



EUROPEAN WOMEN'S  
**LOBBY**  
EUROPEEN DES FEMMES

**Re: EWL brief on the Stockholm programme**

Brussels, 7 January 2010

The European Women's Lobby (EWL) has been closely following many of the policy areas that relate to the area of freedom, security and justice, including: fundamental rights, trafficking, violence against women, immigration and asylum policies. The EWL has focused its work on analysing and monitoring the situation regarding women's specific situation relating to these different areas and has strived to ensure that a rights-based approach is at the heart of the policies conducted in these areas. The EWL contributed to the public consultation "Freedom, security and justice: what will be the future?" launched by the European Commission in December 2008. The EWL has also followed very closely the drafting of the European Parliament Resolution on the Stockholm programme, which resulted in the successful integration of nearly all EWL amendments in the FEMM Committee report and to a lesser extent unfortunately in the final EP report.

You will find below general comments on the adopted text under the Swedish Presidency, but also key recommendations to be included in the action plan of the Stockholm programme in order to ensure that a women's rights perspective is integrated.

**1. EWL general comments on the adopted Stockholm Programme**

As the Fundamental Rights Agency had raised in its opinion<sup>1</sup>, the Stockholm Programme was a key opportunity to put fundamental rights, including women's rights, in the centre of European agenda. However, the EWL is seriously disappointed by the adopted text given its strong emphasis on security measures in the text and **fundamental rights being one aspect of the programme rather than the cornerstone**. Moreover, the restricted focus on European citizens implies that the fundamental rights of many women and men living in Europe are being left aside.

From a gender equality perspective, the EWL is also disappointed that **gender equality is only referred to in relation to anti-discrimination and violence against women** while gender equality should be mainstreamed in all the areas of the Stockholm programme. The fact that crucial policy areas to women's rights do not have any gender equality perspective in the programme might have an indirect or direct discriminatory impact on women. For example, the fact that no mention is made of the need to take into account a gender perspective in the future Common European Asylum System (CEAS) and in the work of the European Asylum Support Office is of great concern and is not coherent with the Communication of the European

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<sup>1</sup> Available here: [http://ec.europa.eu/ewsi/UDRW/images/items/doc1\\_9340\\_817157371.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/doc1_9340_817157371.pdf)

Communication on a Policy Plan on Asylum of June 2008 in which the need “to incorporate gender considerations and take into account the special needs of vulnerable groups” was stated as one of the overarching objectives of the CEAS.

In light of the lack of a central gender equality and fundamental rights perspective in the adopted Stockholm programme, **the EWL strongly urges the European Commission in its proposal for an Action Plan to respect the treaties obligation of gender mainstreaming and equality between women and men.**

## 2. EWL recommendations for the action plan of the Stockholm Programme

The recommendations to be found below build on EWL recommendations during the drafting process of the Stockholm programme (most of them were adopted by the women’s rights committee of the European Parliament) and take into account the adopted text. Please note that we followed the structure of the Stockholm programme.

### General Recommendations

- We welcome in the adopted text the reference to prior impact assessments of new legislative initiatives, especially on fundamental rights. However, it is crucial to mention that both **fundamental Rights and gender equality impact assessments** need to be conducted in close cooperation with the Fundamental Rights Agency **and the European Institute for Gender Equality** for all proposals to be made on the basis of the Stockholm programme.
- We welcome the recognition of trainings as key tools for the implementation of the Stockholm programme but call the EC to ensure that the European Training Schemes developed in relation to the area of freedom, justice and security include **gender specific trainings**.

### A Europe of rights

We welcome the mention of victims of gender-based violence in the victims of crime (section 2.3.4) and the call to “examine how to improve legislation and practical support measures for protection of victims”. However, the urgent need to develop a **complete European strategy aiming at eradicating violence against women should be mentioned specifically in the action plan**, comprising prevention measures (such as awareness raising on male violence against women), policies on the protection of victims (including a specific section rights of victims of crime, and strengthening support to victims of crime, in particular to young girls, who are increasingly the victims of significant crimes), and concrete measures to persecute perpetrators.

In this regard, it is crucial as recommended by the European Parliament in its adopted report (par.114)<sup>2</sup> that the European Commission in its action plan commits:

- **To consolidate the legal base within the current EU structure to ensure that all forms of violence against women are addressed** through a broad and gender-based definition of violence against women; based on this legal base, bring forward a **directive** and a **European Action Plan on violence against women**, ensuring the prevention of violence, the protection of victims and the prosecution of perpetrators.

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<sup>2</sup> Available at : <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2009-0090&format=XML&language=EN>

### A Europe of law and justice

In light of the freedom of the movement, the action plan should encourage:

- Member States to guarantee that a **civil partnership, marriage, or other matters (names etc) related to civil status** obtained in one Member State, must also be recognized by another EU Member State if the persons are residents and/or travelling there.

### A Europe that protects

The EWL welcomes the call of the Council in the adopted text for the adoption of new legislation on combating trafficking and protecting victims. However, given the predominance of women victims of trafficking for sexual exploitation, and taking into account that the EP in its adopted text insisted that “the gender issue be taken into account at all stages of development of the policy against human trafficking”, the action plan should:

- Commit to set up mechanisms to **ensure that the gender dimension and analysis of trafficking in human beings is part of all policies aimed at preventing and combating trafficking.**

Moreover, we also welcome the call to the Commission to “propose further measures to protect and assist victims through an array of measures”, but regret the overemphasis on safe return which overlooks the right of the victims to look for protection in the country they have been trafficked in and the right to have legal assistance and support. The action plan should therefore also mention the need to:

- Call Member States to adopt implementing **measures to provide for the recovery of victims of human trafficking**, as well as **legal assistance** to enable their concerns to be considered at appropriate stages of criminal proceedings against offenders, in a manner that is not prejudicial to rights of defence;
- **Ensure the right to assistance and support for all victims of trafficking**, regardless of the victim’s nationality, and regardless of the victim’s cooperation with law enforcement authorities. Access to residence permits should be ensured given the violation of their human rights.
- **Address the demand for sexual exploitation** through sanctions, education and awareness campaigns.

### A Europe of responsibility, solidarity and partnership in migration and asylum matters

We welcome in the adopted text the mention that allowance must be made for the special needs of vulnerable people (p.4). We call in this regard the need to mention specifically in the action plan specific groups such as immigrant women in relation to fundamental rights and integration policies:

- Particular attention should be paid to guarantee respect for the **fundamental rights of immigrant women**, whether or not their status is regular, particularly access to justice, legal aid, housing and health care.
- Stresses the importance to ensure that **integration policies take into account migrant women’s specific needs and do not discriminate against them.**

We welcome the mention in the adopted text of the family reunification directive and the need to evaluate and review it if necessary. However, as the European Commission was supposed to initiate this process already in 2009, the Stockholm programme goes backwards in this regard. It is also of great concern that the text mentions the importance of integration measures, as this

might lead to integration measures being a condition to family reunification<sup>3</sup>. The increasing restrictions imposed by family immigration policies have been having a discriminatory impact on women as research has shown. Kraler and Kofman (2009) point out that the criteria (in particular the income requirements) for family reunification make it more difficult for women to qualify. To meet the income requirements, women need to work fulltime, which makes it difficult for those who have childcare responsibilities and no access to subsidised childcare, which is often dependent on having long-term residence status. The fact that women in Southern Europe are concentrated in informal work is an additional barrier to family reunification. It is therefore crucial that the action plan:

- Calls the European Commission and Member States to **guarantee family reunification's full compliance of fundamental rights and article 8 EHCR**, including the significant reduction (if possible within one year of their arrival) of the time required for a partner to acquire autonomous and independent status of their spouse, ensuring that they retain it in the event of their bond with their spouse being broken and eliminating the possibility of imposing restrictions on access to the labour market and social services.

We welcome in the adopted text the mention in the tools of civil

- Acknowledges that migrant organisations play a unique role in facilitating the integration process and **encourages the European Commission and Member States to commit to support civil society initiatives for and by migrants**, including migrant women's organizations, **with specific funding lines**.

We welcome in the adopted text the mention that "people in need of protection must be ensured access to legally safe and efficient asylum procedures" (p.5), however it is crucial that the European Commission, in light of the communication of the EC on the policy plan on Asylum of June 2008, that states that gender should be an overarching objective of the Common European Asylum System, takes the initiative to:

- Create a **Gender Unit within the European Asylum Support Office**.
- **Develop European trainings on gender and asylum** in order to assist legal practitioners, but also for policy-makers and civil servants in charge of asylum.
- Put into place an **EU ad-hoc gender expert group to examine EU gender-sensitive asylum guidelines** with the aim of assisting asylum determination authorities in interpreting gender-specific asylum claims.
- Conduct a **European study on the disparity of recognition of gender-based persecutions** among Member-States as well as on the integration of gender into the asylum procedures.

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<sup>3</sup> This concern has been raised by Migration Policy Group in its policy brief after the adoption of the European Pact on immigration and asylum, see: [http://www.migpolgroup.org/public/docs/MIPEXPolicyBrief\\_1\\_familyreunion\\_11.08.pdf](http://www.migpolgroup.org/public/docs/MIPEXPolicyBrief_1_familyreunion_11.08.pdf)