

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## **Recommendation 194 (2006)<sup>1</sup> on effective access to social rights for immigrants: the role of local and regional authorities**

1. Discrimination-free access by the whole population to social rights, in particular employment, housing, health and education, is one of the foundations of social cohesion and democracy, and all immigrants, regardless of their status, must enjoy the same conditions of access to these rights as nationals in all member states;

2. However, the fact is that immigrants do not always enjoy equal access to social rights and sometimes even suffer various forms of discrimination in this area because of institutional, cultural or personal factors;

3. The Congress deplores this situation and, in particular, regrets the fact that in the field of employment, which is a key vector for integration and opens up access to other basic rights, immigrants are faced more often than nationals with various forms of discrimination in recruitment, bureaucratic and procedural hurdles, a lack of information suited to their situation and, above all, higher-than-average levels of unemployment and insecurity;

4. It also notes that a lack of social protection and adequate resources means that immigrants, especially undocumented immigrants, often have only limited access to healthcare and usually only consult medical services when their state of health is quite serious;

5. In the field of education, too, immigrants are faced with specific difficulties such as higher school failure rates among immigrant children and the fact that the qualifications of non-EU nationals are not recognised;

6. The Congress also regrets the fact that in the field of housing, immigrants are frequently confronted with cultural prejudices and requirements that are difficult to meet, such as high rents, as a result of which they tend to be crowded together in certain urban areas;

7. Moreover, immigrants' different legal statuses have a significant impact on their access to basic social rights and services and, in particular, the status of undocumented immigrant makes access to healthcare, housing and education particularly difficult, while generally benefiting underground economic activity;

8. The Congress wishes to underline that the Council of Europe has been seeking to promote the more effective integration of immigrants in member states for many years

and has, in particular, drawn up the European Convention on the Legal Status of Migrant Workers (ETS No. 93), which entered into force in 1983 and has been signed by 14 member states but ratified by only eight of them, and the European Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), which entered into force in 1997, but so far has been ratified by only eight of the 11 states that have signed it. In addition, the European Social Charter (revised) (ETS No. 163) guarantees lawful immigrants who are nationals of states parties to the Charter equal treatment with nationals with respect to the enjoyment of all the rights contained therein, and furthermore contains a specific article (Article 19) on the right of migrant workers and their families to protection and assistance;

9. It also welcomes the fact that, in the Declaration of the 3rd Summit of Heads of State and Government of the Council of Europe (Warsaw, 16 May 2005), the member states strongly condemned all forms of intolerance and discrimination and underlined their determination to build cohesive societies in Europe by ensuring fair access to social rights, fighting exclusion and protecting vulnerable social groups;

10. This determination reflects that expressed by the Congress itself in Recommendations 153 (2004) on a pact for the integration and participation of people of immigrant origin in Europe's towns, cities and regions, 129 (2003) on employment and vulnerable groups and 115 (2002) on the participation of foreign residents in local public life: consultative bodies;

11. The Congress also draws attention to the scientifically evaluated results which will be available some time after the launch of the Network of European Cities for Local Integration Policy, of which the Congress is a founding member alongside the City of Stuttgart and the European Union's European Foundation for the Improvement of Living and Working Conditions, and the guidelines which will be drawn up in this connection with a view to shaping and implementing integration policies better suited to the various types of migration and urban contexts;

12. In the light of the above, the Congress recommends that the Committee of Ministers of the Council of Europe call on member states to:

*a.* ratify as soon as possible, if they have not already done so, the Council of Europe conventions aimed at improving the status and integration of immigrants in host countries, in particular the European Social Charter (revised), the European Convention on the Legal Status of Migrant Workers and the European Convention on the Participation of Foreigners in Public Life at Local Level;

*b.* make sure that all legislative and regulatory provisions designed to combat discrimination on ethnic or racial grounds are properly implemented;

c. take pragmatic measures to:

i. facilitate access by immigrants to the **labour market on a** transparent basis and with equal opportunities, while combating discrimination, exploitation and unfair conditions of employment;

ii. ensure access by immigrants, especially undocumented immigrants, to minimum levels of healthcare;

iii. apply common criteria for validating the qualifications of immigrants from non-EU countries;

13. The Congress also asks the Committee of Ministers to rationalise and update the different international legal texts relating to migrants, in order to reflect the evolution of their situation;

14. The Congress calls on the Parliamentary Assembly of the Council of Europe to draw the attention of national parliaments to these issues so that:

a. they make sure that they have legislation in place to combat discrimination on ethnic or racial grounds and, where appropriate, strengthen existing legislation in this area;

b. they adopt legislative provisions which ensure effective minimum levels of protection for undocumented immigrants and refugees, in particular with regard to health, housing and education.

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1. Debated and adopted by the Congress on 1 June 2006, 3rd sitting (see Document CG (13) 12, draft recommendation presented by M. Barker (United Kingdom, L, SOC) rapporteur).