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CONSEIL DE L'EUROPE

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GEC-MIG (2021)3

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

**Draft Recommendation on migrant, refugee and asylum-seeking
women (*provisional title*)**

Consolidated version including amendments proposed

Draft Recommendation on [GREECE: the international protection and safeguard of the rights of] [Holy See: Protecting the rights of] migrant, refugee, asylum- [BELGIUM: and international protection] seeking women [ITALY - UN WOMEN: and girls] [CoE Youth sector: and young girls] (*provisional title*)

1. The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
2. Considering that the aim of the Council of Europe is to achieve a greater unity between its member States, inter alia, by promoting common standards and developing actions in the field of human rights;
3. Recalling that gender equality is central to the protection of human rights, the functioning of democracy and good governance, respect for the rule of law, and the promotion of sustainable development and of well-being for all;
4. Considering the profound changes in migration patterns and in the situation of migrant refugee and asylum-seeking women and girls, the fact that the number of displaced people has reached its highest ever in recent years and the significant developments in gender equality- and migration and asylum-related concepts, policies and legal instruments at all levels;
5. Wishing therefore to review and update its Recommendation No. R(79)10 to member states on women migrants, henceforth replaced by the present instrument;
6. ~~[SPAIN: Noting with appreciation the efforts and activities undertaken by States to accommodate the needs of migrant, refugee and asylum-seeking women and girls;]~~

[NEW - RUSSIAN FEDERATION: Realizing at the same time that much remains to be done in this regard;]

7. Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, in the light of the relevant case law of the European Court of Human Rights, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), **[Secretariat of the CoE CPT: the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CETS No. 126, 1987)]**, the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention, 2011);
8. Recalling the United Nations Convention Relating to the Status of Refugee (1951); the International Labour Organisation Convention 189 on Domestic Work (2011); the United Nations Convention on the Elimination of All Forms of Discrimination Against Women

("CEDAW", 1979) and its Optional Protocol (1999); as well as [RUSSIAN FEDERATION: relevant] CEDAW General Recommendation[s] [~~RUSSIAN FEDERATION: No 30 on women in conflict prevention, conflict and post conflict situations (2013); CEDAW General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women (2014); [RUSSIAN FEDERATION - HOLY SEE: and CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19 (2017);] [RUSSIAN FEDERATION: CEDAW Recommendation No.38 on trafficking in women and girls in the context of global migration (2020)]~~; the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000); and the United Nations Convention on the Rights of Persons with Disabilities (2006);

9. [AUSTRIA: Recalling Noting] the relevant measures contained in the UN Global Compact on Refugees (2018) and in the UN Global Compact for Safe, Orderly and Regular Migration (2018), aimed at promoting gender equality and empowering migrant, refugee and asylum-seeking women and girls, [GREECE: in refugee and host communities] and at ending all forms of sexual and [RUSSIAN FEDERATION: gender-based-violence against women] , trafficking in persons, exploitation and sexual abuse, and harmful practices ;]
10. [RUSSIAN FEDERATION: Having regard to the United Nations High Commissioner for Refugees "Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees", of 7 May 2002.]
11. Taking account of the Council of Europe Gender Equality Strategy 2018-2023 and its strategic objective to protect the rights of migrant, refugee and asylum-seeking women and girls [CoE Roma and Travellers Division: including ethnic minority groups such as Roma and Travellers];
12. Acting in accordance with the Council of Europe Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025) notably its strategic objective to identify and address vulnerabilities throughout asylum and migration procedures;
13. Recognizing the multidimensional [THE NETHERLANDS: and intersecting] reality of the situations of migrant, refugee and asylum-seeking women and girls and bearing in mind the importance of the overall application and impact of the United Nations 2030 Agenda for Sustainable Development on them, in particular Sustainable Development Goal 5 ("Achieve gender equality and empower all women and girls"); Sustainable Development Goal 10.7 ("Reduce inequality within and among countries"), with the target to "facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies"; and Sustainable Development Goal 16 ("Promote peaceful and inclusive societies for

sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”);

14. Recalling the following Recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence; Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, Recommendation CM/Rec(2015)1 on intercultural integration¹ Recommendation CM/Rec (2019)1 on preventing and combating sexism², [**CoE Youth sector: Recommendation CM/Rec(2019)4 on supporting young refugees in transition to adulthood**] [as well as relevant resolutions and recommendations of the Parliamentary Assembly, of the Congress of Regional and Local Authorities and of the Conference of INGOs of the Council of Europe;]
15. Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, and that their full enjoyment, without discrimination on any ground, by migrant, refugee and asylum-seeking women and girls needs to be guaranteed;

[NEW- RUSSIAN FEDERATION: Recalling that international law, including the European Convention on Human Rights and Fundamental Freedoms, does not guarantee the right of an alien to enter or to (continue to) reside in a particular country, and that there is a difference in legal status between legal and illegal migrants which must be taken into account;]
16. Noting with concern that migrant, refugee and asylum-seeking women and girls may be confronted with multiple and intersectional forms of discrimination [**THE NETHERLANDS: and violence**] in their country of origin, during their journey and in their country of destination and stressing the need for an inclusive and intersectional approach that takes into account the different situations and personal characteristics of migrant, refugee and asylum-seeking women and girls;
17. Recognising that while existing international human rights standards apply to all persons, additional efforts should be made to assess the prevention and protection gaps that arise from insufficient implementation, information about and monitoring of existing laws and policies as regards migrant, refugee and asylum-seeking women and girls;

¹ **[NEW- RUSSIAN FEDERATION: At the time of the adoption of this Recommendation by the Committee of Ministers, one member State stated that this document did not reflect a common approach of all Member States and reserved its right to comply or not with the Recommendation.]**

² **[NEW- RUSSIAN FEDERATION: At the time of the adoption of this Recommendation by the Committee of Ministers, one Member State did not agree with a number of provisions of this Recommendation and in accordance with Article 10.2c of the Rules of Procedure for the meetings of the Ministers’ Deputies reserved its right to comply or not with the Recommendation.]**

18. Recognising with grave concern, that migrant, refugee and asylum-seeking women and girls are [UN WOMEN -MEXICO : in vulnerable persons situations] often exposed to serious forms of [RUSSIAN FEDERATION: gender-based] violence in their countries of origin, during their journey, in transit and/or in destination countries, [CoE Roma and Travellers Division : becoming easy targets for trafficking and other forms of exploitation such as forced labour,] which [DENMARK: may] constitute a serious violation of their human rights, and that they face difficulties and structural barriers in overcoming such violence;

19. Acknowledging the positive contribution that migrant, refugee and asylum-seeking women and girls [RUSSIAN FEDERATION: may] bring to European societies and communities [UN WOMEN: and their leadership capacities and role];

20. Aware of the [RUSSIAN FEDERATION: gender-related] barriers [UN WOMEN: : gender-related gender-specific and any intersecting /intersectional barriers and challenges] that migrant, refugee and asylum-seeking women and girls face [RUSSIAN FEDERATION: because of their sex in terms of integration, participation, equal access to rights, services, leadership and meaningful participation, and of the need to facilitate their integration and full participation in the economic, social, civic, political and cultural life,] [AUSTRIA -LITUANIA - SWEDEN: including providing pathways to regularization where applicable];

Aware of the gender-related barriers that migrant, refugee and asylum-seeking women and girls face in terms of integration, participation, [HOLY SEE: protection of rights] equal access to [HOLY SEE: rights,] services, leadership, meaningful participation, [CoE Youth sector: and decision-making positions] and of the need to facilitate their integration and full participation in the economic, social, civic, political and cultural life, [including providing pathways to regularization where applicable];

[NEW - CoE Roma and Travellers Division: Acknowledging the issue of statelessness and subsequent lack of ID documentation faced by migrants and refugees but also minority groups in Europe, such as Roma and Travellers, making it difficult to access services such as education and health care, making women even more vulnerable to all forms of exploitation and gender-based violence;]

21. Recommends that the governments of member States:

1. Take [RUSSIAN FEDERATION: if appropriate] legislative or other measures to promote and apply the Guidelines included in the Appendix of this Recommendation, aimed at ensuring that migrant, refugee and asylum-seeking women and girls can effectively access and exercise their rights;
2. Ensure that this Recommendation, including its Appendix, is [DENMARK: translated and disseminated (in accessible formats) and translated if relevant] among relevant authorities and stakeholders, which are encouraged to take measures to implement it;

3. [RUSSIAN FEDERATION: ~~Monitor~~ Evaluate] progress in the implementation of this Recommendation and [RUSSIAN FEDERATION: ~~regularly~~ inform if appropriate] the competent Council of Europe steering committee(s) and bodies of the measures undertaken and the progress achieved in this field.

Draft Appendix

I. Definitions

For the purpose of this recommendation:

'Migrant': [AUSTRIA - RUSSIAN FEDERATION: ~~a person who leaves one country or region to settle in another, often in search of a better life, including citizens of Council of Europe member States with a migrant background, and stateless women and girls.~~] [RUSSIAN FEDERATION: any person who changes his or her country of usual residence, with the exclusion of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimages.³]

'Migrant': a person who leaves one country or region to settle in another, [Office of the CoE Commissioner for Human Rights: ~~often in search of a better life~~], including citizens of Council of Europe member States with a migrant background, and stateless women and girls.

'Migrant women' [GREECE: ~~and girls or 'women'~~] includes both women and girls under 18 years of age.

[HOLY SEE: ~~'Migrant women' or 'women' includes both women and girls under 18 years of age.~~]

'Asylum seeker': a person [AUSTRIA: ~~intends to make, or who~~] who has made, an application for international protection.

'International Protection': Protection as a refugee under the 1951 Geneva Convention Relating to the Status of Refugees as amended by its 1967 Protocol (hereafter "1951 Convention") or any alternative form of international or European humanitarian, subsidiary or temporary protection.

'Refugee': a person who meets the definition at Article 1(A)(2) of the 1951 Convention.

[CoE Roma and Travellers Division – GREECE – UN WOMEN : **'Internally Displaced Persons': persons who have been forced or obliged to leave their homes or places of habitual residence, in particular to avoid the effects of armed conflict, situations of generalized violence, or violations of human rights, and who have not crossed an internationally recognized state border (which is also an issue for minority groups in Council of Europe member States such as Roma and Travellers). They face the same issues such as migrants and refugees and similar gaps when it comes to protection.]**

Commented [GC1]: Definition provided by the CoE Roma and Travellers Division

³ [RUSSIAN FEDERATION: This definition is not meant to be authoritative and corresponds to the definition of "international migrant" by the United Nations Department of Economic and Social Affairs (UN DESA, Recommendations on Statistics of International Migration, Revision 1 (1998) para. 32). Internal migration is not covered by this Recommendation.]

II. Horizontal issues

1. Member states should take into account the horizontal issues mentioned hereunder for all measures put forward in this Appendix.

Non-discrimination, Intersectional issues, elimination of stereotypes

2. Member States should ensure that all applicable measures [SPAIN: to protect the rights of migrant, refugee and asylum-seeking women and girls⁴ including for victims of gender-based violence and trafficking in human beings], [UN WOMEN: survivors or at risk of victims of] are secured without discrimination on any ground, including those measures to protect the rights of migrant, refugee and asylum-seeking women and girls victims of gender-based violence and trafficking in human beings.]
3. [RUSSIAN FEDERATION: Member States should apply an intersectional approach in all measures referred to in this Appendix, notably bearing in mind the different situations and personal characteristics of migrant, refugee and asylum-seeking women and girls specific needs of women and girls with disabilities, girls, older women, pregnant and nursing women, women travelling alone or with children,] [RUSSIAN FEDERATION - HOLY SEE: lesbian, bisexual and transgender women,] [RUSSIAN FEDERATION: women of ethnic or of other minority background and survivors of gender-based violence, trafficking or torture].

Member States should apply an intersectional approach in all measures referred to in this Appendix, notably bearing in mind the specific needs of women and girls with disabilities, [SPAIN: girls], older women, pregnant and nursing women, [SWEDEN: women travelling alone or with children], lesbian, bisexual [CROATIA: intersex] and transgender women, women of ethnic or of other minority background [CoE Roma and Travellers Division: such as Roma and Travellers], [SPAIN: women with mental health problems or drug addiction] and survivors of gender-based violence, trafficking or torture, [SWEDEN: women travelling alone or with children].

4. [AUSTRIA – DENMARK- RUSSIAN FEDERATION - SWEDEN: “Firewalls” should be created between the legal status of undocumented women and their rights to access justice, protection, health and education.]

“Firewalls”⁵ should be created between the legal status of undocumented [GREECE: migrant, refugee and asylum-seeking] women and their rights to access justice, protection, [GREVIO Secretariat: and support services,] health and education.

⁴ [SPAIN: Hereunder regrouped under the terminology “migrant women”.]

⁵ 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.)

5. Within both migrant and host countries and communities, member States should:
 - 5.1. pay special attention to measures aimed at dismantling [**HOLY SEE: all forms of harmful stereotypes gender stereotypes and other forms of stereotypes,**] [**GREECE: and discrimination**] including those based on migrant [**GREECE: and refugee**] status, culture, tradition and religion, [**SPAIN: sexual orientation and gender identity**], [**MEXICO: nationality, socioeconomic disadvantages and disabilities**].
 [UN WOMEN: pay special attention to measures aimed at dismantling gender stereotypes and other forms of **gender-based discrimination stereotypes**, including those based on migrant status, **ethnicity**, culture, tradition, religion **and diversity.**]
 - 5.2. implement awareness-raising and education measures to promote gender equality [**GREECE: and combat gender-based violence**] [**MEXICO: and a human rights' approach**] [**HOLY SEE: and mutual respect**].
 [NEW - SPAIN: **Allocate sufficient resources for training of all relevant personnel on issues related to gender equality, women human's rights and identification of victims of violence.**]

Girls

6. Member States should adopt a child rights-based approach to migrant, asylum-seeking and refugee [**SWEDEN: girls children**], which is age- [UN WOMEN: **and gender-**] sensitive and takes account of the specific situations and needs of girls, including ensuring suitable and safe alternative care arrangements when they are separated from their parents or caregiver [**CoE Youth sector: or when they are unaccompanied minors**].
7. Owing to migrant girls' situation of heightened vulnerability to exploitation and abuse, care arrangements should be aligned with those for non-migrant children, in mainstream child protection services or institutions. Unaccompanied and separated children should be assigned a guardian.
8. [**RUSSIAN FEDERATION: Member States should ensure continued access to essential services for young women refugees as they reach adulthood, including support for their integration and social participation, and support for their transition to adulthood beyond the age of 18. The aim is to avoid, where applicable, abrupt interruption of access to education, healthcare, social and integration services in host communities.**]

Member States should ensure continued access to essential services for young refugee [SPAIN – UN WOMEN: **migrant and asylum-seeking** women] [BELGIUM: **migrant women refugee**] [CoE Roma and Travellers Division: **migrant** women **and** refugees] as they reach adulthood, including support for their integration and social participation, and support for their transition to adulthood beyond the age of 18. [**HOLY SEE: The aim is to avoid, where applicable, abrupt interruption of access with the aim to ensure their right to education, and access**] healthcare [MEXICO: : (**including sexual and reproductive health and rights**)], social and integration services in host communities.

Information, empowerment, awareness raising and promotion of human rights

9. To empower migrant [GREECE – UN WOMEN: refugee and asylum-seeking] women [UN WOMEN: and girls] and enable them to access their rights, they should be provided with relevant [SWEDEN: and accessible and culturally sensitive information and advice in way and] a language that they understand, covering:
- 9.1 Their fundamental human rights [DENMARK: and obligations] as set out in the European Convention on Human Rights and other relevant instruments, including whilst in detention and reception facilities.
- 9.2 Reporting and complaint mechanisms, in case of abuse [GREECE: or gender-based violence] by State authorities or private contractors acting on behalf of the State, including rights to civil remedies and compensation.
- 9.3 Protection against [GREVIO Secretariat: and support for experiences] of all forms of violence [SPAIN: against women], including [GREECE - THE NETHERLANDS - GREVIO Secretariat: gender-based violence] and domestic violence [MEXICO: sexual violence] as well as trafficking in human beings [UN WOMEN: and any form of gender-based violence and harmful practices, including child and forced marriage.] This encompasses [GREVIO Secretariat: access to] general and specific [GREVIO Secretariat: assistance support services] (i.e. legal processes, support structures and services, [SPAIN: multi-disciplinary response teams,] [GREVIO Secretariat: specialist] support provided by NGOs and legal aid available [UN WOMEN: to women and girls survivors of violence victims] in their [SPAIN - GREVIO Secretariat: host residing] country).
- 9.4 Available [CoE Youth sector: long term] social services and welfare, notably: [HOLY SEE: holistic and quality healthcare health (including sexual and reproductive health)] [GREECE: rights] [MEXICO: health (including mental and sexual and reproductive health, support through psychosocial interventions and wellbeing)], [HOLY SEE: and wellbeing] access to education, language training, [CoE Youth sector: vocational training for women who are illiterate in their native language] [GREECE: vocational training, skills-development training] [SPAIN: cultural immersion courses], housing and employment, participation in social, political, economic and cultural life.
[NEW - CoE Youth sector: Provide resources and tools for the empowerment and support of refugee, asylum-seeking and migrant women, based on their special needs and unique characteristics in order that they may benefit to as great an extent possible from the social services and welfare available.]
10. Member States should facilitate the access of migrant [GREECE: refugee and asylum-seeking] women to digital services and connection including the Internet, in particular if services and information are available solely or largely in digital format.

Access to justice including legal aid

11. Migrant [GREECE: refugee and asylum-seeking] women should have access to national and international complaint [GREECE: /reporting] mechanisms and remedies to effectively exercise their rights and/or act upon violations of their rights, including access to legal aid [SPAIN: supported by relevant information⁶].

[NEW – BELGIUM: Illegally residing women and girls should have access to complaint mechanisms, including to the police, without risking of being reported to state institutions issuing orders to leave the territory.]

[NEW – BELGIUM: Migrant women should have access to legal aid and justice with regard to residence issues.]

12. Member States should ensure that migrant [UN WOMEN: refugee and asylum-seeking] women are adequately supported as defendants, victims or witnesses [GREECE: /bystanders] throughout any criminal and civil procedures [BELGIUM: regardless of their migratory status, without risking expulsion or denunciation of their status.]

13. [RUSSIAN FEDERATION: An intersectional and gender-sensitive approach should be taken when assessing migrant women and girls' credibility in judicial and administrative procedures, in particular when decisions have an impact on their migration status.]

[SPAIN: A ~~n intersectional and~~ gender-sensitive perspective with an intersectional approach] should be taken when assessing migrant women and girls' credibility in judicial and administrative procedures, in particular when decisions have an impact on their migration [GREECE: and refugee] status.

Detention

14. In the event that administrative detention is used - which should only be as a measure of last resort - [GREECE: the construction of] separate safe zones should be provided [GREECE: /mandatory] for women and girls within detention facilities.

[NEW - HOLY SEE: Protect and respect the rights and best interests of girls at all times, regardless of migration status, promoting alternatives to detention, favouring non-custodial measures and community-based care arrangements, that ensure access to education and health care, and respect the right to family life and family unity];

[NEW - HOLY SEE: Where identification of signs of trafficking in persons occurs, ensure that potential victims have access to non-custodial measures and community-based care arrangements.]

[Office of the CoE Commissioner for Human Rights: Detention should only ever be used as a last resort and states should seek alternatives to administrative detention. Children should never be detained for reasons related to their or their parents' migration status. In the event that administrative detention is used - ~~which should only~~

⁶ See paras. 9 and 10.

be as a measure of last resort, families should not be separated, and separate safe zones should be provided for single women ~~and girls~~ within detention facilities].

[NEW- Secretariat of the CoE CPT: Effective alternatives to detention should be provided for certain categories of vulnerable persons, these may include, *inter alia*, migrant women and girls who have been victims of torture, trafficking, pregnant women and nursing mothers, children, elderly or migrant women with disabilities. In the event that administrative detention is used - which should only be as a measure of last resort - separate safe zones should be provided for women and girls within detention facilities, where their privacy is guaranteed and which cater adequately for their gender-specific and child-specific needs.]

15. Age- and gender-sensitive healthcare and hygiene services in detention facilities, as well as appropriate activities during the time spent in detention, should be provided to migrant [GREECE: and refugee] women [CoE Roma and Travellers Division: in accordance with the Sphere standards, which are a set of principles and minimum humanitarian standards in four technical areas of humanitarian response: Water supply, sanitation and hygiene promotion (WASH), Food security and nutrition.]

[NEW- GREVIO Secretariat: Trauma support and counselling should be made available for victims of gender-based violence in detention facilities.]

16. Member States should ensure that law enforcement measures in detention facilities are age- and gender-sensitive, and that migrant [GREECE: and refugee] women have access to [SPAIN: an easily accessible and effective] complaint [GREECE: /reporting] system. [NEW – BELGIUM: Detained persons should have access to understandable information about their rights in their language.]

[NEW – BELGIUM: Gender-sensitive helplines and contacts should be made available to migrant women.]

17. The presence of women [GREECE: employees] among border, migration and other police or custody staff, as well as among social workers and interpreters, should be [SPAIN - Office of the CoE Commissioner for Human Rights - UN WOMEN: promoted ensured].

Artificial intelligence, automated decision-making, and data protection

18. Member States should ensure that a human rights impact assessment, with a gender equality [UN WOMEN: (and vulnerability assessment)] perspective, is conducted before the introduction of artificial intelligence and automated decision-making systems in the field of migration.
19. Any use of artificial intelligence and automated decision-making systems by the public sector and its service providers/contractors, should not cause any discrimination, be

operated consistently with privacy principles, be transparent, and have clear governance mechanisms, in the context of:

- 19.1 border and immigration control decision- making, including as to entry or return;
 - 19.2 migration management, including the use of biometric information [CoE Roma and Travelers' Division: **and the use of DNA testing for the purpose of family reunification**].
 - 19.3 policing and security of migrant [GREECE: **refugee and asylum-seeking**] women [HOLY SEE: **and girls**] , and services related to protection [GREECE: **and or**] prevention of crimes; and
 - 19.4 the provision of services - including [HOLY SEE: **health-care**], welfare, housing, employment, [SPAIN: **services for victims of gender-based violence**] language training [SPAIN: **cultural immersion courses**] and education - to migrant [GREECE: **refugee and asylum-seeking**] women [GREECE: **and girls**].
20. Migrant women [MEXICO: **and relevant civil society organisations**] should be given the opportunity to participate in discussions [GREECE: **and decision-making**] [UN WOMEN: **and decision-making platforms**] around the development and deployment of new technologies affecting them.
21. Bearing in mind migrant [GREECE: **refugee and asylum-seeking**] women's particular [MEXICO: **situations of**] vulnerabilities, [RUSSIAN FEDERATION: **the deliberate or inadvertent disclosure of their data within the host community or through transfer to the country of origin could place them at risk of serious human rights abuses**] [UN WOMEN: **and discrimination.**] Relevant authorities should ~~therefore~~:
- 21.1 ensure the confidentiality and security of such data [RUSSIAN FEDERATION: **in accordance with their national legislation and applicable international obligations**];
 - 21.2 [RUSSIAN FEDERATION - SWEDEN: **agree not to transfer any such data to the country of origin without the explicit consent of the affected person/s.**] [SWEDEN: **inform under which conditions data can be transferred to the country of origin**].
- agree [GREECE: **/commit**] not to transfer any such data to the country of origin without [THE NETHERLANDS: **explaining this in an understandable language for the person/s and**] the explicit consent of the affected person/s.

Co-operation with civil society

22. Member States should [RUSSIAN FEDERATION: **actively support, including financially, and**] co-operate with migrant [GREECE: **and refugee**] women's, [GREVIO Secretariat: **and**] women's rights organisations [GREVIO Secretariat: **and with other civil society organisations**] that uphold the universal human rights of migrant [GREECE: **and refugee**] [GREVIO Secretariat: **and asylum-seeking**] women, defend and empower them.

23. Mechanisms should be established to ensure that migrant **[GREECE - UN WOMEN: and refugee]** women's organisations are consulted, in particular when devising migration, asylum and integration policies which affect them **[CoE Roma and Travellers Division: including ethnic minority organisations such as Roma and Travellers.]**

[NEW- ESTONIA: Member States should also take measures to ensure that civil society organisations active in supporting migrants and asylum seekers would have know-how for addressing the specific needs of migrant women, supporting them in defending their rights and empowering them to reach their full potential.]

Data collection, research and monitoring

24. Member States should support the collection of age- and sex- **[MEXICO: and other relevant parameters]** disaggregated data on migration **[GREECE: refugee]** and asylum issues, **[SPAIN: including victims of gender violence]**, and ensuring compliance with applicable data protection requirements.

25. Research, monitoring and evaluation of migration, integration and asylum policies from a gender equality perspective, in particular in relation to preventing any violation of women's fundamental rights, should be supported and adequately resourced at all levels.

26. The data collected and the results of research and evaluation of migration, integration and asylum policies from a gender equality perspective should be used for the further development and adjustment of public policies in these fields at all levels.

[NEW - MEXICO: The data collected and the results of research and evaluation of migration, integration and asylum policies from a gender equality perspective should be presented as public information; ensuring compliance with applicable data protection requirements.]

III. Protection

27. **A multi-agency, [GREVIO Secretariat: victim-centred]** approach **[GREVIO Secretariat: aimed at the empowerment of migrant women]**, inclusive of migrant **[GREECE - UN WOMEN: and refugee]** women's organisations, **[RUSSIAN FEDERATION: where necessary]** should be adopted as regards matters relating to their protection **[GREVIO Secretariat: from and support for experiences of violence.]**

28. General and specialist support services, **[GREVIO Secretariat: that encompass legal]** counselling, **[GREVIO Secretariat: short and long-term]** psychological support and health care, including **[SPAIN: mental health care]** sexual and reproductive health care **[GREVIO Secretariat: immediate medical support and the collection of forensic medical evidence in cases of rape and sexual assault]**, and **[GREVIO Secretariat: and specific post-rape care]**, also for those accommodated in transit, reception and accommodation facilities, should be provided to **[UN WOMEN: victims survivors]** of **[GREECE -**

Commented [GC2]: Spain proposed to change the order of the paragraphs

GREVIO Secretariat: gender-based] violence and trafficking in human beings [SWEDEN: in their countries of origin, in transit or in destination countries].

29. Access to free legal advice and [GREECE – BELGIUM (on “free”): assistance, comprising free] legal aid [BELGIUM: accessible in the language of the beneficiary], should be provided in order to support migrant [GREECE: refugee] [GREECE - [GREVIO Secretariat: and asylum-seeking] women [HOLY SEE: and girls] victims of [GREECE: gender-based] violence through criminal and civil proceedings, including the pursuit of compensation claims and legal redress against the perpetrators.
30. Measures should be taken to protect migrant [GREECE: refugee and asylum-seeking] women from hate speech [UN WOMEN: discrimination] and sexism [CoE Roma and Travellers Division: including ethnic minority groups such as Roma and Travellers, who are similarly affected by hate speech and sexism].
31. Member States should protect migrant, refugee, [CoE Roma and Travellers Division: displaced] and asylum-seeking women [ITALY: and girls] from all forms of violence against women [ITALY: and girls].

This encompasses [RUSSIAN FEDERATION: domestic physical], [CROATIA: harassment and] sexual harassment, sexual violence including rape, [GREECE: sexual assault, sexual exploitation and] [GREVIO Secretariat: stalking] trafficking, [ITALY: early and] forced marriage, [CoE Roma and Travellers Division - UN WOMEN: child marriage,] [GREECE: crimes committed in the name of so-called ‘honour-crimes’], forced abortion and sterilisation, female genital mutilation, [MEXICO: femicide] [GREECE: sexual exploitation, [DENMARK: economic] [RUSSIAN FEDERATION: economic, physical, and psychological and other forms of] violence.

[Secretariat of the CoE CPT: This encompasses domestic violence, sexual harassment, sexual violence including rape, trafficking, forced marriage, crimes committed in the name of so-called ‘honour’, forced abortion and sterilisation, female genital mutilation, torture, physical and psychological violence and sexual and economic exploitation economic, physical, and psychological violence.]

[BELGIUM: Member States should protect migrant, refugee and asylum-seeking women against all forms of violence against women, recognising that women are subject to a continuum of violence that is specific to them. This encompasses This continuum includes domestic, economic, physical, psychological, institutional and administrative violence; sexual harassment, sexual violence including rape but also trafficking, forced marriages, crimes committed in the name of so-called “honour”, forced abortion and sterilisation, female genital mutilation, trafficking in human beings, sexual exploitation and cyber-violence of a sexual nature.]

32. Competent authorities and staff should be trained and qualified to enable them to:
- 32.1 promptly identify, [SPAIN: where possible, in collaboration with relevant support organisations,] [GREECE: estimate the risk,] refer to relevant authorities

and provide protection, treatment and care for migrant, refugee and asylum-seeking women and girls who are victims of trafficking and [GREECE - GREVIO Secretariat: gender-based] violence;

32.2 be aware of the difficulties that migrant women [ITALY – HOLY SEE: and girls] may face in disclosing events of [RUSSIAN FEDERATION: gender-based] violence, due to their insecure migration [GREECE: and refugee] status, [GREVIO Secretariat: unavailability of quality interpretation services] lack of knowledge of their legal rights and [GREVIO Secretariat: of the relevance of their experiences of violence to migration/asylum decisions], [GREECE: social] stigma and [GREVIO Secretariat: lack of] support to them in this regard.

33. Professional interpreters [Office of the CoE Commissioner for Human Rights: including women] [GREECE - ITALY: and cultural mediators] trained in [RUSSIAN FEDERATION: gender-based violence against women] and trafficking in human beings should be available to assist migrant [GREECE: refugee] [GREECE - GREVIO Secretariat: and asylum-seeking] women [ITALY – HOLY SEE: and girls] seeking protection, whilst making initial complaints, throughout the justice process and in seeking reparations [GREVIO Secretariat: as well as in the context of the asylum determination procedures.]
34. [CoE Youth sector: Easily accessible] Mechanisms should be in place in state- and privately-run institutions, such as reception, transit and detention centres, police stations, prisons, child-care institutions, schools and hospitals, [GREECE: counselling centres, shelters] to enable incidents of [RUSSIAN FEDERATION: sexual and gender-based] violence against women] [SPAIN: or trafficking in human beings] to be reported to and by staff or officers, including access to age- and [RUSSIAN FEDERATION: gender] - sensitive telephone helplines [RUSSIAN FEDERATION: for women] and procedures for referral to other appropriate agencies, and for medical and psychological treatment.
35. Member States should ensure [BELGIUM: effective] access for [DENMARK: migrant], refugee and asylum-seeking women [ITALY – HOLY SEE: and girls] [CoE Youth sector: with or without children] to shelters for women [UN WOMEN: victims survivors] of [GREVIO Secretariat: trafficking and gender-based] violence, [SPAIN: including victims of trafficking in human beings.] [GREVIO Secretariat: including domestic violence] regardless of their migration status.
36. Risk assessment and risk management of violence against migrant women [GREECE: refugee] [GREECE - GREVIO Secretariat: and asylum-seeking] [ITALY – HOLY SEE: and girls] should be conducted, taking specific account of their potential enhanced vulnerability owing to their insecure migration [GREECE: and refugee] status, [CoE Roma and Travellers Division: lack of documentation] and intersectional vulnerabilities.
37. Member States should allow migrant [GREECE – UN WOMEN: refugee and asylum-seeking] women [ITALY: and girls] access to [RUSSIAN FEDERATION: national compensation schemes, rehabilitation assistance, measures or other available] programmes aimed at [DENMARK: the integration or reintegration of] [RUSSIAN

FEDERATION: social assistance ~~the integration of~~ to] victims of violence against women [ITALY: and girls] or trafficking in human beings, on the same conditions as nationals.

38. Member States should develop specific measures to address the sexual exploitation of migrant [GREECE: refugee and asylum-seeking] women [HOLY SEE: and girls], [RUSSIAN FEDERATION: ~~in particular the demand for such exploitation~~], including punitive, preventive, [and] educational measures [CoE Roma and Travellers Division: and protective measures such as shelter, legal, psychosocial and medical care for victims of sexual exploitation].
39. [RUSSIAN FEDERATION: ~~Member States should ensure that migrant women do not suffer any penalty, including loss of migration status, as a consequence of their exploitation as victims of trafficking in human beings or of forced marriage.~~] Member States should ensure that migrant women [HOLY SEE: and girls] do not suffer any penalty, [SWEDEN: ~~including loss of migration status~~] [GREECE: and refugee] status, as a consequence of their exploitation as victims of trafficking in human beings [GREVIO Secretariat: ~~or as a consequence of the dissolution of their marriage with a sponsoring spouse/partner who has inflicted against them gender-based violence, and where they have been brought into another country against their will for the purpose~~] of [UN WOMEN: child and] forced marriage.
40. Member States should ensure that [HOLY SEE: distorted practices related to] culture, custom, religion, [and] tradition or so-called 'honour' shall not be considered as justification for any exploitation or acts of violence against women [GREECE: and or] girls.

State of emergency and crisis management

41. In situations of public health crisis, humanitarian crisis and crisis related to climate change, member states should take into account the increased risk of [GREECE: gender-based] violence, including domestic violence, [SPAIN: and other forms of violence against women] [BELGIUM - GREVIO Secretariat: sexual violence] poverty and homelessness for migrant [GREECE - UN WOMEN: refugee and asylum-seeking] women [UN WOMEN: and girls]. Member States should therefore adopt the following measures:

- 41.1 take into consideration the situation and needs of migrant [GREECE: refugee and asylum-seeking] women [HOLY SEE: and girls] in crisis management and recovery measures, including [HOLY SEE: ~~with respect to access to~~ protection of] rights, and notably the right to [HOLY SEE: health-care] [UN WOMEN: shelter, food security, water, including measures to access to protection, economic empowerment];

[NEW- GREVIO Secretariat: take into consideration migrant women and asylum-seeking women's heightened vulnerabilities and thus ensure, for migrant

women and others, access to specialist support services for women victims of violence by qualifying them as essential services and guarantee their continuity;]

41.2 ensure that measures taken during a crisis and ensuing state of emergency conform with international obligations related to the human rights of migrant [GREECE – UN WOMEN: and refugee] women [HOLY SEE: and girls];

41.3 ensure the participation of migrant [GREECE: refugee and asylum-seeking] women and relevant civil society organisations, in decision and policy-making in these situations [RUSSIAN FEDERATION: where appropriate] [MEXICO: including measures to ensure pathways to regularization.]

IV. Arrival

Pre-arrival information

42. Member States should ensure that immigration procedures, [DENMARK: including those before arrival such as visa issuing procedures], [BELGIUM: take into account migrant women's vulnerabilities], are age- and [RUSSIAN FEDERATION: gender]-sensitive, [RUSSIAN FEDERATION: and take into account the specific situations and needs of women and girls.] [GREVIO Secretariat: and include information on their rights and obligations in the host country, including their rights in relation to experience of gender-based violence.]

43. Information should be provided to migrant [GREECE: and refugee] women about the conditions enabling the legal entry and stay in a member State's territory.

Transit and reception facilities

44. Relevant authorities should ensure that reception and screening arrangements are [RUSSIAN FEDERATION: age and gender-sensitive to age and different situations and personal characteristics of migrant, refugee and asylum-seeking women.] The screening process should, in particular, facilitate the identification of victims of human trafficking and [RUSSIAN FEDERATION: gender-based violence against women] at the earliest possible opportunity and ensure that women's protection claims are processed efficiently.

45. Reception and accommodation centres should [RUSSIAN FEDERATION: as much as possible] be located in areas where women are safe and can access relevant services, including [HOLY SEE: health-care], [MEXICO: health particularly sexual and reproductive health care], social and legal assistance, [DENMARK: and schools and shopping facilities].

46. The specific needs and safety concerns of victims of sexual violence, domestic violence, [GREVIO Secretariat: female genital mutilation, forced marriage] human trafficking, torture, or other forms of [RUSSIAN FEDERATION: physical and psychological] violence and any other relevant special needs for example pregnancy, disability or specific

health needs should be taken into account when determining residential placements and access to services. [Secretariat of the CoE CPT: Essential infant nutrition, including drink, food and clothing, should be provided to migrant women with infants or migrant nursing mothers, where necessary.]

47. Staff should be trained in [~~HOLY SEE: women's~~ human rights of women] [GREECE: ~~and~~ gender equality-related and trauma] issues [BELGIUM: as well as the specificities of gender-based violence and the specific needs of migrant women and girls], and the presence of professional women social workers [GREECE: scientists, intercultural mediators,] interpreters, police officers and guards should be ensured [BELGIUM: as much as possible] in these facilities.
48. [BELGIUM: Provide gender-sensitive reception with regard to infrastructure including] Separate sleeping areas [GREECE: /dormitories] should be provided for single women with or without children (up to age 18), as well as [SPAIN: other] safe spaces and clean, separate, well-lit shower and toilet facilities for women [SPAIN: as well as hygiene products.]
49. Women in transit and reception facilities should have access to a complaint [GREECE: /reporting] system, whereby complaints are investigated and referred to the police where relevant, including, where appropriate, access to legal aid [SWEDEN: ~~and ensuring regular visits by mobile courts and court officers~~] [SPAIN: supported by relevant information].
50. In cases where service-providers are contracted by a member state to deliver services and accommodation to migrant [GREECE: refugee] [GREECE - [GREVIO Secretariat: and asylum-seeking] women [HOLY SEE: and girls], procedures should be in place, including regular monitoring visits by trained migration officials, to ensure compliance with the standards of protection for victims of [GREVIO Secretariat: gender-based] violence.

Asylum

51. Member States should adopt [RUSSIAN FEDERATION: if appropriate] and implement [SPAIN: age- and] gender-sensitive asylum [DENMARK: laws], practices and procedures [RUSSIAN FEDERATION: taking into account special needs of migrant women and girls] [DENMARK: where relevant].
52. Women [GREECE: and girls] [CoE Roma and Travellers Division: and (unaccompanied) girls] should be [HOLY SEE: able entitled] to access asylum and protection [SPAIN: information] and procedures at [AUSTRIA: designated locations at the borders] [AUSTRIA: and or in the territory of member States elsewhere.]

[NEW - Office of the CoE Commissioner for Human Rights: The possibility for women to lodge an independent asylum claim should be ensured and women should be made aware of this right.]

53. ~~[RUSSIAN FEDERATION: To ensure that gender based violence against women is properly assessed within the framework of the 1951 Convention member States should:~~
- 53.1 ~~ensure that all forms of gender based violence are recognised as a form of persecution within the meaning of Article 1A(2) of the 1951 Convention;~~
- 53.2 ~~ensure a gender sensitive interpretation of the 1951 Convention 'grounds' for asylum including the recognition of gender as a basis for the existence of a particular social group;]~~

provide comprehensive **gender-specific** guidelines **taking account of the specific situations and needs of women and girls** for all stages of the asylum process including reception and support services, screening, determination of 'safe' countries, detention, status determination, adjudication and returns;]

To ensure that gender-based violence against women is properly assessed within the framework of the 1951 Convention member States should:

- 53.1 ensure that ~~[DENMARK: all forms of]~~ gender-based violence ~~[AUSTRIA: are can be]~~ ~~[DENMARK: are may be]~~ recognised as a form of persecution within the meaning of Article 1A(2) of the 1951 Convention;
- 53.2 ensure a gender-sensitive interpretation of the 1951 Convention 'grounds' for asylum ~~[GREVIO Secretariat: including the recognition of gender as a basis for the existence of a particular social group];~~ ~~[AUSTRIA: if the relevant conditions are met;]~~
- 53.3 provide comprehensive gender-~~[GREECE: sensitive]~~ specific guidelines comprehensive ~~[AUSTRIA: where available]~~ ~~[GREECE: for at]~~ all stages of the asylum process including reception and support services, screening, determination of 'safe' countries, detention, status determination, adjudication and returns;
- 53.4 ensure border police, migration officials, asylum officers, decision-makers ~~[GREECE: intercultural mediators]~~ and interpreters receive training in respect of the guidelines mentioned at [§].
54. Women asylum officers should be available to women applicants ~~[GREVIO Secretariat: and applicants should have the possibility to express a preference for the sex of the interpreter.]~~
55. Separate interviews for women and men from the same family should be made possible, also in the absence of children, and their confidentiality should be guaranteed.
56. In processing and determining asylum claims, regard should be given to:
- 56.1 the applicant's own personal circumstances ~~[GREECE: and individual assessment of risk];~~ and to
- 56.2 relevant, ~~[RUSSIAN FEDERATION: gender-specific]~~ country of origin information, notably access to justice, including both the legal framework and its implementation; available social, economic and other support; and any ~~[MEXICO:~~

form of multiple and intersecting] discrimination and/or patriarchal attitudes women are likely to encounter.

57. Member States should ensure that women have access to [LITHUANIA: refugee status procedure] as well as complementary/subsidiary protection [RUSSIAN FEDERATION: procedures], where [RUSSIAN FEDERATION: necessary available] [AUSTRIA: and if the women concerned fulfil the criteria for complementary/subsidiary protection.]

[Office of the CoE Commissioner for Human Rights: Member States should ensure that women have access to complementary/subsidiary protection, where necessary.]

Cross-border measures

58. [RUSSIAN FEDERATION: Member States should participate in resettlement and relocation programmes and implement legal pathways to ensure a safe transit for women and girls.] Member States [AUSTRIA: should can] participate in resettlement and relocation programmes and [BELGIUM: reinforce and] [SWEDEN: implement promote] legal pathways to ensure a safe transit for women and girls.

59. Specific assistance [SWEDEN: and humanitarian resettlement programmes] [AUSTRIA: should can] be [DENMARK - RUSSIAN FEDERATION: funded considered] for women victims of [RUSSIAN FEDERATION: gender-based violence against women and girls]. [SWEDEN: Specific attention should be paid within existing resettlement programmes to victims of gender-based violence].

[UN WOMEN: Specific assistance and humanitarian resettlement programmes should be funded for women victims survivors or at risk of gender-based violence and human trafficking, including sexual exploitation.]

60. Member States [AUSTRIA: should can] set up and implement effective cross-border protection mechanisms for women [UN WOMEN: victims survivors or at risk] of gender-based violence [UN WOMEN: and human trafficking, including sexual exploitation.]

V. Residence and Integration

Access to [HOLY SEE: holistic and quality healthcare services, including sexual and reproductive healthcare]

61. Authorities should ensure that healthcare provision is [RUSSIAN FEDERATION: age and gender sensitive to the needs of migrant women and girls.]
62. Affordable, [RUSSIAN FEDERATION: and quality and gender sensitive] health services, encompassing [DENMARK: mental, sexual and reproductive] healthcare, [HOLY SEE: health-care services, encompassing mental, sexual and reproductive including during pregnancy], as well as hygiene products, should be provided for

migrant [GREECE: migrant, refugee and asylum-seeking] women [UN WOMEN: and girls] [DENMARK: on the same basis as for nationals, regardless of their migration status] [GREECE: or refugee] status. Such access should not be dependent on obtaining the authorisation [DENMARK: of the migration authority or] of a spouse, partner, parent or other relative, or guardian.

63. Migrant [GREECE: and refugee] girls should be provided with [HOLY SEE: access to age-appropriate sexual and reproductive health-age-sensitive health care] information and services [UN WOMEN: in a language that they can understand].
64. Taking into account language and cultural barriers, member States should ensure that women give prior, free and informed consent to any medical treatment.

Social services, social security and housing

65. In all decisions relating to the safety and welfare of migrant women, including decisions taken by social services and in respect of social security, their needs should be [THE NETHERLANDS: one of the main the primary] consideration.
66. Member States should ensure that migrant women are given a treatment not less favourable than that accorded to nationals regarding access to housing and rents.

Integration, social, cultural and political participation

67. Member States should ensure that any [DENMARK: stateless] child born in their territory of a stateless woman is entitled to have their birth registered [Office of the CoE Commissioner for Human Rights: immediately after birth] and to be granted be [THE NETHERLANDS: (a pathway to)] [Office of the CoE Commissioner for Human Rights: citizenship a nationality]. [DENMARK: Such an application for citizenship may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application].
68. Owing to persisting [MEXICO: gender] stereotypes and existing inequalities in access to civic rights and participation in political decision-making, which are even more serious for migrant [GREECE: migrant, refugee and asylum-seeking] women, member States should take steps to ensure that migrant [GREECE: migrant, refugee and asylum-seeking] women who are entitled to vote and stand for election in local, regional, national or European elections are aware of their rights and encouraged to participate [SPAIN: free from discrimination].
69. Recognising that the ability to communicate in the host country's language is essential for integration in all aspects, Member States should ensure [CROATIA: an adequate number of hours of] [Office of the CoE Commissioner for Human Rights: quality] language training [SPAIN: and cultural immersion courses] to migrant women and girls [SPAIN: and therefore to] promote their empowerment and protection.
70. Authorities should encourage and support initiatives aimed at empowering migrant women and girls within their families, in their communities and in society at large, by developing their self-confidence and self-determination and by protecting women and

girls from negative social control. This could include participation in local, cultural, women's or other associations, sports clubs, youth clubs and others.

71. Public and private coaching, mentoring and other support programmes aimed at migrant women should be set up and supported, [HOLY SEE: **and positive role models promoted based on good practices of integration**].
72. The positive contribution made by migrant women to society [CoE Youth sector: **the economy and culture**] [HOLY SEE: **and host communities**] should be highlighted and encouraged.

Education, vocational training and life-long learning

73. Authorities should take measures to reach those migrant [GREECE: **and refugee**] girls who may have been prevented from accessing education in their country of origin, ensuring the provision of education or day care, preferably within mainstream educational structures.
74. Member States should take steps to facilitate the recognition and validation of migrant women's existing vocational and academic qualifications and work experience in practice, including through initiatives such as the Council of Europe European Qualifications Passport for Refugees.
75. Literacy, language and digital skills courses should be provided to migrant [GREECE: **migrant, refugee and asylum-seeking**] women corresponding to their needs and as soon as possible after their arrival in the host country.
76. Migrant [GREECE: **migrant, refugee and asylum-seeking**] women should be able to enjoy any further or higher education, vocational training, retraining and rehabilitation facilities provided by the competent services and available for national workers.

Employment

77. Member States [AUSTRIA: **should can**] take specific and targeted measures to [SPAIN: **avoid discrimination and**] promote access to employment for migrant [GREECE: **and refugee**] women, [GREVIO Secretariat: **including those that are victims of gender-based violence**], including at an early stage in the migration process, including safe and legal routes to employment pre-arrival.
78. Member States should consider removing barriers to work, [AUSTRIA: **where appropriate**] after a [SPAIN: **migrant**] woman **asylum-seeker** has been present in the territory for a [Office of the CoE Commissioner for Human Rights: **certain**] length of time.

[NEW – HOLY SEE: Take measures which prohibit and actively prevent the abuse of minor workers, ensuring that the work is safe and does not harm their health, well-being or jeopardize their educational opportunities.]

79. In respect of at least those migrant [GREECE: and refugee] women who are permitted to work under the national law of member States, the latter should:
- 79.1. take measures to regulate and improve migrant [GREECE: and refugee] women's working conditions and to eliminate all [MEXICO: multiple and intersecting] forms of exploitation and discrimination [CoE Roma and Travellers Division: such as forced labour (e.g. debt bondage)];
 - 79.2. support and assist migrant [GREECE: and refugee] women to access the labour market through self-employment and entrepreneurship, by providing them with the same opportunities for [CoE Roma and Travellers Division: vocational] training, microcredit [CoE Roma and Travellers Division: schemes], start-up loans and business development as for national workers, and support volunteering, internship, [CoE Roma and Travellers Division: apprenticeship] and job placement programmes;
 - 79.2 in order to facilitate access to the labour market, take steps to ensure that migrant [GREECE: and refugee] workers [GREECE: and employees] have access to work/life balance measures including maternity, paternity and parental leave, flexible working [GREECE: hours] where possible, and ensure access to and enjoyment of child-care facilities on an equal footing with national workers; and
 - 79.3. ensure that women migrant [GREECE: and refugee] workers who are made redundant and are compelled to leave the country of employment or return to their country of origin [AUSTRIA: retain all do not unjustifiably lose] all their acquired rights.
80. Member States should implement the provisions of relevant national and international standards directed at protecting migrant [GREECE: migrant, refugee and asylum-seeking] women carrying out domestic work from discrimination and abuse.

[NEW – HOLY SEE: Take the necessary measures that recognize and allow for the transfer of educational or other credentials earned abroad, in order to facilitate reintegration of returnee women.]

Residence permits

[NEW - Office of the CoE Commissioner for Human Rights: Member States should provide pathways to naturalisation as a key element to integration and take measures to ensure that migrant women are not faced with gender-related obstacles in this regard.]

81. Member States should ensure that migrant women and girls who are granted a residence permit on the basis of a family relationship are entitled to the same social, economic and labour-related rights and entitlements as the principal residence permit holder.
82. Migrant women [ITALY – HOLY SEE: and girls] should be made aware of any entitlement to a renewable independent residence permit, for example due to their status as victim of human trafficking, victim of [RUSSIAN FEDERATION: gender-based violence against women], relationship breakdown, or other particularly difficult circumstances. [GREVIO Secretariat: Statutory agencies that are responsible in this area should be sufficiently trained on the rights of migrant women to benefit from the grant of an autonomous residence permit in such circumstances.]
- [NEW - GREVIO Secretariat: The requisite evidential criteria and threshold for granting autonomous residence permits to migrant women should be realistic and sensitive to the situation of migrant women who are seeking to escape abuse and violence.]
84. Member States should ensure that migrant women [HOLY SEE: and girls] [MEXICO: and their dependents] are granted a residence permit if their stay is necessary for criminal investigations or proceedings.
85. Member States should facilitate the possibility for victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, to [GREVIO Secretariat: retain regain] such status.
86. [DENMARK: Migrant women present in a country for a long time, including stateless women and girls should be provided security of residence on an independent basis.]

Family reunion

87. Recognising that family reunion can be both a secure pathway to safety for migrant [GREECE: and refugee] women, and a protective factor in the host [GREECE: state country], member States should safeguard the right to family reunion for migrant [GREECE: and refugee] women in accordance with obligations under the European Convention on Human Rights and international law. In this respect, member States should:
- 87.1. [THE NETHERLANDS: Consider] adopt[ing] a [AUSTRIA: wide] definition of 'family', [AUSTRIA: that refers to the nuclear family] consistent with the links and dependencies relied on by migrant [GREECE: and refugee] women;
- [HOLY SEE: adopt a wide definition of 'family', consistent with the links and dependencies relied on by migrant women adopt measures which expand the scope of family reunification policies to include all family members (including grandparents, siblings and grandchildren) in order to allow the entire family to remain united in the resettlement process];

[Office of the CoE Commissioner for Human Rights: adopt a wide definition of 'family' ~~consistent with the links and dependencies relied on by migrant women~~];

87.2. ensure that women and girls are aware of their right to family reunion [Office of the CoE Commissioner for Human Rights: **including as sponsors**] and receive access to legal advice and assistance to pursue that right; [AUSTRIA: **if they fulfil the criteria**] and

87.3 consider accepting or seeking the transfer of asylum claims to enable the family reunion of migrant women and girls separated on their journeys.

[NEW - BELGIUM: **Facilitate the granting of an independent residence permit for women who are experiencing situations of domestic violence or gender-based violence and who are still dependent on their husband's or father's right of residence.**]

[NEW - GREVIO Secretariat: **ensure the adequate provision of information on the legal rights and obligations of women and girls arriving in their host country under family reunification regimes and ensuring their access to language and integration classes**]

VI. Returns

88. [DENMARK: While **voluntary** returns ~~should are the preferred option to ensure always be in~~ safety and dignity ~~and preferably voluntary~~, involuntary returns must be in line with the principle of *non-refoulement*.]

While returns should always be in safety and dignity and preferably voluntary [HOLY SEE: **and assisted**], involuntary returns must be in line with the principle of *non-refoulement*, [MEXICO: **as well as with a gender-based perspective**].

[Office of the CoE Commissioner for Human Rights: ~~While~~ returns should always be in safety and dignity and ~~preferably voluntary, involuntary returns must be~~ in line with the principle of *non-refoulement*.]

89. [DENMARK: States should ensure that ~~migrant, refugee and~~ asylum seeking women [HOLY SEE – UN WOMEN: **and girls**] [Office of the CoE Commissioner for Human Rights: ~~who are in need of protection~~.] [DENMARK: ~~regardless of their status or residence~~, are not returned **under any circumstances** to ~~any- a~~ country where their life would be at risk or where they might be subjected to [MEXICO: **gender-based violence**] torture or inhuman or degrading treatment or punishment.

90. Recognising the particular difficulties that victims of [HOLY SEE: **human trafficking** and gender-based violence] [RUSSIAN FEDERATION: **gender-based** violence **against women**] face in fully disclosing the grounds for their international protection claim, member States should:

- 90.1. [RUSSIAN FEDERATION: taking account of the specific situations and needs of women and girls ensure ~~a gender sensitive~~ process that protects women against the risk of *refoulement*;
- 90.2. ensure that accelerated and non-suspensive procedures [MEXICO: ~~do not result in migrant women being unable to put forward their claims for protection, resulting in refoulement~~ **not are not implemented under any circumstance, until an individual assessment of international protection has taken place, especially if there are any signs of gender-based violence**].
91. Member States should ensure the suspension of expulsion measures of migrant [GREECE: **and refugee**] women based on their dependant status on a spouse, partner or parent, in order to enable them to have the possibility to apply for an independent residence permit.