

GUIDE TO THE IMPLEMENTATION OF THE COUNCIL OF EUROPE RECOMMENDATION ON PROTECTING THE RIGHTS OF MIGRANT, REFUGEE AND ASYLUM-SEEKING WOMEN AND GIRLS



**Council of Europe Project
"Combating Violence against Women
in Ukraine – Phase II" (COVAW-II)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

GUIDE TO THE IMPLEMENTATION OF THE COUNCIL OF EUROPE RECOMMENDATION ON PROTECTING THE RIGHTS OF MIGRANT, REFUGEE AND ASYLUM-SEEKING WOMEN AND GIRLS

Prepared by

Louise Hooper
International consultant

Olena Sibilyova
National consultant

The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text.

The source text must always be acknowledged as follows "Council of Europe, year of the publication".

All other requests concerning the reproduction/ translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document should be addressed to the Gender Equality Division, Directorate General of Democracy and Human Dignity.

Cover design and layout:
PE Yuliia Nizhynska

Photo: © Shutterstock

© Council of Europe, May 2024

Printed at the Council of Europe

Contents

INTRODUCTION	5
WHAT IS THE AIM OF THIS GUIDE?	8
KEY PRINCIPLES AND HORIZONTAL PROVISIONS OF THE RECOMMENDATION	9
2.1 Scope	9
2.2 Key principles of the Recommendation	9
2.3 Definitions for the purposes of the Recommendation	10
2.3.1 Internally displaced persons	12
2.3.2 Problems faced by IDP women in Ukraine since the beginning of the full-scale war	13
2.4 Horizontal issues	14
2.4.1 Non-discrimination	14
2.4.2 Statelessness	16
2.4.3 Undocumented migrant women and girls	18
2.4.4 Children	20
2.5 Access to Information	23
2.6 Access to Justice	24
2.7 Artificial Intelligence (AI), automated decision making, data protection	26
2.8 Co-operation with civil society	27
2.9 Data collection, research and monitoring	29
2.10 Protection and support	30
2.10.1 What is protected?	30

2.10.2 There is never any justification on the grounds of so-called “honour”	32
2.10.3 Insuring that protection is effective	32
2.10.4 Elements to ensure effective protection and access to justice	34
2.11 State of emergency and crisis management	37
ARRIVAL	39
3.1 Pre-arrival information and procedures	39
3.2 Transit and reception facilities	39
3.3 Asylum	43
3.4 Cross-border measures	46
RESIDENCE AND INTEGRATION	48
4.1 Health services	49
4.2 Social services, social security and housing	51
4.3 Integration and participation	52
4.4 Education	53
4.5 Employment and economic empowerment	56
4.6 Residence permits	58
4.7 Family reunion	60
4.8 Detention	61
RETURNS AND RETURNEES	64
REFERENCES	66
ENDNOTES	74

Introduction

” The war in Ukraine sadly shows the high risks faced by refugee women and girls. This recommendation provides specific advice to our member states on how to better protect them from all forms of violence, to support victims and to ensure accountability of perpetrators.

Secretary General Marija Pejčinović Burić¹

In May 2022, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec (2022)17 on Protecting the Rights of Migrant, Refugee and Asylum-seeking Women and Girls² (*‘the Recommendation’* henceforth).

The Recommendation itself is a comprehensive set of guidelines that draws on Council of Europe treaties including the Convention on preventing and combating violence against women and domestic violence³ (the Istanbul Convention) and the Convention on Action against trafficking in human beings⁴ (the Trafficking Convention) and reflects the United Nations Convention Relating to the Status of Refugees of 1951 and the 1967 Protocol⁵ (*‘the Refugee Convention’*). It was prepared as part of the Council of Europe’s Gender Equality Strategy 2018-2023⁶ and the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe⁷ which identified the particular vulnerabilities and needs of women and girl migrants and the need to mainstream gender equality in all actions concerning them.

Conflict in Ukraine

Marking a major escalation of a conflict that began in 2014, on the 24 February 2022, the Russian Federation⁸ started a new campaign of military aggression

against Ukraine, which led to an unprecedented flow of people. It is estimated that 90% of those who left Ukraine in the aftermath of the new campaign were women and children.⁹ Most men aged 18-60 were required to remain behind under martial law.

On 7 March 2022 Council of Europe Secretary General Marija Pejčinović Burić called for an agreement on viable humanitarian corridors to allow safe passage of displaced persons.¹⁰

European states responded to the crisis by opening borders, creating safe channels for travel and opening visa routes for Ukrainian nationals. Difficulties were reported in finding accommodation, unequal treatment of some groups at the borders and protection issues, particularly in respect of trafficking and child protection.

By April 2022 concerns were being raised of sexual violence, particularly rape, being used as a weapon of war by Russia and growing evidence of sexual violence emerged from areas retaken from retreating Russian forces.¹¹

In October 2023 the International Organisation for Migration estimated that 3.7 million people are internally displaced within Ukraine. 57% of those displaced are female (including children) and women generally reported a greater need for assistance and are more likely to have been separated from their families.¹²

The experience of Ukrainian women and children who fled and host countries who received them brought into sharp focus the need for a gender-focused approach to the protection of migrant and refugee women and girls from any country of origin to ensure that their specific needs are catered for and to reduce the likelihood and impact of gender-based harm and abuse.

Council of Europe's co-operation work on violence against displaced women and girls

COMBATING VIOLENCE AGAINST WOMEN IN UKRAINE (COVAW)

The Council of Europe has been working on combating violence against women and girls in Ukraine since 2013.

The Combating Violence against women in Ukraine - Phase II (COVAW-II) project was designed in line with the Council of Europe Action Plan for Ukraine (2018-2022) to support national legislation and policy reforms related to combatting domestic violence and raising awareness of the authorities

and public concerning both the Istanbul Convention and violence against women. The project was adjusted after the February 2022 Russian aggression against Ukraine to better meet the needs of migrant, refugee and asylum-seeking women and girls, including work on conflict related sexual violence from the perspective of the Istanbul Convention.

Ukraine ratified the Istanbul Convention on 18 July 2022 and it entered into force on 1 November 2022.

Combating Violence against Women – phase II (COVAW-II) is the second phase of the Council of Europe project being implemented in 2023 and 2024 which aims to develop institutional capacity and raise awareness on Istanbul Convention requirements to prevent violence against women in all of its forms, protect women from all forms of violence, prosecute perpetrators and develop integrated policies to address gender-based violence against women. These aspects function to support the implementation process of the Convention in Ukraine, and the knowledge and mechanisms created contribute to better protection of women's human rights in Ukraine. Special emphasis on migrant, refugee and asylum-seeking women and girls continues under the COVAW-II project.¹³

Relevant resources¹⁴ have been translated for neighbouring countries receiving refugees notably:

■ CM/Rec(2022)17 of the Committee of Ministers to member states on protecting the rights of migrant, refugee and asylum-seeking women and girls ([English](#), [Ukrainian](#), [Hungarian](#), [Romanian](#) and [Slovak](#)) (2022)

■ Guidance: [Gender-based asylum claims and non-refoulement: Articles 60 and 61 of the Istanbul Convention](#) (English, Ukrainian, Slovak, Hungarian, Romanian, Polish) (2019)

Furthermore, '[Working with Victims of Sexual Violence during Armed Conflict: A manual for Ukrainian mental health and emergency response professionals](#)' was published in November 2022.¹⁵

Chapter 1

What is the aim of this guide?

This guide aims to support legislators, policy makers and other relevant stakeholders involved in policy making such as academics, civil society organisations and human rights agencies to implement [CM/Rec \(2022\)17 Recommendation on Protecting the Rights of Migrant, Refugee and Asylum-Seeking Women](#).¹⁶

States may already have policies in place or be working towards realising the rights of migrant women and girls. Users are invited to adjust and apply the contents of this guide to their local context utilising their professional expertise and judgment.

Each section of the guide is arranged as follows:

- ▶ The principle - what is it and why is it important?
- ▶ An example of how this affects refugee, migrant and asylum-seeking women and girls.
- ▶ Action points to assist development and implementation of law and policy.

Practical examples rooted in the experiences of Ukrainian women on the move following the Russian Federation's war of aggression against Ukraine and the response of Council of Europe member states to this displacement guided this publication and illustrate both good practice and the need to fully implement the recommendation.

Ukrainian-specific information is highlighted throughout the publication in a yellow box.

Key principles and horizontal provisions of the Recommendation

2.1 Scope

The aim of the Recommendation is to better protect all migrant, refugee and asylum-seeking women and girls. For the purpose of implementing the Recommendation, a broad, inclusive approach is encouraged to ensure all migrant, refugee and asylum-seeking women and girls, including visitors, are protected from acts of violence, exploitation and abuse and perpetrators brought to justice. Stateless and Internally Displaced Persons (IDPs) do not formally fall under the definition of migrant, refugee or asylum seeker.

2.2 Key principles of the Recommendation

- Take all necessary measures to promote and apply the principles set out in this recommendation and its appendix aimed at ensuring that migrant, refugee and asylum-seeking women and girls can effectively access and exercise their rights.
- Translate and disseminate to relevant authorities and stakeholders.
- Examine periodically within the competent Council of Europe steering committee(s) and bodies, the measures taken and progress achieved.

In addition to the key principles above, the appendix to the Recommendation covers a wide range of human rights issues that cut across different stakeholders. These include: non-discrimination, specific considerations for children, the provision of information, empowerment, awareness raising, promotion of human rights in both migrant and host communities, access to justice, artificial intelligence, automated decision making and data protection; civil society; data collection, research and monitoring; protection and support; state of emergency and crisis management; arrival and processing; asylum; cross border measures; residence and integration; detention and returns.

2.3 Definitions for the purposes of the Recommendation

Term	Definition
Migrant	There is no international agreement of the definition of the term “migrant” but as above a broad inclusive approach is encouraged.
Refugee	For the purposes of the Recommendation, the term “refugee” includes those who are recognised as refugees under the 1951 Geneva Convention Relating to the Status of Refugees as amended by its 1967 Protocol (hereafter “the 1951 Convention”) or those who currently benefit from any alternative form of international or European humanitarian, subsidiary or temporary protection.
Asylum-seeking women and girls	For the purposes of the Recommendation this includes those who have applied for such protection as described above.
Girls	Applies to all girls under the age of 18.

The Istanbul Convention and its explanatory report provide the following definitions of gender-based violence against women¹⁷:

Violence against women	This is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.
Domestic violence	All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. This includes inter-generational violence by a person against her or his child or parent (elder abuse).
Gender	Shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.

Gender-based violence against women Violence that is directed against a woman because she is a woman or that affects women disproportionately.

Victim Any natural person who is subject to gender-based or domestic violence. We recognise that it is often preferable to refer to survivor rather than victim. However, the terminology used in this guide is consistent with the Istanbul Convention, the Anti-Trafficking Convention and the Recommendation.

Other important definitions:

Trafficking in human beings ‘...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’

(Article 4 of the Trafficking Convention)

Gender Stereotypes Preconceived ideas whereby males and females are arbitrarily assigned characteristics and roles determined and limited by their sex. It can prevent a serious obstacle to the achievement of gender equality and feeds into gender discrimination.

Internally Displaced Persons (IDPs) Have been forced to flee their homes for the same reasons as refugees but have not crossed an international border. They live in their countries of origin away from their homes.

Stateless A person is stateless if they are not considered as a national by any state under the operation of its law. The causes of statelessness are manifold, including complexities of conflicts in nationality laws, state succession, forced displacement, historical and contemporary migration, structural birth registration problems, gaps in nationality and administrative practices.¹⁸

Although the Recommendation itself was drafted primarily to assist women and girls who have crossed a border, given the similarities in vulnerability, States may find it convenient to examine whether IDP women and girls are sufficiently well protected whilst reviewing the legislation, policies and practices relating to refugee, migrant and asylum-seeking women and girls.

2.3.1 Internally displaced persons

Internally displaced persons (IDPs) should enjoy, without discrimination, the same rights and freedoms under domestic law as do other persons in their country. They must not be discriminated against because of their displacement or because of their race, sex, language, religion, social origin or other similar factors.

National authorities have primary responsibility towards IDPs particularly as regards their basic needs and should accept the assistance of the international community if they lack capacity to provide such assistance. IDPs have the right to seek asylum elsewhere. Finally, the principles explain the importance of voluntary and safe return in dignity as well as the need to assist the displaced to recover their property and belongings.

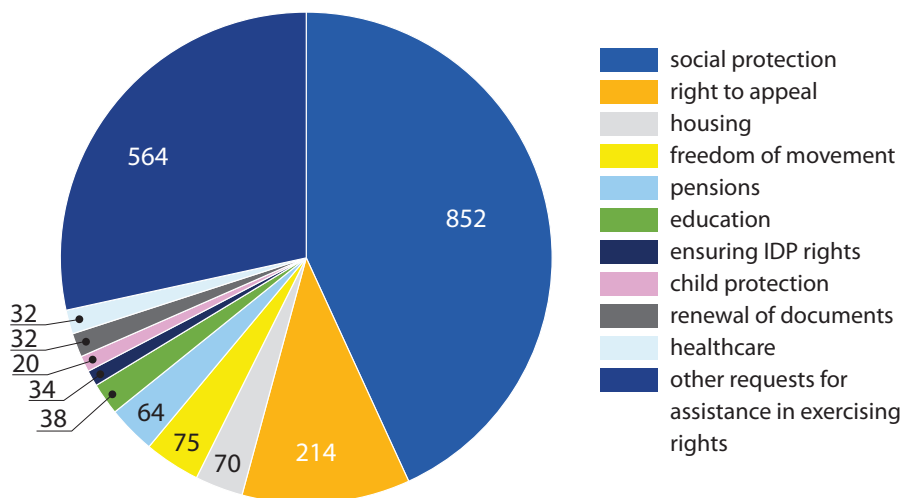
INTERNAL DISPLACEMENT IN UKRAINE

Since the beginning of the full-scale invasion of the territory of Ukraine by Russian occupation forces, the state has faced an unprecedented internal displacement crisis that had to be addressed promptly. The mechanisms for assisting and working with internally displaced persons that existed from 2014 to 2022 proved to be irrelevant and outdated in the context of a full-scale war. In the shortest possible time, regulations were developed for almost all areas of IDP life.

Within the existing mechanisms for ensuring the rights of internally displaced persons due to the military conflict in Ukraine, separate support mechanisms for refugee, migrant women and girls and their children were not introduced.

According to the data of the Ukrainian Parliament Commissioner for Human Rights, from the beginning of 2022 to 30 October 2022, 2,087 violations of IDP rights were reported, including: the right to social protection - 852, the right to appeal - 214, housing - 70, freedom of movement - 75, pensions - 64, education - 38, ensuring the rights of IDPs - 34, child protection - 20, renewal of documents - 32, healthcare - 32, other requests for assistance in exercising rights - 564.

Violations of IDP rights reported January 2022 to October 2022



2.3.2 Problems faced by IDP women in Ukraine since the beginning of the full-scale war

■ Persistence of existing gender stereotypes regarding the roles of women and men.

■ Restrictions on employment opportunities arising from caring responsibilities, for example the need to care young children or primary school children enrolled in distance or online learning, or dependent children with disabilities or elderly people who need care.

■ Access to medical services, in particular, lack of information about medical facilities in communities, insufficient number of medical personnel on the ground, and the remoteness of IDP settlements from the location of a polyclinic.

■ Lack of provision of temporary and permanent housing, high cost of renting housing.

■ Stigmatisation and discrimination against internally displaced persons based on the fact of internal displacement.

■ Inadequate accommodation in the site of displacement, sometimes in the same rooms with other families, without separation of men and women, without taking into account the age of the child.

■ Social benefits: difficulties in access to and payment of social benefits, difficulties obtaining confirmation of the fact of internal displacement. Court confirmation of the fact of registration in the territory of hostilities or temporarily occupied territory was sometimes required.

■ Issues related to the recognition and granting of disability status and payments to civilians who have been injured or maimed as a result of war, etc.

2.4 Horizontal issues

2.4.1 Non-discrimination

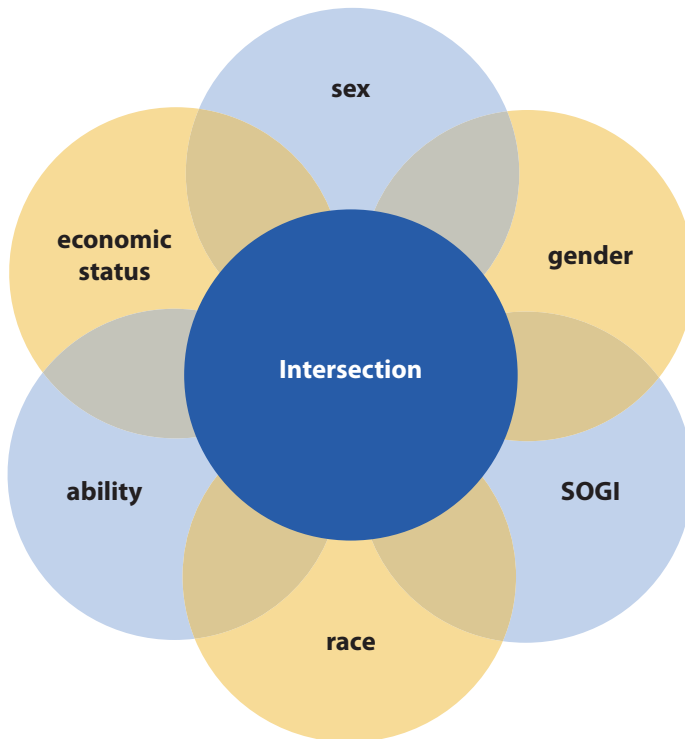
Discrimination is one of the most common human rights violations and is prohibited under the human rights law. It means: 'treating differently, and without an objective and reasonable justification, persons in relevantly similar situations'.¹⁹

Discrimination against women can lead to tolerance towards violence against women. In *Opuz v. Turkey*²⁰, the European Court of Human Rights recognised the interconnection between discrimination and violence against women and held that gender-based violence constitutes a form of discrimination because it mainly affects women and women were not protected by the law on an equal footing with men. Migration status, race, nationality or lack thereof and other factors can create cumulative disadvantages and migrant, refugee and asylum-seeking women and girls are therefore often subject to multiple and intersectional forms of discrimination.

Key terms: Multiple and Intersectional discrimination²¹

■ **Multiple discrimination:** this can happen when a person suffers discrimination on different grounds on different occasions or on the same occasion but on two grounds.

■ **Intersectional discrimination** describes the situation where a person is discriminated against on two or more grounds²² such as race and gender or gender and sexual orientation and gender identity and taken together they produce distinct and specific forms of discrimination and oppression. This can lead to the impact of the discrimination being greater than the sum of its parts.



SPOTLIGHT ON ROMA IN UKRAINE

Roma women and girls are often likely to experience multiple forms of discrimination and intersectional discrimination. Roma who left Ukraine often experienced discrimination by host communities because they were Roma, because of their gender, because they were undocumented or stateless and because they were displaced. The impact is not simply an 'addition' of one factor with another but an effect of the intersection of all of the factors.²³ Monitoring of the situation of Roma displaced by the war revealed systemic problems.

Roma women and children often do not have documents confirming legal status including birth registration, property rights, residence registration etc.²⁴ For displaced community members, this has serious consequences: those who left at the beginning of the war cannot return, those who stayed in Ukraine cannot obtain documents and do not have access to social benefits and humanitarian assistance as IDPs. It should be noted that a large number

of Ukrainian Roma are stateless and do not have any identity documents, which exacerbates the problem in times of war and may limit their access to international protection within the EU. [see statelessness below]

Roma who have left Ukraine additionally face unequal and prejudicial attitudes towards them compared to other refugees from Ukraine. There is evidence of similar problems faced by Roma refugees in the Czech Republic, Hungary, Slovakia, Romania and Moldova.^{25 26} For example, they are regularly accused of not being Ukrainians and placed in worse accommodation, often with incomplete information about their rights. They are also often subject to lengthy checks to determine eligibility for protection. Approximately 20 percent of Ukraine's Roma population are also either stateless or at risk of statelessness²⁷ which results in additional vulnerabilities.

2.4.2 Statelessness

A person is stateless if they are not considered as a national by any state under the operation of its law. The causes of statelessness are manifold, including complexities of conflicts in nationality laws, state succession, forced displacement, historical and contemporary migration, structural birth registration problems, gaps in nationality and administrative practices. The prevention and reduction of statelessness and the identification and protection of stateless persons are among the priority areas of the Council of Europe's Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).²⁸ The Recommendation on the protection of refugee, asylum-seeking and migrant women and girls seeks to combat future instances of statelessness through the provisions on [residence permits](#).

Measures states can take to reduce statelessness in their jurisdiction include the adoption of a statelessness determination procedure in accordance with their obligation under the European Convention on Nationality to implement the provisions of the UN Conventions on Statelessness²⁹ and provide pathways to nationality.³⁰ Being either de facto or de jure stateless can significantly exacerbate the difficulty in obtaining protection, support and integration measures for migrant women as demonstrated by the experience of stateless individuals in the Ukrainian context.

STATELESSNESS IN THE UKRAINIAN CONTEXT

Statelessness has affected many people in Ukraine since the dissolution of the USSR in 1991. Following the 2014 Russian invasion individuals in non-government controlled areas became particularly vulnerable to statelessness. In areas such as Luhansk, Donetsk and Crimea an estimated 60 000 children were born without birth certificates. There is mounting evidence that statelessness in Ukraine is being exploited by Russia to aid the war effort including offering stateless persons Russian citizenship and the forcible deportation of people including an estimated 6000 children to Russia.³¹

The European Network on Statelessness identified the following groups to be most at risk of statelessness³²:

- Roma and other minoritised groups.
- Former citizens of the USSR who were unable to demonstrate permanent residence in Ukraine in 1991 and could not acquire Ukrainian nationality.
- Stateless Asylum seekers, refugees and migrants residing in Ukraine (e.g. Palestinians, Kuwaiti Bidoon, Syrian Kurds).
- People living in non-Government controlled areas and Crimea.

The key problems for stateless residents of Ukraine or those at risk of statelessness include:

- Loss of documents or the impossibility of renewal of documents leading to difficulty in demonstrating status.
- Limited access to basic services, humanitarian aid, medical assistance, employment.
- Forcible displacement to the territory of the Russian Federation.
- Difficulties accessing temporary protection or asylum. Unlike nationals, stateless persons from Ukraine fleeing the hostilities were required to obtain visas to enter EU host countries.
- Children over the age of 14 outside the Ukrainian territory who left with a relative other than their parent experience difficulties in obtaining their first Ukrainian passport if they cannot obtain a copy of a parent's passport and therefore proof of nationality.³³
- An inability to return because they cannot obtain a passport or ID document to enable travel.

Statelessness procedures in Ukraine

The statelessness determination procedure (SDP) in Ukraine has been running since May 2021. The determination allows a person to regularise their status, gain access to basic rights and become legally visible for the society. With a successful SDP, the birth of children can be registered, and these children will have access to Ukrainian nationality or naturalisation. Although the legislation does not require formal documentation, in practice the State Migration Service does not accept applications without sufficient documentation confirming identity of a person and absence of any other nationality. The need for financial and legal assistance can make the procedure inaccessible for those who need it. This has had a disproportionate impact on stateless Roma and others who are not well documented and economically disadvantaged.

Stateless persons whose country of origin is Russia or Belarus are also facing serious barriers in accessing the SDP since the beginning of full-scale war in Ukraine. Owing to the lack of diplomatic relationships it is not possible to obtain duplicate birth certificates in case of loss and it is not possible to confirm the absence of citizenship in those countries.

2.4.3 Undocumented migrant women and girls

Undocumented migrants

#WordsMatter!

An initiative of The Platform for International Cooperation on Undocumented Migrants (PICUM) that seeks to raise awareness of the impact of discriminatory language and promote the use of accurate language in reference to undocumented migrants.³⁴

Use ‘undocumented’ or ‘irregular’ not illegal.

- ▶ Illegal implies criminality. A person is not ‘illegal’, and migration is not a crime.
- ▶ Illegal is discriminatory. As a status it only applies to migrants and is used to deny them their rights
- ▶ Illegal impacts on policy and public perception

Women with irregular, undocumented migrant status face a heightened risk of violence, exploitation and discrimination. They often have no access to health services and do not report the discrimination and crimes they are confronted with, for fear of being deported. The Recommendation encourages states to take measures to enhance the ability of undocumented migrant women and girls to access their fundamental rights. For those who are or at risk of becoming victims of violence against women or trafficking in human beings, migration policy must not conflict with the operational duty to protect and prevent such harm under articles 2, 3 and 4. For this reason, the Recommendation encourages states to enable these crimes to be reported without fear of removal. This could be achieved by clearly prohibiting the protection actors from sharing any personal data or other information about persons suspected of irregular presence or work with the immigration authorities, for the purpose of immigration control and enforcement.³⁵

ACTION TO ENSURE AN INTERSECTIONAL AND NON-DISCRIMINATORY APPROACH

■ Ensure the rights of all migrant, refugee and asylum-seeking women are respected, protected and fulfilled without discrimination on any grounds:

- ▶ identify and address any specific forms of discrimination relevant to your own country and culture and those prevalent in migrant communities.

■ Take steps to ensure all relevant policy makers and other staff are aware of the multiple and intersecting forms of discrimination experienced by migrant, refugee and asylum-seeking women so they can recognise and address them in their work.

■ In both migrant and host communities:

- ▶ take effective measures to dismantle stereotypes having a negative impact on the rights of migrant, refugee and asylum-seeking women and girls;
- ▶ raise awareness and take educational measures in respect of gender equality and human rights to promote dialogue.

■ Ensure that undocumented migrant woman can access their fundamental rights, consider in particular:

- ▶ whether the lack of migration status acts as a barrier to receiving protection or assistance in any circumstances;

- ▶ pay attention to those circumstances where this may result in undocumented women and girls experiencing a risk to life contrary to article 2 ECHR or experiencing inhuman or degrading treatment contrary to article 3 ECHR (such as domestic violence), or exploitation or trafficking contrary to article 4.

■ Develop measures so that victims of gender-based violence or trafficking in human beings can report these crimes and obtain protection and rehabilitation assistance without fear of removal:

- ▶ states are encouraged to develop legal and policy pathways to enable this.

■ Implement the provisions of the Recommendation relating to residence permits and pathways to nationality described in detail below.

2.4.4 Children

Key principle: Best interests of the child

Article 3(1) of the Convention of the Rights of the Child stipulates “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”³⁶

In its General Comment No. 14³⁷, the Committee clarified that the ‘child’s best interests’ is a threefold concept:

■ A substantive right: The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on an issue and an intrinsic obligation for states to guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general.

■ A fundamental, interpretative legal principle: If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child’s best interests should be chosen.

■ A rule of procedure: Whenever a decision is to be made that will affect a specific child, a group of identified or unidentified children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned.

In a migration context, the 'best interests' determination imposes a requirement to take into consideration the child's well-being, which is determined by a variety of individual circumstances, such as the age, the level of maturity of the child, the presence or absence of parents, the child's environment and experiences.³⁸ The following is a non-exhaustive list that should be taken into account when addressing the child's best interests:

- ▶ the views of the child;
- ▶ the child's identity;
- ▶ preservation of family and maintaining family relations;
- ▶ care, protection and safety of the child;
- ▶ any situations of vulnerability, including their migration status;
- ▶ the child's right to health;
- ▶ the child's right to education.

EXPERIENCES OF UKRAINIAN CHILDREN

According to the United Nations Children's Fund (UNICEF), 4.8 million Ukrainian children have changed their place of residence since 24 February 2022 due to the armed aggression against Ukraine, including 2.5 million children who are internally displaced within Ukraine.³⁹

Robust child protection measures are important to protect children from abduction, trafficking and abuse. Traffickers targeted children without parents fleeing Ukraine and many such children are unaccounted for following the hasty evacuation of orphanages and foster homes.⁴⁰

Ukrainian nationals have sometimes raised concerns about their children being taken into state care in host countries owing to difficulties in proving relationships with extended family members.⁴¹ Child protection laws coupled with a lack of understanding or ability to recognise documentation has resulted in children being separated from their relatives. In some cases, Ukrainian citizens seek help from Ukrainian authorities or NGOs, but they do not have the funds to pay for legal assistance from a lawyer abroad and cannot properly protect their interests and the interests of their children.⁴²

ACTION TO ENSURE A CHILD-RIGHTS BASED APPROACH

■ Ensure all relevant staff understand, adopt and implement a child rights-based approach to all issues affecting migrant refugee and asylum-seeking girls.

■ Policy makers should ensure a child rights approach is embedded in their work and provide relevant guidance. All other personnel should be trained in respect of the guidance and implementation of the child rights approach.

■ Make efforts to ensure continued access to essential services for migrant, refugee and asylum-seeking girls to support their transition to adulthood beyond the age of 18.

■ Ensure all child protection measures in the state are implemented without discrimination on the grounds of migration status.

■ Ensure all measures in respect of migrant, refugee and asylum-seeking girls take into account the age and specific vulnerable situations and needs of girls.

■ Ensure gender considerations are mainstreamed across policies and guidance and take capacity building measures on unaccompanied and separated children in line with the scope and mandate of each national authority in order to:

- ▶ strengthen identification procedures, including age assessment when appropriate, in accordance with international standards;
- ▶ ensure full respect for the best interest of the child by considering the specific situation of every girl, whether she is visibly unaccompanied, travelling with another family or married;
- ▶ ensure that reception systems are appropriate to the sex and age of unaccompanied and separated girls and include suitable and safe alternative care arrangements.

■ Review the existing care provisions to ensure that unaccompanied and separated children are promptly assigned an independent and adequately trained guardian.

2.5 Access to Information

Migrant, refugee and asylum-seeking women and girls need to know their rights and the services available to them to be able to access and enforce them. Proper access to information can also act as a protective factor against violence, abuse and exploitation. It can also assist integration and help to remove cultural barriers between migrant and host communities. Consideration should be given at all stages to accessibility, for example learning ability, sight, language and communication difficulties. This could include verbal or recorded information and sign language.

DIFFICULTIES FOR UKRAINIAN WOMEN IN ACCESSING INFORMATION IN HOST COUNTRIES

Ukrainian migrant, refugee and asylum-seeking women and girls outside Ukraine identified their main problems in accessing information to obtaining protection and support in host countries to include language barriers, lack of interpreters and a lack of general social support to complete the procedures for obtaining temporary protection.⁴³ Most relied on their acquaintances and the help of Ukrainian and international organisations and volunteers.

ACTION TO ENSURE EFFECTIVE ACCESS TO INFORMATION

■ Ensure relevant and accessible information and advice is provided in a language and manner that migrant women and girls can understand.

■ Ensure this information is also available to women and girl migrants in transit, reception or detention centres.

■ Provide resources and tools for support and empowerment.

- ▶ These are not defined in the recommendation however they could include, for example, state-provided services or funding civil society organisations providing advocacy, training or other support for migrant, refugee and asylum-seeking women and girls to access available services in the host country.

■ Ensure women and girls can access digital services and connections including the internet.

- ▶ If no access is provided or available ensure alternative access to information and services available solely or mainly in digital format.

RELEVANT INFORMATION AND ADVICE INCLUDES INFORMATION ABOUT:

■ Available protection and support services for victims and those at risk of:

- ▶ all forms of violence against women;
- ▶ trafficking in human beings.

■ Fundamental human rights as set out in the Convention for the Protection of Human Rights and Fundamental Freedoms.

■ Relevant reporting and complaint mechanisms.

- ▶ This should cover cases of violence or other violations of rights by State authorities or private contractors acting on behalf of the State, including rights to civil remedies, compensation and legal aid.

■ Available and accessible public services, including:

- ▶ healthcare including mental health, sexual and reproductive health and rights;
- ▶ age-appropriate and comprehensive sexuality education;
- ▶ psychosocial support;
- ▶ education and vocational training;
- ▶ integration programmes;
- ▶ training in languages and digital technology;
- ▶ housing;
- ▶ employment.

2.6 Access to Justice

In order to effectively exercise their rights and or take action in case of violation of those rights in accordance with relevant national and international standards and instruments migrant, refugee and asylum-seeking women and girls require effective access to justice. Access to justice for victims of crimes also deters those who seek to do harm. An **intersectional** and **gender-sensitive** approach to migrant, refugee and asylum-seeking women and girls should be adopted when

determining their individual situation and needs. This is particularly important where decisions have an impact on their legal status for example in deportation, trafficking identification, proceedings relating to residence permits and asylum proceedings.

KEY BARRIERS IN ACCESSING JUSTICE EXPERIENCED BY UKRAINIAN CITIZENS ABROAD

Citizens of Ukraine who went abroad following the full-scale hostilities in the territory of the country state that lack of interpreters is the key problem in access to justice. Due to their lack of knowledge of the language and legislative rules of the host country at the proper level, they are unable to explain problems, record violations of their rights or undergo the necessary medical examinations to select evidence in cases of violence in a timely manner. According to the Public movement “Faith, Hope, Love”, women were not always able to call an ambulance or call the police without being able to talk about what had happened to them. They are not always aware of the availability of free legal aid, and contacting a lawyer is not accessible to everyone.

In Ukraine itself, hiring an interpreter takes some time to find. Often interpreters are recruited from or through NGOs. The lack of a roster of accredited interpreters ready to arrive at a moment’s notice to translate makes it difficult to provide rapid assistance to women and girls.

Migrant, refugee and asylum-seeking women and girls should be supported through criminal, administrative and civil proceedings through the following measures:

ACTION TO ENSURE ACCESS TO JUSTICE

■ Ensure access to national and international civil, administrative and criminal remedies on the same conditions as nationals.

■ Ensure access to legal advice and free legal aid under the conditions provided for by internal law.

- ▶ This should also be available, where relevant, for the pursuit of compensation claims and other legal redress against perpetrators of violence against women and trafficking in human beings.

■ Ensure all access to justice measures are gender-sensitive and take an intersectional approach when determining the individual needs.

■ Ensure the availability of relevant professional assistance including interpreters including sign-language interpreters, legal professionals and intercultural mediators under the conditions provided for by internal law.

- ▶ This should be available for those seeking protection, when making initial complaints, throughout the justice process and in seeking reparations, as well as in the context of the asylum determination procedures.

■ Provide support throughout the legal processes under the same conditions as nationals.

- ▶ For example, victim support services, access to lawyers, NGOs.

2.7 Artificial Intelligence (AI), automated decision making, data protection

Significant problems arise with bias and discrimination in the use and developments of new technologies, particularly in terms of algorithms, big data and applications of technology such as facial recognition. These are increasingly being documented and there is growing recognition of the need for reinforced human rights protection and the integration of a gender equality perspective in this area. Council of Europe Recommendation CM/Rec (2020)1 on the human rights impacts of algorithmic systems⁴⁴, for example, clearly outlines the dangers of discrimination at different stages of the development and deployment of artificial intelligence. As one example, women of colour may be significantly more likely to be wrongly identified by facial recognition technology than white men.⁴⁵ Migrant communities have also experienced discriminatory targeting by the use of algorithmic decision making by public authorities.⁴⁶ The Council of Europe is currently working towards a new Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law.⁴⁷

ACTION TO REDUCE THE HUMAN RIGHTS IMPACTS OF TECHNOLOGY

■ Ensure Human Rights Impact Assessments with a gender equality perspective are conducted before the introduction of artificial intelligence and automated decision-making systems in the field of migration. Should any existing systems be reviewed for bias?

■ Implement policy and practices to ensure any design, development and deployment of artificial intelligence and automated decision-making systems

by the public or private sectors or by service providers and contractors is non-discriminatory, consistent with privacy principles, transparent and has clear governance mechanisms, in the context of:

- ▶ border and immigration control decision-making, including decisions relating to entry or return;
- ▶ migration management, including the use of biometric information;
- ▶ policing and security of migrant, refugee and asylum-seeking women and girls;
- ▶ the provision of services to migrant, refugee and asylum-seeking women and girls.

■ Ensure relevant civil society organisations of migrant, refugee and asylum-seeking women and girls are included in consultations and discussions on the development and deployment of new technologies affecting them.

ACTION TO ENSURE APPROPRIATE DATA PROTECTION MEASURES

■ Recognise the particular situations of vulnerability of migrant, refugee and asylum-seeking women and girls to data abuse.

■ Take appropriate cybersecurity measures to ensure the confidentiality, security and in general the protection of personal data in accordance with internal law and applicable international obligations.

■ Do not transfer any personal data to the country of origin without legal basis and without explaining to the person concerned, in a language that they understand, which data are being transferred, for what purpose and under what conditions, including providing the person with the opportunity to exercise their rights, in particular the rights to access, to object, to seek a remedy or to ask for assistance from a supervisory authority if no lawful exception applies.

- ▶ Ensure information is available explaining the above in an accessible format to the woman or girl concerned.

2.8 Co-operation with civil society

Migrant and refugee women's organisations, women's rights organisations and other civil society organisations are significant protective factors in ensuring that

the universal human rights of migrant, refugee and asylum-seeking women and girls are upheld. It is often the case that the overwhelming majority of services for victims of domestic violence and other forms of violence against women are run by non-governmental or civil society organisations.⁴⁸ As they are on the front line, they usually have a deep understanding of the needs of the women and girls they serve.

The Council of Europe Parliamentary Assembly has called for states to establish mechanisms to ensure the systematic consultation of migrant and refugee women's organisations and organisations that represent these women.⁴⁹

EXPERIENCE OF NGOs AND CIVIL SOCIETY RESPONDING TO INVASION OF UKRAINE

The grassroots NGOs and civil society throughout Europe responded swiftly to the invasion and were at the frontline of providing for basic needs and often assessing safety risks. In Poland, as reported by Pertek, S., Kuznetsova, I. and Kot, M. (2022)⁵⁰:

"Grassroots and bottom-up initiatives frequently filled important gaps in aid provision with volunteers, enabling refugees to move to other cities, find accommodation, and gain emotional and practical support. "We told our story, and they let us into their hearts, into their homes, and when we were reunited, my morale began to improve." (Ulyana, May 2022, Poland)"

Unfortunately, however states were often slower to coordinate with NGOs which led to *"shifting responsibility from powerholders to the refugees themselves to self-protect, which was considered unethical by key informants. Such a shift in responsibility resulted in overburdening NGOs as the key actors providing immediate and short-term assistance."*⁵¹

In Ukraine itself multiple local and international organisations cooperated to work on sex and gender-based violence. For example, the GBV Sub-Cluster of Protection Cluster Ukraine activated seven Sub-National Hubs (in Vinnytsia, Dnipro, Kyiv, Poltava, Uzhhorod, Lviv and Odesa) that covered 21 oblasts of Ukraine, excluding occupied territories or areas of active combat.

ACTION TO ENSURE EFFECTIVE COOPERATION WITH CIVIL SOCIETY

■ Ensure effective cooperation with and support (including funding) for migrant and refugee women's organisations, women's rights organisations and other civil society organisations that uphold the universal human rights of migrant, refugee and asylum-seeking women and girls, and that defend and empower them.

■ Establish mechanisms to ensure the wide and systematic consultation amongst migrant and refugee women's organisations, including where appropriate Roma and Travellers⁵² women's organisations, when devising migration, asylum and integration policies.

2.9 Data collection, research and monitoring

Systematic and adequate data collection has long been recognised as an essential component of effective policymaking in the field of preventing and combating all forms of violence against women.⁵³ The collection of data, ideally age and sex disaggregated, on migration and equality issues enables states to efficiently and systemically monitor, research and evaluate the impact of relevant policies. In turn this should lead to more efficient and effective allocation of resources and quicker identification and resolution of protection gaps. Data collection and processing should conform to data protection and privacy laws.

GENDER DATA IN RESPECT OF UKRAINIAN REFUGEES

The United Nations High Commissioner for Refugees compiles data disaggregated by gender in respect of refugees from Ukraine.⁵⁴

ACTION TO ENSURE DATA COLLECTION ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

■ Data collection should be undertaken on migration, refugee and asylum issues. In particular on victims of violence against women, including trafficking in human beings.

■ Data should be disaggregated at least by age and sex. For domestic violence and violence against women it is ideal if the nature of the relationship is also recorded.

■ Take measures to ensure compliance with data protection requirements, including cybersecurity.

■ Conduct, support and fund research, monitoring and evaluation of migration, integration and asylum policies from a gender equality perspective, in particular in relation to preventing any violation of women and girls' fundamental rights.

■ Ensure the development and adjustment of public policy is guided by evidence and uses the data collected and the results of such research and evaluation.

2.10 Protection and support

2.10.1 What is protected?

Migrant, refugee and asylum-seeking women and girls are entitled to protection from:

- all forms of violence against women and domestic violence;
- all forms of trafficking in human beings and all forms of sexual exploitation;
- hate speech and sexism.

SEXUAL VIOLENCE IN ARMED CONFLICT

There are currently no exact figures on the number of cases of conflict related sexual violence (CRSV) committed by the Russian military. According to reports from civil society and international organisations, there may be hundreds of cases. This number will continue to grow, as sexual violence is characterised by high latency. It may take months or even years for survivors to start talking about what happened to them, as it is a major psychological trauma.

As of June 2023, the Office of the Prosecutor General of Ukraine recorded 208 cases of sexual violence committed by the Russian military. Of these, 140 victims were women and 68 were men. 13 children were also identified as victims – 12 girls and one boy.⁵⁵

The Council of Europe has produced a manual on Working with Victims of Sexual Violence during Armed Conflict: A manual for Ukrainian mental health and emergency response professionals.⁵⁶

11 survivor centres have been created in Ukraine [see above]. A specific Survivor Relief Centre was opened in Poland for Ukrainians, who have suffered from sexual and gender-based violence.⁵⁷ A further centre is planned in the Czech Republic.⁵⁸

Preventing violence against women and domestic violence requires far-reaching changes in attitude of the public at large, overcoming gender stereotypes and raising awareness. Local and regional authorities can be essential actors in implementing these measures by adapting them to specific realities.⁵⁹ The

challenges in preventing violence against migrant, refugee and asylum-seeking women will also include addressing anti-migrant and racist attitudes. Where violence occurs, survivors require adequate protection from further violence, support and assistance to overcome the multiple consequences of such violence and to rebuild their lives.⁶⁰ In terms of prevention and protection it may be necessary to review and improve the domestic legislative framework and policy measures to ensure they work towards prevention of all forms of violence against women, domestic violence and trafficking in human beings and protection of all survivors. Positive action is often required to protect persons in situations of vulnerability which includes vulnerability arising from migration or refugee status or lack of status.

Migrant, refugee and asylum-seeking women and girls often find themselves in situations of social, legal and economic vulnerability which increases the risk of some of the worst crimes. Protection requires not only that the crime exists in law but also that steps are taken to ensure the law is implemented without discrimination in a way that provides effective prevention before the event and protection if harm should occur. Authorities are required to act with due diligence when investigating gender-based violence and trafficking.

Council of Europe member states should ensure that a range of legal, regulatory and policy measures are taken to ensure migrant, refugee and asylum-seeking women and girls are **protected against all forms of violence against women including trafficking in human beings**.

ACTION

■ Ensure the legal and policy framework covers hate speech and sexism.

- ▶ This should include the digital dimensions of violence against women.⁶¹

■ Combat the sexual exploitation of migrant, refugee and asylum-seeking women and girls including the demand for such exploitation. Measures taken should encompass:

- ▶ protective;
- ▶ punitive;
- ▶ preventive;
- ▶ educational measures.

■ Identify and swiftly refer to support victims of violence against women, trafficking in human beings and all forms of gender-based violence.

■ Introduce screening, identification and referral mechanisms including at borders, reception and detention facilities.

■ Monitor and evaluate protection measures.

■ Unless measures are monitored and evaluated it is impossible to know whether they are effective.

■ Ensure that culture, custom, religion, tradition or so-called “honour” are not considered as justification for any exploitation or acts of violence against women and girls.

2.10.2 There is never any justification on the grounds of so-called “honour”

Crimes committed in the name of so-called “honour” are crimes that have been part of the criminal law landscape of Council of Europe member states for a very long time: murder, manslaughter, bodily injury, etc. What makes these crimes different is the intent behind them. This ulterior aim may be the restoration of family “honour”, the desire to be seen as respecting tradition or complying with the perceived religious, cultural or customary requirements of a particular community. Family or community members who kill, maim or injure a woman for her real or perceived transgression from cultural, religious or traditional norms should not be able to invoke any of the above grounds in criminal proceedings.

Harsher punishment should be meted out if the crime is committed by a family member or by two or more people acting together.⁶²

2.10.3 Insuring that protection is effective

Practice has shown that a human rights and victim-centred approach to protection of women and girls who experience gender-based violence is more likely to result in successful prosecutions and successful outcomes, such as their empowerment and ability to move on from violence, abuse and exploitation.

Some key elements that remove barriers to access to justice for migrant, refugee and asylum-seeking women include:

- access to general and specialist support services;
- compensation and reintegration schemes;
- no penalties in terms of migration status as a consequence of exploitation.

REGISTER OF DAMAGE

As a first step towards an international compensation mechanism for victims of Russian aggression, the Council of Europe Resolution CM/Res (2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine was adopted on 17 May 2023.⁶³ The Register will serve as a record of evidence and claims for damage, loss or injury caused to all natural and legal persons concerned, as well as to the State of Ukraine, by Russia's internationally wrongful acts in or against Ukraine. The Riga principles of 11 September 2023⁶⁴ underline that the Register should have a victim centred approach to provide remedies, in particular, for the most vulnerable such as women and children. National authorities should facilitate the coordination of domestic efforts to support the Registers functioning.

ACTION

■ Ensure effective access to specialist shelters for victims of violence against women, including victims of trafficking in human beings.

- ▶ Legal migration status should not be a barrier for access to specialist shelters. Shelters enable women to leave situations of abuse, recover and pursue justice.

■ Ensure the availability of general and specialist support services provided to victims of violence against women and victims of trafficking in human beings including those who are accommodated in transit, reception and accommodation facilities.

- ▶ This includes, at a minimum, short- and long-term psychological support and healthcare, including mental healthcare, trauma care, sexual and reproductive healthcare, immediate medical support and the collection

of forensic medical evidence in cases of rape and sexual assault, as well as counselling and advice.

■ Compensation schemes, measures or other programmes should be accessible and available to migrant, refugee and asylum-seeking women and girls in accordance with internal law.

- ▶ These measures should be aimed at the integration or reintegration of victims of violence against women, including trafficking in human beings.

■ Ensure penalties are not imposed, including the loss of lawful migration or refugee status, as a consequence of exploitation as a victim of trafficking in human beings.

2.10.4 Elements to ensure effective protection and access to justice

It is important that incidents of violence against women and domestic violence are not assigned low priority in investigations and judicial proceedings. Investigations must be carried out with due diligence and in an effective manner. All procedures should be carried out in conformity with fundamental principles of human rights taking a victim-centred approach applying a gendered understanding of violence. Because migrant, refugee and asylum-seeking women and girls may experience specific types of harm and group specific difficulties in accessing protection and justice it is important that their voices are heard and taken into account as part of the law and policy drafting process. It is important staff are trained in and **aware of the difficulties that migrant, refugee and asylum-seeking women and girls may face in disclosing incidents of violence** against women and trafficking in human beings. As above this is usually due to their insecure legal status, the unavailability of quality interpretation services, a lack of knowledge of their rights and of the relevance of their experiences of violence in relation to migration/asylum decisions, social stigma, poverty and lack of support to them. The following steps are designed to assist states in complying with those duties and ensuring migrant, refugee and asylum-seeking women and girls not only obtain protection but are also able to access justice against perpetrators of violence. In turn this should act as a deterrent benefitting the population as a whole.

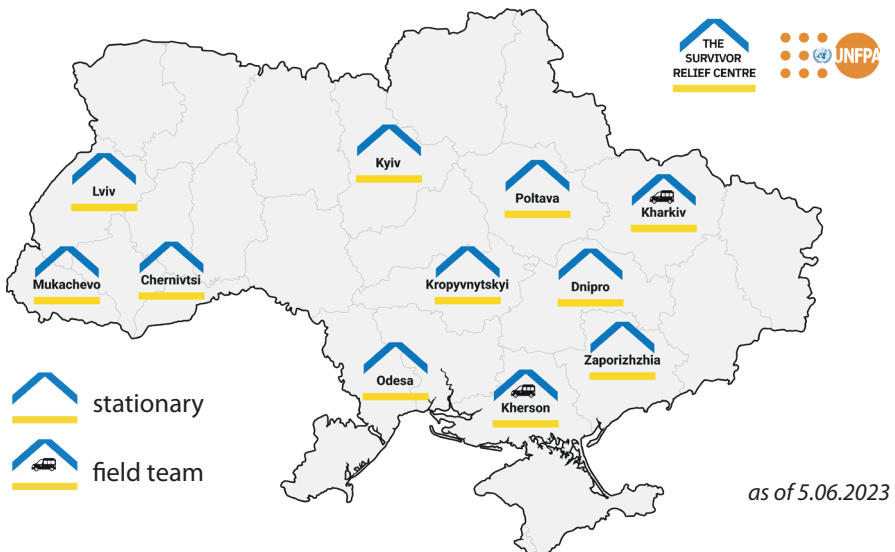
The key elements of this approach include:

- a multi-agency, victim centred approach;
- training and awareness raising;
- effective complaints and reporting processes;
- individual risk assessment and risk management.

SURVIVOR RELIEF CENTRES

Ukraine signed a cooperation agreement on 3 May 2022 with the United Nations on the prevention and response to conflict related sexual violence.⁶⁵

The Survivor Relief Centres⁶⁶ have been set up to respond to the challenges of war. Here, both internally displaced persons and local residents can receive psycho-social assistance, legal advice and informational support on various issues. Specialists at the Centres also provide comprehensive specialised assistance in cases of conflict-related sexual violence and ensure that survivors have access to the assistance they need.



11 Centers are operating in Ukraine: 9 are stationary (Kyiv, Dnipro, Lviv, Zaporizhzhya, Odesa, Poltava, Kropyvnutskyi, Mukachevo, Chernivtsi) and 2 mobile - as field teams of specialists (Kharkiv and Kherson)

ACTION

■ Adopt a multi-agency, victim-centred approach to protection.

- ▶ This should seek to prevent secondary victimisation and be aimed at the empowerment of migrant, refugee and asylum-seeking women and girls.

■ Adequately fund and conduct training and awareness raising programmes to relevant authorities and staff in:

- ▶ violence against women;
- ▶ trafficking in human beings;
- ▶ gender equality;
- ▶ intercultural issues.

■ This should ensure all relevant staff can:

- ▶ promptly identify victims;
- ▶ effectively collaborate;
- ▶ conduct risk assessments;
- ▶ inform victim of their rights;
- ▶ refer to relevant authorities;
- ▶ understand and overcome barriers to disclosure.

■ Ensure mechanisms are available and easily accessible to incidents of violence against women including trafficking in human beings to be reported to staff and by staff.

■ Ensure access to age and gender sensitive telephone helplines.

■ Set up cross-agency referral procedures.

- ▶ Timely referral to appropriate agencies for medical and psychological treatment facilitates reporting.

■ Ensure individual risk assessment and risk management is in place to protect against further violence or exploitation.

- ▶ This should take account of the heightened vulnerability of migrant women and girls owing to their insecure legal status.

2.11 State of emergency and crisis management

Conflict-related sexual violence is one of the worst atrocities of war, systematically used as a tactic to humiliate, violate and ruin the minds and bodies of victims with the intention of spreading fear and breaking the spirit of the oppressed. It is a war crime in international law and is also used as a means of ethnic cleansing, either to damage beyond repair the reproductive cycle of an “enemy” or to repopulate regions with the “true blood” of the would-be conqueror. Although the majority of victims are women and girls, they are far from being the only targets, and sexual violence in conflict is less gender-specific in the case of young children.

Today, conflict-related sexual violence is no longer seen an inevitable and indissociable by-product of war but is identified as a preventable phenomenon which can be effectively combated. Preventing conflict-related sexual violence begins long before the outbreak of armed conflict. The Parliamentary Assembly has called on member states and national parliaments to work on prevention in peacetime and in situations of conflict alike by engaging in concerted international action, protective national policies, strictly enforced punishment for perpetrators, empowerment of vulnerable persons and survivor-centred reparation and rehabilitation programmes.⁶⁷

In situations of public health, humanitarian and climate change-related crises, member states should take into account the increased risk of gender-based violence, including trafficking in human beings, poverty and homelessness for migrant, refugee and asylum-seeking women and girls.

Key terms: Climate or environmental migration

Climate or environmental migration occurs when a person or groups of persons are obliged to leave their habitual place of residence, or choose to do so, either temporarily or permanently, within a State or across an international border, **predominantly for reasons of sudden or progressive change in the environment due to climate change.**⁶⁸

TEMPORARY PROTECTION AND UKRAINE

Within the European Union, temporary protection measures⁶⁹ were activated on 4 March 2022, in the days after the Russian forces launched a large-scale armed invasion of Ukraine, which provided immediate and collective protection to displaced persons unable to return to their countries of origin. This has since been extended to 4 March 2025.⁷⁰ Many European states removed visa restrictions resulting in safer, legal access to protection.

ACTION TO ENSURE PROTECTION OF WOMEN AND GIRLS DURING A CRISIS OR STATE OF EMERGENCY

■ Take into consideration the situation and needs of migrant, refugee and asylum-seeking women and girls in crisis management and recovery measures.

■ Qualify the following as 'essential services' during a state of emergency or crisis:

- ▶ health;
- ▶ shelter;
- ▶ food security;
- ▶ economic empowerment;
- ▶ access to justice;
- ▶ access to specialist support services for women victims of violence.

■ Ensure all measures taken during a crisis and any ensuing state of emergency conform with international obligations related to the human rights of migrant, refugee and asylum-seeking women and girls.

■ Put in place systems to ensure relevant civil society organisations focused on migrant, refugee and asylum-seeking women and girls are consulted during a crisis and any ensuing state of emergency.

Arrival

3.1 Pre-arrival information and procedures

The provision of lawful migration routes and gender- and age- sensitive visa issuing procedures provide good opportunities to provide women and girls with information their rights and obligations including what steps to take if they are at risk of being trafficked⁷¹ or experience violence against women or domestic violence in the host country. These also provide the opportunity to reduce unlawful migration. For example, a woman applying for a spouse visa may benefit from knowing what her lawful migration options are if her husband subsequently becomes violent.

ACTION TO ENSURE AGE AND GENDER SENSITIVE IMMIGRATION PROCEDURES

■ Ensure immigration procedures such as the visa application and interview process take into account women and girls' specific situations, characteristics, needs and vulnerabilities.

■ Ensure immigration procedures are age- and gender-sensitive.

■ Provide accessible information before travel about the conditions enabling the legal entry and stay in the territory.

3.2 Transit and reception facilities

The concept of 'reception' has changed over the years. It is generally defined as the conditions pertaining immediately upon arrival to a port or land border whilst migrants and irregular migrants are having their applications processed, or closely following arrival. This could include the situation of arrival by boat, whilst

in camps, reception centres or other facilities designed to accommodate asylum seekers, victims of trafficking or migrants held at a border.⁷²

The screening process should:

- facilitate at the earliest possible opportunity the identification of victims of violence against women, including trafficking in human beings;
- ensure that women's protection claims are processed promptly and efficiently. This should be done in a safe, confidential and victim-centred manner;
- the provision of relevant support services to victims of violence against women, including trafficking in human beings.

TRAFFICKING AND EXPLOITATION OF UKRAINIAN WOMEN AND GIRLS

A significant risk of trafficking and exploitation of Ukrainian women and children arose at the borders and within host countries immediately after the armed invasion. This was often facilitated by the misuse of social media and telecommunication channels to target newly arrived Ukrainian women for exploitation and abuse under the guise of offering accommodation or employment.⁷³ Informal accommodation provision was often not vetted by government authorities for suitability or safety. In their report Pertek, S., Kuznetsova, I. and Kot, M. (2022) "Not a single safe place": The Ukrainian refugees at risk: violence, trafficking and exploitation. Findings from Poland and Ukraine,' give the following example:

"When we came to Poland, I had a lot of Telegram channels. One of them had a message about the provision of work with high pay for cleaning the house. I responded, wrote a personal message, and then came a response, where they asked me to tell them about myself, about my story. I was surprised, but I told them that I came from Ukraine, about my children and they began to describe the essence of the work. They asked me the question about whether I can work overtime. Of course, I agreed, after which it turned out that this was a job to provide intimate services, and not cleaning the house. Then I was told, to my surprise, such an ambiguous phrase that 'intimate places also require cleaning'" (Sasha, May 2022, Poland)

ACTION TO PROTECT WOMEN AND GIRLS IN TRANSIT, RECEPTION AND ACCOMMODATION CENTRES

In all transit, reception and accommodation centres:

■ Ensure that arrangements are age- and gender-sensitive.

- ▶ This should extend to screening arrangements at borders.

■ Procedures are in place to ensure special needs and safety concerns can be taken into account when determining residential placements and access to services, for example:

- ▶ pregnancy;
- ▶ disability;
- ▶ specific health needs.

■ Victims of violence against women, including trafficking in human beings, should be accommodated in specialised facilities.

■ Ensure there are sufficient staff, preferably women, trained in human rights, gender equality and violence against women, in these facilities.

■ Staff may include:

- ▶ lawyers;
- ▶ social workers;
- ▶ intercultural mediators;
- ▶ interpreters;
- ▶ police officers;
- ▶ guards.

■ Provide access to a complaint/reporting system concerning violence or other violations of rights.

- ▶ Complaints must be investigated and referred to the police where relevant.
- ▶ Access to legal aid should be provided where appropriate. [[see Access to Justice](#)]

■ Facilitate the referral of women and girls to NGOs and, in particular, victim support services where necessary.

■ Subject all facilities to regular independent monitoring to ensure compliance with protection standards.

- ▶ This includes facilities run by private contractors.

■ Where women or girls are deprived of liberty ensure the centres also comply with all the provisions in respect of detention (below).

■ Ensure these are located in areas where women and girls are safe and can access relevant services and information.

■ Relevant services and information includes with respect to:

- ▶ health, including sexual and reproductive health;
- ▶ social and legal assistance;
- ▶ education;
- ▶ essential shopping facilities.

In reception and accommodation centres:

■ Offer adequate and safe living spaces to women and girls in transit and reception facilities.

- ▶ Separate, safe sleeping and sanitary areas, as well as other safe spaces should be provided for single women with or without children (up to age 18).

■ Other elements that should be provided include:

- ▶ access to natural and artificial light;
- ▶ sufficient ventilation and heating;
- ▶ a clean bed and bedding;
- ▶ ready access to clean, well-lit shower and toilet facilities;
- ▶ and the availability of a basic sanitary kit/hygiene products free of charge and on a regular basis;
- ▶ essential infant nutrition and clothing should be provided as needed.

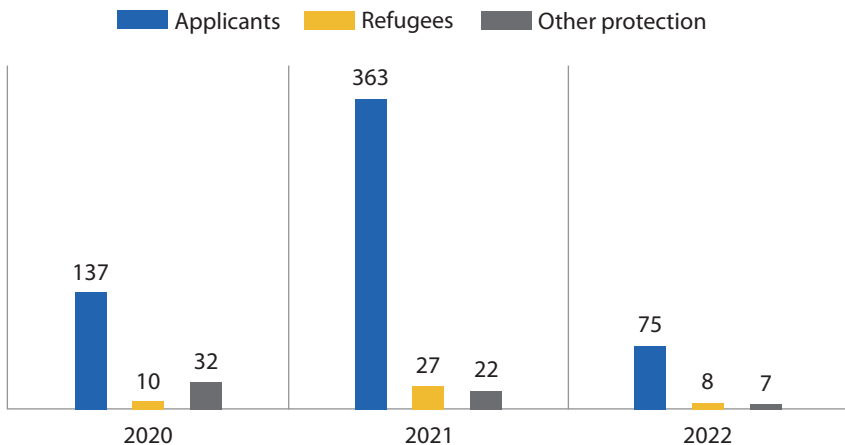
3.3 Asylum

Asylum law and practice long failed to address the differences between how and why men and women experience persecution. Developments in international human rights law, standards and case law have led to an increasing recognition of gender-based violence as a ground for seeking asylum. Recognition is the first step. Implementation of gender-sensitive procedures to enable women to disclose their experiences and receive appropriate levels of protection to keep them safe and protect their fundamental rights is essential. The Recommendation sets out a series of measures designed to help states ensure that procedural and substantive fairness is embedded in the asylum process experienced by women and girls.

REFUGEES AND MIGRANTS IN UKRAINE

According to the State Migration Service, as of the first quarter of 2023 there were 1477 foreign people in Ukraine registered as stateless or refugees, of whom 28.6% were women.

Women and refugee status in Ukraine



In Ukraine, the national legislation on the procedure for granting international protection is the Law of Ukraine “On Refugees and Persons in Need of Additional or Temporary Protection”. The definition of a refugee is fully consistent with the international treaties, namely the Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967. However, gender-based violence is not separately defined.

ACTION TO IMPROVE THE ASYLUM PROCESS FOR WOMEN AND GIRLS

■ Adopt and implement age and gender sensitive asylum standards, practices and procedures.

■ Ensure women and girls can access asylum and protection information and procedures at designated locations at the borders and in the territory of member states.

■ Ensure women and girls have the possibility to lodge an asylum claim independently from their spouse, parents or partner as recognised by internal law.

■ Women and girls should be made aware of this right at the earliest possible opportunity.

■ Ensure the legal framework enables a gender-sensitive interpretation of the 1951 Refugee Convention.

■ This should include:

- ▶ the grounds for asylum;
- ▶ the recognition of gender-based violence, including trafficking in women and girls, as a possible form of persecution.⁷⁴

■ Provide comprehensive gender-sensitive guidelines at all stages of the asylum process. This includes:

- ▶ reception and support services;
- ▶ screening determination of “safe” countries for the purpose of accelerated or suspensive procedures;
- ▶ detention;
- ▶ status determination;
- ▶ adjudication;
- ▶ returns.

■ Train all relevant staff in respect of the above guidelines.

■ Relevant staff includes:

- ▶ staff involved with asylum seekers and refugees from start to finish including at borders and in transit, accommodation, reception or detention centres;
- ▶ administrative decision makers;
- ▶ lawyers;
- ▶ the judiciary.

■ Provide women asylum officers and interpreters.

- ▶ Women should be informed when this possibility exists. Ideally this should be done at an early stage and the woman or girl given a choice of gender of their interpreter and or interviewer.

■ Ensure women can request an interview separate from men of the same family in the absence of children.

■ The same principles should be applied to underage married girls with appropriate adjustments for age. This will require:

- ▶ a confidential procedure to inform them of the possibility;
- ▶ a guarantee of confidentiality appropriately communicated.

In processing and determining asylum claims law or policy should ensure that regard will be given to:

■ the applicant's own personal circumstances and to an individual assessment of risk;

■ relevant country of origin information, including in relation to gender equality and women's rights.

- ▶ This could encompass access to justice, the legal framework and its implementation, available social, economic and other support and any form of multiple and intersecting discrimination and/or patriarchal attitudes that women and girls are likely to encounter.

If the decision on a woman or girl's refugee status is negative:

■ Ensure effective access to justice in accordance with the [Access to Justice](#) section above.

■ Provide an effective opportunity to request complementary or subsidiary protection.

- ▶ Care should be taken to ensure complementary protection is not used to deny refugee status.

See also sections on [Access to Information](#), [Artificial Intelligence](#), [Automated Decision Making](#) and [Data protection](#).

3.4 Cross-border measures

UKRAINIAN POLICE CROSS BORDER RESPONSE TO EXPLOITATION AND TRAFFICKING

To respond to the risk of exploitation and trafficking of Ukrainian women outside the national territory the Ukrainian police⁷⁵ reported that they had built good cooperation with EU agencies including Europol and Frontex and established a task force mainly consisting of countries bordering Ukraine to focus on the prevention and countering trafficking in human beings. It focuses specifically on Ukrainian nationals who had to leave Ukraine because of the armed invasion. Encrypted messaging services are used to enable cooperation between different law enforcement agencies in different countries.

The police noted that between 2022 and 2023 there were 98 reports of trafficking in human beings from European states. In 16 cases the national states had launched criminal proceedings of which 3 resulted in no action because the information could not be corroborated. The police also referenced a successful cross border cooperation with Poland where they had detected a group recruiting Ukrainian girls and sending them to Poland for sexual exploitation. Members of this group were apprehended in Ukraine and Poland and girls were rescued from sexual exploitation. A further case in Germany relating to an underage Ukrainian national is ongoing.

ACTION TO IMPROVE ACCESS TO RESETTLEMENT AND RELOCATION PROGRAMMES

■ Consider participation in resettlement programmes and provide complementary pathways for admission to the territory.

- ▶ Review existing programmes and consider if additional schemes are necessary.

■ Consider the promotion of legal migration pathways to ensure safe transit for women and girls.

■ Consider funding specific assistance and humanitarian resettlement programmes for women who are victims or at risk of violence against women or trafficking in human beings including for the purpose of sexual exploitation.

■ Set up and implemented effective cross-border protection mechanisms for victims of violence against women and trafficking in human beings, including trafficking for the purpose of sexual exploitation.

- ▶ As violence against women and trafficking in human beings has a cross border dimension, including, for example, where women are moved between one state and another for the purpose of transferring responsibility for their asylum claims, cross border protection mechanisms for their protection can be particularly important. These could range from the use of Interpol and Europol, mutual recognition of protection measures, formalised exchanges of information between relevant state agencies or protocols relating to the use of new technologies.

Residence and integration

” Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood beyond his control.

Universal Declaration of Human Rights, Article 25

For residence and integration policies to be successful, they must take into account the demographics of migration: whereas women used to represent a low proportion of the inflow of migrants and often arrived in Europe through family reunification, today they migrate independently and in larger numbers.⁷⁶ Owing to the specific forms of gender-based harm women experience it is even more necessary for integration policies and measures to be gender sensitive. This helps to tackle the vulnerabilities of women throughout the migration process while at the same time empowering them as key actors for and multipliers of integration. Moreover, because of the role women often play within their families and communities, investing in the integration of migrant and refugee women enables the creation of a solid basis for the inclusion and integration of future generations, and for the development of peaceful, inclusive and cohesive societies based on shared values and respect for diversity. The following socio-economic measures are designed to help achieve that outcome and ensure full respect for migrant, refugee and asylum-seeking women and girls fundamental rights whilst respecting the right of states to impose national measures where relevant.

INTEGRATION AND RESIDENCE PRIORITIES FOR UKRAINIAN WOMEN AND CHILDREN

In Germany, the joint research project 'Ukrainian Refugees in Germany'⁷⁷ has conducted research in respect of integration in 2022 and in 2023. The key findings noted that:

- by 2023 nearly half of the respondents intended to stay in Germany in the longer term;
- the number of people in employment had increased;
- the majority of refugees lived in private homes;
- there had been some improvement in the psychological well-being of children and adolescents.

Three out of four Ukrainian refugees attended or completed one or more German courses at this time, most often an integration course.

The authors concluded:

"Refugees need to know whether they are allowed to stay in Germany for the long term – even if the war will be over – in order to be able to securely plan for the future. These perspectives are particularly important for German language acquisition and employment."

4.1 Health services

Migrant, refugee and asylum-seeking women often have particular health needs and difficulty accessing the care they need. Special care and assistance should be provided during motherhood and childhood.⁷⁸ Ensuring a positive experience of pregnancy, childbirth and the postnatal period enables women and their babies to reach their full potential for health and well-being. Most maternal deaths are preventable provided women have access to healthcare.⁷⁹ Migrant, refugee and asylum-seeking women and girls, particularly those in an irregular situation, may be reluctant to seek healthcare which can increase the risk of death and transmission of infectious disease. In addition to ensuring their access to fundamental human rights accessible healthcare provision, including to those in an irregular situation, can also be an important public health measure.

ACCESS TO HEALTHCARE IN UKRAINE AND FOR THOSE WHO TRAVELLED ABROAD

Healthcare reforms in Ukraine⁸⁰ have resulted in asylum seekers losing the right to free medical care and emergency medical care is subject to further reimbursement by the asylum seeker.⁸¹ Undocumented women and asylum seekers therefore are unable to receive medical treatment or specialised medical care particularly in the field of reproductive health free of charge and are entirely dependent on community assistance. Some undocumented women do not even know where they can go for such assistance.

Ukrainian women who have travelled abroad as a result of the war have reported difficulties accessing healthcare in part because of complicated individual registration procedures, difficulties with health insurance and insufficient awareness of the general procedures and language barriers.

ACTION TO ENABLE ACCESS TO HEALTHCARE

■ Ensure healthcare provision takes into account the situation and personal characteristics of migrant women and girls and that it is age- and gender-sensitive.

■ Provide essential healthcare services, including primary care, urgent and immediate care, palliative care and treatment or assistance necessary for public health reasons to all migrant, refugee and asylum-seeking women and girls.

- ▶ This includes migrant women who are not lawfully present and a distinction is made between 'essential' and 'primary' care and other health care. In certain circumstances a refusal to provide healthcare could result in the state failing to protect the right to life or a finding of inhuman and degrading treatment.

■ Migrant, refugee and asylum-seeking women and girls who are legally present in their territory should be provided with effective access to quality, age- and gender-sensitive health services.

- ▶ This should encompass, in particular, mental health, sexual and reproductive health services and rights, health services during and after pregnancy and services related to experiences of violence against women.
- ▶ States should also seek to provide such services to migrant women and girls in an irregular situation.

■ In principle, women and girls should be able to access essential healthcare without obtaining the authorisation of the immigration authority or permission from any person other than the woman concerned.

- ▶ This is subject to the possibility that treatment of minor girls may be subject to the consent of a parent or an independent guardian, always considering the best interest of the child.

■ Ensure that women give prior, free and informed consent to any medical intervention except when otherwise required by law.

- ▶ To ensure a valid consent ensure that language, economic and cultural barriers or disabilities are taken into account.

4.2 Social services, social security and housing

AVAILABILITY OF SOCIAL SERVICES FOR UKRAINIAN REFUGEE AND ASYLUM-SEEKING WOMEN

Refugee and asylum-seeking women in difficult life circumstances are entitled to basic social services under the Law of Ukraine “On Social Services” of 17.01.2019, but undocumented migrant women do not have this right. Due to the fact that information on social services received is not systematically collected, there is no data on how many women refugees and asylum seekers were able to receive the services provided for by law. [\[see Data Collection\]](#)

The 2022 ratification of the Istanbul Convention by Ukraine will provide an opportunity to receive strong professional support from international organisations and experts in establishing social shelters for women victims of violence and specialised support services. This should help to ensure the law is effective in practice.

By the Order of the Cabinet of Ministers of Ukraine No. 987-r of 27 December 2017, 3 centres for social integration of refugees and persons in need of additional or temporary protection have been established in Kyiv, Odesa and Kharkiv. The Regulation on the Centre for Social Integration defines the purpose, tasks and functions of the Centre, which, in addition to assistance in social integration and adaptation, includes assistance to refugees and persons in need of additional or temporary protection in protecting them from any form of exploitation, mental, physical and other forms of violence, violations of rights, honour and dignity, as well as legal assistance and advice on document restoration and employment.

ACTION TO ENSURE ACCESS TO SOCIAL SERVICES, SOCIAL SECURITY AND ACCOMMODATION

■ In any decisions relating to the safety and welfare of women and girls including decisions taken by social services and in respect of social security, ensure that their needs are a primary consideration.

■ Ensure that migration status is not used to discriminate in respect of access to housing and social assistance schemes for migrant, refugee and asylum-seeking women lawfully present in the country.

4.3 Integration and participation

Some of the measures below are designed to ensure the inclusion of children born in the territory and to reduce the incidence of statelessness [\[see Spotlight on Statelessness above\]](#). The remainder of this section is designed to improve the knowledge, participation and empowerment of migrant, refugee and asylum-seeking women within the host community to ensure their successful integration. Awareness raising campaigns directed at the host community that explain the positive benefits of migration and the contribution that migrant, refugee and asylum-seeking women and girls make to society serve to increase social cohesion and reduce the risk of intra-community conflict.

ACTION TO ENABLE INTEGRATION AND PARTICIPATION

■ Ensure that any child born in the territory is entitled to have their birth registered immediately after birth and is granted a pathway to a nationality.

■ Take steps to ensure that those migrant and refugee women who are entitled to vote and to stand for election in local, regional, national or European elections are aware of their rights and can participate without any form of discrimination.

- ▶ Persisting gender stereotypes and inequalities in access to civil rights and participation in political decision making can be even more serious for migrant and refugee women. This step is designed to facilitate democratic participation for those who are eligible.

■ Encourage and support initiatives aimed at empowering migrant, refugee and asylum-seeking women and girls. within their families, in their communities and in society at large, by developing their self-confidence and self-determination

and by protecting women and girls from negative social control.

- ▶ This could include participation in local, cultural or women's associations, sports clubs, youth clubs and other organisations.

■ Set up and support public and private coaching, mentoring and other support programmes aimed at migrant and refugee women and girls.

- ▶ These should promote positive role models and promising practices of integration.

■ Highlight the contribution that migrant and refugee women and girls make to society, the economy and culture in host communities.

- ▶ This measure is designed to facilitate their integration and empowerment.

4.4 Education

Disrupted education is a significant problem for children forced to flee or who have migrated with their parents. Children have a fundamental right to education⁸² and therefore it is important that this is respected. Difficulties accessing education can be particularly acute where the child does not speak the host country language and has learning disabilities.

UKRAINE EXPERIENCES OF EDUCATION IN HOST COUNTRIES

According to a Ukrainian refugee under temporary protection in Poland:

*"From my own experience, I will tell you about the problem of women who have children with autism spectrum disorder. Firstly, there is a lack of institutions for such children, most of them are private. This is not affordable for a Ukrainian woman. Secondly, the vast majority of preschools expect children to learn the language quickly. This is impossible in the case of children who need remedial services in a language they understand. For children with ASD, learning another language can take ten times longer than for a typical child. I was lucky, my son was enrolled in a specialised private kindergarten, which created a group with Ukrainian correctional teachers for half a day. However, the administration of the institution made it clear that in the future I have to make a choice - to make efforts to help my child learn the language while he was unable to access remedial services (a waste of precious time) or to return to Kyiv."*⁸³

Children are often required to attend school in the host state under compulsory education laws. Because language barriers negatively affect their education many Ukrainian children have additional parallel lessons at Ukrainian school online in the afternoons.⁸⁴

Remote online learning for school students, introduced in 2020 during the Covid-19 pandemic, has been adapted for wartime education. In the administrative-territorial units where hostilities are taking place, the educational process continues exclusively remotely (on-line). The government launched the All-Ukrainian School Online platform for distance and blended learning for students in grades 5-11. If a child has been displaced within Ukraine or abroad, he or she has the opportunity to receive education remotely at the educational institution where he or she studied before. Even if the educational institution was physically destroyed, it can still organise distance learning for all students.

If the educational institution where the child studied does not organise distance learning, the child may continue his or her studies at another institution at his or her new place of residence. In general, distance schools in Ukraine are divided into:

1. All-Ukrainian schools and kindergartens whose curriculum corresponds to the MES curriculum;
2. Schools whose curriculum corresponds to the MES curriculum and allows for the issuance of educational documents;
3. Schools that have provided free access to their classes for Ukrainian students.

The Ministry of Education of Ukraine actively distributes recommendations on providing psychological support for participants in the educational process under the conditions of martial law in Ukraine.⁸⁵ The Ministry has also written to the educational authorities of all countries where children from Ukraine are located requesting the promotion of Ukrainian education.⁸⁶

ACTION TO ENSURE CHILDREN'S ACCESS TO EDUCATION

■ Ensure migrant, refugee and asylum-seeking girls have access to compulsory education equal to that of nationals.

■ Take measures to reach those who may have been prevented from accessing education in their country of origin.

- ▶ For example, in some countries such as Afghanistan girls cannot always go to school.

■ Ensure the provision of education or day care, preferably within mainstream educational structures.

- ▶ This measure helps integration by reducing the divide between the host population and migrant population.

Continuing education, qualification recognition and access to language courses all aid integration and can be protective factors for women and girls. Subject to internal laws governing eligibility:

ACTION TO IMPROVE EDUCATION AND OPPORTUNITY FOR WOMEN

■ Where appropriate, enable access to any available further or higher education, vocational training, lifelong learning, retraining and rehabilitation facilities provided by competent services.

■ Take steps to facilitate the recognition and validation of migrant and refugee women and girls' existing vocational and academic qualifications and work experience.

- ▶ For example, through initiatives such as the Council of Europe's European Qualifications Passport for Refugees.

■ Ensure access to an adequate number of hours of quality language training and integration programmes to migrant, refugee and asylum-seeking women and girls, to promote their empowerment and protection.

- ▶ Literacy, numeracy and digital skills courses in accordance with their needs should also be provided as soon as possible after arrival in the host country.

4.5 Employment and economic empowerment

A key risk factor for women facing violence, abuse and trafficking is the lack of economic empowerment. A lack of financial means can also act as a barrier to justice either because of the inability to pay for help, court fees, for childcare or for transport. The employment and economic empowerment of women often also has consequential effects on the well-being and future outcomes for her children. Migrant, refugee and asylum-seeking women often face multiple forms of discrimination when seeking employment and economic betterment. Migrant, refugee and asylum-seeking women who are permitted to work under the internal law of the member State may also risk exploitation or other forms of labour abuse owing to their migration status or for other reasons. Decent and dignified working conditions should be ensured.

OBSTACLES TO OBTAINING EMPLOYMENT.

Ukrainian women faced problems with non-recognition of Ukrainian diplomas and lengthy notification procedures. As a consequence, Ukrainians are treated primarily as personnel for unskilled or low-skilled positions, such as cleaning, care for the elderly or children.

Employment is a problem also for Ukrainian citizens abroad, especially if a person does not know the language of the host state. In addition, most of those who left are women with children. They often cannot get a job and go to work until their children start attending preschool or school education.

ACTION TO IMPROVE EMPLOYMENT PROSPECTS AND CONDITIONS AND REDUCE ABUSE

■ Review and monitor whether, to what extent and on what grounds discrimination exists in the job market.

■ Take steps to promote access to employment for migrant and refugee women lawfully present in the country, from an early stage in the migration process.

■ Review national legislation, policy and practice to ensure that it is in compliance with the obligations regarding the right to work and self-employment for refugee women and girls set out by the 1951 Refugee Convention.⁸⁷

- ▶ Articles 17-19 of the Refugee Convention govern the right to work, self-employment and recognition of certificates in the liberal professions.

■ Consider removing the barriers to work faced by other migrant women and girls after they have been present in the territory for a certain length of time.

- ▶ Inability to access employment can keep a woman in a situation of economic dependency resulting in her being less likely to seek protection from domestic or gender-based violence or forms of exploitation including trafficking in human beings.

■ Implement relevant national and international standards directed at protecting migrant, refugee and asylum-seeking women and girls who are domestic workers from discrimination, exploitation and abuse.

■ Provide access to financial services and basic financial literacy training to migrant, refugee and asylum-seeking women. This should enable them to use savings and credit options and to better control and manage their income, and thereby empower them.

■ Take measures to regulate and improve working conditions and eliminate all forms of labour exploitation and discrimination.

- ▶ This should include forms of discrimination that are multiple and intersecting. [[see Non-discrimination](#)]

■ Support access to the labour market through self-employment and entrepreneurship, by providing the same opportunities as for nationals. This could include:

- ▶ vocational training;
- ▶ lifelong learning;
- ▶ microcredit schemes;
- ▶ start-up loans;
- ▶ business development;
- ▶ supporting volunteering;
- ▶ internships;
- ▶ apprenticeships;
- ▶ job placement programmes.

■ Facilitate access to the labour market by taking steps to ensure access to work-life balance measures on an equal footing with national workers. For example:

- ▶ care leave arrangements;
- ▶ flexible working conditions where possible;
- ▶ ensuring access to and enjoyment of childcare facilities.

4.6 Residence permits

Security of residence and, in particular, independent residence status, can be important for women, particularly if experiencing abuse. This is recognised in the Istanbul Convention regarding women in “particularly difficult circumstances” (Article 59), in Recommendation Rec(2000)15 concerning the security of residence of long-term migrants, and in the case law of the European Court of Human Rights. Separate provision is made in Article 14 of the Anti-Trafficking Convention for a residence permit to be granted where personal circumstances so require, or on the basis of co-operation with criminal investigations.

ACTION TO IMPROVE SECURITY OF RESIDENCE AND ENABLE APPROPRIATE ACCESS TO LAWFUL RESIDENCE STATUS

■ Ensure the law entitles women and girls who are granted a residence permit on the basis of a family relationship to social, economic and labour-related rights and benefits in an autonomous capacity.

■ Take measures to ensure that migrant, refugee and asylum-seeking women and girls who are victims of violence and whose residence status depends on that of the spouse or partner as recognised by internal law, can be granted an autonomous residence permit in the event of the dissolution of the marriage or the relationship.

■ This should be:

- ▶ irrespective of the duration of the marriage or the relationship,
- ▶ **in the event of particularly difficult circumstances, upon application, and**

▶ **the conditions relating to the granting and duration of such autonomous residence permits are to be established by internal law.**

■ Review any reservation to Article 59 of the Istanbul Convention.

■ Provide information and or conduct awareness raising campaigns to ensure that migrant, refugee and asylum-seeking women and girls are made aware of this entitlement.

■ Ensure a system is in place to enable victims of violence against women or trafficking in human being to obtain a renewable residence permit.

■ This is required:

- ▶ where the competent authority considers that their stay is necessary owing to their personal situation, and/or
- ▶ **where the competent authority considers that their stay is necessary for the purpose of their co-operation in an investigation or criminal proceedings.**

■ States may also choose to provide residence permits in additional other circumstances.

■ Ensure that the evidentiary criteria and threshold for the granting of residence permits is realistic and sensitive to the individual situation and that statutory agencies are trained in this standard.

■ Take measures to facilitate the possibility for victims of forced marriage to regain residence status in the country where they habitually reside if it was lost as a consequence of being taken or brought into another country for the purpose of the marriage.

- ▶ This could include providing consular assistance in the state where the victim was taken to enable her return to the host state.
- ▶ **This should also apply, as appropriate, to those who may have lost their nationality.**

■ Review the conditions under which migrant and refugee women and girls present in a country for a long time, including stateless women and girls are able to obtain security of residence on an independent basis.

- ▶ Security of residence should be particularly ensured for victims of violence against women whose children are nationals of the host country, including when they lose custody of their children during separation/family law proceedings.

■ Review and take measures to provide pathways to naturalisation and ensure that migrant and refugee women and girls are not faced with gender-related obstacles in this regard.

- ▶ Gender-related obstacles can include, for example, financial requirements that are difficult for mothers to meet or documentary requirements that refugee women and girls cannot comply with.

4.7 Family reunion

Family reunion can be both a secure pathway to safety for migrant and refugee women and girls and a protective factor against violence against women and exploitation in the host country, states should therefore ensure the right to family reunion for migrant, refugee and asylum-seeking women and girls in accordance with obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms and relevant international law which recognises the family as a fundamental unit of a society entitled to receive respect, protection, assistance and support.

Key term: Family reunion

Family reunion is the right of non-nationals to enter into and reside in a country where their family members reside lawfully or of which they have the nationality in order to preserve the family unit. The right is not absolute and can be limited in accordance with national law and international standards. Particular considerations relate to the rights of a refugee to family reunion and the rights of family living in a country not to be separated through the expulsion of one of the family members.

ACTION TO RESPECT THE RIGHT TO FAMILY REUNION

■ Ensure the law provides for family reunion for migrant, refugee and asylum-seeking women and girls.

■ Take steps to ensure women and girls are aware of their rights with regard family reunion.

- ▶ This includes national women and girls who may have non-national partners or children.

■ Consider accepting or seeking the transfer of asylum claims to enable the family reunion of migrant, refugee and asylum-seeking women and girls separated during their journeys.

- ▶ Where this is possible ensure the conditions under which an applicant can apply to transfer for this purpose are clearly set out and accessible.

■ Consider providing legal pathways to respect the family life of migrant women and girls lawfully residing in the territory, in particular by providing the immediate and dependent family members with the possibility to migrate with them or to join them in the host country.

- ▶ For example, is the immediate family of a migrant worker or student permitted to travel and reside with the migrant woman or girl when she relocates.

4.8 Detention

Women and girls can be particularly vulnerable to harm in detention and specific measures may be required to protect them. This includes for example, women and girls who have been subjected to gender based violence, domestic violence or trafficking in human beings, women and girls who are pregnant or have just given birth or who are breastfeeding amongst others. States must also be alive to the risk of gender-based abuse in detention centres and the need for easy access to protection for women and girl detainees. In any event, detention should only ever be used as a matter of last resort and unaccompanied or separated girls should not, as a general rule, be detained.

ACTION TO REDUCE VULNERABILITY TO GENDER BASED HARMS CAUSED BY DETENTION

■ Implement an age and gender-sensitive approach in all matters relating to deprivation of liberty that takes into account the individual situation and personal characteristics of migrant, refugee and asylum-seeking women and girls.

■ Provide the following services to migrant, refugee and asylum-seeking women and girls:

- ▶ information about their rights and, as appropriate, about legal aid and legal advice see [Access to Information](#);
- ▶ access to law-enforcement measures and to effective reporting and complaints mechanisms, including referral to and investigation of those complaints by police and, where relevant, access to legal aid;
- ▶ access to healthcare services, telephone helplines and appropriate trauma support and counselling facilities is available in places of detention;
- ▶ the presence of female staff among border, migration and other police or custody officials, as well as among social workers and whenever possible interpreters. Note that these staff members should be trained;
- ▶ access to a telephone and/or internet facilities to inform a relative or another party of their deprivation of liberty, as well as to consular assistance;
- ▶ the opportunity to remain in meaningful contact with the outside world, including visits, regular access to a telephone or to their mobile phones or to internet facilities.

■ Subject places of deprivation of liberty, including administrative detention facilities, to regular independent monitoring.

■ In the event that administrative detention is used under immigration legislation, which should only be a measure of last resort:

- ▶ families should not be separated;
- ▶ separate safe zones should be provided for women and girls within detention facilities, where their privacy is guaranteed and which cater adequately for their specific needs;
- ▶ unaccompanied or separated girls should not, as a general rule, be detained.

■ Effective alternatives to administrative detention should be provided in any event for migrant, refugee and asylum-seeking women and girls who have been victims of torture or violence against women, including trafficking in human beings, pregnant and nursing women, elderly women and women with disabilities.

■ Ensure that living conditions in immigration detention centres reflect at least those listed in the section above on [Transit and reception facilities](#).

■ Migrant, refugee and asylum-seeking women and girls in administrative detention should preferably be accommodated in centres designed specifically for that purpose.

- ▶ Care should be taken in the design and layout of the premises to avoid, as far as possible, any impression of a prison-like environment. Within the detention centre, migrant, refugee and asylum-seeking women and girls should be restricted as little as possible in their freedom of movement.

■ Ensure appropriate activities are offered and in principle, those detained should have free access to outdoor exercise throughout the day.

Returns and returnees

Article 3 of the European Convention on Human Rights and Article 61 of the Istanbul Convention provide protection against *refoulement*. Article 16 of the Council of Europe Convention on Action against Trafficking in Human Beings makes provision for return of victims of trafficking. Voluntary returns should be the preferred option. Returns should always be carried out in safety and with dignity, in line with the principle of *non-refoulement*.

REFUGEES IN UKRAINE

Persons who have applied for protection in Ukraine have a certificate of application for protection. They cannot travel to other countries or re-enter Ukraine, as their certificate is not valid for travel, and their passports are still held by the territorial units of the State Migration Service.

Refugees and persons in need of complementary protection who have never received travel documents, but who are now displaced abroad (they fled at the beginning of the war when it was possible to leave Ukraine without documents), cannot obtain the documents necessary for their return.

UKRAINIAN CITIZENS SEEKING TO RETURN

Many people left the territory of Ukraine without identity and citizenship documents or lost their documents during their flight. A pilot procedure was adopted on 10 June 2022 to enable Ukrainian national to be redocumented whilst outside the country.⁸⁸

As of 2023, Ukrainian nationals can make use of this procedure in Warsaw, Krakow, Wroclaw, Gdansk, Prague, Berlin, Cologne, Valencia, Madrid, Istanbul, Bratislava.⁸⁹

ACTION TO RESPECT THE NON-REFOULEMENT PROVISIONS AND ENSURE WOMEN AND GIRLS RIGHTS ARE RESPECTED IN THE REMOVAL AND RETURN PROCESS

■ Ensure that migrant and asylum-seeking women and girls are not returned or removed to a country where their life would be at risk or where they might be subjected to acts of torture or inhuman or degrading treatment or punishment.

- ▶ Includes those acts which disproportionately affect women and girls or are directed at them because they are women or girls.

■ Give due regard to relevant human rights obligations, notably the right to family life, in accordance with international law and the case law of the European Court of Human Rights, and to the vulnerable situation of the person, particularly with regard to their state of health, including, for example, pregnancy.

■ Ensure the best interests of the child a primary consideration in relation to returns of girls.

■ Put in place policies, procedures and practices that minimise the risk of refoulement.

- ▶ In particular, recognising the particular difficulties that victims of violence against women, including trafficking in human beings, face in fully disclosing the grounds for their international protection claim, have you put in place safe, confidential and victim-centred processes? [[see Asylum](#)].

■ Ensure that accelerated and non-suspensive procedures are not implemented before the completion of an individual assessment of international protection needs, especially if there are any signs of violence against women, including trafficking in human beings.

■ Suspend expulsion measures for migrant women and girls where the decision is based on their status as dependent on a spouse, partner as recognised by internal law, parent or other family member, in order to enable them to apply for an independent residence permit.

■ Ensure that the appropriate authorities can assess whether returns should be accompanied by sustainable reintegration and assistance measures in the member states of return.

- ▶ If so, make provision for this.

■ Take the necessary measures to allow for the recognition of any diplomas or qualifications obtained abroad by a woman or girl being returned to the receiving state.

References

Legal Instruments

United Nations (1948), Universal Declaration of Human Rights, Paris.

United Nations High Commission for Refugees (1967), The 1951 Convention and its 1967 Protocol, Geneva, available at www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention, accessed 16 November 2023.

United Nations High Commission for Refugees (1961), UN Conventions on Statelessness: 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness, Geneva, available at www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/un-conventions-statelessness, accessed 6 February 2024.

United Nations Children's Fund (1989), Convention on the Rights of the Child, New York, available at www.unicef.org.uk/what-we-do/un-convention-child-rights/, accessed 17 November 2023.

Cabinet of Ministers of Ukraine and United Nations Office of the Special Representative of the Secretary General on Sexual Violence in Conflict (2022), Framework of cooperation between the Government of Ukraine and the United Nations on the prevention and response to conflict related sexual violence, Kyiv, available at www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/05/20220503-FoC_Ukraine_SIGNED.pdf, accessed 6 February 2024.

European Union (2001), Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Brussels, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>, accessed 6 February 2024.

Council of Europe (1997), European Convention on Nationality, Strasbourg, available at <https://rm.coe.int/168007f2c8>, accessed 6 February 2024.

Council of Europe (2004), Convention on Action against Trafficking in Human Beings, Warsaw, available at <https://rm.coe.int/168008371d>, accessed on 6 February 2024.

Council of Europe (2011), Convention on preventing and combating violence against women and domestic violence, Istanbul, available at <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=210>, accessed 6 February 2024.

Council of Europe (2022), CM/Rec(2022)17 of the Committee of Ministers to member states on protecting the rights of migrant, refugee and asylum seeking women and girls (English, Ukrainian, Hungarian, Romanian and Slovak), Strasbourg, available at [https://www.coe.int/en/web/kyiv/combating-violence-against-women-in-ukraine-phase-ii-covaw-ii-#{%22200055837%22:\[7\]}](https://www.coe.int/en/web/kyiv/combating-violence-against-women-in-ukraine-phase-ii-covaw-ii-#{%22200055837%22:[7]}), accessed 7 February 2024.

Council of Europe (2020), CM/Rec(2020)1 of the Committee of Ministers to member states on the human rights impacts of algorithmic systems, Strasbourg, available at <rm.coe.int/09000016809e1154>, accessed 17 November 2023.

Council of Europe (2022), CM/Rec (2022)17 of the Committee of Ministers to member states on Protecting the Rights of Migrant, Refugee and Asylum-seeking Women and Girls, Strasbourg, available at <rm.coe.int/prems-092222-gbr-2573-recommandation-cm-rec-2022-17-a5-bat-web-1-/1680a6ef9a>, accessed 16 November 2023.

Council of Europe (2022), CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe adopted by the Committee of Ministers on 16 March 2022, Strasbourg, available at <rm.coe.int/0900001680a5da51>, accessed 17 November 2023.

Council of Europe (2014), PACE Resolution 1994(2014) Refugees and the right to work, Strasbourg, available at <https://pace.coe.int/en/files/20893/html>, accessed 17 November 2023.

Council of Europe (2014), PACE report Doc 13462 Refugees and the right to work, Strasbourg, available at <https://pace.coe.int/en/files/20569#trace-2>, accessed 17 November 2023.

Council of Europe (2017), PACE Resolution 2176 (2017) Integration of refugees in times of critical pressure: learning from recent experience and examples of best practice, Strasbourg, available at assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=23966&lang=en, accessed 17 November 2023.

Council of Europe (2018), PACE Resolution 2244 (2018) Migration from a gender perspective: empowering women as key actors for integration, Strasbourg, available at assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25183, accessed 7 February 2024.

Council of Europe (2023), PACE Resolution 2476(2023) Conflict Related Sexual Violence, Strasbourg, available at pace.coe.int/en/files/31572/html, accessed 17 November 2023.

Council of Europe (2021), GREVIO (2021)20 General Recommendation NO. 1 on the digital dimension of violence against women adopted 20 October 2021, Strasbourg, available at <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>, accessed 7 February 2024.

Articles and publications

Ashraph S., Melnychenko O. and Stepaniuk O. (2022) Working with Victims of Sexual Violence During Armed Conflict: A manual for Ukrainian mental health and emergency response professionals, Council of Europe, Strasbourg, available at rm.coe.int/ukr-2022-sexual-violence-manual-web-en/1680a97132, accessed 16 November 2023.

Consilium (2023) Ukrainian refugees: EU member states agree to extend temporary protection, Brussels, available at www.consilium.europa.eu/en/press/press-releases/2023/09/28/ukrainian-refugees-eu-member-states-agree-to-extend-temporary-protection/, accessed 1 December 2023.

Council of Europe (2003), Crimes Committed in the name of so-called “honour”, Strasbourg, available at <http://rm.coe.int/honor-crimes-web-a5/1680925835>, accessed 17 November 2023.

Council of Europe (2023) Riga Principles, Declaration of the Informal Conference of Ministers of Justice of the Council of Europe On the Occasions of the Conference ‘On the path to justice for Ukraine: Advancing Accountability, Reuniting Children with Their Families and Supporting the Resilience of its Justice System’, Riga, available at rm.coe.int/moj-declaration-riga-principles-final-en/1680ac8728, accessed 17 November 2023.

Edwards A., Zúñiga A. and Yayboke, E. (2023) The State of Statelessness in Ukraine, Centre for Strategic and International Studies, Washington DC, available at www.csis.org/analysis/state-statelessness-ukraine, accessed 7 February 2024.

European Commission against Racism and Intolerance (2016), General Policy Recommendation No 16 on safeguarding irregularly present migrants from discrimination, Strasbourg, available at www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.16, accessed 17 November 2023.

European Network on Statelessness (2022), Stateless people and people at risk of statelessness forcibly displaced from Ukraine, London, available at www.statelessness.eu/updates/publications/stateless-people-and-people-risk-statelessness-forcibly-displaced-ukraine, accessed 17 November 2023.

Fredman S. (2016), Intersectional Discrimination in EU gender equality and non-discrimination law, Brussels, available at <https://op.europa.eu/en/publication-detail/-/publication/d73a9221-b7c3-40f6-8414-8a48a2157a2f>, accessed 7 February 2024.

Hajduk K. (2023,) Ukrainian national news: A shelter for Ukrainian women victims of sexualised and domestic violence was opened in Krakow, available at www.unn.com.ua/uk/news/1995451-u-krakovi-vidkrili-shelter-dlya-ukrayinok-postrazhdalikh-vid-seksualizovanogo-ta-domashnogo-nasillya, accessed 7 February 2024.

Hooper L. (2019), Gender-based asylum claims and non-refoulement: Articles 60 and 61 of the Istanbul Convention (English, Ukrainian, Slovak, Hungarian, Romanian, Polish), Council of Europe, Strasbourg, available at <https://edoc.coe.int/en/violence-against-women/8301-gender-based-asylum-claims-and-non-refoulement-articles-60-and-61-of-the-istanbul-convention.html>, accessed 7 February 2024.

Hush, J. (2023) Ukrainian women abroad: how to resist stereotypes, prejudice and hate speech, Kyiv, available at: <https://povaha.org.ua/ukrayinky-za-kordonom-stereotypy-uperedzhennya-ta-mova-vorozhnechi/> accessed 17 November 2023.

International Organisation for Migration (2023), Ukraine Internal Displacement Report- General Population Survey Round 14 (September – October 2023), Kyiv, available at: <http://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-14-september-october>, accessed 16 November 2023.

Leonelli L. and Boglarka F (2023), Recommendations on Roma Inclusion in the Ukrainian Refugee Response, Regional Refugee Response for the Ukraine

Situation, UNHCR, Hungary, available at <https://data.unhcr.org/en/documents/download/100751>, accessed 16 November 2023.

Lubinets D. (2022), Report on the Observance and Protection of Human and Civil Rights and Freedoms in Ukraine in 2022, Ukraine Parliament Commissioner for Human Rights, Kyiv, available at: www.ombudsman.gov.ua/report-2022/en/, accessed 17 November 2023.

Orekhova M. (2022), UP Life 'The child was taken from his grandmother and placed in a monastery: how children are separated from their relatives abroad and what Ukrainians should do in similar situations', Kyiv, available at: <https://life.pravda.com.ua/society/2022/11/6/251160/>, accessed 17 November 2023.

Pertek S., Kuznetsova I. and Kot M. (2022), "Not a single safe place": The Ukrainian refugees at risk: violence, trafficking and exploitation. Findings from Poland and Ukraine, University of Birmingham, Birmingham, available at <https://reliefweb.int/report/ukraine/not-single-safe-place-ukrainian-refugees-risk-violence-trafficking-and-exploitation-findings-poland-and-ukraine>, accessed 7 February 2024.

PICUM (2017), Why 'undocumented' or 'irregular'?, Brussels, available at <https://picum.org/words-matter-2/>, accessed 7 February 2024.

Ukraine Commissioner for Gender Policy (2023), How victims of sexual violence by the Russian military are helped, Kyiv, available at suspilne.media/511549-ak-dopomagaut-poterpilim-vid-seksualnogo-nasilstva-vijskovih-rf-upovnovazena-z-pitan-gendernoi-politiki/, accessed 17 November 2023.

United Nations Committee on the Rights of the Child (2013) General Comment No. 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration, Geneva, available at https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf, accessed 7 February 2024.

United Nations High Commission for Refugees (2008), UNHCR Guidelines on Determining the Best Interests of the Child, Geneva, available at www.unhcr.org/uk/media/unhcr-guidelines-determining-best-interests-child, accessed 17 November 2023.

United Nations High Commission for Refugees (2014), Handbook on Protection of Stateless Persons, Geneva, available at www.unhcr.org/media/handbook-protection-stateless-persons, accessed 16 November 2023.

United Nations Women (2022), Rapid Gender Analysis of Ukraine, Kyiv, available at <https://eca.unwomen.org/en/digital-library/publications/2022/05/rapid-gender-analysis-of-ukraine-0>, accessed 16 November 2023.

Walby S. (2016) Ensuring data collection and research on violence against women and domestic violence: Article 11 of the Istanbul Convention, Council of Europe, Strasbourg, available at <https://rm.coe.int/article-11/1680a0af3f>, accessed 7 February 2024.

Caselaw

European Court of Human Rights (2010), Rantsev v Cyprus and Russia No 25965/04 7 January 2010, Strasbourg, available at www.hudoc.echr.coe.int/eng?i=001-96549, accessed 7 February 2024.

European Court of Human Rights (2011), MSS v Belgium and Greece No 30696/09 21 January 2011, available at www.hudoc.echr.coe.int/fre?i=001-103050, accessed 7 February 2024.

De Rechtspraak (2020) SyRI legislation in breach of European Convention on Human Rights ECLI:NL RBDHA: 2020: 1878, The Hague, available at <https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:RBDHA:2020:187>, accessed 17 November 2023.

Webpages

Council of Europe (2021), Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025), Strasbourg, available at search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a25afd, accessed 16 November 2023.

Council of Europe (n.d.), Committee on Artificial Intelligence, Strasbourg, available at www.coe.int/en/web/artificial-intelligence/cai, accessed 17 November 2023.

Council of Europe (n.d.), Combating Violence against Women in Ukraine – Phase II (COVAW-II), Kyiv, available at www.coe.int/en/web/kyiv/combating-violence-against-women-in-ukraine-phase-ii-covaw-ii-, accessed 16 November 2023.

Council of Europe (n.d.), Resources for neighbouring countries receiving refugees from Ukraine, Kyiv, available at www.coe.int/en/web/kyiv/combating-violence-against-women-in-ukraine-phase-ii-covaw-ii-, accessed 16 November 2023.

Council of Europe (2018), Gender Equality Strategy 2018-2023 and the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe, Strasbourg, available at rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1, accessed 16 November 2023.

Council of Europe (2024), Gender Equality Strategy 2024 -2029, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ae569b#global-container.

Council of Europe (2022), Protecting rights of migrant, refugee and asylum-seeking women and girls: Council of Europe recommendation adopted, Strasbourg, available at www.coe.int/en/web/portal/-/protecting-rights-of-migrant-refugee-and-asylum-seeking-women-and-girls-council-of-europe-recommendation-adopted, accessed 16 November 2023.

Council of Europe (n.d.), Register of Damage for Ukraine, Strasbourg, available at www.coe.int/en/web/human-rights-rule-of-law/register-of-damage-for-ukraine, accessed 16 November 2023.

Europol (2022), Human Traffickers luring Ukrainian refugees on the web targeted by Europe wide hackathon, The Hague, available at <https://www.europol.europa.eu/media-press/newsroom/news/human-traffickers-luring-ukrainian-refugees-web-targeted-in-eu-wide-hackathon>, accessed on 7 February 2024.

Council of Europe (2022), Human Trafficking Experts: States must urgently protect refugees fleeing Ukraine, Strasbourg, available at <http://www.coe.int/en/web/portal/-/human-trafficking-experts-states-must-urgently-protect-refugees-fleeing-ukraine>, accessed 17 November 2023.

Algorithmic Justice League (n.d.), Gender shades, Cambridge, available at www.gendershades.org/, accessed 17 November 2023.

National Platform for Sustainability and Cohesion (2023), Guide for the authorised bodies of the Member States of the European Union dealing with the issues of granting temporary protection and ensuring an adequate level of protection to the citizens of Ukraine who left Ukraine on and after February 24, 2022 as a result of the full scale invasion of Ukraine by the Russian Federation, Kyiv, available at: <https://national-platform.org/guide/>, accessed 17 November 2023.

Federal Office for Migration and Refugees (2023), Ukrainian Refugees in Germany, Joint Research Project, Conducted by Institute for Employment Research (IAB), the Federal Institute for Population Research (BiB), the Research Centre of the

Federal Office for Migration and Refugees (BAMF-FZ) and the Socio-Economic Panel (SOEP) at the German Institute for Economic Research (DIW Berlin), Berlin, available at <https://www.bamf.de/SharedDocs/ProjekteReportagen/EN/Forschung/Integration/projekt-ukr.html?nn=447028>, accessed 1 December 2023.

Education Ombudsman (n.d.), Ukrainian schools abroad need systemic state support. Problems and proposals for their solution, Kyiv, available at <https://eo.gov.ua/ukrainski-shkoly-za-kordonom-potrebut-systemnoi-derzhavnoi-pidtrymky/2023/03/22>, accessed 17 November 2023.

United Nations High Commission for Refugees (n.d.), Operational Data Portal Ukraine Refugee Situation, Geneva, available at <https://data.unhcr.org/en/situations/ukraine>, accessed 17 November 2023.

United Nations High Commission for Refugees (n.d.) Stateless persons, Kyiv, available at www.unhcr.org/ua/en/stateless-persons, accessed 16 November 2023.

World Health Organisation (n.d.), Maternal Health, Geneva, available at www.who.int/health-topics/maternal-health#tab=tab_1, accessed 17 November 2023.

Endnotes

1. Protecting rights of migrant, refugee and asylum-seeking women and girls: Council of Europe recommendation adopted' available at www.coe.int/en/web/portal/-/protecting-rights-of-migrant-refugee-and-asylum-seeking-women-and-girls-council-of-europe-recommendation-adopted accessed 16 November 2023
2. Recommendation CM/Rec (2022)17 on Protecting the Rights of Migrant, Refugee and Asylum-seeking Women and Girls available at rm.coe.int/prems-092222-gbr-2573-recommandation-cm-rec-2022-17-a5-bat-web-1-1680a6ef9a accessed 16 November 2023
3. Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) CETS No. 210 available at <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention> accessed 16 November 2023
4. Council of Europe Convention on Action Against Trafficking in Human Beings, CETS No. 197 available at rm.coe.int/168008371d
5. United Nations High Commission for Refugees, 1951 Convention and 1967 Protocol relating to the Status of Refugees, available at www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention accessed 16 November 2023
6. Council of Europe's Gender Equality Strategy 2018-2023 and the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe available at rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1 accessed 16 November 2023. The Council of Europe Gender Equality Strategy 2024-2029 is available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ae569b#globalcontainerb
7. Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) available at

[search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a25afd](https://www.search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a25afd)
accessed 16 November 2023

8. On 16 March 2022 the Russian Federation ceased to be a Member of the Council of Europe following a decision taken by the Committee of Ministers, Resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe, www.search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a5da51
9. UNWomen (2022)
10. Available at www.coe.int/en/web/portal/-/war-in-ukraine-protecting-women-and-girls accessed 16 November 2023
11. Ashraph, S., Melnychenko, O. Stepaniuk, O (2022)
12. IOM (2023)
13. Combating Violence against women in Ukraine (COVAW) webpage available at: www.coe.int/en/web/kyiv/combating-violence-against-women-in-ukraine-phase-ii-covaw-ii accessed 16 November 2023
14. See 'Resources for neighbouring countries receiving refugees from Ukraine' available at www.coe.int/en/web/kyiv/combating-violence-against-women-in-ukraine-phase-ii-covaw-ii accessed 16 November 2023
15. Ashraph, S., Melnychenko, O. Stepaniuk, O, (2022) p.15
16. Recommendation CM/Rec (2022)17 on Protecting the Rights of Migrant, Refugee and Asylum-seeking Women and Girls
17. Council of Europe Convention on Action Against Violence Against Women and Domestic Violence (the Istanbul Convention)_CETS No. 210 available at www.coe.int/en/web/istanbul-convention/text-of-the-convention accessed 16 November 2023
18. The prevention and reduction of statelessness and the identification and protection of stateless persons are among the priority areas of the Council of Europe's Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).
19. *Zarb Adami v Malta No17209/02(2006)* para 71 (citing *Willis v UK No 36042/92 (2002)* para 48)
20. *Opuz v Turkey No 33401/02* (9 June 2009) <https://hudoc.echr.coe.int/fre?i=001-92945>
21. Council of Europe webpage 'Gender Matters' available at www.coe.int/en/web/gender-matters/intersectionality-and-multiple-discrimination citing Fredman, S. (2016) accessed 16 November 2023

22. Discrimination can be based on a variety of grounds, such as sex, gender, "race", colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity and expression, sex characteristics, age, state of health, disability, marital status, migrant or refugee status, or other status. See Council of Europe Gender Equality Strategy 2024-2029, CM(2024)17-final, 6 March 2024
23. Fredman, S. (2016)
24. UNHCR Ukraine webpage, Stateless persons available at www.unhcr.org/ua/en/stateless-persons accessed 16 November 2023
25. www.errc.org/uploads/upload_en/file/5475_file1_roma-rights-under-siege-monitoring-report-of-war-in-ukraine.pdf
26. Leonelli, L. and Boglarka, F (2023) Regional Refugee Response for the Ukraine Situation, data.unhcr.org/en/documents/download/100751
27. Edwards, A. Zúñiga, A. and Yayboke, E. (2023)
28. Available at search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a25afd accessed 16 November 2023
29. European Convention on Nationality, CETS No. 166 available at <https://rm.coe.int/168007f2c8> accessed 17 November 2023, see also UNHCR Handbook on Protection of Stateless Persons, www.unhcr.org/media/handbook-protection-stateless-persons
30. 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness
31. Edwards, A. Zúñiga, A. and Yayboke, E. (2023)
32. European Network on Statelessness (2022)
33. Ashraph, S., Melnychenko, O. Stepaniuk, O (2022) Working with Victims of Sexual Violence During Armed Conflict: A manual for Ukrainian mental health and emergency response professionals, Council of Europe p11, rm.coe.int/ukr-2022-sexual-violence-manual-web-en/1680a97132
34. PICUM (2017)
35. ECRI (2016)
36. United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3).
37. UN Doc CRC/C/GC/14, para 6.

38. UNHCR, (2008) p. 15
39. Lubinets, D. (2022)
40. 'Human Trafficking Experts: States must urgently protect refugees fleeing Ukraine' 17 March 2022
41. life.pravda.com.ua/society/2022/11/6/251160/
42. Orekhova, M (2022)
43. National Platform for Sustainability and Cohesion (2023), www.national-platform.org/
44. rm.CM/Rec(2020)1
45. See e.g. www.gendershades.org/
46. See e.g. SyRI legislation in breach of European Convention on Human Rights ECLI:NL RBDHA: 2020: 1878
47. See Council of Europe Committee on Artificial Intelligence webpage: www.coe.int/en/web/artificial-intelligence/cai
48. Istanbul Convention Explanatory Report paras 68-69
49. PACE Resolution 2244 (2018) Migration from a gender perspective: empowering women as key actors for integration
50. Pertek, S., Kuznetsova, I. and Kot, M. (2022)
51. Pertek, S., Kuznetsova, I. and Kot, M. (2022)
52. The terms "Roma and Travellers" are being used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. This is an explanatory footnote, not a definition of Roma and/or Travellers.
53. Article 11 of the Istanbul Convention, Explanatory Report paras 74-82. For further information see Walby, S. (2016)
54. data2.unhcr.org/en/situations/ukraine
55. Ukraine Commissioner for Gender Policy (2023)
56. Ashraph, S., Melnychenko, O. Stepaniuk, O. (2022)

57. Hajduk, K. (2023)
58. Information provided by the Ukrainian State Migration Service to the authors
59. Istanbul Convention Explanatory report para 83
60. Istanbul Convention explanatory report para 110
61. GREVIO (2021)20
62. Council of Europe leaflet 'Crimes Committed in the name of so-called "honour"
63. Council of Europe Register of Damage for Ukraine webpage
64. Declaration of the Conference of Ministers of Justice – Riga Principles
65. See www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/05/20220503-FoC_Ukraine_SIGNED.pdf
66. See ukraine.unfpa.org/en/survivor-relief-centres
67. PACE Resolution 2476(2023)
68. Adapted from the International Organization for Migration 'key terms' available at: www.iom.int/key-migration-terms
69. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
70. Consilium (2023)
71. See Rantsev v Cyprus and Russia No 25965/04 (7 January 2010) www.hudoc.echr.coe.int/eng?i=001-96549
72. See MSS v Belgium and Greece No 30696/09 (21 January 2011) www.hudoc.echr.coe.int/fre?i=001-103050
73. Europol (2022)
74. Within the meaning of Article 1A, paragraph 2, of the 1951 Convention
75. Information provided by Ukrainian national police to authors
76. PACE Resolution 2244(2018), PACE Resolution 2176(2017)
77. 'Ukrainian refugees in Germany' Joint Research project
78. Universal Declaration of Human Rights, Article 25(2)
79. World Health Organisation, Maternal Health webpage: www.who.int/health-topics/maternal-health#tab=tab_1

80. Article 11 of the Law of Ukraine "Fundamentals of Ukrainian Healthcare Legislation" together with Part 1 of Article 4 of the Law of Ukraine "On State Financial Guarantees of Medical Care for the Population" provides, within the framework of the medical guarantees programme, the state guarantees citizens, foreigners, stateless persons permanently residing in Ukraine and persons recognised as refugees or persons in need of additional protection full payment at the expense of the State Budget of Ukraine for the medical services and medicines they need in connection with the provision of 1) emergency medical care; 2) primary medical care; 3) secondary (specialised) medical care; 4) tertiary (highly specialised) medical care; 5) palliative medical care; 6) medical rehabilitation; 7) medical care for children under 16 years of age; 8) medical care in connection with pregnancy and childbirth.
81. Part 2 Article 4 of the Law of Ukraine "On State Financial Guarantees of Medical Care for the Population"
82. Protocol 2, article 1 ECHR, article 26 Universal Declaration of Human Rights, Convention on the Rights of the Child 1989 Art 28
83. povaha.org.ua/ukrayinky-za-kordonom-stereotypy-uperedzhennya-ta-mova-vorozhnechi/
84. Special report of the Ukrainian Parliament Commissioner for Human Rights on the observance of the rights of persons affected by the armed aggression of the Russian Federation against Ukraine (for the period February 24 – October 31, 2022)
85. [Letter of the Ministry of Education and Science of Ukraine m. Kyiv from March 29, 2022 no. 1/3737-22 on providing psychological support for participants in the educational process under the conditions of marital state in Ukraine](#)
86. eo.gov.ua/ukrainski-shkoly-za-kordonom-potrebuieut-systemnoi-derzhavnoi-pidtrymky/2023/03/22/
87. See also PACE report Doc 13462 and PACE Resolution 1994(2014) Refugees and the right to work pace.coe.int/en/files/20893
88. The Cabinet of Ministers of Ukraine adopted Resolution No. 678 of 10 June 2022, which approved the Procedure for Implementing a Pilot Project for Issuing a Passport of a Citizen of Ukraine and a Passport of a Citizen of Ukraine for Travelling Abroad to Citizens of Ukraine Residing Outside Ukraine.
89. passport.org.ua/centers

Protecting the rights of migrant, refugee and asylum-seeking women and girls was the subject of a 2022 Recommendation by the Council of Europe. This guide explains the recommendation and offers practical suggestions for implementation, including examples specific to Ukraine.

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

[#istanbulconventionsaveslives](#)

[#CoeCOVAW](#)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE