

Protecting the rights of migrant, refugee and asylum-seeking women and girls

Key Recommendations



Council of Europe
Gender Equality Strategy

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The action of the Council of Europe in the field of equality between women and men is governed by the Gender Equality Strategy. When it was renewed for 2018-2023, a sixth objective was introduced: **the protection of the human rights of migrant, refugee and asylum-seeking women and girls.**

— Persisting unequal access for women to resources, property, education, protection, justice, the labour market and decision-making have an impact on their migration experiences. While fleeing to safety or in the process of migration in search of a better life, women and girls are often confronted with trafficking, forced marriage, gender-based and sexual violence and abuse and gender-based or racist discrimination. The risks are particularly high for unaccompanied minor girls, pregnant women, those with small children or women experiencing intersectional discrimination. Despite the standards established, quite often the measures put in place are inadequate or do not meet the protection and integration needs of migrant, refugee and asylum-seeking women and girls. In particular, monitoring reports adopted by the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on the implementation of relevant provisions of the Istanbul Convention point to a lack of gender-sensitive migration and asylum policies and procedures.

■ The specific needs and situation of migrant women and girls can only be addressed through gender-sensitive migration and asylum policies, including specific protection and support mechanisms. The UNHCR, other UN or other international and regional bodies, including the Council of Europe and the European Union, have developed specific guidance, procedural standards and recommendations to promote such policies and mechanisms.

■ In June 2019, the Gender Equality Commission issued a **factsheet** listing the following elements as particularly important in relation to gender-sensitive migration and asylum policies:

► **Ratify/implement all pertinent instruments:**

- a) the UNHCR Guidelines on International Protection on Gender-Related Persecution within the context of Article 1A (2) of the 1951 Convention Relating to the Status of Refugees, as well as other relevant guidance, both by recognising gender- and sex-specific persecution in asylum claims and by adopting specific gender-sensitive procedures and practices. This includes adapted and separate interviews, training of interpreters and asylum officials, ensuring security and confidentiality of the process, disclosure of accessible information relevant to determining the asylum claim, providing reasons for decisions and access to legal advice and representation;
- b) the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which addresses the specific concerns and difficulties facing migrant, refugee and asylum-seeking women;
- c) relevant provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- d) relevant provisions of the Council of Europe Social Charter;
- e) relevant provisions of the Council of Europe Convention on Action against Trafficking in Human Beings;

- f) CEDAW General Recommendations 19, 30, 32 and 35;
- g) ILO Convention 189 on Domestic Work and extend the provisions of labour codes to the sector of domestic work in accordance with the standards laid out in Convention 189.
- ▶ Fully integrate a gender equality perspective in **family reunification, aid and development, peace and security, and return policies.**
 - ▶ Adopt a **child-rights-based approach that includes the specific situation and needs of girls** including suitable alternative care arrangements, removing any barriers preventing children from accessing fundamental social rights and protecting them from any form of exploitation.
 - ▶ Due to their situation of heightened vulnerability, **place unaccompanied girls in mainstream child protection institutions** in order to prevent their possible sexual exploitation or abuse.





- ▶ Promptly **identify, refer to relevant authorities and provide prioritised access to protection, treatment and care** for migrant, refugee and asylum-seeking women and girls victims of trafficking and gender-based violence.
- ▶ Ensure that **accommodation and reception facilities** put in place, including by local and regional authorities, **are safe** and women- and girl-friendly, and that they provide separate sleeping areas as relevant, and clean and safe bathrooms.
- ▶ Ensure access to **sexual and reproductive health services, hygiene products and healthcare services** specific to women and girls, including during pregnancy and breastfeeding.
- ▶ Always seek **alternatives to administrative detention**. In the event that it is used as a measure of last resort, separate zones must be provided for women and men within detention facilities, in particular safe separate sleeping areas for single women with or without children, as well as separate, well-lit bathrooms and access to necessary hygiene products and services. Ensure health-care services in detention facilities, as well as meaningful activities for the time spent in detention.
- ▶ Ensure that **law enforcement measures** in accommodation, reception and detention facilities are gender-sensitive. Women should be included among police or custody staff, and gender-sensitive telephone helplines and contacts to law enforcement outside the facilities should be available.
- ▶ Ensure that **women also form part of the staff of social workers and interpreters**, as applicable, in accommodation, reception and detention facilities.
- ▶ **Train social workers, interpreters, officials working on asylum claims, and migration police and custodial officers** on gender equality issues and on identifying and assisting victims of gender-based violence and put in place mechanisms to enable incidents of sexual and gender-based violence to be discussed, including to ensure appropriate referral and treatment.



- ▶ **Create “firewalls”** between the legal status of undocumented women and their rights to access to justice, protection, health and education.
- ▶ Provide migrant and refugee women with **accessible information** about their rights, in particular regarding health, including sexual and reproductive health, access to education, housing and employment, participation in social, economic and cultural life, protection against all forms of violence and access to justice.
- ▶ Ensure **continued access to essential services for young refugees** as they reach adulthood, in order to avoid, where applicable, abrupt interruption of access to education, care and integration services in host communities.
- ▶ Ensure that **local and regional integration programmes** are gender-sensitive.
- ▶ Provide **language courses** to women as soon as possible after their arrival in the host country.
- ▶ Provide **vocational training and higher education** taking into account the specific needs of migrant and refugee women and ensuring the recognition of diplomas and professional qualifications.
- ▶ **Lift barriers to the active labour market participation** of migrant women, *inter alia* by providing them with an independent legal status, facilitating the recognition of skills, and adopting women-specific employment policy and support frameworks.
- ▶ Facilitate migrant women’s access to the labour market through measures for **volunteering, internship and job placement programmes**.
- ▶ Develop specific measures to address the **racialised sexual exploitation of migrant women**, in particular the demand for such exploitation, including punitive, preventive and educational measures.



- ▶ Pay special attention to measures aimed at **dismantling gender stereotypes, including those supposedly based on culture, tradition and religion and actively engage with migrant women and feminist organisations** which uphold the universal human rights of women within ethnic minority groups.
- ▶ Establish and support mechanisms to ensure that migrant and refugee women's organisations are **systematically consulted**, in particular when devising migration, asylum and integration policies which affect their lives.
- ▶ **Support and closely co-operate with civil society** stakeholders who are working to defend and empower migrant and refugee women and girls.
- ▶ Support and adequately resource **research** as well as **age and sex-disaggregated data** collection on migration issues.



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