

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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GEC-MIG (2020) Report October

GENDER EQUALITY COMMISSION

**1st meeting of the Drafting Committee on Migrant Women
(GEC-MIG)**

Strasbourg, 1-2 October 2020

REPORT

1. Welcome and introduction

The Secretariat welcomed the participants to the first meeting of the Drafting Committee and recalled the launch of this new activity under the Terms of Reference of the Gender Equality Commission (GEC) for 2002-2021 and in the wider context of the Gender Equality Strategy 2018-2023, where one of the objectives is to protect the rights of migrant, refugee and asylum-seeking women and girls. The Secretariat explained that since this first meeting of the Drafting Committee was taking place online, the election of the chair would take place at the end of the meeting, to give members the opportunity to know each other. The Secretariat would therefore chair the first meeting of the Drafting Committee. The list of participants is attached as Appendix II to this report.

The Drafting Committee took note of this information with no objection.

2. Tour de table – Presentation of members

Members and observers in the GEC-MIG briefly introduced themselves.

3. Adoption of the agenda

- *The Drafting Committee adopted its agenda as set out in Appendix I to this report.*

4. Mandate, working methods of the Drafting Committee and objectives of the meeting

The Secretariat [presented](#) the mandate and working methods of the Drafting Committee, as well as the objectives of the meeting.

The Drafting Committee took note of its mandate and proposed working methods and agreed on the following objectives of the meeting: examine the needs assessment; receive and discuss expert information from different Council of Europe sectors and civil society organisations; and agree on the possible scope and structure of the draft recommendation.

5. Presentations

The Secretariat [presented Recommendation n° R\(79\)10 of the Committee of Ministers to member states concerning women migrants](#).

- *The Drafting Committee took note of the presentation by the Secretariat.*

Louise Hooper, the expert supporting the work of the Drafting Committee [presented](#) the [discussion document](#) for the meeting, including an assessment of needs, existing standards and gaps. She recalled the background and preparatory work leading to the first meeting of the Drafting Committee, including the [Factsheet](#) on migrant, refugee and asylum-seeking women agreed by the GEC, the [answers to the questionnaire](#) to member states launched by the GEC in June 2020 and the discussions at the [Gender Equality Commission meeting in July 2020](#). The presentation also addressed central questions regarding the scope of the draft Recommendation, notably the groups of women to be covered.

- *The Drafting Committee took note of the presentation by Louise Hooper and had a first exchange of views on the scope of the draft Recommendation and on the contents of the preamble, which should refer to all relevant standards.*

6. Relevant case law of the European Court of Human Rights (Thomas Straub, Registry of the European Court of Human Rights)

Thomas Straub gave a comprehensive [presentation](#) of the relevant case-law of the European Court of Human Rights (ECtHR), stressing that these judgments are to be considered as minimum standards that can be exceeded. He noted that there is little specific case law related to the specific needs or circumstances of migrant women. The presentation addressed issues regarding reception conditions, detention, asylum procedures, removal (Article 3 of the European Convention on Human Rights and the principle of non-refoulement), assistance to persons due to be removed, trafficking in human beings and family reunification.

A discussion followed the presentation and some participants raised the issue of access to justice for migrant women, illustrated by the limited number of cases brought to the ECtHR and whether this signals a limited access to courts at the national level. The Drafting Committee also discussed the issue of credibility for migrant and asylum-seeking women as an issue to be looked at by the Drafting Committee.

- *The Drafting Committee took note of the presentation by Thomas Straub and thanked him for the very useful information.*

7. Presentation of candidates for GEC-MIG Chair

The Secretariat announced that there was one candidate as Chair of GEC-MIG: Vera Eloi da Fonseca, representative of Portugal and Coordinator of the Project Team on Intersecting Inequalities at Portugal's High Commission for Migration.

8. Exchange with Christian Mommers, Office of the Commissioner for Human Rights

Christian Mommers presented the relevant activities of the Commissioner for Human Rights on migrant, refugee and asylum-seeking women, indicating that the Commissioner's Office would strongly support a broad scope and an inclusive approach for the draft Recommendation. He listed several concerns on this issue, namely: the need for gender-sensitive asylum procedures and reception facilities; the barriers faced by some groups of women, including undocumented and transgender women; and the need for firewalls. The need to secure all women's sexual and reproductive rights, to ensure safe and legal migration routes, concerns in relation to the use of detention, and gender-specific risks related to returns were also raised. In addition, the representative of the Office of the Commissioner for Human Rights highlighted the need to address discrimination, to secure independent residence permits (and the specific barriers women face in this respect), access to education, and the question of the participation of migrant women in civic and political life. In the discussion that ensued, the situation of migrant women in the outer regions of Europe was also mentioned as an issue of concern.

- *The Drafting Committee took note of the presentation by Christian Mommers and thanked him for the very useful information.*

9. Links with relevant provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and findings of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (Francesca Montagna, GREVIO Secretariat)

Francesca Montagna, from the Secretariat of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), gave a [presentation](#) about the relevant provisions of the Istanbul Convention and the findings of GREVIO country monitoring reports. The presentation focused mostly on Article 4§3 (anti-discrimination) and Chapter VII (Migration and Asylum), of the Istanbul Convention. GREVIO monitoring reports have identified the availability of, and access to, gender-sensitive specialised services for victims of violence, and gender-sensitive reception facilities as particular challenges.

The representative of the Holy See raised women's vulnerability to human trafficking and smuggling, of which women and girls are the majority of the victims, as issues of concern.

- *The Drafting Committee took note of the presentation by Francesca Montagna and thanked her for her interesting input.*

10. Exchange with Alyssa Ahrabare, Project Officer, European Network of Migrant Women

Alyssa Ahrabare made a [presentation](#), on behalf of the European Network of Migrant Women (ENoMW), addressing the situation of migrant women and their recommendations on gender-based and sexual violence, integration issues and the impact of COVID-19. She stressed the need for an intersectional approach as regards sex/gender, race and other characteristics concerning the discrimination, violence and stereotypes that migrant women are confronted with, and groups requiring particular attention in different policy areas (e.g. victims of violence, girls, domestic and seasonal workers). She also raised the issues of gender-sensitive reception facilities and protection; the recognition of qualifications and skills; access to sexual and reproductive health and rights; the need to fight stereotypes, to ensure women and girls' participation in social and political life; and to fund and support migrant women's organisations, specific programmes and policies.

- *The Drafting Committee took note of the presentation by Alyssa Ahrabare, congratulated her for the work done by ENoMW and thanked her for the very useful information.*

11. Summing-up of discussions

Louise Hooper summarised the discussions at the end of the first day, pointing to a broad consensus in the Drafting Committee as to the need to significantly review and update Recommendation n° R(79)10 concerning women migrants, by adopting a broad scope covering all the topics included in the needs assessment, as well as migrant, refugee and asylum-seeking women and girls. She indicated that intersectionality, women's credibility in courts, gender-sensitive procedures, facilities, and protection gaps, had been raised as topics of concern. Discussions pointed to the need to refer to existing commitments through relevant standards, and to further discuss how to tackle definitions in the new recommendation,

- *The Drafting Committee thanked the expert and agreed that her summary reflected properly the discussions of the first meeting day.*

12. Election of GEC-MIG Chair

Vera Eloi da Fonseca, the candidate for Chair, was elected by acclamation for a term of office of one year.

- *The Drafting Committee elected Vera Eloi da Fonseca as Chair of the Drafting Committee.*

13. Exchange with NGOs

Franziska Ilse-Shams [presented](#) the activities and recommendations of DaMigra e.V. (an umbrella organisation of migrant women in Germany). Issues of concern for DaMigra included: the self-determination and economic empowerment of migrant women; the full implementation of the Istanbul Convention, including accessibility of services and of information on violence against women; protection at the workplace (taking into account COVID-19 and the essential role of migrant women workers during the pandemic); and support /policies aimed at improving migrant women's language and digital skills.

Sara Khadang, President of the French association Plurielles, presented the activities and recommendation of her organisation, which has worked with migrant women since 1995, with a focus on issues of social integration and employment. Ms Khadang highlighted the need for enhanced and quality language and digital training for migrant women. She also stressed existing inequalities on the labour market (lack of equal opportunities and pay discrimination), and the need to improve and adapt procedures and policies in relation to recognition of qualifications, diplomas and skills. She also stressed the importance of having professional and qualified social workers to support migrant women in all areas of life.

- *The Drafting Committee took note of the presentations by Franziska Ilse-Shams and Sara Khadang and thanked them for the work done by their organisations and their valuable input.*

14. Possible scope and structure of the draft Recommendation

The Secretariat [presented](#) the possible scope and structure of the draft Recommendation, based on the discussions of the Drafting Committee. The aim would be to update the 1979 recommendation and include new elements to be discussed and analysed by the Drafting Committee. The new recommendation should cover all migrant, refugee and asylum-seeking women and girls and address the needs of specific groups. The draft should include all topics included in the needs assessment and take into account the themes and concerns raised at the meeting. It was proposed that the specific guidance to be included in an annex to the draft recommendation could be tentatively structured under the following five headings: 1) Horizontal issues; 2) Arrival; 3) Protection; 4) Residence and integration; and 5) Return.

Members of GEC-MIG expressed their agreement with this proposal. Some additional issues were also underlined, including the health and well-being of migrant women; stereotypes and negative social control; the question of migrant women's credibility; and the need for gender-sensitive procedures, both in relation to access to justice and to asylum policies.

- *The Drafting Committee agreed to prepare a draft recommendation following a broad approach, addressing all relevant policies, and covering migrant, refugee and asylum-seeking women and girls.*

15. Next steps and closing

The Chairperson of the Drafting Committee will present the report of the meeting to the Gender Equality Commission (on 22 October 2020). The Secretariat and the expert will prepare a preliminary draft of the Recommendation, on the agreed basis, including a draft preamble, operational part and a proposed structure for the annex. The preliminary draft will be sent to GEC-MIG members for comments before the December meeting.

GEC-MIG members are also invited to make proposals regarding expert/civil society to be invited to present their work and recommendations at future meetings of the Drafting Committee.

- *The Drafting Committee agreed on the next steps to be taken, including the presentation of its work at the next meeting of the Gender Equality Commission, and the preparation of its 2nd meeting.*

16. Date and place of next meeting

The 2nd meeting of the GEC-MIG will take place on 14-15 December 2020 (the meeting format will be communicated in due time).

APPENDIX I AGENDA

Thursday, 1 October 2020

10.00 – 10.30 am	Welcome and introduction (Secretariat)
	Tour de table - Presentation of members
10.30 – 10.45 am	Adoption of the agenda <i>Draft agenda</i> (GEC-MIG (2020) OJ1)
	Mandate, working methods of the Drafting Committee and objectives of the meeting (Secretariat)
10.45 – 11.30 am	Presentations <u>Recommendation n° R(79)10 of the Committee of Ministers to member states concerning women migrants</u> (Secretariat) Needs assessment: existing standards and gaps, added value of a recommendation, proposed structure and scope of the draft recommendation (Louise Hooper , Expert supporting the work of the Drafting Committee) (GEC-MIG (2020) 1) Discussion
11.30 – 11.45 am	<i>Coffee break</i>
11.45 – 12.15 pm	Relevant case law of the European Court of Human Rights (Thomas Straub , Registry of the European Court of Human Rights) Discussion
12.15 – 12.30 pm	Presentation of candidates for GEC-MIG Chair
12.30 – 2.00 pm	<i>Lunch break</i>
2.00 – 2.30 pm	Exchange with Christian Mommers , Office of the Commissioner for Human Rights

2.30 – 3.00 pm	Links with relevant provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and findings of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (Francesca Montagna , GREVIO Secretariat)
	Discussion
3.00 – 3.30 pm	<i>Coffee break</i>
3.30 – 4.00 pm	Exchange with NGOs Alyssa, Ahrabare , Project Officer, European Network of Migrant Women
4.00 – 4.30 pm	Summing-up of discussions (Louise Hooper)
	Conclusions and closing of day 1.

Friday, 2 October 2020

10.00 – 11.00 am	Exchange with NGOs (cont.) Franziska Ilse-Shams , DaMigra e.V. (umbrella organisation of migrant women), Germany Sara Khadang , President, Plurielles France
11.00 – 11.15 am	<i>Coffee break</i>
11.15 – 12.00 pm	Possible scope and structure of the draft Recommendation Presentation by the Secretariat
	Discussion
12.00 – 12.15 pm	Election of GEC-MIG Chair
12.15 – 12.30 pm	Adoption of decisions (as relevant)
	Next steps and closing

APPENDIX II

LIST OF REGISTERED PARTICIPANTS

Representatives

Armenia

Diana TUMANYAN
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Migration service

Belgium

Khadija AZNAG
Flemish agency for the integration and
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Jessica OUAZZANI
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Directorate for the Integration of People of
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Lauraline MICHEL
Equal Opportunities Board
Wallonia-Brussels Federation

Margherita ROMENGO
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Wallonia-Brussels Federation

Bosnia and Herzegovina

Kika BABIĆ-SVETLIN
Samra FILIPOVIĆ-HADŽIADIĆ
Agency for Gender Equality

Croatia

Martina BOSAK
Government Office for Gender Equality

Estonia

Kaisa ÜPRUS-TALI
National Social Insurance Board

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Lela AKIASHVILI
Cabinet of the Prime Minister of Georgia

Ana LOMINADZE
Permanent Representation of Georgia to
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Guliko MATCHARASHVILI
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Portugal

Vera Eloi da FONSECA

High Commission for Migration

Romania

Aurora MARTIN

National Agency for Equal Opportunities

Russian Federation

Olga OPANASENKO

Ministry of Foreign Affairs

Serbia

Ljiljana LONCAR

Cabinet of the Deputy Prime Minister

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Interpreters

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