

# Migration



## **Relevance of gender in the policy area**

Around seven per cent of the total population living in the EU Member States are born outside of the EU, and half of them are women and girls. Work, study and reuniting with family members, as well as different forms of persecution, are common reasons motivating both women and men to migrate and live in other countries. Migration can bring new opportunities to migrants and their families. Especially in societies where women are limited in their mobility decisions, the act of migration, when voluntary, is in itself empowering. It may stimulate change in the women themselves and in the sending and receiving societies. However, there is also an adverse side to migration.

Women migrants, refugees and asylum seekers face different risks and insecurities in the different stages of the migration process from those faced by men. Women refugees and asylum seekers are considered as categories in most vulnerable situations, requiring a prompt and effective protection response as they are at a higher risk of gender-based violence, including trafficking for sexual exploitation and forced marriage. While some studies show that highly skilled women tend to migrate more than men, women born outside the EU experience high inactivity rates and worse employment outcomes than men migrants. Women migrants are disproportionately represented in lower paid occupations and work in the informal economy, such as domestic work and care work, where human rights abuses are commonplace. Negative media representation of migrant women's oppression can fuel racism and xenophobia and reinforce stereotypes that stigmatise them. In the context of restrictive immigration policies, the representation of migrants – and especially Muslim women – as vulnerable, passive victims of patriarchal cultures, has opened up a space for co-opting or instrumentalising women's rights and gender equality.

Gender is a crucial variable when looking into the policy area of migration. The lack of a gender perspective in migration, asylum and integration policies can have detrimental effects on the women and men on the move. Whether they are forced to move, migrate on voluntary basis or their reasons for migration are a combination of the two, women and men, girl and boy migrants are a highly heterogeneous group and a careful analysis of gender as a basis and source of discrimination cannot neglect or overlook diversity of experiences. Women and men migrants experience intersectional discrimination based on multiple factors including gender identity, sexual orientation, migration status, age and class.

The main gender inequality issues related to migration status in the EU are:

- labour market participation, deskilling and the informal economy;
- family reunification;
- international protection;
- gender-based violence.

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## **Gender inequalities in the policy area – main issues**

**Labour market participation, deskilling and the informal economy**

Women migrants are more likely to be unemployed or economically inactive than any other group in the EU labour market. The labour market participation of women migrants, however, differs significantly when the reason for migration is taken into account. Women migrating for family reasons have averagely lower employment rates than women arriving for study or work reasons. The employment rate of women refugees is approximately 45 % whereas the refugee men employment rate is on average 62 %. Some studies suggest that unemployment rates are especially high among women coming from countries where women's employment rates are very low. Labour segregation and pay gaps are common among all skill groups.

Highly skilled women migrants face significant barriers when accessing the EU labour market. Admission schemes designed to attract highly skilled migrant workers are often gender-blind, thus causing detrimental effects for women. For example, admission schemes generally tend to prioritise professions linked to production sectors (such as ICT, engineering and finance) where women are less represented than men. Social isolation and lower labour market participation can cause an increase in household and childcare responsibilities for women, which can further reduce their employability.

Women and men migrants and refugees are at higher risk of landing in precarious and undeclared employment due to the absence of robust protection mechanisms and fair recruitment practices that guarantee their access to decent work. In addition, due to difficulties in getting qualifications recognised, women migrants are at high risk of being employed in low-paid jobs below their skill and qualification levels, making them even more vulnerable to deskilling. Deskilling is experienced in two different ways: women professionals work in sectors other than those they originally trained in; and they work at levels below their qualifications. Some of the factors contributing to deskilling include: qualifications and skills not being recognised; insufficient formal channels for information about and access to employment; insufficient or ineffective support structures for newly arrived qualified migrants, which makes them reliant on informal networks; a shortage of affordable, accessible and appropriate professional language courses for qualified migrants and cultural and gender stereotypes. These factors may affect women and men differently. For instance, women's assigned roles as caretakers within the family might constitute an obstacle to attending language courses because of their responsibilities towards children or other dependents. Their need for reskilling or gaining accreditation might not be a priority considering the gender roles within the family. Stereotypical perceptions about women's caring role are present in both host and origin societies, which might have implications in reinforcing gender inequalities.

The most recently available data from the International Labour Organization (ILO) indicate that migrants make up the majority of domestic workers all over the world and that women accounted for 73 % of the domestic workforce in 2013. In many EU Member States, migrant domestic workers are employed as undeclared workers in the informal economy. While the EU institutions recognise in the Work-Life Balance Directive the contribution of domestic care work to the achievement of gender equality targets through the development of work–life balance services for families, the illegal working conditions of most women migrant workers in the EU expose them to severe exploitation and abuse. In addition, women and men migrant workers can face difficulties when they incur high debts as a result of recruitment fees and consequently may become victims of debt bondages with their recruiters. They are also highly dependent on the employer and may have little or no knowledge of their rights or the ways in which they can seek support.

### **Family reunification**

Family reunification is a human right recognised by international law. The EU directive on the right to family reunification determines the conditions under which family reunification is granted in the European Union, as well as the rights of the family members concerned.

Approximately one third of all third-country national arrivals in the EU are on account of family reunification. The number one reason for which women migrated to the EU in 2017 was family (around 30 % of all permits issued to women were issued for family reasons). The family reunification process accounts for a number of gender-related challenges that are potentially more detrimental to women than men. For example, some of the conditions for granting family reunification as implemented by the Member States are of special concern for low-skilled migrants and especially women migrants. The costs of integration courses and tests – that in some Member States are not provided for free – may constitute a significant problem, while participating in integration programmes whilst conciliating family responsibilities may cause difficulties. The resource levels (income and/or housing) required to qualify for family reunification can be disadvantageous for women migrants who wish to be reunited with their families, as they tend to have lower incomes than migrant men.

Family members do not have an independent right of residence (i.e. an autonomous residence permit), when arriving on the grounds of family reunification, and their rights are defined by those exercised by the sponsor. When the sponsor is a man, this period of dependence may result in very serious consequences, such as the inability of women migrants to escape domestic violence. When the sponsor is a woman, she could face more difficulties in comparison to men in meeting the requirements set for family reunification. For instance, in northern European countries, income or housing criteria in practice mean that women have to work full time in order to earn the equivalent of the defined minimum income or to have access to suitable housing. However, working full time is particularly difficult for women with child-care responsibilities and no access to subsidised childcare. In practice, tighter regulations have also led to fewer women acting as sponsors. In many southern European countries, numerous women migrants work as domestic and care workers in private households, often in unregulated ways. Thus, they cannot meet the economic criteria for family reunification. Additionally, they might be forced to leave their children behind because they do not have their own accommodation.

### **International protection**

Asylum seekers and refugees face many insecurities and risks during their journey and upon their arrival in the EU. The increased number of women and men seeking refuge in 2015-2016, or what was frequently referred to as the refugee 'crisis', was marked by many lives lost at sea and at the EU borders, as well as a deteriorating humanitarian situation, with many refugees living in substandard conditions. However, the EU's asylum and refugee legislation and policies recognise women asylum seekers and refugees as having particular needs and protection responses because of the increased vulnerabilities some of them may face. For example, some may travel alone or with children; be pregnant or breastfeeding; be elderly or adolescents. They are at heightened risk of gender-based violence, including trafficking for sexual exploitation and forced marriage. They may have difficulties in accessing healthcare and support services or lack financial means, professional qualifications or family support – factors that exacerbate the vulnerabilities of women asylum seekers and refugees.

Despite strong policy commitments, significant challenges persist in reception systems across the EU. Women asylum seekers and refugees have specific needs and concerns, such as conducting their interview with a woman interviewer and interpreter, with access to childcare and without the participation of other family members and having separate housing from men in reception centres and safe access to private sanitary facilities. They may also experience more significant barriers to accessing asylum due to financial constraints or cultural norms, language barriers or lack of information about their rights, trauma or shame that prevents them from speaking about their experiences or the absence of trained female staff to assess their claims.

The European Parliament notes that women are not guaranteed consistent gender-sensitive treatment when they seek protection in the European Union, with important shortcomings in guaranteeing gender-sensitive reception procedures in most Member States. For example, even though special attention should be paid to preventing women and girls becoming victims of trafficking and gender-based violence, unaccompanied girls are particularly vulnerable. They often experience sexual exploitation and sexual abuse in reception facilities, in addition to interrupted school attendance, the absence of vocational and training programmes and a lack of support services such as psychological counselling.

The integration outcomes of women refugees are generally poorer than those of men refugees and other groups of women third-country nationals with reference to education, employment and health. Women arriving as asylum seekers may also experience long, unproductive and discouraging waiting periods before having a clear opportunity to stay (and work), with valuable time for early integration being lost during the wait. Health-related concerns and unequal access to healthcare services – commonly because of institutional and language barriers – are particularly problematic in light of refugee and asylum-seeking women's sexual and reproductive health needs. Lower labour market participation is another source of concern and is due to many different factors, such as fewer qualifications, less experience in gainful employment, less or delayed participation in language acquisition, and childcare obligations and household responsibilities that tend to prevent them from accessing education and/or the labour market.

### **Gender-based violence**

Women migrants can be highly vulnerable to exploitation and abuse. Gender-based violence can be both the cause of migration – when fleeing from war and conflict in which unequal power relations make women vulnerable – and a risk that women migrants, refugees and asylum seekers are likely to encounter during their journey. For example, a systematic review on the prevalence of sexual violence among refugee women on a global level shows that rape was the most reported form of sexual violence, with women as the main victims in all stages of the journey, and especially when still in the countries of origin. Sexual violence was perpetrated mostly by intimate partners, but also by supposed agents of protection.

Similarly, the European Union Agency for Fundamental Rights (FRA) notes that women migrants in vulnerable situations – especially women migrants travelling alone or adolescent girls – are at risk of early and forced marriage, transactional sex, rape, sexual harassment and physical assault. Once they reach the EU Member States, women are at heightened risk of sexual and gender-based violence in reception centres or first- and second-line refugee facilities. According to the European Network of Migrant Women (ENOMW), barriers to accessing employment, legal status, limited access to reporting and to justice and protection, limited knowledge of the local language and lack of social networks make migrant women particularly vulnerable to other forms of gender-based violence, including its extreme form – femicide.

Female genital mutilation (FGM) is a form of gender-based violence that can be claimed as a ground for asylum. EU Member States face challenges not only related to asylum claims on the ground of FGM, but also in estimating girls at risk of FGM, either as first- or second-generation migrants. EIGE's latest study on the estimation of girls at risk of FGM in the EU provides essential insights into the factors motivating or discouraging the practice, as well as a refined risk estimation methodology.

Trafficking for sexual exploitation, which is both the most common form of trafficking in human beings and a form of gender-based violence, disproportionately affects women and girls. In 2015- 2016, 95 % of registered victims of trafficking for sexual exploitation (65% of all victims) in the EU-27 were women and girls. Around one sixth (15%) of registered victims of trafficking in the EU-27 were trafficked for labour exploitation, and 80 % of those were men. However, in certain sectors such as domestic work, the victims are predominantly women. Comprehensive and comparable data on the trafficking in human beings in the European Union are not available and a large part of the phenomenon is unregistered.

Accessing support services might be difficult for women refugees and migrants. FRA suggests that women refugees are often in a position that prevents them from reporting abuse because they might not know they have the right to report it or know to whom, where and how to report it; because there could be a lack of effective procedures in place to identify victims of abuse; and because staff might not be aware of gender-based violence issues or be able to recognise them. Women from non-EU countries depending on their husbands with regard to their residence permit may also find themselves in a particularly vulnerable position. The risk of losing their residence permit may prevent them from reporting intimate partner violence or divorcing the abusive spouse. Undocumented migrant women may find themselves in economically disadvantageous situations in which their status is used as a tool of intimidation. They may fear they will be arrested or deported, making them reluctant to seek help in case of abuse.

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## **Gender equality policy objectives at EU and international level**

### **EU level**

#### **European Commission**

In May 2015, the European Commission published the European Agenda on Migration. It calls for a set of core measures and a clear common policy on migration in the European Union, in order to meet international and ethical obligations in accordance with the principles of solidarity and shared responsibility. This document focuses on the protection and reception of migrants, but the European Commission notes that for this migration policy to succeed, it needs to be supported by effective integration policies. Considering the focus on border management and reducing incentives for irregular migration, the approach is largely securitised. Moreover, given the absence of references to women and gender equality, the approach is also gender-blind, which poses the risk of ignoring the specific needs and priorities of women migrants, refugees and asylum seekers. In October 2019, the Commission published a progress report on the implementation of the European Agenda on Migration, examining progress made and shortcomings in the implementation of the agenda. Like the European Agenda on Migration, the progress report does not include references to gender nor women. However, it includes a report on EU support on vulnerable migrants.



In 2016, the European Commission adopted an action plan on the integration of third-country nationals. It states that devoting resources to the implementation of effective integration policies 'will contribute to making Europe a more prosperous, cohesive, and inclusive society in the long run.' This document drafts key policy priorities and tools to support integration policies across the EU within different policy areas such as education, employment, entrepreneurship and culture, and in different contexts. The European Commission further highlights that special attention should be paid to the gender dimension, together with the situation of children and vulnerable groups, when developing integration policies at EU, national or local levels. Through this action plan, the European Commission commits to engaging in a dialogue with Member States to ensure that the gender dimension and the situation of women migrants are taken into account in planned policies and funding initiatives

In terms of the most recent policy objectives, Promoting our European way of life – Protecting our citizens and our values is one of the six policy priorities for the new European Commission (2019- 2024). Migration is one of the five policy areas under this priority, and it includes the following policies:

- saving lives and stemming irregular migration flows;
- protecting borders with the European Border and Coast Guard;
- safe and legal pathways: a new boost for resettlement;
- overhauling the EU's asylum rules.

In its new work programme for 2020, the European Commission sets out the launch of a new pact on asylum and migration. Acknowledging the interconnectedness of the internal and external aspects of migration, the pact 'will deliver a more resilient, more humane and more effective migration and asylum system, which will also underpin confidence in the Schengen area of free movement'. According to the work programme, the pact should be adopted in 2020.

In terms of gender equality commitments, the Europe 2020 strategy included a target for reaching a 75 % employment rate amongst people aged 20-64. The European Commission's strategy for equality between women and men 2010-2015 reinforced this objective by stating that in order to reach it, special attention needs to be given to the labour market participation of migrant women. The strategy also recognised that the employment rate of migrant women is low (especially during the first 3 years in the host country) and concluded that 'there is a strong need to provide early support to migrant women and monitor the effect of such assistance'. The strategy identified the promotion of gender equality in all initiatives on immigration and integration of migrants as one of its key actions. The European Commission's strategic engagement for gender equality 2016-2019 included as an objective better labour market integration of migrant women. It called for integrating a gender perspective into the implementation of the European Agenda on Migration; addressing barriers to the employment and career progression of migrant women and helping Member States to make full use of the possibilities offered by the European Social Fund in this area.

Most recently, the Commission presented the new EU gender equality strategy, A Union of equality: gender equality strategy 2020-2025. One of the six priorities outlined in the strategy focuses on integrating a gender perspective in all EU policies and processes. In addition, under the priority focusing on funding actions to make progress in gender equality in the EU, the strategy states that 'particular attention needs to be paid to women and girls in the asylum and migration area. Through the Asylum and Migration Fund, the Commission will encourage Member States to target actions that support the specific needs of women in the asylum procedure, as well as actions that support the integration of women in the new society'.

## **EU legislation**

- 1 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification determines the conditions under which family reunification is granted, as well as the rights of the family members concerned. Recital 11 makes specific reference to the importance of complying with the values and principles recognised by the Member States, in particular with respect to the rights of women and of children. The directive allows Member States to impose conditions on family reunification, such as complying with pre-entry integration measures or attaining a higher minimum age for spouses. These provisions aim, for instance, at protecting migrants from forced marriage and enabling them to be more independent and participate in the labour market of the host society.

- 2 Council Directive 2003/109/EC of 25 November 2003 as amended by Directive 2011/51/EU on long-term residents, provides that all migrants with at least 5 years of continuous legal residence in the territory of an EU country are granted 'long-term resident' status.
- 3 Council Directive 2009/50/EC of 25 May 2009 (the EU Blue Card Directive) sets the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, and is currently under revision.
- 4 Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims provides binding legislation to prevent trafficking, to prosecute criminals effectively and to better protect the victims, in line with the highest European standards. The directive highlights the need to adopt a gender-specific approach to trafficking in human beings and emphasises that prevention, assistance and support measures must be gender-specific.
- 5 Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member States.
- 6 Directive 2011/95/EU of 13 December 2011 (recast), the Revised Qualification Directive, sets standards for the qualification of third-country nationals as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted. The directive calls for taking into account 'the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence' (Article 20) and provides for access to healthcare (Article 30) for these groups.
- 7 Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime ensures that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. The directive's provisions cover victims of trafficking as they are considered as particularly vulnerable to violence against women.
- 8 Directive 2013/32/EU (recast) of 26 June 2013 on common procedures for granting and withdrawing international protection calls for gender-sensitive application procedures for asylum.
- 9 Directive 2013/33/EU (recast) of 26 June 2013 laying down standards for the reception conditions includes women in the vulnerable groups seeking international protection and requiring specific attention as well as targeted reception practices, such as

separate accommodation. Member States should consider gender- and age-specific concerns and the situation of vulnerable persons in relation to applicants within accommodation centres. Therefore, they should take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment (Article 18). The directive also calls for adequate training of staff in reception centres who should be aware of 'the basic needs of both male and female applicants' (Article 29).

- 10 Directive 2014/36/EU of 26 February 2014 on seasonal workers sets the minimum rules for the admission of low-skilled migrant workers.
- 11 Directive 2014/66/EU of 15 May 2014 sets the conditions of entry and residence of migrants taking part in intra-corporate transfers.
- 12 Directive 2016/801 of 11 May 2016 on students and researchers (recast of Directives 2004/114/ EC on students and 2005/71/EC on researchers) sets new rules for the entry and residence of migrant students and researchers, school pupils, trainees, volunteers and au pairs.

In February 2014, the European Parliament adopted a resolution on undocumented women migrants in the European Union based on a report prepared by the Women's Rights and Gender Equality Committee (2013/2115(INI)). Considering the multiple types of discrimination experienced by undocumented women migrants due to their gender, legal status and in certain cases race, the recommendations proposed in this report are organised around three main points:

calling on Member States to uncouple immigration policies from healthcare, education and the prosecution of crimes against undocumented migrants;  
requesting future revisions of the Employers' Sanctions Directive and the Returns Directive, by which the European Commission may strengthen the protection of fundamental rights for undocumented migrants and especially for undocumented female migrants;  
asking Member States to investigate any claims of physical abuse in detention centres and, in cooperation with non-governmental organisations (NGOs), to implement more humane alternatives to the prison-like detention centres.

For this last point, the committee calls on the European Commission and the Member States to provide more funding to NGOs and civil society organisations working with undocumented migrants.

In June 2015, the European Parliament adopted a resolution on the EU Strategy for equality between women and men post-2015 (2014/2152(INI)), which acknowledges the situation of migrant women and recommends that the Commission undertake various actions. In particular, the resolution stresses the importance of campaigns and initiatives to promote the active participation of migrant women in society. This includes the need for a gender-sensitive asylum and migration policy and the recognition of the threat of female genital mutilation as a reason for asylum.

In March 2016, the European Parliament adopted a resolution on the situation of refugee women and asylum seekers in the EU (2015/2325(INI)). The resolution acknowledges the current situation of vulnerability of refugee women in Europe, calling for urgent action to make all asylum policies and procedures more gender sensitive. Any such action should cover reception and detention, refugee status determination, social inclusion and integration and making safe and legal routes to the EU available. It explicitly highlights the need for the Geneva Convention of 28 July 1951 and 1967 Protocol Relating to the Status of Refugees (the Refugee Convention) to be interpreted in a way in which gender-based persecution of women and lesbian, gay, bisexual, trans and queer/questioning (LGBTQ) people is recognised in refugee determination processes. It further states that gender-based violence towards refugee women should be investigated and prevented

In April 2016, the European Parliament adopted a resolution on women domestic workers and carers in the EU (2015/2094(INI)), recognising that the majority of domestic workers and carers in the EU are migrant women, many of whom are in an irregular situation, and calling for, inter alia, (1) the professionalisation and skill recognition of the relevant workforce; (2) the recognition of domestic work and care services as normal work; (3) the ratification of ILO Convention 189 on the rights of domestic workers (which has been ratified by only six Member States so far); (4) domestic workers and carers' right to unionise and to bargain collective agreements and (5) a set of policy measures to be put forward by the European Commission.

In 2019, the European Parliament adopted a resolution on experiencing a backlash in women's rights and gender equality in the EU (2018/2684(RSP)), highlighting that the main targets of this backlash include 'key areas of the institutional and policy framework for gender equality and women's rights, such as gender mainstreaming, social and labour protection, education, [...] and adequate funding for women's and other human rights organisations and movements'. The resolution further notes that 'the most vulnerable to backlash are women in minority groups, including gender and sexual, ethnic and religious minorities.'

## **International level**

### **Council of Europe**

On 3 May 2005, the Committee of Ministers adopted the Council of Europe Convention on Action against Trafficking in Human Beings. The Council of Europe considered that it was necessary to draft a legally binding instrument which goes beyond recommendations or specific actions. Among the monitoring bodies within the Council of Europe is the Group of Experts on Action against Trafficking in Human Beings (GRETA).

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) is an effective legal instrument adopting a gender mainstreaming approach in reception policies to overcome those barriers preventing migrant women from accessing life-saving support services. The convention ensures the prevention and protection of migrant and refugee women from any form of gender-based violence, prohibiting discriminatory measures on the grounds of migrant or refugee status and envisioning the abolishment of laws and practices which discriminate against them. Chapter VII of the convention is entirely dedicated to the specific obligations to guarantee the protection of migrant women and asylum seekers irrespective of their legal status.

Article 59 refers to residence status of women victims of gender-based violence

Article 60 refers to gender-related asylum claims, requiring that parties take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

Article 61 refers to the non-refoulement principle, requiring that parties take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law.

Monitoring the implementation of Istanbul Convention, the Group of Experts on Action against Women and Domestic Violence (Grevio) has completed baseline evaluation reports in eight EU Member States (Denmark, France, Italy, Netherlands, Austria, Portugal, Finland and Sweden).

In addition to the strategic objective on achieving gender mainstreaming in all policies and measures, the Council of Europe gender equality strategy 2018-2023 has a new strategic objective specifically focused on protecting the rights of migrant, refugee and asylum-seeking women and girls. Specifically, the strategy acknowledges that ‘many migrant, refugee and asylum-seeking women and girls have been exposed to various forms of gender-based violence, either in their country of origin, during the journey to Europe, or upon arrival. Due consideration should be given to their needs and circumstances and gender-responsive measures should be adopted to prevent discrimination, violence, harassment, trafficking and other forms of exploitation and abuse – including in times of crisis and natural disasters. In addition, measures need to be taken to ensure that migrant, refugee and asylum-seeking women have access to their human and social rights in relation to individual freedom, employment, housing, health, education, social protection and welfare where applicable; and access to information about their rights and the services available.’

## **United Nations**

The 1951 Refugee Convention is gender neutral and defines a refugee as ‘any person who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [sic] nationality and is unable, or owing to such fear, is unwilling to avail himself [sic] of the protection of that country’. Although gender is not included in the international definition of a refugee, the Office of the United Nations High Commissioner for Refugees (UNHCR), in its Guidelines on the Protection of Refugee Women (1991), states that ‘women fearing persecution or severe discrimination on the basis of their gender should be considered a member of a social group for the purposes of determining refugee status’. In addition, UNHCR has also published Guidelines on International Protection No 1: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (2002), as well as Guidelines on International Protection No 7: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked (2006). UNHCR has also published guidance notes on refugee claims, namely a Guidance Note on Refugee Claims relating to Female Genital Mutilation (2009), and a Guidance Note on Refugee Claims relating to Sexual Orientation and Gender Identity (2008).

In ratifying the United Nations Convention on the Elimination of all Forms of Discrimination against Women (1979), the EU Member States made commitments to ensure equal rights for men and women in all spheres of life, including protecting the rights of women migrants and refugees, as further described in General Recommendations No 26 (2008) on women migrant workers, No 32 (2014) on the gender-specific dimensions of refugee status, asylum, nationality and statelessness of women and No 35 (2017, updating General Recommendation No 19) on gender-based violence against women.

The Beijing Declaration and Platform for Action (1995) adopted at the United Nations fourth World Conference on Women urged governments to take action to combat the continuous discrimination against women, including migrant women under the 12 critical areas of concern. Several strategic objectives include references to migrant women and refugees, such as strategic objective A1: review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty; strategic objective B.3: improve women’s access to vocational training, science and technology, and continuing education; strategic objective C.2: strengthen preventive programmes that promote women’s health.



Under strategic area D: violence against women, some groups of women including refugee women, repatriated women migrants and women migrant workers, are indicated as particularly vulnerable to violence. Strategic objective D.1: take integrated measures to prevent and eliminate violence against women, is aimed at bodies that should be undertaking certain actions. This includes local governments, community organisations, non-governmental organisations, educational institutions, the public and private sectors (particularly enterprises), and the mass media. It outlines the need to establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence. It also requires recognition of the vulnerability to violence and other forms of abuse of women migrant workers, whose legal status in the host country depends on employers who may exploit their situation. In addition, strategic objective D.3: eliminate trafficking in women and assist victims of violence due to prostitution and trafficking, requires detailed actions to be undertaken by governments of countries of origin, transit and destination.

In 2015, United Nations (UN) member states adopted the 2030 Agenda for Sustainable Development and its 17 sustainable development goals (SDGs). There is a specific SDG (goal 5) dedicated to achieving gender equality and empowering all women and girls, and gender is mainstreamed throughout the remaining SDGs. Gender equality is considered not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world.

Goal 5 aims to:

- eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking in human beings and sexual and other types of exploitation;
- eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation;
- recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate;
- ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life;
- ensure universal access to sexual and reproductive health and reproductive rights as

agreed in accordance with the programme of action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences;

undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws;

enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women;

adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

Other SDGs relevant to migration are goal 8 on growth and decent work; goal 10 on reducing inequalities; goal 16 on peaceful, inclusive societies and access to justice for all; and goal 17 on global partnership on sustainable development, which also includes improving data.

## Global Compact for Safe, Orderly and Regular Migration

In an effort to establish an international cooperative framework on migration, the Global Compact for Safe, Orderly and Regular Migration was adopted in December 2018. It represents the first global non-binding agreement covering all dimensions of migration. The Compact mainstreams a gender perspective and encourages policymakers to 'promote gender equality and the empowerment of all women and girls ... in order to move away from addressing migrant women primarily through a lens of victimhood'. It encourages the involvement not only of state actors but also of other stakeholders, such as local authorities and private entities

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## Policy cycle in migration

How and when? Education, training and the integration of the gender dimension into the policy cycle

The gender dimension can be integrated in all phases of the policy cycle. For a detailed description of how gender can be mainstreamed in each phase of the policy cycle [click here](#).

Below, you can find useful resources and practical examples for mainstreaming gender into agricultural policy. They are organised according to the most relevant phase of the policy cycle they may serve.

## Current policy priorities at EU level

Adopted in 2004 and reaffirmed in 2014, the Common Basic Principles for immigrant integration policy establish a common approach to the integration of third-country nationals in the EU. The document considers integration as 'a dynamic long-term and continuous two-way process of mutual accommodation, not a static outcome', and focuses on the relevance of mainstreaming integration policy at national level.

In 2015, the European Agenda on Migration was adopted and it emphasised the need for effective integration policies for third-country nationals. This agenda set out four levels of action for an EU migration policy, which are the following:

- reducing the incentives for irregular migration;
- border management – saving lives and securing external borders;
- Europe's duty to protect: a strong common asylum policy;
- a new policy on legal migration.

In 2015 the 2030 Agenda for Sustainable Development was adopted, with 17 sustainable development goals and their 169 related targets. There is a specific SDG (goal 5) dedicated to achieving gender equality and empowering all women and girls, and gender is mainstreamed throughout the remaining SDGs. Other migration-related goals include goal 8 on growth and decent work; goal 10 on reducing inequalities; goal 16 on peaceful, inclusive societies and access to justice for all and goal 17 on global partnership on sustainable development.

In 2016 the European Commission adopted an action plan on the integration of third-country nationals, which provides a series of actions across all policy areas that are crucial for integration. More specifically, it provides a comprehensive framework in order to support the efforts of the EU Member States in developing and enhancing their integration policies, describing at the same time concrete measures the Commission will apply in this regard.

In 2019 the Political Guidelines of the Commission 2019-2024 were presented, and include migration as one of the key policy areas under the priority of Promoting our European way of life – Protecting our citizens and our values. The policy area of migration includes the following policies:

- Saving lives and stemming irregular migration flows;
- Protecting borders with the European Border and Coast Guard;
- Safe and legal pathways: a new boost for resettlement;
- Overhauling the EU's asylum rules.

In 2020, a new pact on asylum and migration is to be adopted, as stated in the European Commission's work programme for 2020.

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## **The key milestones of the EU migration policy area**

**Treaty of Amsterdam amending the Treaty on European Union, the treaties establishing the European Communities and certain related acts, 1997.**

1999 - 1999

**Council of the European Union, 2 618th Council Meeting, Justice and Home Affairs, Council conclusions on immigrant integration policy in the European Union, including Common Basic Principles for Immigrant Integration Policy in the European Union.**

2004 - 2004

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Towards a common immigration policy (COM(2007) 780 final).**

2007 - 2007

**Council of the European Union: European Pact on Immigration and**

## **Asylum.**

2008 - 2008

**Entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 2007.**

2009 - 2009

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2010 - 2010

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2011 - 2011

**Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).**

2013 - 2013

**Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.**

2013 - 2013

**Communication from the Commission to the European Parliament,**

**the Council, the European Economic and Social Committee and the Committee of the Regions – An open and secure Europe: making it happen (COM(2014) 154 final).**

2014 - 2014

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European agenda on migration.**

2015 - 2015

**European Parliament resolution of 8 March 2016 on the situation of women refugees and asylum seekers in the EU (2015/2325(INI)).**

2016 - 2016

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Action plan on the integration of third-country nationals (COM(2016) 377 final).**

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2008 - 2008

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2009 - 2009

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2014 - 2014

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[2030 Agenda for Sustainable Development](#), 2015.

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[Global Compact for Safe, Orderly and Regular Migration](#), 2018.

## **Policy documents relevant to gender equality**

United Nations Convention on the Elimination of all Forms of Discrimination against Women

(1979), General Recommendations No 26 (2008) on women migrant workers, No 32 (2014) on the gender-specific dimensions of refugee status, asylum, nationality and statelessness of women and No 35 (2017, updating General Recommendation No 19) on gender-based violence against women.

**Beijing Declaration and Platform for Action** adopted at the United Nations fourth World Conference on Women (strategic objectives A1, B3, C2, D1 and D3).

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