



ASTI demands for the 8th March

1. Regularization of all undocumented persons

Irregular residents, commonly known as "undocumented migrants", are highly exposed to labor exploitation and all forms of violence. Because of their difficulty in gaining access to legal residence, these people do not have access to the labor market and are therefore forced to work without a contract, often in very precarious circumstances in order to survive. Their condition also implies a hidden life, in legal, social and economic clandestinity and therefore socially invisible.

From its field experience, ASTI can confidently state that almost all undocumented migrants are exploited at work, receiving remuneration below the social minimum wage and working in conditions that do not comply with the Labor Code. Women are the group we are especially concerned about, because they are particularly at risk when they are victims of violence, domestic or otherwise. Even when they denounce the facts to the police, it is very difficult for them to integrate into the mechanisms set up to protect women, given their irregular stay. Laws exist, but the obstacles are such that they are hardly applied to these people. Undocumented migrant women often find themselves left on their own.

The background of undocumented migrants varies, but a few categories can be identified: people whose asylum applications have been rejected, people who have lost their right of residence following a change in their situation (divorce, loss of employment, end of studies, etc.) and people who initially came as tourists, but who remain to live and work in Luxembourg. Often their life is similar to everyone else's: they have a home, live with their family, some with children in school and work. Because of our very restrictive immigration legislation, their only fault is that they could not get a residence permit allowing them to work legally in Luxembourg. The big difference is that these people have no right to any social benefits: unemployment, REVIS, family allowances or health coverage, these are not accessible to them.

The regularization of migrants is the only way to allow these people to really integrate society and to avoid making them potential victims for unscrupulous employers and to effectively prevent all sexual and gender-based violence.

2. Facilitate and encourage the filing of complaints of abuse and/or exploitation of undocumented persons

The figures are categorical: migrants, and especially third-country nationals who do not have a residence permit, constitute a population particularly exposed to the risks of violence and/or exploitation.

Women are most at risk. According to the UN (2020), 83% of sexually exploited people in the world are migrant women. In its annual report on trafficking, the European Commission underlines in 2020 that trafficking in human beings for sexual exploitation is intimately linked to inequalities between women and men. Indeed, more than 90% of the victims of trafficking for sexual exploitation are women or girls. Women and girls still represent the majority of victims of human trafficking in all forms of exploitation.

While many studies emphasize that migrant women are particularly at risk of being victims of violence and/or exploitation, it is essential to facilitate access to health services that are competent to care for victims, and to encourage and facilitate the filing of complaints, especially by particularly vulnerable undocumented migrants.

In the current context, when an undocumented person files a complaint about violence and/or exploitation, the Ministry of Foreign Affairs is automatically informed of the person's presence in the country. This strongly discourages victims from filing a complaint, because if the case is dismissed, the person has not only exposed him or herself unnecessarily, but is also forced to leave the country. A large majority of people therefore do not take this risk.

It is essential, as underlined by the CCHR in 2021, to give precedence to the fundamental rights of victims over public order issues related to the management of irregular migration. ASTI therefore demands, as is the case with doctors, that the police invoke professional secrecy and guarantee that the person will not be denounced for irregular residence in Luxembourg and therefore risk deportation.

As the judicial procedure is often long, a work permit should be issued to undocumented victims to enable them to earn money to survive. Accommodation structures, allowing also their psychological care, should also be created.

3. Improvement of the ways to fight the exploitation of people working in cleaning and domestic work

In the cleaning sector, women are in the majority and represent 83% of the staff. According to a study by Liser in 2020, only 5% of these employees have Luxembourg nationality. It is therefore unquestionably a female and migrant sector.

The sector stands out from other sectors because of the greater precariousness of employment contracts. Fixed-term contracts are more frequent and shorter and part-time work is the norm. It is also a sector marked by the arduousness of the tasks, often leading to musculoskeletal disorders at an early age, and endangered by exposure to chemical products. Socially and culturally, it is an invisible and devalued sector. This results in difficult working hours (very early in the morning or late at night), split over the day for this essential work.

It is still impossible to estimate how many people work in cleaning or domestic work in private households without being declared, but the phenomenon is not negligible and almost exclusively affects migrant women.

Exploitation is commonplace and the women most affected are those who accumulate vulnerable situations: racialized women, undocumented women, single mothers or young recently arrived migrants. There is almost no data on the situation of domestic workers who live with their employers, who are undoubtedly the most vulnerable population to the risks of exploitation, human trafficking, but also sexual, physical and psychological violence.

ASTI demands an improvement of the labor inspection and investigation systems as well as the creation of a zero tolerance climate towards serious labor exploitation. The ITM must be more present in the field, more visible and multilingual in order to strengthen the prevention and detection of abusive situations. Information on how to denounce an exploitative employer must be simple and accessible and a follow-up of the file must be guaranteed. Finally, the sanctions for employers at fault must be dissuasive.

4. Access to healthcare for everyone living in Luxembourg, regardless of their status

Today, undocumented, unpaid and homeless people continue to be excluded from the social security system. The most vulnerable people, those who cannot afford voluntary affiliation, are therefore not covered for health care and must rely on the initiative of civil society organizations to access sometimes life-saving care.

This situation is unsustainable and does not allow for a preventive approach to health. The sexual and reproductive health of women is a central concern. An undocumented woman, for example, has very limited access to gynecological consultations which, when they are regular, allow the identification and treatment of potentially dangerous diseases for the woman and/or her baby.

The coalition agreement 2018-2023 has provided for the implementation of universal health care coverage as enshrined in the sustainable development goals of the United Nations Agenda 2030 . Thanks to the work of the Ronnen Dësch (a platform of civil society actors, including ASTI), this universal coverage should be in place by early 2022. However, as March 8 approaches, it is still not in place, although there is an urgent need for it.

It is also important to accelerate the implementation of third-party payment for everyone, i.e. not to force people to advance money to be reimbursed. Announced for 2023, this measure is however of an unquestionable urgency.

ASTI demands that these good resolutions taken by the Ministry of Health and Social Security be put into practice as soon as possible in order to avoid people living in dangerous situations for their health not having access to the CNS, or not having sufficient resources to pay the uncovered expenses. Access and equity in front of health are fundamental rights, the universal coverage of health care as well as the generalized third party payment are important steps in this direction and must be granted without any further delay