



EXPERT STATEMENT

TAKING STOCK: 5 YEARS OF CONQUESTS AND MISSED OPPORTUNITIES FOR MIGRANT WOMEN IN THE EU

June 19, 2024

As European Parliament elections took place on June 9th ([read ENOMW's reaction to the 2024 European Parliament elections results](#)), we have to take stock of the concrete advancements and missed opportunities we have witnessed in recent years.

1- EU accession to the Istanbul Convention:

After several years of blockage, the European Union ratified the Istanbul Convention in June 2023 following a vote in the European Parliament. On 1st of June 2023, the Council adopted two decisions practically completing the ratification process: **The decisions state explicitly that the EU will accede to the Convention only as regards matters falling under its exclusive competences, following from agreed common rules in the area of judicial cooperation, asylum and non-refoulement. These areas are of particular impact to migrant women and girls,** and the EU must now take its responsibilities in ensuring the proper implementation of the relevant dispositions of the Istanbul Convention, which came into force with regards to the EU on the 1st of October 2023.

2- EU's standpoint on the exploitation of women in prostitution:

On the 14th of September 2023 the European Parliament adopted a Resolution on prostitution in the EU, its cross-border implications and its impact on equality between women and men. **For the first time since 2014, an openly abolitionist approach has been adopted. This is a major step forward and a boost for feminist movements across**

Europe. In particular, it constitutes a victory for all migrant women and girls in Europe, the group most targeted by pimps and traffickers. 70% of the victims of prostitution are migrant women, 75% are between 13 and 25 years old (European Parliament, Directorate General for Internal Policies, Citizen's Rights and Constitutional Affairs, Sexual Exploitation and Prostitution and its Impact on Gender Equality, study, 2014, available at: [Sexual exploitation and prostitution and its impact on gender equality \(europa.eu\)](#)). However, all political groups remain divided around the issue. The European Network of Migrant Women calls for the newly elected MEPs to uphold the standard that was adopted last September and to carry on the work against all forms of sexual exploitation in the European Union.

3- EU legal framework on violence against women and girls:

On February 6th, a political agreement was reached on the proposal Directive on combating violence against women and domestic violence, which was adopted in plenary session in April 2024. The European Network of Migrant Women has been contributing to the work on this text since 2022, from early calls for consultation, to drafting amendments to help shaping the proposal, and offering the experience of migrant women's organisations across the EU to help inform decisions. **It is important to note that forced marriage ([read ENOMW's statement on forced marriage in EU law](#)) and female genital mutilation, two extreme forms of violence against women**

that particularly impact migrant girls, are included in the final agreement for the Directive, which sets harmonised standards for the legal definitions of those crimes. However, other articles addressing widespread and serious forms of violence against women and girls, such as rape and sexual assault were abandoned. It is regrettable to see that a double-standard is built at EU-level between forms of violence that impact minority communities disproportionately, and others which are equally present in all strata of society. This approach perpetuates the perception that certain types of perpetrators - those from non migrant communities - have immunity in the eyes of the law, and can continue acting without accountability. Generally, regarding the specific situations of migrant women, the text could also have gone further and established a stronger standard of support and protection. While the text recalls the importance to ensure that third-country nationals victims of violence are not discouraged from reporting, regardless of their residence status, specific measures to ensure that migrant women victims of male violence are not discriminated against and have equal access to support services and legal action are lacking ([read ENOMW's analysis on the Directive on combating violence against women and domestic violence](#)).

4- Revision of the EU legal framework on tackling trafficking in human beings:

The revision of the 2011 Anti-Trafficking Directive was adopted in plenary session by the European Parliament in April 2024 ([read ENOMW's submission to the European Commission on the revision of the Anti-Trafficking Directive](#)). Although many debates arose during the negotiations, the European Network of Migrant Women welcomes the inclusion of several important progress, notably a recommendation for Member States to criminalise the purchase of sexual acts in the recitals, a method that has proven to be effective in Sweden and France (French Ministry of Interior, DCPJ, March 2023 ; Christian Fröden, Police Inspector, Operations Developer in Human Trafficking at Swedish National Police, UNODC Conference in Dubrovnik, 2023).

In addition, the exploitation of surrogacy was added as a new form of exploitation leading to trafficking, along with the exploitation of forced marriage and illegal adoption. This constitutes an important step, as the practice of surrogacy is rooted in inequality between women and men and affects migrant women disproportionately. **Reproductive exploitation is a fast growing global multi-million industry through which women are subjected to physical, economic, medical and psychological violence** (ENoMW (European Network of Migrant Women) and ICASM (International Center for the Anthropological Study of Surrogacy and the Human Future), Migrant Women and Reproductive Exploitation in the Surrogacy Industry: Joint Investigation, 2022). Surrogacy has been considered by the European Parliament itself as an attempt to human dignity and equality between women and men (European Parliament resolution of 21 January 2021 on the EU Strategy for Gender Equality (2019/2169(INI)), available at: [European Parliament resolution of 21 January 2021 on the EU Strategy for Gender Equality \(2019/2169\(INI\)\) \(europa.eu\)](#)). Amongst the positive additions to the Anti-Trafficking Directive, we note the explicit recognition of the online dimension of trafficking which was addressed in the context of aggravating circumstances, prevention, investigation and prosecution. In the updated version of the Directive, Member States are now encouraged to create specialised units within law enforcement services, as well as shelters and compensation funds for the victims. Very importantly for the European Network of Migrant Women, Member States now have the obligation to ensure that victims can apply for



both residence permits and international protection at the same time (currently in many cases victims have to choose between the 2 procedures). Finally, the obligations for Member States to put in place an anti-trafficking coordinator (or equivalent), a national referral mechanism and an anti-trafficking action plan and provide data collection were strengthened.

5- New EU legal framework on asylum and migration:

The new Pact on Migration and Asylum, for which a political agreement was reached on December 2023 and which was adopted by the European Parliament in plenary session in April 2024, aims to regulate all aspects of migration management (European Commission, Migration and Home Affairs, What is the New Pact on Migration and Asylum of the EU, 2023, available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en).

Read [ENOMW's statement EU Migration and Asylum Pact Through the Eyes of a Woman](#). However, **the 9 adopted instruments carry measures that raise important concern for the rights, lives, and dignity of migrants arriving in the EU, in particular migrant women and girls.**

The new pact introduces intricate rules designed to minimise the number of people who receive asylum in Europe. **The reforms go in the opposite direction to the successful response to displacement from Ukraine**, which demonstrated the value of light procedures, rapid access to a protection status, allowing people to work as soon as possible so they can contribute, and freedom of movement which allows family unity and a fairer distribution of responsibility across Europe.

The Asylum Procedure Regulation seeks to establish a common procedure for asylum applications. Key agreements include a six-month benchmark for a first decision and shorter time-limits for manifestly unfounded or inadmissible claims. **Border asylum procedures, lasting up to 12 weeks, will be applied to individuals considered a danger to national security, those who mislead authorities, and those from countries with low asylum recognition rates.** Applicants whose claim

are rejected should be returned within 12 weeks. **The EURODAC Regulation allows for the collection of biometric data**, including facial images, fingerprints, and additional personal information to identify third-country nationals and determine the responsible Member State for processing their applications. **The age for identification has been lowered from 14 to 6 years old.** The Screening Regulation introduces a standardised pre-entry screening procedure at the **EU's external borders.**

The Asylum and Migration Management Regulation aims to ensure a fair distribution of responsibility among EU states through a solidarity mechanism. All member states must contribute, either through relocations or financial contributions. Requests for protection and relocations will not allow applicants to choose their destination country. **The Crisis and Force Majeure Regulation prepares for situations of mass arrivals that overwhelm a member state's asylum and reception systems.** In such crises, the Commission will assess and propose solidarity measures within 2 weeks. Derogations from normal procedures may include extended registration and border procedures. **In mass influx scenarios, border procedures will apply to applicants with up to a 50% recognition rate. The regulations also allow for the transfer of responsibility to non-EU countries, potentially placing individuals at risk of human rights violations.**

The pact includes several contentious points. It increases focus and mandatory procedures at EU borders, potentially leading to prolonged detention and reduced safeguards for asylum



seekers. A new solidarity mechanism requires all EU countries to contribute, but lacks a separate mechanism for search and rescue situations. **Vague definitions of "crisis" and "national security risks" may allow for broad and potentially abusive applications of strict measures, including pushbacks to unsafe countries.** The Pact's increased reliance on surveillance and screening measures raises concerns about racial profiling and the use of biased automated systems. The provisions do not adequately address the specific needs of vulnerable groups, such as women and children, leading to potential discrimination and fundamental rights violations. **There is also a risk that people eligible for residence permits on other grounds may be deported due to the pact's failure to integrate these permits into the new procedures.**

In conclusion, the past five years have been marked by significant advancements and notable missed opportunities for migrant women in the EU. As we move forward, it is crucial to address these shortcomings and ensure comprehensive protection and support for migrant women across the EU, reaffirming the commitment to their rights and well-being.

The European Network of Migrant Women (ENOMW) remains steadfast in its commitment to advocate for the rights of migrant women within the EU and eliminate all forms of violence against them. As we move forward, ENOMW will intensify its efforts to engage with newly elected Members of the European Parliament to address existing gaps and improve the legal frameworks. This includes ensuring proper implementation of the Istanbul Convention, upholding the abolitionist stance on prostitution, strengthening measures against violence and trafficking, and refining the new Migration and Asylum Pact to better safeguard the interests and rights of migrant women. The journey ahead requires unwavering dedication to fostering an inclusive and protective environment for all migrant women in Europe ([read ENOMW's Manifesto Towards a Europe of Justice, Equality and Dignity for All Women](#)).

