



1st December 2020

GEC-MIG (2020) Information document

## **GENDER EQUALITY COMMISSION (GEC)**

### **Drafting Committee to prepare a draft Committee of Ministers Recommendation on migrant and refugee women (GEC-MIG)**

### **Compilation of instruments related to migrant and refugee women**

The present information document has been prepared by the Gender Equality Division to support the drafting Committee of Ministers Recommendation on migrant and refugee women (GEC-MIG). The document includes a list of instruments and policy documents from the Council of Europe/European Union/United Nations/other international institutions related to migrant and refugee women.

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## I. COUNCIL OF EUROPE INSTRUMENTS

### 1. Conventions

- [European Convention on Human Rights \(1950\)](#)  
- [Guide on case-law, Immigration, ECHR \(April 2020\)](#)
- [Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (Istanbul Convention) ETS N° 210 (2011)
- [Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#) (Lanzarote Convention) ETS N° 201 (2007)
- [Council of Europe Convention on Action against Trafficking in Human Beings](#) ETS N° 197 (2005)
- [Convention on Cybercrime](#) ETS N° 185 (2001) and its protocols including the [Additional Protocol](#) concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems
- [European Convention on Nationality](#) ETS N° 166 (1997)
- [European Convention on the legal status of migrant workers](#) (1997)
- [Convention on the Recognition of Qualifications concerning Higher Education in the European Region](#) (Lisbon Recognition Convention) ETS N° 165 (1997)

### 2. Committee of Ministers Recommendations

- [CM/Rec\(2019\)11](#) Recommendation of the Committee of Ministers to member States on effective guardianship for **unaccompanied and separated children in the context of migration**
- [CM/Rec\(2019\)1](#) Recommendation of the Committee of Ministers to member States on **preventing and combating sexism**
- [CM/Rec\(2017\)10](#) Recommendation of the Committee of Ministers to member States on **improving access to justice for Roma and Travellers in Europe**
- [CM/Rec\(2012\)10](#) Recommendation of the Committee of Ministers to member States on the **protection of child and young athletes from dangers associated with migration**
- [CM/Rec\(2011\)13](#) Recommendation of the Committee of Ministers to member States on **mobility, migration and access to health care**
- [CM/Rec\(2011\)5](#) Recommendation of the Committee of Ministers to member States on **reducing the risk of vulnerability of elderly migrants and improving their welfare**
- [CM/Rec\(2011\)2](#) Recommendation of the Committee of Ministers to member States on **validating migrants' skills**
- [CM/Rec\(2011\)1](#) Recommendation of the Committee of Ministers to member States on **interaction between migrants and receiving societies**
- [CM/Rec\(2008\)10](#) Recommendation of the Committee of Ministers to member States on **improving access of migrants and persons of immigrant background to employment**
- [CM/Rec\(2008\)5](#) Recommendation of the Committee of Ministers to member States on **policies for Roma and/or Travellers in Europe**
- [CM/Rec\(2008\)4](#) Recommendation of the Committee of Ministers to member States on **strengthening the integration of children of migrants and of immigrant background**
- [CM/Rec\(2007\)10](#) Recommendation of the Committee of Ministers to member States on **co-development and migrants working for development in their countries of origin**

- [CM/Rec\(2007\)9](#) Recommendation of the Committee of Ministers to member States on **life projects for unaccompanied migrant minors**
- [CM/Rec\(2006\)10](#) Recommendation of the Committee of Ministers to member States on **better access to health care for Roma and Travellers in Europe**
- [CM/Rec\(2006\)9](#) Recommendation of the Committee of Ministers to member States on the **admission, rights and obligations of migrant students and co-operation with countries of origin**
- [CM/Rec\(2004\)14](#) Recommendation of the Committee of Ministers to member States on the **movement and encampment of Travellers in Europe**
- [CM/Rec\(2005\)4](#) Recommendation of the Committee of Ministers to member States on **improving the housing conditions of Roma and Travellers in Europe**
- [CM/Rec\(2004\)2](#) Recommendation of the Committee of Ministers to member States on the **access of non-nationals to employment in the public sector**
- [CM/Rec\(2002\)5](#) Recommendation of the Committee of Ministers to member States on **the protection of women against violence (2002)**
- [CM/Rec\(2000\)15](#) Recommendation of the Committee of Ministers to member States concerning the **security of residence of long-term migrants**
- [CM/Rec\(90\)14](#) Recommendation of the Committee of Ministers to member States on the **preparation of an information brochure of the social security rights and obligations of migrant workers and of their families**
- [CM/Rec\(88\)14](#) Recommendation of the Committee of Ministers to member States on **migrants' housing**
- [CM/Rec\(88\)6](#) Recommendation of the Committee of Ministers to member States on **social reactions to juvenile delinquency among young people coming from migrant families**
- [CM/Rec\(84\)18](#) Recommendation of the Committee of Ministers to member States on the **training of teachers in education for intercultural understanding, notably in a context of migration**
- [CM/Rec\(84\)9](#) Recommendation of the Committee of Ministers to member States on **second-generation migrants**
- [CM/Rec\(84\)7](#) Recommendation of the Committee of Ministers to member States on the **maintenance of migrants' cultural links with their countries of origin and leisure facilities**
- [CM/Rec\(80\)14](#) Recommendation of the Committee of Ministers to member States concerning the **vocational re-integration of migrant workers who return to their countries of origin**
- [CM/Rec\(79\)10](#) Recommendation of the Committee of Ministers to member States concerning **women migrants**

### 3. **Secretary General**

- Information Documents, [SG/Inf\(2020\)24](#), A Council of Europe contribution to support member states in addressing healthcare issues in the context of the present public health crisis and beyond, 15 September 2020

### 4. **Parliamentary Assembly (PACE)**

#### a) *Resolutions*

- [Resolution 2324 \(2020\)](#) **Missing refugee and migrant children in Europe**
- [Resolution 2299 \(2019\)](#) **Pushback policies and practice in Council of Europe member States**
- [Resolution 2290 \(2019\)](#) **Towards an ambitious Council of Europe agenda for gender equality**
- [Resolution 2244 \(2018\)](#) **Migration from a gender perspective: empowering women as key actors for integration**
- [Resolution 2243 \(2018\)](#) **Family Reunification of refugees and migrants in the Council of Europe member states**
- [Resolution 2176 \(2017\)](#) **Integration of refugees in times of critical pressure: learning from recent experience and examples of best practice**
- [Resolution 2174 \(2017\)](#) **Human rights implications of the European response to transit migration across the Mediterranean**
- [Resolution 2159 \(2017\)](#) **Protecting refugee women and girls from gender-based violence**
- [Resolution 1921 \(2013\)](#) **Gender equality, reconciliation of private and working life and co-responsibility**
- [Resolution 1765 \(2010\)](#) **Gender-related claims for asylum**

#### b) *Recommendations*

- [Recommendation 2056 \(2014\)](#) **The alternatives to the immigration detention of children**
- [Recommendation 1970 \(2011\)](#) **Protecting migrant women in the labour market**
- [Recommendation 1940 \(2010\)](#) **Gender-related claims for asylum**

### 5. **Congress of Local and Regional Authorities**

- [Resolution 411 \(2017\)](#) and [Recommendation 394 \(2017\)](#) **From reception to integration: the role of local and regional authorities facing migration**

### 6. **Commissioner for Human Rights**

- [Lives saved. Rights protected.](#) Bridging the protection gap for refugees and migrants in the Mediterranean (2019)
- Issue Paper. [Realising the right to family reunification of refugees in Europe](#) (2017)
- [Issue Paper, Women's sexual and reproductive health and rights in Europe, 2017](#)

- Human Rights [Comment](#) on human rights of refugee and migrant women and girls (March 2016)
- 7. Special Representative of the Secretary General on Migration and Refugees**
- Issue paper: [Human rights aspects of immigrant and refugee integration policies](#). A comparative assessment in selected Council of Europe member states (2019)
  - [Activity Report of the Special Representative](#) (Ambassador Tomáš Boček) covering his first mandate, 1 February 2016 to 31 January 2018.
  - SRSG in cooperation with the EU Fundamental Rights Agency, [joint publication on Fundamental rights of refugees and migrants at European borders](#) (2020)
- 8. European Committee for the Prevention of Torture (CPT)**
- [CPT/Inf\(2017\)3](#) Immigration detention
- 9. European Commission against Racism and Intolerance (ECRI)**
- General Policy recommendation [Nº 5](#) on **combating intolerance and discrimination against Muslims** (2000)
  - General Policy Recommendation [Nº 7](#) (revised) on **national legislation to combat racism and racial discrimination** (2002, revised 2017)
  - General Policy Recommendation [Nº 16](#) on **safeguarding irregularly present migrants from discrimination** (2016)
- 10. Group of Experts on Action Against Trafficking in Human Beings (GRETA)**
- [GRETA\(2020\)08](#) Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation (2020)
  - [Family reunification](#) for refugee and migrant children standards (2020)
  - Thematic chapter 8th general report: [Assistance victims](#) (2019)
- 11. European Committee of Social Rights (ECSR)**
- Conclusions of the European Committee of Social Rights on [Children, family and migrants](#) (2019)
  - [European Social Charter](#) (revised) ETS Nº 163 (1961)
- 12. Advisory Committee on the framework Convention for the protection of national minorities**
- [Acfc/56doc\(2016\)001](#), “The framework convention: a key tool to managing diversity through minority right”, Thematic commentary no. 4, the scope of application of the framework convention for the protection of national minorities, adopted on 27 May 2016.

### **13. EUR-OPA Major Hazards Agreement**

- Partial Agreement on Major Hazards (EUR-OPA), [Major Hazards, Migrants, Asylum Seekers and Refugees :Their inclusion in Disaster Preparedness and Management](#), September 2020.

### **14. CDPC Secretariat and Directorate General I – Human Rights and Rule of Law**

- [CDPC\(2019\)9Fin](#), European Committee on crime problems (CDPC), Council of Europe Action Plan on Fostering international co-operation and investigative strategies in fighting the smuggling of migrants, 27 August 2020.

## **UNITED NATIONS STANDARDS AND RELATED MATERIALS**

- UN General Assembly Resolution 73/195 [Global Compact for Safe, Orderly and Regular Migration](#) (2018)
- UN General Assembly Resolution 73/151 [Global Compact for Refugees](#) (2018)
- [Beijing Declaration](#) and UN Platform for Action (1995)
- [Declaration on the Elimination of Violence Against Women](#) (1993)
- [Convention on the Rights of the Child](#) (CRC) (1989)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (UNCAT) (1984)
- [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW) (1979) :
  - CEDAW General Recommendation [No 19 on violence against women](#) (1992)
  - 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)
  - CEDAW General Recommendation [No. 35 on gender-based violence against women, updating general recommendation No. 19](#) (2017)
  - CEDAW General Recommendation [No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#) (2020)
- [Convention on the Elimination of All Forms of Racial Discrimination](#) (1965)
- [Convention relating to the Status of Refugees](#) (1951) and its 1967 Protocol
- [Universal Declaration of Human Rights](#) (UDHR) (1948)
- UNHCR [Gender Equality Toolkit](#) (2020)
- UNHCR [Policy on Age, Gender and Diversity](#) (2018)
- From 1975 to 2013: UNHCR's [Gender Equality Chronology](#), (2013)
- UNHCR [Handbook for the Protection of Women and Girls](#) (2008)
- Executive Committee of the High Commissioner's Programme, [Conclusion on Women and Girls at Risk](#) N° 105 (LVII) (2006)
- UNHCR 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 (2002)
- UNHCR's commitments to [Refugee Women](#) (2001)



- Executive Committee of the High Commissioner's Programme, [Standing Committee Refugee Women and Mainstreaming](#): A Gender Equality Perspective (2001)
- [International Covenant on Civil and Political Rights](#) (ICCPR) (1966)
- [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) (1966)

## II. INTERNATIONAL LABOUR ORGANIZATION (ILO) CONVENTIONS

- ILO Convention C189 [Domestic Workers](#) (2011)
- ILO Convention C097 [Migration for Employment](#) (Revised) (1949)
- ILO Convention C045 [Underground Work \(Women\)](#) (1935)

## III. EUROPEAN UNION STANDARDS

- [EU Pact on Migration and Asylum](#) (2020)
- [EU's Gender Action Plan \(GAP\) III](#) (25 Nov. 2020)
- [EU Action Plan against migrant smuggling](#), Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (2015 - 2020)
- [EU's Action plan on Integration and Inclusion 2021-2027](#) (24 Nov. 2020)
- [Progress report on the Implementation of the European Agenda on Migration](#), Commission to the European Parliament, the European Council and the Council (2019)
- [Report](#) from the Commission to the European Parliament and the Council on the **implementation of Directive on the right to family reunification** (2019)
- Directive of the European Parliament and of the Council on [the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers](#) (2014)
- [Migration on the Central Mediterranean route, managing flows, saving lives](#), Commission to the European Parliament, the European Council and the Council (2017)
- [European Migration Network](#) Synthesis Report for the EMN Focussed Study 2016, **Family Reunification of Third-Country Nationals in the EU plus Norway: National Report** (2016)
- Council Directive on the [right to family reunification](#) (2003)