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**Drafting Committee  
on Migrant Women (GEC-MIG)**

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**Draft structure for the Annex to the future Recommendation on  
migrant, refugee and asylum-seeking women (*provisional title*)**

## **Draft structure for the Annex to the future Recommendation on migrant, refugee and asylum-seeking women (*provisional title*)**

*Note: the drafting group should decide at some stage whether it is necessary or not to agree on existing definitions to use, or to adopt new definitions for the purpose of the Recommendation. This may include for instance terms like “migrants”, “refugees”, “asylum seekers”, “undocumented migrants”, “irregular migrants” etc.*

### **1. Horizontal issues**

1. The horizontal issues mentioned hereunder should be taken into account for all measures put forward in this Appendix.

#### **Non-discrimination, elimination of gender and cultural stereotyping, intersectional issues**

2. Eliminate discrimination in access to employment and to all relevant goods and services, taking into account the needs of migrant, asylum-seeking and refugee women and girls.<sup>1</sup>
3. Ensure equal access to immediate response, prevention and protection measures in cases of gender-based violence and trafficking in human beings.
4. Take into account and address multiple and intersecting forms of discrimination.
5. Create “firewalls”<sup>2</sup> between the legal status of undocumented women and their rights to access relevant services.
6. Combat relevant stereotypes (including those based on gender, migrant status, culture, tradition and religion).
7. Raise awareness and carry out education campaigns for both migrant and host communities, designed to promote equality.

#### **Girls**

8. Adopt a child-rights based approach with a gender-sensitive perspective.
9. Provide for gender-sensitive and safe care and guardianship arrangements, including for unaccompanied and separated girls.
10. Ensure continued access to services for young women in transition to adulthood.

#### **Information, empowerment, awareness raising and promotion of human rights**

11. Provide relevant, accessible and gender and culturally sensitive information and advice, in a language that migrant women can understand, covering:
  - Fundamental rights and obligations (including in detention and reception facilities);
  - Available reporting and complaint mechanisms;

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<sup>1</sup> Hereunder regrouped under the terminology “migrant women”.

<sup>2</sup> Firewalls are “measures to prevent state and private sector actors from effectively denying human rights to irregularly present migrants and clearly prohibiting the sharing of the personal data of, or other information about, persons suspected of irregular presence or work, with the immigration authorities for purposes of immigration control and enforcement”, ([ECRI General Policy Recommendation N°16 on safeguarding irregularly present migrants from discrimination](#) - adopted on 16 March 2016.)

- Protection against all forms of violence including legal protection and support structures;
- Available social services and welfare.

### Access to justice, including legal aid

12. Ensure access to national and international complaint mechanisms and remedies.
13. Ensure support throughout criminal procedures.
14. Address barriers and stereotypes affecting the credibility of migrant women and girls.
15. Provide equal access of migrant women who are victims of violence and/or exploitation to national compensation schemes, rehabilitation, social assistance, and integration.

### Training of relevant staff on gender equality and women's human rights

16. Allocate sufficient resources for training of all relevant personnel on issues related to gender equality, women's human's rights and identification of victims of violence.

### Detention

17. As last resort - Provide separate and safe zones for women and girls.
18. Provide gender-sensitive healthcare and hygiene services.
19. Ensure gender-sensitive law enforcement measures in facilities.
20. Ensure the presence of women among relevant staff.
21. Make gender-sensitive helplines and contacts available to migrant women.

### Artificial intelligence, automated decision-making and data protection

22. Ensure no use of artificial intelligence (AI) and automated decision-making on migrant women without prior gender sensitive human rights' impact assessment.
23. Ensure non-discrimination, privacy, transparency and clear governance when using AI in:
  - border and immigration control decision-making;
  - migration management;
  - policing and security of migrant women;
  - the provision of services, including health, welfare, housing, employment, education.
24. Allow the participation of migrant women in discussions around the development and deployment of new technologies.
25. Ensure the confidentiality and security of data and refrain from transferring such data to the country of origin without consent.

### Co-operation with civil society

26. Support and co-operate with migrant women and women's rights organisations.
27. Ensure consultation of migrant women's organisations when developing migration, asylum and integration policies.

## Data collection, research and monitoring

28. Support the research and evaluation of migration, integration and asylum policies from a gender equality perspective.
29. Collect age and sex disaggregated data.
30. Use such gender-sensitive research and data for the further development and adjustment of public policies.

## 2. Protection

31. Protect migrant women from all forms of violence against women, including human trafficking, forced marriages, female genital mutilation and so-called “honour crimes”.
32. Adopt a multi-agency approach on the protection of migrant women.
33. Train competent authorities to:
  - Identify and adequately protect victims of trafficking and gender-based violence,
  - Recognise barriers to disclosure and protection.
34. Ensure migrant women suffer no penalty, including loss of migration status, as a consequence of their exploitation as victims of trafficking in human beings or forced marriage.
35. Ensure that risk assessment and risk management of violence against migrant women and girls takes account of their enhanced vulnerability.
36. Ensure availability of professional interpreters trained in gender-based violence and trafficking in human beings.
37. Provide access to legal advice and assistance.
38. Provide non-discriminatory access to shelters.
39. Provide access to general and specialist (health) support services, including for those accommodated in transit, reception and accommodation facilities.
40. Provide for reporting and referral mechanisms by staff members for incidents of violence.
41. Adopt specific measures to address the sexual exploitation of migrant women.
42. Protect migrant women and girls from hate speech and sexism.
43. Ensure that no justification of violence against migrant women and girls based on culture, custom, religion, tradition or so-called ‘honour’ is accepted.

## Climate change, pandemics, humanitarian disasters

44. Take into consideration gender equality issues and the situation of migrant women in crisis management and recovery measures, including access to rights.
45. Ensure that measures taken during a state of emergency conform with international obligations related to the human rights of migrant women.
46. Ensure the participation of women, including migrant women and relevant civil society organisations, in decision- and policy-making in these situations.

### 3. Arrival

#### Pre-arrival phase

- 47. Provide for gender sensitive visa and immigration procedures.
- 48. Provide accurate information on conditions for the legal entry and stay.

#### Transit and Reception facilities

- 49. Ensure gender-sensitive reception and screening processes, facilitating the early identification of migrant women and girls victims of trafficking and/or gender-based violence.
- 50. Ensure that reception and accommodation facilities are located in areas that facilitates access to relevant services.
- 51. Ensure that the determination of placement for migrant women takes into account potential special needs (e.g. pregnancy, disability...)
- 52. Take into account the additional needs and safety concerns of victims of violence and trafficking when determining placement and access to services.
- 53. Ensure the presence of women social workers, interpreters, police officers and guards in these facilities.
- 54. Ensure the availability of safe sleeping areas and safe spaces for migrant women and girls.
- 55. Provide access to a complaints system.
- 56. Ensure compliance with the standards of protection for victims of violence by service-providers operating in the facilities.
- 57. Provide for visits by court officers to these facilities.

#### Asylum procedures

- 58. Adopt and implement gender-sensitive asylum laws, practices and procedures to minimise the risk of *refoulement*.
- 59. Adopt and apply gender-related guidelines at all stages in the asylum process.
- 60. Enable access to asylum and protection procedures at the borders and elsewhere.
- 61. Provide training for all actors on gender quality issues.
- 62. Make women asylum officers and interpreters available.
- 63. Develop and apply gender-sensitive criteria for the interviews of women.
- 64. Take into account gender equality issue when making decisions about “safe” countries

#### Asylum determination

- 65. Ensure that all forms of gender-based violence are recognised as a form of persecution within the meaning of Article 1(A)(2) of the 1951 Convention relating to the Status of Refugees.
- 66. Ensure a gender-sensitive interpretation of the 1951 Convention grounds for asylum.
- 67. Ensure that the consideration of the asylum claim takes into account the applicant's own personal circumstances and relevant, gender-specific, country of origin information.
- 68. Provide access to complementary/subsidiary protection where necessary.

### Cross border measures

- 69. Participate in resettlement and relocation programmes, and implement new, safe legal pathways to ensure safer transit for women and girls.
- 70. Fund specific assistance and humanitarian resettlement programmes for women victims of gender-based violence.
- 71. Set up and implement effective cross-border protection mechanisms for victims of gender-based violence.

## 4. Residence and Integration

### Access health care services including sexual and reproductive health care

- 72. Ensure access on an equal footing with nationals to affordable and adequate health services to migrant women and girls.
- 73. Ensure that access to health services for migrant women and girls is not be dependent on obtaining the authorisation of the migration authority or of a spouse, parent, other relative or guardian.
- 74. Ensure access to age-appropriate sexual and reproductive health information and services for migrant women and girls.
- 75. Require the prior, free and informed consent of migrant women and girls to any medical treatment affecting them.

### Social services, social security and housing

- 76. Ensure need-based decisions relating to the safety and welfare of migrant woman and girls.
- 77. Prevent housing discrimination of migrant women.

### Integration: social, cultural and political participation

- 78. Ensure that migrant women who are entitled to vote or to stand for elections are aware of their rights and encouraged to participate in civic life.
- 79. Encourage and support initiatives aimed at empowering migrant women.
- 80. Implement coaching, mentoring and other support programmes aimed at migrant women and girls, and support the use of positive role models.
- 81. Highlight the positive contribution made by migrant women to society.

### Education, vocational training and life-long learning

- 82. Reach out to migrant girls who may have been prevented from accessing education in their country of origin.
- 83. Facilitate the recognition and validation of the qualifications and skills of migrant women.
- 84. Provide literacy, language and digital skills courses to migrant women and girls.
- 85. Enable access by migrant women to education, vocational training, retraining and rehabilitation services available for national workers.

## Employment

86. Ensure the non-discrimination of migrant women in the access to the labour market.
87. Regulate and improve migrant women's working conditions to eliminate all forms of exploitation and discrimination.
88. Take measures to promote access to employment for migrant women at an early stage in the migration process.
89. Remove unnecessary restrictions to work for women asylum-seekers.
90. Facilitate migrant women's access to the labour market (including through self-employment, entrepreneurship, internships or volunteering).
91. Provide access to work/life balance measures and care services for migrant women and men, on an equal footing with national workers.
92. Ensure that women migrant workers who are made redundant retain their acquired rights and are supported when they are compelled to leave the country
93. Implement the provisions of the International Labour Organisation Domestic Workers Convention 2011 (No. 189).

## Independent residence permits

94. Ensure that migrant women and girls who are granted a residence permit on the basis of a family relationship are entitled to the same rights as the principal residence permit holder.
95. Ensure that migrant women are aware of their entitlement to a renewable independent residence permit if their personal circumstances so require.
96. Ensure that migrant women are granted a residence permit if their stay is necessary for criminal investigations or proceedings.
97. Address the specific needs and circumstances of migrant women and girls' victims of forced marriage.
98. Ensure the security of residence for migrant women present in a country for a long time on an independent basis.

## Family reunion

99. Safeguard the right to family reunion for migrant women by fully integrating a gender equality perspective, including by:
  - Adopting a definition of 'family' which is consistent with the links and dependencies relied on by migrant, refugee and asylum-seeking women and girls;
  - Ensuring that migrant women and girls are aware of their right to family reunion and have access to legal advice and assistance;
  - Facilitating family reunion of migrant women and girls separated on their journeys.

## 5. Returns

100. Returns should always be carried out in safety and dignity, and preferably on a voluntary basis.

101. Involuntary returns must be in line with the principle of *non-refoulement*.
102. Ensure a gender-sensitive process that protects women against the risk of *refoulement*.
103. Ensure that accelerated and non-suspensive procedures do not result in migrant women being unable to put forward their claims for protection, resulting in *refoulement*.
104. Ensure the suspension of expulsion measures initiated in relation to the residence status of a migrant woman or girl dependant on a spouse, partner or parent, in order to enable them to have the possibility to apply for an independent residence permit.