

## **ENOMW presentation for PACE Committee on Migration, Refugees and Displaced Persons**

### *Gender mainstreaming*

The definition of gender mainstreaming, **developed by the Council of Europe and the European Commission**, implies **addressing structural inequalities between women and men - from policy design to action and evaluation - with the aim of discovering and correcting the root causes of sex-based discrimination. The European Network of Migrant Women uses this method to analyse sex based discrimination, in all areas related to migration, asylum and integration.** The sex discrimination against women and girls lies at the intersections with other structural inequalities (such as economic and labour discrimination, legal status discrimination, racial or ethnic discrimination, age or sexual orientation). The first point that is very important for us to make is that **to correct such deep rooted mechanisms, gender mainstreaming on its own is never enough: specific and positive actions targeted towards women and girls should be implemented side by side with gender mainstreaming.**

#### **I./ Sex discrimination and its relation with migratory experiences of women**

**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 by the Istanbul convention and CEDAW as gender-based violence against women and girls.

In turn, this male violence against women manifests in different forms and can be divided into five different categories: **sexual violence** (sexual harassment, rape, sexual exploitation, prostitution and trafficking for its purposes), **physical violence** (physical assault), harmful traditional practices (female genital mutilation, forced marriage, ostracism), **socioeconomic abuse** and **emotional and psychological violence** (abuse, humiliation, confinement). **These sometimes repeated and multiple abuses, escalating over time, are sources of long-lasting traumas that have a profound impact on women and lead them to build coping mechanisms in order to preserve their survival.**

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. 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.**

#### **II./Enhancing migrant women political participation through empowerment**

The European Network of Migrant Women and its young women's group Radical Girlsss designed a feminist participatory action research project with Sciences Po research program on gender (PRESAGE). This project aimed at **finding, defining and analysing the major barriers and gaps impeding migrant and refugee women's participation in international decision-making**

**processes, with a specific focus on young women, and coming up with recommendations and methodology on how to bridge them.** We organised a series of workshops, with young migrant women, with the objective of having a positive impact on their **capacity and agency to engage in political participation.** Most of the participants from these workshops are now actively involved within the European Network of Migrant Women and Radical Girlss.

We are currently making a report and a toolkit on this method that we will be happy to share with you in the next few weeks. Through sharing this work, we want to **highlight the role of capacity building, awareness-raising and fighting stereotypes in order to achieve meaningful political participation of migrant women. These elements should be included in any gender mainstreaming approach.**

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.

Until today, migrant and refugee women have been distanced from international frameworks and processes such as the CEDAW convention, 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. As a result, their interests are often poorly or not at all represented at the international level.**

**The failure to include migrant women voices to the political agenda in a meaningful way leads to the overlooking of the subjects that concern them the most.** This is why they need to be able to become **active political** citizens, take part in and really influence international decision-making processes. Without such participation, especially from the grassroots level, political processes risk to be more and more detached from the reality of women's lives. Furthermore, **through their experiences of intersecting discriminations, migrant and refugee women could bring to the table a cross-cutting and holistic view of systemic change that is much needed.**

### **Stereotyping, self-perception and representation**

Stereotypes associated with migrant women are rooted in **deep systems and permeate many levels of society.** Thereby, they constitute one of the root obstacles to political participation, which requires sensitization, discussion and confronting diversity. Discrimination gravitates around gender, race, and class. These stereotypes might vary from country to country but are **especially relevant for**

**migrant women because it informs their migration and integration experiences and their capacity to be supported and to be visible.**

**Migrant women particularly struggle with a distorted view of their capacities and place in society, which notably materializes because of traumatizing experiences.**

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.**

This lack of political representativity and “role models” with similar life experiences in places of power contributes to women's voices being silenced and their experiences not being addressed. **Lack of leadership opportunities is also worsened by the “tokenistic” inclusion of migrant women in decision-making processes.**

On the other side, migrant communities have allowed for other than traditional political participation to emerge. **Collectives and associations that exist on a local level allow for the balance between a top-down and a bottom-up approach.** In some cases migrant women organizing amongst themselves have been successful at achieving this balance and, in the end, be seen and efficient on State, European and International levels - notably the Melissa Network (Greece), Monika Association (Finland), Akidwa (Ireland) and La Voix des Femmes (Belgium), all members of the European Network of Migrant Women.

### **III./ Language**

#### **(a) Vulnerability ;**

Migrant women are often categorized as “*vulnerable*” a priori, without considering the systemic and contextual causes of this vulnerability. We believe that such a definition of migrant women does not serve the purpose of addressing vulnerability; on the contrary it is significant that some actors prefer to use the term “at risk” or “in the position of vulnerability” rather than “vulnerable” for this exact reason.

The idea of migrant women being “vulnerable” can carry essentialization and stigmatization. It is problematic for a number of reasons. First, it sometimes fails to contextualize how securitized immigration regimes contribute to migrant women’s precarity. Second, it reinforces the barriers for migrant women to participate in collective action and political activism by denying recognition of their autonomy and agency. The absence of migrant women’s voices gives rise to an incomplete deliberation of their needs and consideration of their capacities.

#### **(b) Sex and gender ;**

We strongly believe in the importance of the use of correct terminology. Otherwise, it can cause a lot of confusion. We, as a migrant women platform, directly informed by grassroots,

local migrant organisations, know the importance of correct translation. When we write “sex” we should mention “sex” and not “gender” because otherwise, we lose the meaning of “gender” as it is defined on the Istanbul Convention. **If gender is used interchangeably with sex, expressions such as gender mainstreaming lose their meaning.**

Gender identity has not been defined in Law. Therefore, we are surprised it is used in the text with such certainty. The only existing definition is derived from the Yogyakarta principles, not EU Law.

This can have a very concrete impact.

*“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 LGBTI people.”*

This sentence, for instance, can lead to confusion.

In many situations, lack of access to women-only facilities puts migrant women and girls at immediate risk. Authorities in different countries tend to assume that shared accommodation of women and men will help women integrate faster into society after they leave the accommodation facilities. **However, this cohabitation creates an atmosphere of fear for women, especially for those who have fled male violence.** In some European countries (Finland, Belgium, Denmark), according to GREVIO reports authorities, the principles of Istanbul Convention in terms of single-sex accommodation are not fully followed. Women are often refused sheltered accommodation based on their legal status and, when they access shelters, they find themselves in mixed facilities. **The instances of re-traumatisation and event repeated sexual violence against those women inside such facilities are well documented.** Therefore, it is very important to protect women's access to a non-mixed environment, without confusing it with other unrelated categories. Sexual orientation doesn't play a role here, and gender identity should be regarded carefully. Women are targeted due to their biological sex and this needs to be acknowledged to ensure efficient protection.

c) **Ethnocentrism**: while it is indeed important not to fall into ethnocentrism, cultural relativism is another trick that can deeply harm women's rights. When put to the extreme, this approach can allow for attempts to women and girls dignity, agency and rights in the name of “culture” or “religious beliefs”. Universalism is one of the core values of the European Network of Migrant Women and it should remain clear through any gender mainstreaming approach that women and girls have fundamental rights that cannot be overlooked in the name of “cultural sensitivity”.

#### **IV./ Integration ;**

**There are structural factors hindering migrant women's agency and independence.**

The positive results of migration are highly conditioned by migratory, asylum, and *integration* policies practices in every particular State. Ineffective or male centered policies can intensify many of the risks faced by the migrant women and girls seeking to reach European countries to claim international protection.

**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.**

#### **INFORMATION:**

**The lack of timely, accessible and approachable information about services to which migrant women are entitled plays an important role in establishing dynamics that depower them.** Women have pointed out that institutions themselves - all over Europe - are lacking in proper organization in that they have long and intricate procedures and add on to an already complicated situation. Representatives of gender-mixed NGOs also reported that it is more difficult to reach out to migrant women when recruiting participants, therefore - **it is important to target women specifically in order for any measure to actually benefit them.**

#### **LEGAL STATUS :**

In some European countries (Austria, Belgium, France, Germany, Greece, Hungary, Ireland, Malta, Netherlands, Poland, Slovenia, Spain, Switzerland, United Kingdom-), migratory status and family reunification policies have been framed in a fashion that affects migrant women disproportionately. **The way these provisions are designed creates structural dependencies that undermine women's autonomy and agency by, for example, forcing them to have a migratory status dependent on that of their husbands.** This derivative status puts migrant women experiencing **domestic violence** in a precarious situation and may be inclined to endure abuse longer since they are threatened with the possibility of having their permit revoked and be left without means of support.

#### **LABOUR MARKET:**

Many projects with migrant and refugee women (funded through the Asylum, Migration and Integration Fund and the European Social Fund Plus) show that **labour market integration cannot be successful without a prior intervention that looks at the development of self-confidence and psychological well-being of women.** Recognising and **enhancing soft skills, such as confidence or self-esteem, is not easy to capture in hard outcomes, but they are critical first steps for many migrants, and particularly women and girls.**

Employment remains an important measure of impact but **including a broader set of social indicators would better capture the reality** such as **duration of employment, salary scale and progress in career.**

While it is also stressed that migrant and refugee women are overqualified for their jobs or unemployed, **constructive measures are not taken in the policy framework to avoid deskilling amongst migrant and refugee women.**

In addition, **domestic and care workers migrant and refugee women constitute a large number of domestic workers in the European Union**, particularly in the Mediterranean region. This sector of reproductive economy, though vital, is often not regulated enough by labour laws. **The working conditions in this sector are exempt from labour inspections and domestic workers face a lack of protection.**

#### **HEALTH :**

**Women and girls arriving at the European Union's borders are affected by inadequate access to medical care, especially when they are pregnant.** Access to hygiene, medical assistance and protection is overwhelmingly lacking in accommodation facilities for migrants.

**Language barriers, discrimination, lack of access to clinics, precarity, denial of health services, lack of dignity as an obstacle to care, sexual trafficking:** violations of sexual and reproductive rights are omnipresent in the lived realities of many migrant women and girls. **Given conditions in refugee settings, including high levels of sexual violence, unwanted pregnancies and unsafe abortions are a massive problem. Yet, services for displaced women and girls who wish to terminate an unwanted pregnancy are almost non-existent.** The extent of need for abortion services amongst refugee women remains undocumented. **UNFPA estimates that 25-50% of maternal deaths in refugee settings are due to complications of unsafe abortion.**

Women and girls who were victims of FGM face long-term effects on their health, including severe pain, bleeding, infection, infertility, childbirth-related complications and newborn death. **Specific access to psycho-social and health-related services to identify and assist women and girls with, or at risk of, FGM should be provided.**

5 EU member states limit undocumented migrants' legal entitlement to emergency care only - *Bulgaria, Finland, Lithuania, Luxembourg and Slovakia*. In 2 of these States full payment is required even to access emergency care - *Bulgaria and Finland*.

It is also not uncommon for migrant women and girls to be subjected to **involuntary medical examinations without being informed of their rights**. The results of these examinations are sometimes communicated to the Social Welfare Services, Civil Registry, Migration Department and other authorities, as well as to individuals (especially members of the detainee's family) without consent.

**Even in countries where access to health-care does exist for migrant women and girls, bureaucratic complexity, practice and the lack of consideration of cultural impacts can create insurmountable barriers. Especially** migrant women and girls with disabilities and older migrant women face countless challenges to access the health-services that they need.

## **V./ Recommendations:**

### **National and International levels of Governance**

- **Ratify, implement and comply** with obligations enumerated in CEDAW as well as its Additional Protocols, Committee reports, General Recommendations;
- **Support, finance and harmonize** Europe-wide data collection efforts on migration trends disaggregated by gender, age, ethnicity, and legal status accompanied by proper control mechanisms to prevent discriminative misuse of dataset and develop well-informed policies and programming;
- **Implement** more regular **training** on the legal provisions and methods of action for civil servants who interact directly with migrant women.
- **Sensibilize** the public on the obstacles young migrant women face through public education, community outreach against xenophobia, racism and harmful stereotypes and campaigns to raise social value and positive contributions of “care professions”;
- **Establish** quotas and other temporary affirmative actions for migrant women, notably in forums, consultative bodies, expert councils, and focus discussion groups, in particular when devising migration, asylum, and integration policies that affect their lives. These policies are already taking effect in some European countries, such as Finland, Germany and Denmark, and -to a lesser extent- France. However, there is no one-size-fits-all way of implementing quota systems, which is why these policies have to be well-informed and adapted to fit each particular context.
- **Create** favorable and enabling frameworks for young migrant women to participate in activities related to political life, offering, for instance, childcare facilities for mothers, non mixed safe spaces and financial support to attend meetings;
- **Build partnerships and collaborate** with humanitarian and private sector to integrate migrant women’s voices at all levels and **ensure** autonomy;
- **Develop** a common system to recognize migrant women’s qualifications, skills and diplomas by adopting a gender-sensitive employment policy and support frameworks; **lift** structural barriers such as restricted freedom of movement, dependent status and **expand** opportunities for migrant women through gender-responsive livelihood strategies that develop their potential and build on their skills and aspirations;
- **Implement** legal accompaniment and language translators for women seeking asylum or residency codified in a policy that centers dignified, humanistic, and civil reception, in strict

respect for human rights and consideration of the gender-sensitive needs of migrant women (ie. psychological support; information on rights; interview accompaniment (no children, no family member), provide access to (emergency) health care and gynecologic follow-up right upon arrival, provide female interviewers for migrant women, etc.);

- **Rework and streamline** the different levels of decision-making to grant legal status, **shorten** the timescale and **deliver** durable autonomous documentation to women, including those arriving in Europe through family reunification requests;
- **Engage** directly with migrant women and provide mechanisms to participate in formal and visible spaces of power, regardless of their legal status, such as complaint, feedback, review, and response mechanisms, and expand political and electoral rights, like in Germany where one can be part of a political party but not run for office.