



Response of the European Network against Racism (ENAR)

ENAR preliminary remarks on a thematic programme for cooperation with third countries in the areas of migration and asylum

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The European Network against Racism (ENAR) is a network of some 600 European NGOs working to combat racism in all EU Member States. Its establishment was a major outcome of the 1997 European Year against Racism. ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives. Further information is available at: www.enar-eu.org

Introduction

ENAR believes in a *world* without racism and that a co-ordinated *co-operation of NGOs* in the fight against racism in the EU can and does make a significant contribution to the campaign to eliminate racial, ethnic and religious discrimination”.¹

As part of its overall objective to promote mainstreaming² of anti-racism in all European Union policy activity, and to secure the effective enjoyment of the rights of third country nationals in the European Union, ENAR welcomes the opportunity to contribute to the public consultation on a thematic programme for cooperation with third countries in the areas of migration and asylum.

As the paper acknowledges ‘until now, the external dimension of (the) migration policy has been built around the objective of better management of migratory flows with a view to reducing migratory pressure on the Union’. This approach has failed to protect fundamental rights and the vulnerability of migrants to experiences of racism and discrimination. As the paper acknowledges the challenge is to ensure the ‘respect of migrants rights’, including the right to be free from racial discrimination.

In responding to the consultation document on the thematic programme for cooperation with third countries in the areas of migration and asylum, ENAR would wish to briefly highlight three key concerns that it believes should be taken into account in the development of the programme:

1. The need to protect migrants from racism, and in particular to build to capacity of NGOs in third countries in this regard.
2. Promote integration of migrants in the European Union as a tool for sustaining the link between migration and development.
3. Enhance the capacity of EU member states to demonstrate leadership in the protection of rights by ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

1. Protecting migrants against exploitation and exclusion

ENAR welcomes the focus of the consultation paper on the need to promote integration and non-discrimination ‘as well as measures to combat racism and xenophobia’. It is essential that the EU support the development of fundamental rights protections in third countries, and in particular protections against racism and discrimination in order to protect migrants against exploitation and exclusion.

This area of action could include promoting technical assistance in designing and implementing anti-discrimination law, and in training key stakeholders such as immigration or law enforcement officials, and public service providers.

ENAR is especially concerned that the programme develops capacity of NGOs in third countries seeking to promote protections against racism and discrimination.

¹ ENAR, Strategic Plan 2004-2006, as adopted by the 2nd General Assembly, Lisbon, March 2004.

² In its report *Mainstreaming Equality in European Union Law and Policy Making* (2004) ENAR defined mainstreaming as: “the incorporation of equal opportunities issues into all actions, programmes and policies from the start”.

Civil society plays a vital role in monitoring protection, promoting innovative responses, and in delivering services to the victims of racial discrimination.

2. Integration of migrants in the European Union

In November 2004 the European Council agreed 11 Common Basic Principles on Integration. These principles have recently been elaborated through a Commission communication on a common agenda for integration [COM(2005) 389].³

In its concern to foster links between migration and development, the programme should acknowledge and promote integration in the European Union as a determining factor for the capacity of migrants to promote development. Unless migrant workers and their families are adequately protected in the European Union they will not be in a position to optimise their contribution to development. For example by promoting full access to training and development for migrant workers in the European Union, Europe can facilitate countries of origin benefiting from enhanced skills and capacity.

Consequently the realisation of equal rights for third country nationals in the EU will promote EU objectives in terms of the relationship between migrant and development.

3. Ratification of the ICMW

There are specific gaps in EU protections against discrimination for migrants in terms of the exemptions in the anti-discrimination directives on the grounds of nationality, and in the area of immigration policy. However ENAR acknowledges that in EU Member States migrant workers and their families can enjoy relatively high levels of protection against racism and discrimination, in comparison to some third countries. In many respects the EU is a leader in promoting protection against discrimination and racism in the world.

Consequently, by ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the EU could contribute to a context where the protections in the convention are promoted in third countries. By demonstrating leadership in the ratification of the Convention EU Member States could take a significant step forward in fulfilling the objectives of protection identified in the consultation paper.

³ ENAR is currently preparing a response to the recent Communication on Integration.