Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15456
16 February 2022

Gender mainstreaming of migration policies

Report[1]
Committee on Migration, Refugees and Displaced Persons
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Summary

The aim of this report is to encourage member States to use the existing data on the impact of gender in migration processes to deal with the matter more effectively in the future.

The report also addresses the place of women in migration policy making. Women should be an integral part of the response to migratory challenges and meaningfully involved in all decision-making steps; strategies should be put in place to tackle future challenges with a gender-based approach.

The implementation of gender mainstreaming in migration policies requires the full integration of a gender equality perspective in all legislation, policies, programmes and infrastructure, that regulate migration and cater for the needs of migrant people. Therefore, the Assembly addresses a set of recommendations to member States encouraging them to combat violence, inequalities and discrimination experienced by migrants, including asylum seekers and refugees, in particular when they are gender-based and intersectional. These include the adoption of special measures to achieve gender balance in migration decision making and to ensure equal and meaningful participation of women, particularly those with a migration background.

1. Reference to committee: Doc. 15069, Reference 4504 of 7 May 2020.

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A. Draft resolution[2]

1. While women and men can migrate for similar reasons, migration is a gendered phenomenon since gender norms and expectations, power relations and unequal rights shape the migration choices and experiences of women and girls, as they do for men and boys. Gender-based persecution can also be a reason for flight and give grounds for asylum in another State. Avoiding taking into account gender-related considerations can expose people on the move to certain vulnerabilities, exacerbate inequalities and render policies as well as service provisions ill-adapted to the needs of people.

2. The Parliamentary Assembly stresses that migrant women and men experience intersectional discrimination based on multiple factors including age, (dis)ability, social origin, ethnicity, religion, migration status and of course sex, gender identity and sexual orientation. Experiences of discrimination and violence are important reasons for flight and migration, particularly for groups fleeing due to serious human rights violations/persecution, such as women victims of violence, notably sexual violence, single mothers and LGBTIQ+ persons. The simple fact of being categorised as a migrant in a receiving country can also expose them to gruesome treatment, motivated solely by sexism, discrimination, racism and xenophobia.

3. The Assembly is particularly concerned with the situation of migrants, including asylum seekers and refugees, in reception centres, where men and women are not confronted with the same circumstances and difficulties. Many migrant women and girls face all forms of gender-based violence, discrimination, high maternal mortality, unmet needs in relation to safety, health, (menstrual) hygiene and family planning, complications following unsafe abortions, and an increased risk of gender-based violence, including sexual exploitation and abuse, as well as sexually transmitted diseases, including HIV. Unaccompanied and separated girls, LGBTIQ+ persons, and women and girls with disabilities are facing particular risks in the context of reception.

4. The Assembly refers to the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, Istanbul Convention), in particular article 4, as well as articles 59, 60 and 61, as well as the Council of Europe Gender Equality Strategy 2018-2023, which includes the protection of the rights of migrant, refugee and asylum-seeking women and girls as a priority. The Assembly welcomes the work of the Drafting Committee on Migrant Women (GEC-MIG) which is preparing a recommendation of the Committee of Ministers of the Council of Europe on migrant, refugee and asylum-seeking women and girls.

5. The implementation of gender mainstreaming in migration policies requires the full integration of a gender equality perspective in all legislation, policies, programmes and infrastructure, that regulate migration and cater for the needs of migrant people. It also needs to address violence, inequalities and discrimination experienced by migrants, including asylum seekers and refugees, in particular when they are gender-based and intersectional. To this end, the Assembly calls on member States to:

5.1. ensure that gender-based violence is recognised as a form of persecution within the meaning of article 1A(2) of the 1951 Convention relating to the Status of Refugees and the Council of Europe Istanbul Convention;

5.2. ensure that single-sex accommodation facilities are available for migrants, but mixed gender facilities should also be permitted, in particular where this facilitates family reunion;

5.3. provide migrants and refugees with accessible and adapted gender-sensitive information, available in relevant languages on the policies, regulations and available services of the host country, covering topics such as protection against gender-based violence and discrimination, access to justice, the labour market, access to education, health and housing, as well as asylum and migration procedures and access to services;

5.4. provide trained legal aid and language interpreters for women and girls seeking asylum or residency, in strict respect for human rights and with due consideration to the gender-sensitive needs of migrant women (namely provision of female interpreters where appropriate, psychological support; information on rights, etc.);

5.5. facilitate access to gender-sensitive health care services, including sexual and reproductive health services for women and girls, ensuring respect of privacy and confidentiality, and reform legislation and policy that deny or limit access to health services on the basis of residence or migration status;

2. Draft resolution adopted unanimously by the committee on 24 November 2021.

5.6. take into consideration the family situation and the possibility of family reunification to guarantee a better life for migrants and the right to family life;

5.7. ensure that migrant women and girls arriving in Europe, including through family reunification, obtain durable autonomous documentation in a short time;

5.8. develop a common system to recognise migrants' qualifications, skills and diplomas and adopt gender-sensitive employment policies and support frameworks;

5.9. take measures to regulate and improve the working conditions of migrants to eliminate intersectional forms of exploitation and discrimination;

5.10. take a gender-sensitive approach to policies dealing with the protection, education and integration of migrant, refugee and asylum-seeking children, in order to take into account the heightened vulnerabilities of girls, notably in relation to gender-based violence and trafficking, particularly for sexual exploitation and sexual abuse.

6. The Assembly points out that gender-based discrimination is likely to be detrimental to a migrant's integration, which is stressed in its Resolution 2159 (2017) "Protecting refugee women and girls from gender-based violence". In order to eliminate such violence, gender-related stereotypes, which are one of the factors at the root of discrimination need to be addressed.

7. With the aim of achieving gender balance in migration decision making, and mainstreaming a gender equality dimension in migration policies, member States should develop specific measures to enable the application of equality between women and men in their national policies. To do this they should:

7.1. implement and comply with the obligations contained in the Convention on the Elimination of All Forms of Discrimination against Women as well as its Additional Protocols, Committee reports and General Recommendations;

7.2. use their influence to ensure that a gender equality dimension is mainstreamed in the New EU Pact on migration and asylum;

7.3. organise, finance and harmonise the collection of data on different aspects of migration policies, disaggregated by gender, age, ethnicity, and legal status, accompanied by proper control mechanisms to prevent the discriminative misuse of data, and support research in this area;

7.4. acknowledge that gender mainstreaming in all migration, integration and asylum policies should not be considered as an option but as an essential element to achieve the best possible results, with adequate resources and subject to evaluation mechanisms;

7.5. encourage horizontal debates on gender equality and gender mainstreaming in migration policies and measures that bring together political decision makers, local and national governments, civil society, education institutes, private sector and migrants and refugees themselves, including ensuring migrant women's active participation in these debates;

7.6. develop newcomer introduction policies taking into account the different needs of girls and boys, women and men, as well as persons with disabilities, LGBTIQ+ persons and others with specific needs, and make sure that migrant women and men are aware of the need to respect and uphold gender equality laws and policies;

7.7. provide for and adequately fund training on gender equality as well as on issues relating to violence against women and gender-based violence for all relevant authorities and staff working with migrants, refugees and asylum seekers;

7.8. ensure the presence of women among border, migration and other police or custody staff, as well as among social workers and interpreters working with migrants.

8. The Assembly also considers that the stereotypes associated with migrant women and men constitute one of the root obstacles to the successful integration of migrants, especially migrant women. Migrant women particularly struggle against a distorted view of their capacity and place in society, often suffering from multiple discrimination based on gender, race, religion, class and socio-economic status. It calls on member States to pay special attention to measures aimed at dismantling gender-based stereotypes, including those supposedly based on culture, tradition and religion, as well as to measures aimed at empowering migrant women and girls.

9. Recalling its Resolution 2244 (2018), where it tackled the issue of migration from a gender equality perspective in order to empower women as key actors for integration, the Assembly notes with concern that women are under-represented in migration policy decision making. It encourages European governments to ensure equal and meaningful participation of women, particularly women with a migration background, including freedom to speak out, share valuable experiences and build support networks; take part in formal and non-formal participatory mechanisms, raise awareness and influence political decisions; access information, build capacity and develop leadership skills in pursuit of particular priorities and outcomes. Therefore, as regards the empowerment of migrant women and girls, it calls on member States to:

9.1. lift structural barriers, such as restricted freedom of movement and dependent status and expand opportunities for migrant women through gender-responsive livelihood strategies and targeted economic inclusion measures, such as skills validation, upskilling or job matching, as well as effective access to the market system and to financial products, as a basis for their empowerment;

9.2. establish quotas and other temporary affirmative action for migrant women, notably in public forums, consultative bodies, expert councils, and focus discussion groups, in particular when devising migration, asylum, and integration policies that affect their lives;

9.3. create favourable conditions for migrant women, including young migrant women to equally and meaningfully participate in activities relating to political life, offering, for instance, childcare facilities for mothers and financial support to attend meetings;

9.4. provide financial and institutional support and facilitate administrative procedures for their registration, when needed to migrant women, civil society migrant organisations and diaspora initiatives and associations at the local, regional and national levels, in order to facilitate better democratic participation.

10. The Assembly invites member States to reconsider the place of women in migration policy making, since a greater involvement of women in the framing of these policies would lead to a better understanding of migrant women's needs, and the needs of migrants overall, including men, and help achieve gender equality. In this context it is necessary to:

10.1. implement the Committee of Ministers' Recommendation R(2003)3 on balanced participation of women and men in political and public decision making;

10.2. achieve a balanced gender representation in decision making; promote the participation of women with a migrant background in all aspects of decision making and ensure gender balance in decision making in migration related institutions;

10.3. collect disaggregated statistics and support research on the involvement of women in the management of the migration process and related policies and measures;

10.4. promote a substantial career evolution for women working in sectors dealing with migrants, in order to value their experience and benefit from it;

10.5. ensure gender equality and the highest transparency in the selection process of candidates for positions with responsibility in the elaboration of migration policies;

10.6. support migrant/refugee/diaspora-led organisations working on the promotion of gender equality.

B. Explanatory memorandum by Ms Petra Stienen, rapporteur

1. Introduction

1. For the Council of Europe, gender mainstreaming is "the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies, at all levels and at all stages, by the actors involved in policy making."[3] Although efforts are being made to include the gender dimension in migration policies, much remains to be done and it is important for each Council of Europe member State to look into how to develop, improve and implement gender mainstreaming in their migration policies. Therefore, this report addresses the impact gender has on the ways in which migration policies are developed and how gender is taken into account in migration policies in order to best protect the rights of migrants, refugees and displaced persons.

2. What first prompted this thinking was the realisation that, far from being a gender-neutral process, migration is in fact highly gendered. In the 1960s and 1970s, women as migrants were virtually invisible. The assumption was that they were wives accompanying their husbands in the migration process and that their place was in the home. Clichés being hard to dislodge, this assumption remains deeply entrenched even today, when women make up more than half of the world's migrant population and are actors in their own migration processes. The way men are represented in migration is gendered as well: they are often seen as the breadwinners; they have to leave their countries and find jobs to sustain their families, to create a better future for their children. Therefore, it is important to recall that a gender perspective does not mean a woman's perspective.

3. The first problem facing us is the lack of a gender perspective of migration and integration policies, even though it is a well-known fact that inequalities between women and men are very pronounced in migration. Understanding the impact of gender in the migratory process would pave the way not only for an optimal response to the needs of migrants arriving in host countries, but also for a more social approach to migratory phenomena and thus create an opportunity to move away from the economic-centric vision that prevails at present.

4. The Parliamentary Assembly has already adopted a number of resolutions aimed at promoting the protection of migrant women's rights or improving the representation of women in politics but never specifically in the area of migration policies. In Resolution 2244 (2018), the Assembly tackled the issue of migration from a gender equality perspective in order to empower women as key actors for integration.

5. It is also important to recall that in Recommendation R(79)10 of the Committee of Ministers of the Council of Europe to member States on migrant women,[4] it was recommended that governments "promote public awareness and understanding among the population of the specific problems of women migrants".

6. The aim of this report is to encourage member States to use the existing data on the impact of gender in migration processes to deal with the matter more effectively in the future. It is also essential to promote sex-disaggregated data where it is lacking. There is an urgent need for a general theoretical framework to make it easier to understand the unique experience of men and women at all stages of the migration process which will also help tackle intersectionality issues. In practice, despite the legal frameworks in place to promote women, the latter are still under-represented in decision-making positions and poorly understood in legislation that directly concerns migrants.

7. This report is also addressing the place of women in migration policy making. The majority of key positions in this area in Council of Europe member States are held by men, whereas many of those directly involved in assisting and supporting asylum seekers on the ground are women. Women's leadership in this area is certainly an issue therefore, and greater female involvement in the framing of these policies would make for wider representation of women overall. One analogy can be given in this context. According to the World Economic Forum, the Covid-19 crisis has revealed that countries with women leaders have been "systematically and significantly better" at managing the pandemic.[5] While not everyone may agree that the former is the case, women tend to have a more inclusive leadership style that gives direction and is more openly compassionate for others. This, then begs the question of how much more effective migration policies might have been or might be with a higher number of women in key roles.

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3. www.coe.int/en/web/genderequality/what-is-gender-mainstreaming.
4. https://rm.coe.int/native/0900001680506f32.
5. www.weforum.org/agenda/2020/07/women-leaders-policymakers-covid19-coronavirus/.

2. The legal framework applicable to gender mainstreaming of migration policies

8. The United Nations Convention Relating to the Status of Refugees (1951) offers international protection to any refugee who has had to flee his or her country because of persecution. It does not provide any gender diversification of refugees. However, in the Guidelines on the Protection of Refugee Women, developed in 1991 by the United Nations High Commissioner for Refugees (UNHCR), it is stated, 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".

9. The adoption of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (1979), and its Optional Protocol (1999) constitutes an important step in international commitments to ensure equality between women and men. In addition, specific recommendations have since been adopted, including by the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW): General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (2013), 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 (2017), and General recommendation No. 38 on trafficking in women and girls in the context of global migration (2020).

10. In 2015, the UN adopted the 2030 Agenda for Sustainable Development, under which Goal 5 is dedicated to achieving gender equality and empowering all women and girls. The gender dimension is also mainstreamed through other goals of the Agenda; some of which are directly linked to migration.

11. Furthermore, one should not forget the Global Compact for Safe, Orderly and Regular Migration, adopted in December 2018, which puts a special emphasis on gender mainstreaming in all dimensions of migration.

12. Finally, the priority theme of the 65th Commission on the Status of Women, which met from 15 to 26 March 2021 was "Women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls".[6]

13. At the European level, the protection of the rights of migrant, refugee and asylum-seeking women and girls is a strategic objective in the work of the Council of Europe. The main principles of equality have been already enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, in the relevant case law of the European Court of Human Rights and the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163).

14. Recommendation R(79)10 concerning women migrants marked the beginning of a long line of European instruments and conventions, such as the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No.201, 2007), the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210, 2011, Istanbul Convention).

15. The new Council of Europe Gender Equality Strategy 2018-2023 is particularly supportive to the protection of the rights of migrant, refugee and asylum-seeking women and girls.[7]

16. Unfortunately, at the level of the European Union, gender perspective is still missing from the main policy documents on asylum, migration and integration. It is also the case with the draft of the New EU Migration and Asylum Pact, which is not gender-sensitive and has practically no mention of women migrants' particular needs. Being an important EU policy document, the new Pact should comply with the obligation to promote equality between the sexes (Articles 2 and 3.3 of the Treaty on the Functioning of the European Union (TFEU)) and the prohibition of discrimination on the basis of sex and sexual orientation set out in the Charter of Fundamental Rights of the European Union (Article 21 EUCFR). The Pact does not provide any gender-based analysis of the impact of the proposed measures such as mandatory screening procedures, the increased use of detention, or enforced relocation. It also does not take into account the needs of unaccompanied girls, queer, transwomen, or migrants with disabilities.

6. www.unwomen.org/en/news/stories/2021/3/media-advisory-csw65-commission-on-the-status-of-women-2021.
7. https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1.

17. Another important migration related EU policy document, the Action Plan for Integration and Inclusion 2021-2027, released by the European Commission in November 2020 also fails to recognise the multiple and intersectional discrimination on the basis of sex and gender faced by migrants, refugees and asylum seekers during their integration process.

18. Many member States have contributed to gender mainstreaming in their national legislation, but not yet achieved this in migration policies. The European Institute for Gender Equality (EIGE) has a very good web site providing information on gender mainstreaming in national laws.[8] To give some country examples, in Denmark, the legal basis is the Law on Gender Equality which was influenced by the Treaty of Amsterdam (1997) declaring the advancement of equality between women and men to be a fundamental task of the European Union and obliging member States to eliminate inequality and promote equality between women and men in all areas of activity. In Norway, this notion has been included in its overall strategy for gender equality. The Spanish Organic Law 3/2007 prescribes the creation of gender units within all ministries to reinforce gender mainstreaming. Gender mainstreaming has also been applied at federal level in Germany and in Austria where Article 7 of the Austrian Federal Constitutional Law as amended provides the constitutional basis for the implementation of gender mainstreaming. It introduces the responsibility for the authorities at all levels (federation, Länder and municipalities) to take measures to reach *de facto* equality of women and men. Furthermore, as part of gender mainstreaming, the tool of gender budgeting has been included in the Constitution since 2009.[9]

19. To facilitate gender mainstreaming in migration policies, member States should develop specific measures to enable the application of equality between women and men in their national policies. Such measures should be incorporated in national legislation and legal standards should be developed in order to promote intersectionality in terms of an understanding of how aspects of a person's identity combine to create different modes of discrimination. Civil society organisations should be actively involved in the elaboration of these measures.

3. Gender differences in vulnerability

20. Migration is a gendered phenomenon since gender norms and expectations, power relations and unequal rights shape the migration choices and experiences of women and girls as they do for men and boys.[10] Gender-based persecution can also be a reason for flight and give grounds for asylum in another State. Avoiding taking into account gender-related considerations can expose people on the move to certain vulnerabilities, exacerbate inequalities and render policies as well as service provisions ill-adapted to the needs of people. Such vulnerabilities can only be identified through gender statistics which is a tool that should be promoted.

21. Gender statistics were initially developed ahead of the Fourth Conference on Women in Beijing in 1995. To be considered gender statistics, three requirements needed to be fulfilled[11]:

– Statistics on individuals should be collected and presented disaggregated by gender;

– All figures should be analysed and presented with gender as the primary classification;

– Efforts should be made to identify gender issues and ensure that collected data address these issues.

22. According to the Migration Data Portal, gender-responsive data on migration have the potential to promote greater equality and it stresses that male migrants are also exposed to vulnerabilities in the migration processes.[12]

23. By the middle of 2021, the share of female migrants in Europe reached 51.6%. This larger proportion of women migrants in Europe can be explained by the longer life expectancy of female migrants in comparison with males and by the older population of migrants in general.[13]

8. https://eige.europa.eu/gender-mainstreaming/countries.
9. https://eige.europa.eu/gender-mainstreaming/countries/austria.
10. Women on the move: Migration, gender equality and the 2030 Agenda for Sustainable Development.
11. Corner, L. (2003). From margins to mainstream. From gender statistics to engendering statistical systems. Bangkok, Fondo de Desarrollo de Las Naciones Unidas Para La Mujer (UNIFEM), En Asia y El Pacífico y Los Estados Árabes.
12. Gender Thematic Page | Migration data portal.
13. Gender in Migration, Migration data portal, 11 March 2021.

24. There is an urgent need to take into account the available statistics on the impact of gender on migration processes in order to elaborate more relevant migration policies. Thanks to an exchange of views held with Mr Jean-Christophe Dumont, Head of International Migration Division at the Organisation for Economic Co-operation and Development (OECD), I was made aware of studies tackling the issue of gender balance in migration policies and the different ways in which these policies impact migrant women and men. However, there is still a lack of policy focus when it comes to the integration of migrant women. The European Court of Auditors has pointed out that many EU member States lack policies specifically concerning female migrants. A 2018 report by the EU Fundamental Rights Agency also confirmed that across the European Union, there is little evidence of action plans and strategies having a particular focus on migrant women or gender issues.[14] Moreover, most frequently key policy documents fail to distinguish between men and women. 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 women and men on the move. According to the EIGE, the main gender inequality issues relating to migration status in the European Union are labour market participation, deskilling and the informal economy, family reunification, international protection and gender-based violence.[15]

25. Many factors shape the decision and possibility to migrate, but they don't impact men and women in the same way. First of all, structural characteristics of the country of origin, such as the state of the economy and the labour market are decisive when people consider migrating. However, more and more migrants stress that the equal treatment of women and men in society is also an incentive to migrate. Neglecting gender differences, further threatens gender equality.

26. In its 2019 Report on "Migrants and their vulnerabilities", the International Organization for Migration (IOM) stressed that "the issue of gender is relevant to vulnerability, with women experiencing higher rates of modern slavery in domestic work, the sex industry and forced marriage, while men are more likely to be exploited in State sponsored forced labour and forced labour in the construction and manufacturing sectors". The report also recalled that the most vulnerable migrants are children and adolescents, especially when being separated from their family; and that undocumented migrants are at a higher risk of modern slavery than those who are documented. All of this shows the multiple intersections that can be derived from migration processes and points out that men as much as women are subject to different vulnerabilities.

27. Migrant women are often survivors of violence that occur in one or more of the phases of their migratory experience, including male violence against women, also referred to by the Istanbul Convention and CEDAW as gender-based violence against women and girls. Apart from gender-based violence and fierce sexism, they are more vulnerable to economic and social exploitation. This is because they often work in subordinate positions such as caregivers and domestic workers, whose situations are often irregular and insecure due to lower pay and fewer labour regulations compared with other sectors. According to the OECD, one fifth of migrant women work in health and social care in Europe while the share of tertiary educated migrant women is higher than for men. The EIGE provided evidence that migrant women are more likely to be unemployed or economically inactive than any other group in the EU labour market, even if labour segregation and pay gaps are common among all skill groups.[16] It is important to assess this data in order to be able to address the different needs of people on the move accordingly.

28. During the preparation of the report, I circulated a questionnaire to some experts who provided an overview of different viewpoints on the matter. According to Vera Lomazzi and Isabella Crespi, two researchers who wrote the book *Gender Mainstreaming and Gender Equality in Europe. Policies, Culture and Public Opinion*, the main gender inequalities lie in reconfiguration of family roles and forms, gender related power dynamics and strategies put in place to maximise the benefits of mobility.

29. It should be stressed that gender differences affect not only migrants but also families left behind. For instance, a left behind woman may have to live with her in-laws or other members of the family, thus setting up a new family form, where the roles and power dynamics are readjusted. In other words, women whose partners migrate, become responsible for households and thus are more vulnerable, as they cannot count on the support of their partners.

30. The working conditions of men and women on arrival in the destination country is another issue of vulnerability and discrimination as the horizontal segregation of the labour market affects women migrant workers more than men. As it is more difficult for women to enter in training courses for skills acquisition, they are more likely to do undeclared jobs, without any insurance and social rights. Deskilling is also a major issue

14. https://ec.europa.eu/migrant-integration/feature/integration-of-migrant-women.
15. https://eige.europa.eu/gender-mainstreaming/policy-areas/migration.
16. Migration | European Institute for Gender Equality (europa.eu).

faced by women migrants and refugees; they often tend to occupy lower-level positions regardless of their education or experience. Racism is also a barrier to access high income jobs. Transgender and gender non-binary persons often experience gender discrimination during the whole migratory process.

31. Forced migration aggravates particularly the situation of women and other minority groups. Being an asylum seeker puts them in a position of vulnerability, as many are migrating through irregular routes and can be exposed to exploitation and abuse by smugglers and traffickers and can face a risk of death, while crossing borders illegally. Very often asylum seekers arrive without legal documentation and knowledge of the local language. It requires a very high faculty to adapt, and men and women migrants are not confronted with the same difficulties. Before settling, they all go through a temporary situation where they need to find adequate shelter and a safe place to stay. This period is critical since without local support it can be easy to become homeless and fall into the clutches of all sort of trafficking networks. When arriving in a host country, migrant women and girls are more likely to be subjected to violence, with a risk of abuse, so it is important to set up reception facilities dedicated to them, with special protection given to unaccompanied migrant girls. That should also be the case for all migrants: gender mix should be permitted in the facilities, when desired, but there should be an alternative for those who wish to be in a non-mixed environment, including LGBTIQ+ people. Therefore, it is important that, when formulating migration policies, States take into consideration multiple inequalities.

32. Migration laws and regulations of the host countries have a major impact on the migration of individuals. For example, some receiving countries implicitly assume, through their migration policies, a “dependent” status for women and “independent” status for men. Issues also arise regarding the assimilation of migrants and refugees in receiving countries. Refugee women, in particular, face a number of integration challenges associated with poorer health, lower education and labour market outcomes compared to refugee men, who are already disadvantaged in comparison with other migrant groups. Recent OECD evidence shows that it takes longer for refugee women to gain a foothold in the labour market compared with refugee men.[17]

33. As recalled in the Council of Europe Gender Equality Strategy 2018-2023, “due consideration should be given to the needs and circumstances of migrant, refugee and asylum-seeking women and girls” and “gender responsive measures should be adopted”. The OECD has shown that building basic skills in terms of educational attainment and host-country language training bears a high return in terms of improving labour market outcomes and also provides intergenerational pay-off for the children of migrants.[18]

34. A lot more needs to be done to prevent migrants’ vulnerabilities endangering their everyday life because these vulnerabilities expose them to discrimination, and discrimination enables exploitation.

4. Gender-based discrimination in migration processes

35. Women and men migrants experience intersectional[19] discrimination based on multiple factors including age, ethnicity, religion, migration status and of course gender identity and sexual orientation. Introducing an intersectionality lens may help to better understand how migrants, including asylum seekers, are exposed to multiple forms of injustice. The absence of intersectional analysis contributes to a failure to address many of the root causes that dehumanise migrants and lead to growing discrimination.

36. Experiences of discrimination and violence are important reasons for flight and migration, particularly for groups fleeing due to serious human rights violations/persecution, such as women victims of violence, notably sexual violence, single mothers and LGBTIQ+ persons. The simple fact of being categorised as a migrant in a receiving country can also expose them to gruesome treatment by others, motivated solely by sexism, discrimination, racism and xenophobia.

37. Migrants are often discriminated against in housing, education, health, work or social security. They are faced with multiple discrimination during their migration process in the countries of origin, transit and host countries. Women might be forced to migrate due to persecution based on their gender, including in cases of sexual violence. Considering the absence of the words ‘women’ or ‘gender’ in the 1951 Convention relating to the Status of Refugees, the gender persecution experienced by women has, for a long time, prevented them from benefiting from international protection. At present, gender-based violence such as female genital mutilation can lead to asylum being granted to these women, but not everywhere and not in all circumstances.

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17. International Migration Outlook, 2020, OECD.
18. www.oecd-ilibrary.org/employment/triple-disadvantage_3f3a9612-en.
19. Intersectionality is an analytical framework for understanding how aspects of a person’s social and political identities combine to create different modes of discrimination and privilege (Wikipedia).

38. Sexual and reproductive health and rights is another area where migrants and refugees are often discriminated. Language barriers, absence of documents and a lack of information about the health system create significant obstacles for them to access health care. Unfortunately, there is very little information on access to sexual and reproductive health and rights for migrants and refugees, however the existing information shows that women migrants face high maternal mortality, unmet needs for family planning, complications following unsafe abortions, and gender-based violence, as well as sexually transmitted diseases, including HIV.[20]

39. The situation is particularly alarming in the reception centres. Women who are stuck there for longer periods request long-term family planning options, contrary to the general assumption that they oppose family planning based on cultural norms and beliefs. Yet not all health service providers offer these services, while contraceptives, especially long-term birth control, cannot be found in the camps. The hospitals lack staff trained in the clinical management of rape, and often do not have post-exposure prophylaxis available, putting women and girls at heightened risk. Many migrant women and girls in the reception centres face all forms of gender-based violence and discrimination. Unaccompanied and separated girls, LGBTIQ+ persons, and women and girls with disabilities are facing particular risks in the context of reception.

40. Post-traumatic stress disorder, depression, social anxiety, dissociative reactions, and dangerous coping strategies appear as some of the most recurrent psychological effects, together with psycho-somatic consequences that affect migrants. In addition to that, women rarely find specialist services integrated into the resettlement system that provide them with tailored support knowing how to deal with their particular cases and respond to their needs.

41. Shame and stigma coming from a potentially inappropriately trained service provider, also negatively affects the survivor's willingness to receive care. Raising awareness in communities is also crucial. The lack of well-trained cultural mediators, women in particular, at times limits the access to public health services.

42. For example, frontline workers, who may not have the tools or experience to deal effectively with the gender-specific needs of this population, require additional support to incorporate gender equality programming, gender-based violence awareness, sensitisation and capacity building.

43. These conclusions were also highlighted in the monitoring reports of the Group of Experts on Action against Violence (GREVIO) on the implementation of the Istanbul Convention. The reports underline the necessity of establishing gender-sensitive reception procedures, support services and safe facilities, and, in particular, women and girls should have access to personal asylum interviews. The police staff should have special culturally sensitive training to identify victims of different forms of gender-based violence.

44. The governments should increase the availability and accessibility of gender-based violence response services in all reception settings, while ensuring proper identification of survivors. Clear referral pathways should be available and updated.

45. It is important to organise monitoring visits and provide regular training on gender-based violence prevention and response for public servants and other service providers.

46. The UNHCR has consistently recognised that special targeted measures may be needed to address inequalities or discrimination. Gender equality should be provided in the specific sectors of: cash-based interventions, camp co-ordination and camp management, early recovery, education, food security, health, livelihoods, nutrition, protection, shelter, water, sanitation and hygiene.

47. This vulnerability is a result of restrictive migration legislation and policies. Another important factor to take into account for migrants and refugees is a difference in gender norms of the countries of origin and the host countries, which may act as a barrier to them accessing sexual and reproductive health and rights and care.

48. Gender-based discrimination can be detrimental to a migrant's integration. It is a wide topic that has been addressed in many resolutions, such as Assembly Resolution 2159 (2017) "Protecting refugee women and girls from gender-based violence". In order to eliminate such violence, one needs to halt gender stereotypes which lie at the root of discrimination. The implementation of gender mainstreaming in migration policies needs first of all to address inequalities and discrimination experienced by migrants, refugees and displaced persons on the basis of their gender. In this regard, it is important to provide accessible information on the regulations of the host country, covering topics such as the labour market, access to education, health and housing.

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20. www.tandfonline.com/doi/full/10.1080/26410397.2020.1758440.

49. The main gender inequality issues related to migration status in the European Union countries are women's labour market participation, low skilled jobs and working conditions, family reunification and gender related power dynamics, international protection and gender-based violence.

50. Family reunification policies in many European countries impose restrictions, which make it more difficult for women to migrate. The income requirements of such policies limit significantly women's applications, as many women work informally or part-time. Also while arriving as a family member, women often do not have an independent right of residence and have to depend totally on their sponsor. Such policies put women migrants in a very disadvantageous position, in particular when in the absence of accommodation, they are forced to leave their children behind.

51. It is important to conduct gender impact assessment of all migration related policies, including family reunification to exclude any kind of gender-related discrimination of migrants.

52. Media is often responsible for the creation of stereotypical images of migrant women as unskilled migrants, whose role is to take care of their families and children, and who join their husbands as a result of family reunification policies. As a result, the migration policies of the majority of host countries assume a "dependent" status for women and a "independent" migrant status for men.[21] It has also an impact on the types of jobs women migrants can receive, being predominantly recruited in the domestic or service sector.

53. Stereotypes associated with migrant women and men constitute one of the root obstacles to the successful integration of migrants, especially migrant women. Migrant women and girls often face double discrimination: they sometimes face control by their own communities as regards cultural and religious norms and traditions, and by stereotypic attitude and different barriers linked to it by the host society.[22] Discrimination gravitates around gender, race, religion, class and socio-economic status. These stereotypes might vary from country to country but are especially relevant for migrant women because they impact their migration and integration experiences and their capacity to be supported and to be visible.

54. Migrant women particularly struggle against a distorted view of their capacity and place in society.

55. Creating a gender-sensitive culture requires an assessment of the different needs of men and women, due to their own experiences, which will then help to provide them with appropriate assistance and help redress gender-based discrimination. Politicians and administrative officials should be sanctioned for using dehumanising and hateful language against migrants.

5. Gender equality in migration policy making

56. The Assembly has tackled the issue of gender equality in policy making in several resolutions. Resolution 2111 (2016) assessed the impact of measures to improve women's political representation and Resolution 2244 (2018) looked into migration from a gender perspective with the aim of empowering women as key actors for integration. Another Resolution 2222 (2018) "Promoting diversity and equality in politics" stressed that elected institutions failed to mirror European societies' diversity in excluding certain categories of people such as women or people with an immigration background. It states that 'promoting greater representativeness of elected institutions would strengthen their democratic character, enhance the quality and legitimacy of their decision making and increase people's trust in the political system'.

57. Gender mainstreaming of migration policies is not only moving towards gender equality of migrants and refugees but also towards gender equality in policy making. A real political transformation cannot arise without a systematic integration of the gender perspective in migration policy making. Women should have the same opportunity to sit in decision making bodies and influence the main decisions relating to migrants. We need more women in migration decision-making, not only to establish gender equality in this field, but mainly to achieve better results. Diversity in decision-making bodies bring innovation and better performance. I consider that it is impossible to elaborate efficient policies in the migration field without inclusion of all relevant actors in the process, like women and men from different backgrounds, including migrants and refugees. Such inclusiveness would lead to a better understanding of migrants' living conditions and their more effective integration in host countries. Already in 1980, the UN General Assembly Resolution 35/135 urged 'the High Commissioner to work with host country Governments to encourage the participation of women, including refugee women, in the administration of refugee assistance programmes'.

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21. Women and Migration: Incorporating Gender into International Migration Theory by Monica Boyd, Elizabeth Grieco,1 March, 2003, migrationpolicy.org.
22. Protecting the rights of migrant, refugee, and asylum -seeking women and girls, Council of Europe, gender equality, p. 11.

58. Being a politician myself, I would like to address the issue of equal representation of women and men in migration policy making. The current disbalance leads to gaps in addressing migrants' needs. It is clear that very often interlocutors in various migration related ministries are dominantly men. It is also true that migration issues tend to be referred to law enforcement institutions, while the problems encountered by migrants are more of a social nature.

59. I believe that a greater proportion of women in the elaboration of migration related legislation would play a part in achieving gender equality by leading to a better understanding of the needs of women, while not forgetting men, and thus lead to the better integration of both women and men migrants in society.

60. In addition, according to a McKinsey & Company research[23] the business companies with higher levels of gender diversity are 15% more likely to be productive than other companies, and companies with higher levels of ethnic diversity are 35% more likely to outperform other companies. It is also scientifically proven that women in decision-making positions are more inclined to make decisions by taking the interests of multiple stakeholders into account in order to arrive at a fair and moral decision. They will also tend to use co-operation, collaboration and consensus building more often and more effectively to make sound decisions."[24] Another study conducted by neurobiologist Ruud van den Bos from Radboud University in the Netherlands, found that women make better decisions when under pressure and the closer a women gets to a deadline or stressful event, the sharper her decision-making skills become".[25]

61. We have seen an increasing number of studies on women leadership, especially as mentioned during the outbreak of the Covid-19 pandemic. Women's positive inputs have also been recognised in peace making and in contributing to security. Indeed, a growing body of research and evidence shows that greater gender equality would make the world more sustainable, prosperous and safer, as can be seen in the work of the International Peace Institute on the link between women, peace and security.[26] It has also been acknowledged by the Organization for Security and Co-operation in Europe (OSCE) that gender equality and the full integration of women in all spheres of society can essentially contribute to security.[27]

62. In this context, the empowerment of migrant women should be one of the priority tasks in social inclusion policies. Until today, migrant and refugee women have been distanced from international frameworks and processes such as the Convention on the Elimination of All Forms of Discrimination Against Women, the Commission on the Status of Women (CSW) and Beijing Platform for Action (BPfA). Their low participation is determined by many factors, from legal and financial barriers to the lack of awareness about the existing mechanisms. Migration policies do not sufficiently take into account the diversity of migrant women's experiences. Nevertheless, migrant women have organised themselves in migrant and diaspora associations to represent their interests at local and national levels. The support of local authorities to such organisations could be a good example of an inclusive leadership approach. Such an approach takes into account race, social class, level of education, sexuality, and other socio-economic factors, which have unconditional influence on women's democratic participation.

63. Access to citizenship and the right to vote is essential for migrant women's participation in the life of the host society. Migrant women are particularly under-represented in public and political life, as their status is very often defined by the status of their spouses. There is also a lack of capacity building programmes for migrant women leaders.

64. The question of representation is especially valuable: there is an over-representation of migrant women in associations that provide aid, and an under-representation in decision-making instances – compared to migrant men.

65. When there is no possibility of having access to a residence, to have a place where one can settle down, look for a job, integrate into society, it seems complicated or even unreal to talk about political participation.

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23. Delivering growth through diversity in the workplace, McKinsey..
24. www.psychologie-aktuell.com/news/aktuelle-news-psychologie/news-lesen/women-make-better-decisions-than-men.htm .l
25. www.smh.com.au/lifestyle/life-and-relationships/the-big-question-are-women-better-decisionmakers-than-men-20160825-gr0zy9.htm.
26. Reimagining peace-making: women's roles in peace processes, International Peace Institute, June 2015.
27. www.osce.org/secretariat/92032.

66. The right of meaningfully participating in decision-making processes involves much more than simply voting or standing for election. It derives from the freedom to speak out, share valuable experiences, and build support networks; the opportunity for all members of the community to take part in formal and non-formal participatory mechanisms, raise awareness and influence political decisions; and the ability to access information, build capacity and develop leadership skills in pursuit of particular priorities and outcomes.

67. Without such participation, especially from the grassroots level, political processes risk being more and more detached from the reality of women's lives.

68. Community engagement and leadership of women and girls is lacking; it is important to encourage women's participation providing opportunities for community cohesion, yet also to ensure sufficient funds for undisrupted operation of women's safe spaces. Many women are excluded from decision making within the household and/or the community and lack informal support networks that provide outlets for positive coping mechanisms and building resilience.

69. Promotion of gender equality in integration policies is another important issue. As rightly stated by Vera Lomazzi and Isabella Crespi, "gender equality, together with religious freedom, is one of the most debated topics concerning the interaction of cultures."[28] Keeping a balance between integration in the host society and host culture, while keeping the identity of the country of origin is a big challenge for migrants, but also for policy makers. They need to combine human rights standards, defined in the European Convention on Human Rights and other international instruments, with personal values of migrants, which sometimes may be very different. The main danger here is to follow ethnocentric approaches while promoting gender equality, which can lead to ethnic discrimination and disregard of cultural diversity. Such approaches can lead to decisions, which will provoke confrontation, such as veil bans or forced labour market participation. Thereby, in line with the Committee of Ministers' Recommendation (2015) 1 on Intercultural integration, member States of the Council of Europe should promote intercultural integration, based on gender equality, respect of cultural diversity and ethnic cohesion.

70. Mainstreaming gender equality in integration policies could also possibly contribute to the understanding by migrant women and men of the necessity to respect and uphold gender equality laws and policies.[29]

6. Conclusion

71. Putting forward a gender dimension in migration policy is fundamental for inclusive policies. Key to a meaningful mainstreaming of a gender dimension in migration policy is inclusion, participation, protection and non-discrimination. No one must be left aside, and everyone has a role to play in achieving gender equality in migration policies: policy makers, institutions, corporations and civil society. Gender perspective does not mean only a women's perspective; the position, needs and vulnerabilities of men and boys need to be taken into account equally. Any kind of gender-based discrimination leads to important losses and waste of resources and talents. Affirmative measures seeking to achieve gender-balanced representation of women and men in decision making will result in more efficient policies, which consider the interests of all people concerned.

72. Also, it is essential to stress that women should be an integral part of the response to migratory challenges and meaningfully involved in all decision-making steps and that strategies should be put in place to tackle future challenges with a gender-based approach.

73. It is time not only to promote equal participation of women in migration decision making, but to launch a real policy transformation. Governments need to go further than ensuring gender sensitivity in the design of migration policies and should be careful to not just indulge in a "gender washing" practice.

74. The Covid-19 pandemic which continues to affect the lives of people, has shown that measures taken by governments are not sufficient to protect migrants, and in particular migrant women, from intersecting violence. In this context, access to health care and vaccinations for migrants are extremely important preventive measure to combat pandemics.

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28. *Gender Mainstreaming and Gender Equality in Europe, Policies, Culture and Public Opinion*. Bristol: Policy Press. Pages:141-142.
29. *Protecting the rights of migrant, refugee, and asylum -seeking women and girls*, Council of Europe, gender equality, p.10.