



Strasbourg, 30 November 2020

GEC-MIG (2020) 2

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

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

Preamble and operative part

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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 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 in the last 40 years and the significant developments in gender equality-related 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. Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols and 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), the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);
7. 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 CEDAW General Recommendation 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); and CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19 (2017); 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);

¹ The numbering was included for practical purposes and will be deleted when drafting is finalised.

8. 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;
9. Bearing in mind the United Nations 2030 Agenda for Sustainable Development, including Sustainable Development Goal 5 (“Achieve gender equality and empower all women and girls”); Sustainable Development Goal 10 (“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”);
10. 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 (2019)1 on preventing and combating sexism; and Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building;
11. Recalling Parliamentary Assembly Resolution 2244(2018) on “Migration from a gender perspective: empowering women as key actors for integration”; Resolution 2176 (2017) on “Integration of refugees in times of critical pressure: learning from recent experience and examples of best practice”; Resolution 2159 (2017) on “Protecting refugee women and girls from gender-based violence”; and Resolution 1765 (2010) on “Gender-related claims for asylum”;
12. 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;
13. Taking account of the Council of Europe Action Plan on Migration;
14. Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, and their full enjoyment, without discrimination on any ground, by migrant, refugee and asylum-seeking women and girls needs to be guaranteed; and noting with concern that migrant, refugee and asylum-seeking women and girls may be confronted to multiple forms of discrimination on various grounds in their country of origin, during their journey and in their country of destination;
15. 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;
16. Recognising with grave concern, that migrant, refugee and asylum-seeking women and girls are often exposed to serious forms of violence such as domestic violence, sexual

harassment, sexual violence including rape, trafficking, forced marriage, crimes committed in the name of so-called “honour” and genital mutilation, in their countries of origin, during their journey, in transit and/or in destination countries, which constitute a serious violation of their human rights;

17. 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;
18. Acknowledging the positive contribution that migrant, refugee and asylum-seeking women bring to European societies and communities, and the need to facilitate their integration and full participation in the economic, social, civic and political life;
19. Recommends that the governments of member States:
 1. Take legislative and 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 enjoy their rights;
 2. Ensure that this Recommendation, including its appendix, is translated and disseminated (in accessible formats) among relevant authorities and stakeholders;
 3. Monitor progress in the implementation of this Recommendation and regularly inform the competent Council of Europe steering committee(s) and bodies of the measures undertaken and the progress achieved in this field.