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Violence against migrants

Contents **Page**

A. Draft Resolution 2

A. Draft Resolution

1. The Parliamentary Assembly is very concerned about the increased phenomenon of violence against migrants in Europe, which manifests itself in forms such as physical violence, labour exploitation, trafficking, sexual harassment and abuse, discrimination and hate speech.

2. Regrettably, very few European governments have taken active steps to combat the root causes of violence against migrants. Moreover, during the recent economic crisis, anti-migrant rhetoric has been widely used by populist parties and mass media, provoking stigmatisation, intolerance and xenophobia. The introduction of increasingly restrictive policies towards migrants and harsher measures against irregular migration is also exacerbating the situation.

3. The Assembly is deeply concerned about women and children migrants, who are particularly vulnerable to different forms of violence and abuse, including sexual violence, especially in detention centres or places with high concentrations of migrants. These groups should receive special protection from the receiving countries, including through the provision of safe reception facilities and alternatives to their detention.

4. The Assembly believes that the opening of regular channels for migration, combating the exploitation of migrants in the labour market, the promotion of a positive image of migrants in political discourse and in the media, as well as the development of social inclusion programmes are the most effective steps to combat violence against migrants in Europe.

5. The Assembly therefore calls on all member States of the Council of Europe to place the protection of the human rights of migrants at the forefront of migration management priorities and to combat racism, discrimination and hate speech, which lead to violence against migrants. In particular, it asks the member States which have not yet done so:

5.1. through legal measures, to:

5.1.1. ensure that the perpetrators of violence against migrants are prosecuted regardless of the victims' status;

5.1.2. review and amend national legislation with the aim of ensuring that irregular migration is not considered a criminal offence;

Amendment 1
(If adopted, amendment 2 falls)
Tabled by Mr Axel FISCHER, Ms Anette HÜBINGER, Mr Thomas FEIST, Mr Franz Leonhard ESSL, Mr Tobias ZECH, Ms Kerstin RADOMSKI, Ms Marie-Christine DALLOZ, Mr Bernard FOURNIER, Mr Jean-Claude MIGNON, Ms Nicole DURANTON, Ms Ria OOMEN-RUIJTEN, Mr Jean-Charles ALLAVENA

In the draft resolution, delete paragraph 5.1.2.

Amendment 2
(Falls if amendment 1 is adopted)
Tabled by Mr Andrea RIGONI, Mr Sergiy VLASENKO, Mr Duarte MARQUES, Ms Eva-Lena JANSSON, Ms Sahiba GAFAROVA

In the draft resolution, paragraph 5.1.2, replace the words "review and amend" with the following words: "consider the possibility of reviewing and amending".

5.1.3. strengthen national legislation against hate speech, discrimination and xenophobia and, in particular, to ensure that all forms of incitement to racial discrimination are criminalised;

5.1.4. amend national legislation to enable all migrants who are victims of violence to have equal access to justice;

5.1.5. amend national criminal legislation to ensure the prosecution of “hate crimes” as a specific criminal offence;

5.1.6. include special provisions in national labour-related legislation to punish employers who commit violent or illegal acts against migrants, including failure to pay wages or unlawful dismissal;

5.1.7. ratify the United Nations 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

5.1.8. ratify and fully implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “Istanbul Convention”) in order to ensure protection for migrant women in all Council of Europe member States;

5.1.9. ratify and fully implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, “Lanzarote Convention”) in order to provide protection for migrant children against such abuse;

5.2. through protection and assistance to the victims of violence, to:

5.2.1. put in place measures to ensure the safety of migrants during criminal justice procedures;

5.2.2. provide the necessary care for victims (medical treatment, psychological and social assistance) without discriminating against the migration status of victims and paying special attention to vulnerable groups (women, children, and lesbian, gay, bisexual and transgender (LGBT) people);

5.2.3. ensure that victims of violence in detention centres have access to legal aid and can lodge complaints;

5.2.4. promote alternatives to immigration detention, in particular for children;

5.2.5. inform migrants who are victims of violence of their rights and of available remedies, and provide information on

social services through helpdesks or printed materials, for instance, so that they can receive assistance;

5.3. through the prevention of violence by means of information, awareness raising and integration, to:

5.3.1. in co-operation with non-governmental organisations, collect, analyse and systematise information on violence committed against migrants and share it with all related institutions;

5.3.2. provide training for law-enforcement personnel and prosecuting and judicial authorities on how to deal with hate crimes and how to assist the victims;

5.3.3. support the work of non-governmental organisations working with victims of violence against migrants and promoting migrants' integration;

5.3.4. raise the awareness of migrants and local host communities about cultural and religious traditions, thereby promoting tolerance and the social inclusion of migrants.

6. The Assembly considers that local communities play a major role in preventing violence against migrants. The member States of the Council of Europe should therefore empower local authorities to support migrants' integration through housing, social inclusion and job creation programmes.