



EUROPEAN WOMEN'S
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EWL position paper on EU policies on migration and asylum:

The EU Must Protect Rights of Migrant and Asylum-Seeking Women and Girls

August 2020

About the European Women's Lobby

The European Women's Lobby (EWL), the largest umbrella organisation in Europe representing over 2,000 women's associations, advocates for transformative change in which all women and girls, irrespective of their race or ethnic origin, religion or belief, disability, age, sexual orientation, class, and/or migration status, can fully exercise and enjoy their equal rights within a feminist Europe. The human rights of migrant and asylum seekers women and girls has been a [key area of EWL's work since 2001](#), where we have been active in ensuring women's experiences and political opinions are visible in shaping processes and policies relating to migrant women, male violence against women, peace/conflict and asylum. This includes ensuring women have equal access to the asylum system and influencing current asylum directives which recognise acts of sexual violence as legitimate grounds for asylum. Key milestones in EWL's work include a 2006 project '[Equal Rights. Equal Values. Migrant Women in the European Union](#)', which brought together migrant women's organisations to be actively involved in the development, monitoring and implementation of EU policies.

Amongst EWL's membership is the [European Network of Migrant Women \(ENoMW\)](#), the largest umbrella organisation of migrant-led women's NGOs around Europe, working to promote migrant women's rights, and the concerns, needs and interests of migrant women in the EU. In 2016, with the Women's Refugee Commission (WRC) and ENoMW, EWL carried out a six month [#WomensVoices project](#) to raise awareness on the situation of women and girls fleeing conflict and traveling through Europe, and put forward recommendations to end all forms of violence against refugee women and girls in asylum policies. This work was further expanded in the [2018 #GirlsVoices infosheet](#), bringing girls' rights to the centre of children's rights, women's rights, and asylum seeking and migrant persons' rights.

The situation of migrant and asylum seeker women and girls in Europe

Currently, migration policies and legislative frameworks in the EU have predominantly favoured border security, with the objective of reducing asylum seeker numbers and preventing secondary movements taking precedence over upholding human rights. Too often, the rights of migrant and asylum seeker women and girls have been absent from key policies, which have instead been shaped by male experiences. This includes insufficient mechanisms and support measures for victims of male violence and/or trafficking for sexual exploitation, resulting from their country of origin, during their migration journey, or in their country of transit or destination.

The tightening of European internal and external border controls, including the exponential growth of temporary camps since 2014, the 2016 EU-Turkey deal, and the 2018 proposal for external disembarkation platforms, demonstrate the lack of regard for the rights of migrants and asylum seekers, in particular of women and girls. Policies have taken to driving away sea arrivals in contradiction with the principle of *non-refoulement* and the best interests of the child under the guise



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of preventing people smuggling, while the application of detention as a last resort has been inconsistent across Europe.

Current proposals to reform the Common European Asylum System (CEAS) and the launch of a New Pact on Migration and Asylum are **pivotal opportunities for the European Commission to move from a crisis-management approach to a justice, wellbeing and rights-based approach** that facilitates in humane migration and asylum seeking pathways, and in safe and just procedures for irregular migrants. At a time when EU leaders are calling for solidarity amidst the COVID-19 global pandemic, the EU and its Member States must mirror this by upholding their commitments to EU fundamental values, including respect for human dignity, freedom and equality, particularly equality between women and men as laid out in the EU Treaties.

The EU and its Member States have a responsibility to adopt a comprehensive migration and asylum framework that specifically addresses the experiences of women and girls throughout their migration journey. EWL calls on the European Commission to ensure the following objectives are guaranteed for women and girls in all forthcoming initiatives, regardless of their legal migration status:

- Ensure targeted measures to achieve the outcome of equality between women and men, girls and boys is streamlined across all EU policies, projects and programs, including designing, decision-making and implementation processes;
- Make a top priority of the EU to promote a society of peace and safety by preventing and combating all forms of male violence against women and girls including sexual exploitation; protecting and supporting victims; prosecuting the perpetrators; and addressing all the structural issues that fuel this violence;
- Ensure the full participation of migrant and asylum seeker women and girls in all aspects of society, including access to education, integration programmes, training and decent employment, to guarantee their economic independence;
- Strengthen collaboration between all EU institutions, Member States and key stakeholders, including open dialogue and consultation with women's specialist organisations (such as organisations of migrant women and girls) to maximise the voices of women's diverse experiences in Europe.

Gender mainstreaming future migration and asylum policies

Women and girls are often forgotten in policy and law relating to migration as the experiences during travel and settlement most often felt by them are not dealt with commonly. All legislative and policy initiatives that aim to harmonise strong external borders and free movement within the EU must be grounded in such fundamental values, including the obligations to 'eliminate inequalities, and to promote equality, between women and men' (as per the gender mainstreaming clause of Article 8 TFEU). This must address increased cases of male violence and sexual exploitation, economic precarity and poverty, and lack of access to healthcare and sexual and reproductive health services brought upon by the COVID-19 crisis, and made particularly difficult for migrant and asylum seeking women and girls with disabilities, older women, and women and girls of colour.

Girls face some of the strongest challenges when making the journey for asylum and a new life, yet as a group, girls' needs often remain a significant gap in law, policy, funding and service provision. Subsumed under the terms 'children' and 'women and girls', data specific to the experiences of girls



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through migration and resettlement is often lacking, which leads to challenges in securing specialised resources. Often within the context of addressing victims facing a combination of sexism, racism and xenophobia, and/or who are vulnerable to trafficking, exploitation and abuse; girls' rights and needs are often neglected.

To ensure no woman or girl is left behind, it is essential to ensure **gender mainstreaming** in all forthcoming migration and asylum initiatives in compliance with international Guidelines, Conventions and Frameworks.¹ This must be achieved via a two-pronged approach: the incorporation of women's perspectives across all initiatives, including the design, objective-setting, implementation and monitoring phases; and setting up special measures to specifically address inequalities faced by women and girls. This must be done in consultation with **women's specialists and civil society organisations**, including organisations of migrant women and girls, draw from a streamlined and systematic approach to collecting **sex-disaggregated data**, and by undertaking **gender impact assessments** to adjust measures that may have unintentionally been preventing women and girls from fully enjoying their rights.

Universal access to **legal, medical, psychosocial, and sexual and reproductive health services** must be made fully accessible and inclusive for all migrant and asylum seeking women and girls, with easy-to-understand information accessible in a range of languages. Specialised support services must in particular be created for **girls**, and be **delivered by specially trained staff** capable of supporting their needs both as minors and specifically as girls who have faced violence.

Significant **funding and human resourcing** must also be secured, to ensure all migrant and asylum seeking women and men benefit equally from settlement and integration programmes, while also supporting the work of women's civil society organisations. This includes the application of **gender budgeting** to the Multiannual Financial Framework 2021-2027, notably the upcoming Asylum and Migration Fund and the European Social Fund Plus, to ensure programmes are designed to uphold women's rights at their arrival, during settlement and integration.

Combating men's violence against women and girls

Violence against women threatens the security of half of the population in the EU, affecting over 250 million women and girls. One in three women in Europe are affected by physical and/or sexual violence; and one in two women in the EU have been exposed to sexual harassment since the age of 15. The majority of women and girls migrating throughout Europe are often fleeing conflict and male violence. Their pursuit of international protection from an EU Member State is often rife with different forms of male violence, sexual exploitation and/or discrimination, both during their migration journey and furthered in Europe. This includes, but is not limited to, rape, sexual assault and sexual harassment; being exploited in prostitution; survival needs not being met to access food, medication,

¹ Including: UNHCR Guidelines on International Protection; the Convention on the Elimination of Discrimination Against Women (i.e. General recommendation No. 26 on women migrant workers; General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women; General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19); the UN Convention on the Rights of the Child (Article 22); and the UN Convention on the Rights of Persons with Disabilities (Article 11); UN Convention on the Rights of the Child (UNCRC); and the Beijing Declaration and Platform for Action.



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housing or transport; domestic violence; and girls who are sold for marriage or trafficked for sexual exploitation.

Too often, asylum and migration policies do not reflect the reality of the prevalence of men's violence against women and girls on the move, and thus do not respond adequately for women or girls of any age. This includes situations where women's legal status is dependent on their spouses, preventing victims of domestic violence from independently seeking international protection and access to justice and support services.² The principles of protection, prevention, persecution, partnership and service provision must be central to any such response.³ This includes ensuring that prevention is resourced; that women and girls can report any crimes without negative repercussions; that access to justice is facilitated and perpetrators of violence or exploitation are held to account; that counselling and health services are provided; and that women's rights and violence against women specialist organisations are consulted with in the development and implementation of policies and procedures.

All women entering the EU, including victims of domestic violence, should thus be granted **independent legal status** rather than as dependents of their spouses or male family members, to ensure their safe access to asylum procedures, and mitigate any barriers to seeking international protection, support services and/or access to justice and redress. All upcoming migration and asylum legislative and policy frameworks must further be developed in compliance with the Council of Europe Convention on the Elimination of Violence Against Women, the **Istanbul Convention**, which guarantees the fundamental rights of every woman to be protected from violence at the individual, institutional and structural level, regardless of her legal status. This must include references to the definition of 'violence against women' (Article 3a), and fully deliver in particular on the provisions of Articles 59-61 on residency status, gender-based asylum claims, and the principle of *non-refoulement*. Furthermore, these initiatives must comply with sufficient measures to respond to the **sexual exploitation of women and girls**, which is recognised as a Eurocrime in Article 83(1) of the TFEU, and in-line with the EU Anti Trafficking Directive 2011/36/EU, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.

Ensuring women's access to economic and professional security and freedom

Migrant women play essential roles in labour markets and make a valuable contribution to the economies and societies. Despite this, they face significant obstacles to effectively integrate into the labour market. Across Europe, 55.3% of women born outside the EU are in employment, compared to 69.7% of women born in the EU. Highly-educated migrant women, including older women re-entering the workforce, who obtained their qualifications outside the EU are twice as likely to be employed in low-skill jobs compared to EU-qualified and native women with the same level of education. This includes working in feminised sectors including domestic and care work, food services and administration, often working long hours for low pay, at greater risk of exploitation, and with little access to the social rights offered to EU residents and citizens.

² See: European Network of Migrant Women, "[The New EU Migration Pact in Progress: Recalling Legal Obligations](#)", April 2020.

³ More information can be found in our report "[WomensVoices: Recommendations on Preventing & Combating Violence Against Refugee Women & Girls on the Move](#)", June 2016.



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Similarly, asylum seeking women face numerous barriers to accessing decent employment during the processing of their applications for international protection, often due to discrepancies surrounding their legal migration status. This includes administrative barriers surrounding work permits and/or the penalisation of their rights as a dependant of their spouse (for example, restrictions attached to them as presumed secondary earners). These barriers have long-term implications across the life cycle, whereby the impact of unemployment, precarious work and increasing inequality leads to the erosion of social protection, welfare and pension schemes.

While access to basic education is a fundamental human right for all children, refugee girls in secondary education are only half as likely to enroll as their male peers, often due to prioritisation for boys to remain in school while girls are expected to take on familial care responsibilities, or in situations where school environments do not have the appropriate bathroom facilities or menstrual supplies to allow girls to stay in school.⁴ Across the EU, access to quality pre-primary and secondary upper education is often beyond the scope of national legislation regarding compulsory education.⁵

The rights to access **basic education** and **safe, fair and decent employment** must be granted to migrant and asylum seeking women and girls, including those whose applications for international protection are pending. Not only will this ensure their economic empowerment and independence, it also mitigates the risk of exploitation and the grooming of girls for sexual exploitation. All migrant and asylum women and girls must have **access to current information regarding their rights**, including the right to access programmes and training on **integration, language and digital competency**, irrespective of their legal migration status. This must be tailored to the experiences and needs of all, including women with disabilities, older women, and women and girls from diverse cultural and linguistic backgrounds.

Recommendations:

EWL's recommendations for a Europe that goes further towards guaranteeing the full rights and wellbeing of migrant and asylum seeking women and girls include:

- **Gender mainstreaming** across all forthcoming migration and asylum initiatives, including during the design, objective-setting, implementation and monitoring phases, with temporary special measures set out to specifically address inequalities faced by women. To ensure success, this must be done:
 - in consultation with **women's specialists and civil society organisations**;
 - through a streamlined and systematic approach to collecting **sex-disaggregated data**;
 - with **gender impact assessments** to adjust measures unintentionally contributing to further inequality between women and men;

⁴ UNHCR, "[Her Turn: It's time to make refugee girls' education a priority](#)", March 2018.

⁵ UNHCR, UNICEF and IOM, "[Access to education for refugee and migrant women children in Europe](#)", September 2019.



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- by implementing **gender budgeting** to all relevant funding and programmes, including the Multiannual Financial Framework 2021-2027, notably the Asylum and Migration Fund and the European Social Fund Plus.
- Compliance of asylum procedures with **international human rights standards**, in particular UNHCR Guidelines on International Protection; the Convention on the Elimination of Discrimination Against Women and General recommendations No. 26, 32 and 35); the UN Convention on the Rights of the Child (Article 22); and the UN Convention on the Rights of Persons with Disabilities (Article 11); and the Beijing Declaration and Platform for Action.
- Compliance with the Council of Europe Convention on the Elimination of Violence Against Women, the **Istanbul Convention**, which guarantees the fundamental rights of every woman to be protected from violence at the individual, institutional and structural level, regardless of her legal status. This must include references to the definition of 'violence against women' (Article 3a), and fully deliver in particular on the provisions of Articles 59-61 on residency status, gender-based asylum claims, and the principle of *non-refoulement*.
- Sufficient measures to respond to the **sexual exploitation of women and girls**, which is recognised as a Eurocrime in Article 83(1) of the TFEU, and in compliance with the EU Anti Trafficking Directive 2011/36/EU and Directive 2012/29/EU Victim's Rights Directive, and Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.
- All women entering the EU, including victims of domestic violence, should be granted **independent legal status** rather than as dependents of their spouses or male family members, to ensure their safe access to asylum procedures, and mitigate any barriers to seeking international protection, support services and/or access to justice and redress.
- Appropriate **financial and human resources** for the implementation of integration policies, measures and programmes including language and digital competency training, as well as the work of **women's civil society organisations, especially organisations of migrant women**.
- Access to **current information on their rights**, including ensuring universal access to **legal, medical, psychosocial, and sexual and reproductive health services** that are fully accessible and tailored to women with disabilities, older women, and women and girls from diverse cultural and linguistic backgrounds.
- **Specialised support services for girls**, delivered by **specially trained staff** capable of supporting their needs both as minors and as girls who have been subjected to violence.
- Access to **basic education** and **safe and decent employment**, including for those whose applications for international protection are pending.

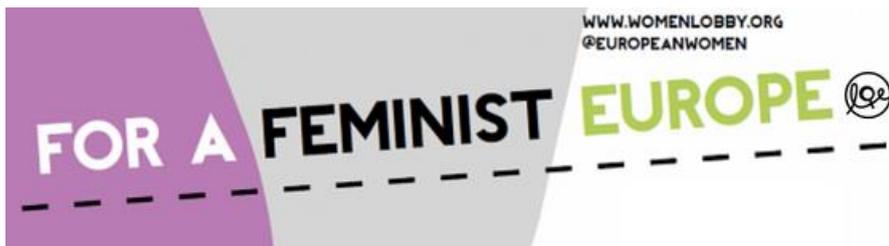
EWL contact points

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