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From: Presidency
To: Working Party on External Aspects of Asylum and Migration (EMWP)
Subject: Gender approach in relation to migration
- Presidency discussion paper

1. Context

A person's gender determines all stages of his/her migration experience. It influences the reasons for migrating, the experiences during the journey, and the opportunities for integration and work at destination. Gender considerations in policy formulation and planning can contribute to the social and economic empowerment of individuals and promote equality between men and women. Failure to take such considerations into account can expose migrants to new risks and vulnerabilities, as well as perpetuate or exacerbate existing inequalities. According to UN Women, slightly more women are living in protracted displacement than men, and their difficulties are worsening over time.

According to the United Nations Office for Gender Equality and the Empowerment of Women (UN Women), “gender equality is not a women’s issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.” All gender groups have an important role to play. Consequently, a gender perspective does not mean a women's perspective only.

The 2030 Agenda underscores the link between gender and migration, not only for Sustainable Development Goal (SDG) 5, but for achieving the 17 SDGs. SDG 5 outlines clear targets connected to specific gender-related challenges, which translate the overarching goal into a series of qualifying targets.

Likewise, the Global Compact for Safe, Orderly and Regular Migration (GCM) incorporates a gender perspective and, more specifically, encourages all actors to “*promote gender equality and the empowerment of all women and girls...in order to move away from addressing migrant women primarily through a lens of victimhood.*” There is a need to recognise women migrants and female asylum seekers as a separate group, naming and including them, not just under a single category of “vulnerable” people, but as a group with particular needs, causes and migration pathways, often different from those of men.

Furthermore, action 24 of objective 8 of the Cadiz Action Plan of the Rabat Process calls for the formulation of concrete responses regarding the protection and assistance of people victims of human trafficking -particularly women and girls (shelter, legal advice, social, psychosocial and health services, interpretation, reintegration, etc.)- and their inclusion in national, regional and sub-regional initiatives and policies.

In order to implement these objectives in an inclusive, human rights-based and gender-responsive manner, it is crucial to analyse how gender interacts with other factors such as ethnicity, religion, beliefs, health, age, class, sexual orientation and gender identity.

A gender perspective is essential when designing effective strategies to prevent the forced migration of women and members of the LGTBQ+ community, especially during transit and destination.

Root causes of migration include gender inequalities and discrimination, as well as other human rights violations. Migrant women face a heightened risk of sexual and gender-based violence at the hands of smugglers, traffickers, border officials and other state actors, as well as fellow migrants. They also risk exploitation, including being sold into labour or forced into survival sex to gain passage, shelter, sustenance or money for their journeys.

Factors that may specifically impact on women and girls' reasons to migrate are sexual and gender-based violence (SGBV), unequal access to capital, land and other resources, lack of education, decent work and social protection, and traditional gender roles. All forms of SGBV -including female genital mutilation, and harmful practices such as forced and child marriage that women and girls are exposed to-, must also be addressed.

According to UN sources, 60% of deaths from SGBV occur in humanitarian settings, and at least one in five refugee or displaced women are victims of sexual violence.

Once migrants reach their destination, gender and sexual orientation continue to operate as factors that affect the processes of incorporation into the receiving society. For example, women find it more difficult to leave poorly paid labour sectors dominated by female workers — such as domestic work — which in turn exposes them to more violence.

Even though among refugee and migrant women there is a significant percentage of qualified persons, they are more likely to be unemployed or economically inactive than any other group in the EU labour market. According to the OECD and the EC, the employment rate of refugee women is roughly 45%, while that of refugee men is on average 62%.

Ratification of the International Labour Organization (ILO) Convention on Domestic Workers, 2011 (No. 189) is key to prevent harassment and violence and promote decent employment and working conditions.

To combat this discrimination along migratory routes, goal 9 of the GCM adds the obligation to provide smuggled migrant women and girls with adequate gender-sensitive protection and assistance both upon arrival in the country of destination and in those of transit, recognizing that they may have been survivors of psychological or physical abuse, intimidation and/or sexual and gender-based violence.

A better understanding of a gender perspective in migration can enable EUMS to better ensure their human rights, including to protect migrant women and girls from gender-based discrimination, abuse and violations at all stages of migration.

2. **EU Action**

Sexual exploitation of women and minors has been explicitly incorporated to the EU approach to the fight against trafficking in human beings since 2009, thanks to the Lisbon Treaty, which extends the Union's competences in terms of harmonization of criminal law. On this basis, the EU adopted in 2011 a directive on preventing and combating trafficking that covers trafficking in human beings for the purpose of exploitation in prostitution. This practice is regarded as a gender-based crime, requiring solutions based on a comprehensive understanding of this crime as a form of violence against women. Ever since, some gender-sensitive initiatives and resources are being implemented at EU level, such as the following:

- In March 2016, the European Parliament adopted a **resolution on the situation of women refugees and asylum seekers in the EU (2015/2325(INI))**. The document explicitly underlines the need for the Geneva Convention of 28 July 1951 and the 1967 Protocol relating to the Status of Refugees to be interpreted in such a way that gender-based persecution of women and LGBTQ+ persons is recognized in the determination processes of refugee status.
- The project "**Migration and the EU Gender Equality Strategy (2020-2025)**" is an initiative of the Center for Migration, Gender and Justice that aims to bridge the gap between migration policy and gender policy in the EU. It is based on the collection of lived experiences of women, girls, LGTBIQ+ and gender-diverse migrants. This strategy also highlights the Asylum and Migration Fund as a key mechanism to address various forms of gender-based violence by strengthening the protection of women in asylum and migration contexts and *"encourage EUMS to target actions that support the specific needs of women in the asylum procedure."*
- The new **EU Action Plan on Gender Equality and Women's Empowerment in External Relations 2020-2025 (GAP III)** aims to accelerate progress in the empowerment of women and girls, and to safeguard the achievements made in gender equality during the twenty-five years that followed the adoption of the Beijing Declaration and its Platform for Action.

The emphasis of the New Pact on Migration and Asylum on attracting highly skilled migrants is further developed in the Action Plan for Integration, which recognizes that 40.7% of migrant women (compared to 21.1% of native women) are overqualified for their jobs. A good example of this is that one out of every six domestic workers in the world are international migrants, and of these, women account for 73.4%.

The need to **improve gender-specific migration data** has been addressed in various international commitments. The lack of data has implications for global migration governance and for migrant women themselves. Sex- and gender-disaggregated data, proposed in SDG 17.18 and in line with goal 1 of the GCM –as well as the use of these to support and improve migration policies-, are necessary not only to protect rights, prevent exploitation and inform policies, but also to maximize the social, political and economic benefits of migration.

The Presidency presents the following discussion questions intending to steer the discussion on the way forward:

- Is there scope for intensifying the mainstreaming of gender in the field of migration policy and obtaining better sets of data? Which components could be considered a priority?
 - What is your assessment on the use of the gender perspective in the area of external financing of migration?
 - What could be done in order to increase the equal participation of migrant women working in poorly paid highly feminized jobs?
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