

Needs assessment: existing standards and gaps,
proposed structure and scope of the draft
recommendation

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Background

- Building on the Council of Europe Gender Equality Strategy 2018-2023 and strategic objective No. 5 ‘Protect the rights of migrant, refugee and asylum seeking women and girls’ GEC-MIG tasked by the Committee of Ministers to draft a recommendation on migrant and refugee women on the basis of R(79)10 concerning women migrants.
- Preliminary work by the GEC resulted in Factsheet on Protecting the Rights of migrant, refugee and asylum seeking women and girls (2019). Also Council of Europe Study Gender-Based Asylum Claims and *Non-Refoulement*: Articles 60 and 61 of the Istanbul Convention (2020)
- Questionnaire disseminated to member States, 19 responses received and Summary of replies to the questionnaire of June 2020 compiled
- GEC meeting of 8-9 July 2020, gave guidance on expectations for recommendation including issues for inclusion

Areas identified by GEC on 8 July 2020

discrimination,
intersectionality

information

integration

employment

health and
social services

education,
training,
qualifications

stereotypes

protection

asylum policy

political
participation

civil society

climate change

pandemics

Background 3

- Preparation of a needs assessment taking into account the work done and expectations of the GEC. Needs assessment required by the Terms of Reference of GEC-MIG covers:
 - Scope and content of Recommendation R(79)10
 - Outline of relevant policies and instruments at European Level
 - Gaps and proposals for the new recommendation

First tasks

- Define the **objectives** of the Recommendation
- Determine the **structure** of the Recommendation
- Determine the **scope** of the Recommendation

WHY

HOW

WHO &
WHAT

Objectives of the Draft Recommendation

WHY?

- What is the committee trying to achieve?
 - Bring together reference to all commitments to migrant women
 - Modernise and review?
 - Include something new?
 - All of the above?
 - Something different?



Structure of Recommendation

How?

Working Title

- “Recommendation on migrant and refugee women”

Preamble

- Update and include relevant standards in single instrument

Operational Part

- structure should be in line with objectives. E.g. a few paragraphs of recommendations and then guidance in the appendix?

Definitions

- will need to agree, decision on what definitions to include and where to include them: in body or an appendix

Appendix

- Advantage is that forms part of the document

Scope 1:

WHO?

- Recommendation R(79)10 covers migrant women from the perspective of those who migrate within member States and will need revisiting in light of changed nature of migration
- **Terms of Reference:**
 - Name of committee is: Drafting Committee on **Migrant Women**
 - Established to ‘draft a recommendation on **migrant and refugee women**’ to address needs and gaps in R(79)10
- **Strategic Objective No. 5** of the Gender Equality Strategy ‘Protecting the rights of **migrant, refugee and asylum seeking women and girls**’ and objectives include
 - ‘to integrate a gender equality dimension in **migration, asylum and integration** policies and measures’

Scope 1:

WHO?

- Questions to be determined:
 - **All migrant, refugee and asylum seeking women and girls?**
 - **Ensure decision meets current standards and non-discrimination provisions?**
 - **Definitions**

Scope 2: What is already covered?

WHAT?

- Some issues are already covered in R(79)10:

• **Non-discrimination and elimination of gender and cultural stereotyping**

Information, awareness raising and promotion of human rights

Reception facilities

Employment

Education, training and vocational guidance, 'socio-cultural' development

Opportunities for protection and preparation for integration pre-arrival

Returns measures

Co-Operation with civil society

Outdated in terms of language: update

Content: update and expand

Scope 2: What is not covered?

WHAT

- **Preamble:** Needs 50 years of updating! Reflect changes to gender equality and migration policy. Refer to most relevant standards
- **Social Services and Health:** Member states referred to broad issues including education and training, health including sexual and reproductive health and rights; housing and shelters for survivors of GBV, domestic violence and THB
- **Elimination of all forms of violence and Trafficking:** not referred to at all in existing recommendation. Very significant gap. Give consideration to new section on protection bringing together relevant conventions and policies. Consider ECRI recommendation on firewalls to enable migrant women to obtain protection?
- **Refugee and Asylum seeking women/girls:** No current provision. Member States recognised they are a particularly vulnerable group often experiencing GBV before, during and after their journeys.
- **Detention:** no current provisions. Women and girls particularly vulnerable whilst on the move. Detention considered as matter of last resort. Accommodation in detention must be appropriate

Scope 2: What is not covered?

Independent residence permits

Access to Justice

Family Reunification

Undocumented Migrant Women

Data Collection, Research and monitoring

Climate change, pandemics, humanitarian disasters

Artificial intelligence and automated decision making

Which of those issues should be added/included/addressed?

Thank You