



Strasbourg, 18 May 2021

GEC-MIG (2021) Report April

GENDER EQUALITY COMMISSION

**4th meeting of the Drafting Committee on Migrant Women
(GEC-MIG)**

Via videoconference (KUDO platform)

Strasbourg, 27-28 April 2021

REPORT

1. Opening of the meeting by the Chair

1. The Chair, Vera Eloi da Fonseca (Portugal), welcomed the participants and observers to the fourth meeting of the Drafting Committee on Migrant Women (GEC-MIG 4) and gave an overview of the agenda of the meeting.
 2. The Chair recalled that the meeting will be devoted to continuing the discussion of the [consolidated version of the draft Appendix of the Recommendation](#), including amendments presented by member States and other participating countries and bodies ahead of the March 2021 GEC-MIG meeting (GEC-MIG 3). The consolidated text as well as all proposed amendments were made available in English to all participants well in advance of the meeting in both languages.
 3. The Chair also proposed the following working methods and objectives for the meeting:
 - Start the discussions where they stopped during GEC-MIG 3 and aim to finalise the negotiations on the draft Appendix. The Preamble and Operative Part will be discussed if time allows.
 - If needed in terms of time, it is proposed that the Drafting Committee gives a mandate to the Secretariat and Chair to review the Preamble and Operative Part, in order to make them consistent with the content of the Appendix as revised after GEC-MIG 4;
 - Have a discussion and make a decision about the inclusion or not of definitions in the draft Recommendation;
 - In terms of working methods, it is proposed that delegations having submitted amendments would not systematically present their amendments during the discussion, in order to save time.
- *The Drafting Committee took note of the information provided and agreed with the proposed working methods.*
4. The list of participants is attached as Appendix II to this report.

2. Adoption of the agenda

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

3. Presentation of the draft Recommendation by the Secretariat

5. The Secretariat presented the document, including the format of the proposed amendments and the fact that some compromise proposals (already presented during GEC-MIG 3) had been included in the new draft. As agreed during GEC-MIG 3, no new amendments were included in the working document to be discussed at GEC-MIG 4.

4. Discussion on the Appendix to the draft Recommendation

6. A large part of the meeting was devoted to the discussion of the provisions and amendments included in the Appendix of the draft Recommendation. Members, observers and other participants to the Drafting Committee expressed their position on the proposals made, starting from §43 (where the discussions ended during the March 2021 GEC-MIG meeting).
7. Discussions arose again regarding the use of the terms “gender-based violence” and/or “violence against women” and the difficulty posed by the term “gender” notably to one delegation. The chair and Secretariat recalled the agreement made during GEC-MIG 3, which is to use in principle the wording “violence against women” or, as appropriate, “all forms of violence against women” in the draft Recommendation, while giving a clear indication in the preamble that “violence against women” is “gender-based violence”, in line with the definition provided for this term in the Council of Europe Convention on Preventing and Combating Violence Against Women (the Istanbul Convention). This means that it is violence directed to women because they are women, and which affects women disproportionately. In relation to instances where the word “gender” is used in relation to other terms, such as “gender-sensitive” or “gender-based” measures or policies, it was agreed that it would at times be important to use this word to address the specific situations that prevent women and girls to exercise their full human rights, especially considering that most delegations are in favour of using terminology around “gender”.
8. The Russian Federation delegate recalled that the term “gender” in relation to social roles was not reflected in the Russian national legislation. The delegate therefore reiterated the preferred use of terminology around “violence against women” and the understanding of the Russian Federation that any reference to “gender” in the draft Recommendation would refer to a “sex-based” concept.
9. With regard to a number of proposed amendments aiming at adding qualifiers to the text such as “as appropriate”, “as relevant ”or “if possible”, the Chair suggested trying to avoid including such language, given the fact that Council of Europe recommendations are already per se non-binding documents.
10. Regarding the locations for accessing to asylum procedures within countries (§53 of working document), it was noted that the issue is sensitive and that the case-law of the European Court on Human Rights is not entirely consistent. It was therefore decided to keep the reference to locations broad enough for individual member States to interpret on the basis of the national context and legislation.
11. The provision related to the gender-sensitive interpretation of the 1951 UN Refugee Convention (§54 of working document) was also discussed at some length and a large majority of member States were in favour of keeping this provision, with some amendments. It was noted that 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 of 7 May 2002 are considered as the guiding document to interpret the 1951 Convention from a gender equality perspective by both UNHCR as the supervisory body of the Convention and by most states Parties. The Russian Federation delegate indicated that her country was opposed to the inclusion of this provision.

12. With the regards to the section “Residence and Integration”, the beneficiaries of the different provisions were discussed at length (migrant/refugee/asylum-seeking women and girls). The Drafting Committee went through each provision with the support of the expert, in order to make sure that all relevant groups were correctly specified each time. It was also decided to use the wording “migrants in irregular situation” throughout the document, as a matter of consistency.
13. A discussion took place regarding the section on detention. Based on written proposals from the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), it was decided to move the section on detention at the end of the draft Appendix, just before the section on return. The text was also revised in order to ensure consistency between the section on “Transit and reception facilities” and the section on detention, in particular when it comes to living conditions, in order to ensure at least the same level of protection in transit and reception facilities as the protection that should be ensured with regard to detention.
14. Discussions took place on the inclusion of definitions in the draft Recommendation. Given the high sensitivity of many of the issues and the lack of internationally agreed definition for some of the most relevant terms (ex. “migrant”), the Chair and Secretariat suggested not including any definition in the draft Recommendation.
15. Two delegations expressed reservations regarding deleting all definitions because it was felt necessary to clearly give a common understanding of the terms used. It was explained by the Secretariat that the efforts made to clarify and spell out the targets / beneficiaries of the different provisions should help suppress existing doubts but that this could be further checked to eliminate all potential problems.
16. It was subsequently agreed that while the definitions would not yet be deleted, the revised draft will clearly indicate that this is the proposal of the committee, and a thorough review of the different provisions will be carried out, notably as regards the beneficiaries, to ensure that the text maintains its clarity, usefulness and added value even in the absence of definitions.
17. Since time allowed for it, discussions took place on paragraphs 1 to 12 of the Preamble, whereby members, observers and other participants to the Drafting Committee expressed their position on the proposals made. The provisions were reviewed accordingly.

5. Next steps and closing

18. The Chair and Secretariat proposed the following process regarding next steps:

- A final internal and external consultation will be organised after this meeting, whereby GEC-MIG members and observers (observer states, international organisations, NGOs), all GEC members, as well as relevant Council of Europe sectors and will be invited to propose amendments to the draft Recommendation as revised after this meeting. It was also proposed to include in this consultation the following NGOs: European Network of Migrant Women and Save the Children (which were invited to present their work and views in meetings of GEC-MIG) as well as PICUM, the Platform for International Cooperation on Undocumented Migrants.
- This will be the last consultation process for all involved parties to contribute their amendments to the draft text of the recommendation within a 6/8 weeks deadline. It was suggested, especially with regards to members and observers of GEC-MIG, who have had ample opportunity to also consult internally with different ministries, to avoid making or re-tableing amendments that are contrary to language that was previously agreed during negotiations.
- Once the consultation process is finished, the Secretariat will prepare a revised consolidated draft that will be sent out to all involved parties around mid-August.
- This text will be discussed at the next GEC-MIG meeting (GEC-MIG 5), which will take place on 30th September and 1st October 2021.
- The final text of the draft recommendation will be sent to the GEC before 10th November 2021, so as to be presented and discussed at the November GEC plenary session (23rd-26th November 2021).

➤ *The Drafting Committee agreed on the next steps to be taken*

6. Date and place of next meeting

19. The 5th and final meeting of GEC-MIG will take place on 30th September-1st October 2021 (the meeting format will be communicated in due time).

20. The Chair thanked GEC-MIG participants, the Secretariat, interpreters, and technicians for their very efficient work and closed the meeting.

APPENDIX I

AGENDA

Tuesday 27 April 2021

1.	10:00-10:15 am	Opening of the meeting by the Chair and adoption of the agenda	GEC-MIG (2021) 4
2.	10:15-11:15 am	Presentation of the working document by the Secretariat	GEC-MIG (2021) ³ rev
11:15-11:30 am Coffee break			
3.	11:30 am-12:30 pm	Discussion on the draft Recommendation	
12:30-2:30 pm Lunch break			
4.	2:30-3:45 pm	Discussion on the draft Recommendation (continued)	
3:45-4:00 pm Coffee break			
5.	4:00-4:50 pm	Discussion on the draft Recommendation (continued)	
6.	4:50-5:00 pm	Conclusions and closing of day 1	

Wednesday 28 April 2021

7.	10:00-11:15 am	Discussion on the draft Recommendation (continued)	
11:15-11:30 am Coffee break			
8.	11:30 am-12:30 pm	Discussion on the draft Recommendation (continued)	
12:30-2:30 pm Lunch break			
9.	2:30-3:45 pm	Discussion on the draft Recommendation (continued)	
3:45-4:00 pm Coffee break			
10.	4:00-4:50 pm	Discussion on the draft Recommendation (continued)	
11.	4:50-5:00 pm	Next steps and closing	

APPENDIX II

LIST OF PARTICIPANTS

Members

Belgium	Khadija Aznag Flemish Agency for Integration and Civic Integration Lauraline Michel Equal Opportunities Board Wallonia-Brussels Federation
Croatia	Martina Bosak Expert associate Government Office for Gender Equality
Estonia	Liis Paloots Project manager in migration and international protection issues National Social Insurance Board
Finland	Varpu Taarna Competence Centre on immigrant integration Ministry of Economic Affairs and Employment
France	Alexis Rinckenbach Head of the European and International Affairs Office Directorate General for Social Cohesion Ministry of Solidarity and Health/Delegate Ministry for Equality w/m Marion Abbonenc Jeanne Vincent European and International Affairs Office Directorate General for Social Cohesion Ministry of Solidarity and Health/Delegate Ministry for Equality w/m
Georgia	Teona Kacharava Head Euro-Atlantic Integration Division International Relations Department Ministry of Internal Affairs

Greece	Vassiliki Saini General Secretariat for Demography, Family Policy and Gender Equality, Ministry of Labour and Social Affairs
Italy	Francesca Scarpini Administrative Officer National Asylum Commission Ministry of the Interior
Lithuania	Aistė Gerikaitė-Šukienė Ministry of Social Security and Labour
Portugal	Vera Eloi da Fonseca (Chair/Présidente) Coordinator of the Project Team on Intersecting Inequalities High Commission for Migration
Romania	Aurora Martin National Agency for Equal Opportunities between women and men
Russian Federation	Olga Opanasenko Counsellor Ministry of Foreign Affairs
Spain	Ana Arrillaga Aldama Director Support Unit Institute of Women and for Equal Opportunities Ministry of Health, Social Services and Equality Lara Ferguson Vázquez De Parga Senior Adviser Support Unit Director Institute of Women Ministry of Equality
Switzerland	Valérie Hofer Specialised advisor Schengen/Dublin Federal Department of Justice and Police FDJP State Secretariat for Migration SEM Directorate for International Affairs European Cooperation Division Section Schengen, Dublin and Bilateral Affairs

Turkey	Onur Dinçer Expert, General Directorate on the Status of Women Ministry of Family, Labour and Social Affairs Neşe Ünal Sülekli Expert, General Directorate on the Status of Women Ministry of Family, Labour and Social Affairs
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Observers

Holy See	Flaminia Vola Regional coordinator for Europe Migrants and Refugees Section of the Dicastery for the Integral Human Development Service
Mexico	Elvira García Aguayo Coordinator of issues of gender equality and non-discrimination Geraldine Gachuz Martínez Director of International Women's Affairs Jessica Alcázar Ylizaliturri Liaison for International Women's Affairs General Directorate of Human Rights and Democracy Ministry of Foreign Affairs Luis Arturo Cortés Rosas Director of Policy for the Protection and Integration of Migrants Immigration Policy Registration and Identity of Persons Unit Ministry of the Interior

Non member states

Morocco	Fatima Barkan Director of Women Ministry of Solidarity, Social Development, Equality and the Family Chadia El Rherari Ministry of Solidarity, Social Development, Equality and the Family Executive attached to the Women's Directorate
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Tunisia	Hella Ben Youssef Advisor to the minister Ministry of Women, Family and Seniors
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Participants

Drafting Group on Migrant Women (GEC-MIG)	Louise Hooper Expert supporting the work of the Drafting Committee
Conference on INGOs	Anne Bergheim-Nègre Vice President for Gender Equality
United Nations High Commissioner for Refugees	Elena Moreno Trainee
European Union Agency for Fundamental Rights	Ludovica Banfi Project Manager

Secretariat

Human Dignity and Gender Equality Department	Daniele Cangemi Head of Department
Gender Equality Division	Caterina Bolognese Head of Division Carolina Lasén Diaz Secretary to the GEC Cécile Gréboval Secretary to the GEC-MIG Programme Manager, Gender Mainstreaming Adrienne Looby Co-Secretary to the GEC

	Evrydiki Tseliou Administrative Assistant
Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)-DGII	Patricia São João (GER) Office of the Secretary of State for Citizenship and Equality, Portugal
European Commission against Racism and Intolerance (ECRI)-DGII	Aida-Diana Farkas
Advisory Council on Youth (CCJ)-DGII	Lydia Siapardani Head of Media & Advocacy Irida Women's Center, Greece
European social cohesion platform	Joseph Gerada (GER) Advisor in the Office of the Permanent Secretary Ministry for Social Justice & Solidarity, the Family and Children's Rights Martina Farrugia Strategy Executive in the Office of the Chairperson Foundation for Social Welfare Services, Malta
European Committee on Legal Co-operation (CDCJ)-DGI	Zuzana Fiserova (GER) General Director, International relation section Ministry of Justice Czech Republic Philippe Krantz Legal officer
European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	Michael Neurauter Deputy Executive Secretary Francesca Gordon Administrator

Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons	Olga Kostenko Secretary Clara Bataller Trainee
Office of the Commissioner for Human Rights	Nastya Megid Trainee
Office of the Secretary General's Special Representative on Migration and Refugees	Klara Paro Trainee
Interpretation, Travel, Events and Multimedia (ITEM)	Nicolas Guittoneau Interpreter Maryline Neuschwander Interpreter Alex Martin ITEM Multimedia