the proposal for a decision of the European Parliament and of the Council establishing the European Return Fund for the period 2008-2013 as part of the general

programme ‘Solidarity and management of migration flows’ (2005/0049(COD)-  
(SEC(2005)0435),

- having regard to the Commission Communication entitled ‘A common agenda for integration. Framework for the integration of third-country nationals in the European Union’ (COM(2005)0389),
- having regard to the Commission Communication entitled ‘Policy plan on legal migration’ (COM(2005)0669)
- having regard to the Commission Communication entitled ‘Priority actions for responding to the challenges of migration: first follow-up to Hampton Court’ (COM(2005)0621),
- having regard to the Commission Communication entitled ‘Thematic programme for cooperation with third countries in the areas of migration and asylum’ (COM2006)0026),
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
- having regard to Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification,
- having regard to Council Directive 2003/109/EC of 23 January 2004 concerning the status of third-country nationals who are long-term residents,
- having regard to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted,
- having regard to the proposal for a regulation of the European Parliament and of the Council on Community statistics on migration and international protection (COM(2005)0375 final, 2005/0156(COD)),
- having regard to its resolution of 13 October 2005 on integrating immigrants in Europe through schools and multilingual education<sup>1</sup>,
- having regard to its resolution of 9 June 2005 on the links between legal and illegal migration and integration of migrants<sup>2</sup>,
- having regard to its resolution of 9 March 2004 on women from minority groups in the European Union<sup>3</sup>
- having regard to the Hague programme adopted by the European Council on 4 November 2004 which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010,

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<sup>1</sup> Texts adopted, P6\_TA(2005)0385.

<sup>2</sup> Texts adopted, P6\_TA(2005)0235.

<sup>3</sup> OJ C 102, 28.4.2004, p. 35.

- having regard to the informal ministerial meeting in Groningen on 9 November 2004 at which ministers responsible for the integration policy met for the first time,
  - having regard to the common basic principles on integration adopted by the Council of the European Union on 19 November 2004<sup>1</sup>,
  - having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 18, 20, 21 and 22 thereof,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Women’s Rights and Gender Equality (A6-0000/2006),
- A. whereas the number of women immigrants is constantly increasing in the EU, accounting for approximately 54% of the total number of immigrants and covering an increasingly broader range of categories (economic migration, family reunification, refugees, illegal immigration, asylum),
  - B. whereas women immigrants, as a general rule, encounter significant problems in integrating, primarily in terms of difficulty in accessing the labour market, low employment rates and high rates of unemployment, employment in low-paid jobs or in sectors of the ‘grey’ economy and undeclared employment, limited linguistic skills, a low rate of participation in basic and, above all, tertiary education, limited participation in social, political, trade union and cultural life of the host country, poverty and social exclusion,
  - C. whereas women immigrants often encounter severe discrimination as individuals dependent on their spouse’s legal status and because of the mentality, negative stereotypes and practices prevalent in the host society; notes, moreover, that in some societies they face critical problems such as forced marriages and crimes of honour,
  - D. whereas it would seem according to the latest reports evaluating national policies for the integration of immigrants, that the gender dimension has not been systematically taken into account either at the level of harmonised policies or at the level of data collection,
    1. Believes that European Union policy on development and social cohesion should implement effective reception and integration policies for immigrants, in particular women immigrants, who now represent the majority of those migrating to the EU for an increasing variety of reasons (economic, refugee, illegal immigration, asylum, family reunification); welcomes the Commission’s initiative to publish guidelines on the ‘common framework programme for the integration of third country nationals in the EU’, stressing that all measures should take account of the particular nature of gender and the situation of women;
    2. Recognises the difficulties faced by newly arrived immigrants, particularly women; calls on the Member States to strengthen the structures and social services which enable immigrants to settle in smoothly and to provide them with information about their rights

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<sup>1</sup> Document 14615/04, 19 November 2004.

and obligations in accordance with the principles and legislation of the Member States;

3. Calls on the Member States to ensure, through bilateral labour agreements relating to the entry of third country nationals or via other methods, that women immigrants enjoy a secure and independent legal status as labour<sup>1</sup> in the host countries and that they do not suffer discrimination, in accordance with the Community acquis;
4. Calls on the Member States to incorporate, in their national action plans on employment and social integration, measures to promote the participation of women immigrants in the labour market, combat undeclared work, to achieve respect for their social rights (equal pay, social security, pension rights etc), support for entrepreneurship, protection of elderly women immigrants from poverty and exclusion, and the promotion of the role of the social partners and trade unions, in the process of their social and economic integration;
5. Calls on the Member States to promote the access of young women immigrants to the education and training systems in the host countries, and to promote their participation in the Socrates, Leonardo Da Vinci, Culture and Youth programmes; considers that it is particularly important to recognise the professional qualifications and skills of women (particularly scientific diplomas) and to ensure that they have access to language training, which will enable them to integrate better;
6. Calls on the Member States to show particular sensitivity in encouraging the participation of women immigrants in social and political life in accordance with national legislation and the opportunities deriving therefrom;
7. Stresses that the local and regional authorities are called upon to play an ever-expanding role in the process of integrating women immigrants, tackling their particular problems (housing, 'ghettoisation', crime, access to public and social services, to health services, childcare, etc. and stresses also the role of the NGOs, which provide advice, information and support for immigrant women;
8. Calls on the Commission, the Member States and the countries of origin to provide their populations with systematic and responsible information about the EU's immigration policies and challenges, the opportunities and obligations of immigrants, both men and women, in the host countries, with the aim of preventing the negative impact of illegal immigration and the exploitation of women immigrants in the host countries;
9. Calls on the Commission to carry out a qualitative and quantitative assessment of the harmonised policies and measures implemented on behalf of women immigrants via the existing financial instruments and programmes (European Social Fund, the European Regional Development Fund, the European Refugee Fund, the EQUAL initiative, European programmes in the fields of education, employment, combating social exclusion and discrimination);
10. Welcomes the fact that one of the main specific goals of the European Integration Fund is

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<sup>1</sup> European Union legislation already provides for certain rights relating to the implementation of social security schemes (Regulation (EEC) No 1408/71 (OJ L 149, 5.7.1971, p. 2) and against discriminatory treatment (Directives 2000/43/EC (OJ L 180, 19.7.2000, p. 22) and 2000/78/EC (OJ L 303, 2.12.2000, p. 16)). In addition, there are a number of directives on matters such as health and safety at work and working conditions which apply to all workers regardless of nationality.

the obligation on Member States' service - providing organisations to improve the way in which they meet the needs of various groups of third-country nationals, including women and children;

11. Welcomes the decision to designate 2007 as a year against discrimination and 2008 as a year of intercultural dialogue which are to be used to raise awareness of discrimination against women and provide society with a wider range of information on the position and role of women immigrants, their culture and their aspirations in the host countries;
12. Stresses that the national, regional and local authorities should conduct an open dialogue to communicate and cooperate with immigrant communities and networks to forestall and tackle practices adversely affecting women and to promote active policies;
13. Urges the Member States which have not done so to introduce into their penal code a ban on and punishment for forced marriage, the introduction of effective and deterrent penalties for crimes of honour and to increase the awareness of police and judicial authorities on those issues;
14. Instructs its President to forward this resolution to the Commission, the Council, and to the governments and national parliaments of the Member States.

## EXPLANATORY STATEMENT

The entry of immigrants into the EU is a historical reality but is also bound to be a feature of the future. Our objectives of development and social cohesion are therefore directly related to the ability to manage migration flows, and to make use of immigrants and integrate them into our societies.

The social disorder apparent in many European cities is related to the failings of research, study and policy in this area. In particular, the situation and the problems of women immigrants have remained on the margins and overshadowed. It is your rapporteur's aim to highlight the various aspects of and opportunities afforded by women's immigration together with the instruments of European policy which can protect the rights of women immigrants and help them make better use of their opportunities.

### **A. SUMMARY OF WOMEN'S IMMIGRATION INTO THE EU**

#### **(a) General numerical data**

It must be noted that, both at Member State and EU level, we have encountered great difficulty in collecting and recording data and statistics on migration flows into Europe and, in particular, on women's migration<sup>1</sup>. According to the figures of the International Organisation for Migrants, women represent 45% of immigrants to the developed countries.

In the enlarged EU, there is a trend towards a continuous rise in the number of women immigrants, making up approximately 54% of the total number of immigrants<sup>2</sup>. According to the latest available statistics<sup>3</sup>, legal women immigrants in the European Union amount to 4% of its total population.

#### **(b) Qualitative data**

Women's immigration into the EU covers a wide range of categories, such as:

- family reunification
- economic migration
- refugees
- illegal immigration.

Despite the policies implemented by the EU, a large number of immigrants currently live on the margins of society. Their access to public, political and economic life remains extremely limited and, according to Council of Europe data, women immigrants are the victims of double discrimination on grounds of gender and ethnic origin. Such discrimination also takes place on two levels - in the host society and in the immigrant community in which they live<sup>4</sup>.

An immigration policy must take account of gender and the differences between the immigrant communities because the problems and the discrimination are not the same or on the same scale across the board. In some, principally Muslim, communities, women

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<sup>1</sup> See proposal for a regulation of the European Parliament and of the Council on community statistics on migration and international protection [COM(2005) 375 final - Not published in the Official Journal].

<sup>2</sup> European Community Labour Forces Survey (Eurostat).

<sup>3</sup> Eurostat, Statistics in Focus, Theme 3-2/2003, p. 1.

<sup>4</sup> See Resolution 1478(2006) on the integration of immigrant women in Europe, paragraph 1.

immigrants, once married, generally stay at home without having the opportunity to familiarise themselves with the host society and to learn the language, which increases their isolation. In the event of their working, they occupy positions which are considered 'lower level' or they do jobs which are undeclared or in the 'grey' economy (agriculture, catering, cleaning services, household work) which does not allow them any financial independence and security.

The employment rate for legal women immigrants is only 44%, while the unemployment rate is 19%.<sup>1</sup> There is also a wide disparity in employment (16.9%) between immigrant women from third countries and those from EU Member States, while the same disparity for male immigrants is 11%. The disparity in employment between third-country immigrant women with high qualifications and immigrants from EU Member States is considerably greater (23.2%)<sup>2</sup>. In 2000, the earnings of third-country women immigrants was some 10% lower than the corresponding earnings of women migrants from EU Member States. For men, the disparity was only 4%.

The main problem facing women immigrants remains education, taking account of the fact that 50% of women immigrants do not go beyond compulsory education, while approximately 17% go through tertiary education<sup>3</sup>.

The situation of women immigrants in many cases depends on the legal status of their spouse or they are considered in legal terms to be dependent persons, which has adverse consequences in the event of divorce or the death of the spouse and, in particular, in cases of polygamy, which channel them into 'illegal' or 'black' work and deprivation of social protection and dignity.

In some communities, negative female gender stereotyping as a rule gives rise to severe discrimination against those women, often culminating in violence, both mental and physical, sometimes going as far as crimes of honour. According to NGO statistics, 5 000 women fall victim to crimes of honour every year, a large number of whom are immigrant women who are members of Muslim communities in Europe. The Commission does not have reliable statistics on the extent of the phenomenon in Europe but it has undertaken to publish a communication soon on establishing a system of comparative statistics on crime and criminal justice.

## **B. COMMUNITY POLICY ON IMMIGRATION - THE FEMALE DIMENSION**

### **(a) Legal basis**

The promotion of fundamental rights, the absence of discrimination, and equal opportunities for all are basic features of integration policies. EU legislation lays down a rigorous framework of provisions for equal treatment based on Article 13 of the EC Treaty. Article 63 of the EC Treaty confers powers and competences on the European Community in the fields of immigration and asylum.

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<sup>1</sup> Eurostat, Statistics in Focus, Theme 3-2/2003, p. 1.

<sup>2</sup> See report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on equality between women and men, (COM (2005) 44 final), of 14 February 2005, page 6.

<sup>3</sup> Eurostat, Statistics in Focus, 3-2/2003, p. 1.

### **(b) Community legislation and initiatives**

The European Council meeting in Tampere (1999) laid down the framework for a strategy for the necessary effective management of migration flows with a resolute policy of integrating national of third countries residing legally on the territory of a Member State.

The main legal acts and initiatives within this framework are:

Directive 2000/43/EC defining and prohibiting direct and indirect discrimination on grounds of ethnic origin and Directive 2003/109/EC laying down the status of and equal rights for third-country nationals who are long-term residents.

Directive 2003/86/EC regulates an important issue which directly concerns women immigrants, the right to family reunification, in accordance with the obligation to protect the family and respect family life. A right which the spouse of the applicant for reunification can now request. In addition to a residence permit of equal duration to that of the applicant, the members of his family have access to education, employment and vocational training. After five years of residence at the latest, the spouse or the unmarried partner, and any child which has become of age in the meantime, are entitled to a personal residence permit.

In early 2005, the Commission published a Green Paper on an EU approach to managing economic migration and, in December of the same year, a Communication on 'a draft policy on legal immigration' which laid the foundations for a number of proposals for directives (conditions of entry and residence of specially skilled migrants, seasonal workers, intra-corporate transferees, paid trainees) etc.

As mentioned above, a significant group of women immigrants are economic migrants. EU policy in this field should, therefore, take this dimension seriously into account. It is positive that the Commission Communication (September 2005) on 'a common agenda for integration. Framework for the integration of third-country nationals in the European Union' expressly stresses that the measures to be implemented should take account of the specific nature of gender and the situation of women, young people and children of immigrants.

Proper use should also be made of the opportunity offered by the financial instruments for measures on behalf of women or by women immigrants (European Social Fund, EQUAL, European Regional Development Fund, European action programme for education).

The Commission's proposals to designate 2007 as the European Year of Equal Opportunities for All and 2008 as the Year of Intercultural Dialogue are major awareness-enhancing initiatives which will help achieve the objectives of mutual understanding, integration and the promotion of equality of women immigrants.

### **(c) Current situation**

In 2003, the Commission published a general communication on immigration, integration and employment and, in 2004, drew up an initial annual assessment report. Most Member States do not seem to have taken systematic account of gender issues in relation to immigration either at the level of policy or data collection, as appears from the evaluation of the national integration policies (reports of the national integration contact points, national action plans for employment, national action plans for social integration). Various practices and innovative measures relating particularly to women are worthy of note, as follows:

As regards the problem of language skills, most Member States are taking measures to improve this situation (particularly for newly arrived immigrants). Special efforts are being made to improve vocational guidance. Efforts are being made to promote the participation and commitment of the social partners in this area. Greater emphasis is being given to education of the public, providing information on the basic rights and obligations of immigrants, including equality between men and women, and on the rules and values applying in the host countries. As regards unemployment, poverty and social exclusion, areas in which women immigrants are quite vulnerable, many countries do not seem to have made an in-depth analysis as yet of the factors which result in these situations.

Some Member States are making efforts to provide affordable accommodation and to combat the adverse effects of 'ghettoisation' and the run-down urban areas where immigrants are the overwhelming majority.

Promotion of participation in decision-making processes continues to develop in line with Member States' national legislation; more than 25 Member States have already granted some electoral rights to immigrants at local level (in the sense of granting 'civic rights').

## **C. PROPOSALS FOR FUTURE ACTION**

### **1. Assessment and review of policies implemented**

The Commission's reports and the social impasses created in many countries with substantial immigrant communities demonstrate the need for a serious assessment of the policies implemented and a review of the take-up rate and utilisation of Community resources.

### **2. Preparation of immigrants**

Your rapporteur takes the view that it is essential to take a number of measures to improve immigrants' knowledge and acceptance of the fundamental values and rules of the host societies and to encourage them to learn the language of the country of destination in cooperation with the European countries.

### **3. Targeted integration policies**

The main priority for your rapporteur is access to the labour market and vocational training for women immigrants, with equal labour rights (pay, insurance, pension) factors which ensure their autonomy and independence.

Emphasises the responsibility and the role of the Member States in encouraging women's access to the labour market and respect for their labour rights, the role of the social partners and the role of the Commission in monitoring the application of the Community acquis.

### **4. Integration into the education system**

The special problems of young women immigrants should be taken into account through measures aimed at preventing failure and abandonment of school education. At the same time, improving the access of young women immigrants to higher education through the use of positive discrimination may provide an incentive for that group.

As regards vocational training, current legislation should be supplemented by providing for new forms of recognition of the professional qualifications, training and/or professional

experience of newly arrived immigrants.

### **5. Social participation - networking**

Strengthening the participation of women immigrants in all forms of social life will extricate them from their sense of isolation and alienation from the host society. Promotion of participation in public life at all levels and with all the opportunities afforded by national legislation is essential. In addition, an improvement in dialogue between the various groups of third-country nationals and the authorities, the social partners and NGOs in the host societies is an important part of their social integration,.

At the same time, there is a need to encourage the establishment of immigrant organisations, which are in a position to provide information and support for newly arrived immigrants, and the participation of their representatives in programmes as educators. It is particularly useful for women immigrants to develop contacts with newly arrived women. In addition, these organisations should constitute a point of dialogue with the host society, which is precisely the reason why the participation of women in those organisations is considered to be essential.

### **6. Raising awareness in the host society**

Achieving our goals calls for a positive attitude and cooperation on the part of the host society. Measures to raise the awareness among the peoples of Europe of the importance of immigration, the role of women immigrants, their particular problems and ways of dealing with them should therefore be promoted.

### **7. Exchange of good practice**

In the Member States of the EU, there are various experiences and policies in the field of immigration. In the endeavour to implement a European immigration policy based on common objectives and challenges, the EU should promote the exchange of good practices and issues for consideration, which also includes the gender dimension.