

FOR AN EQUAL EUROPE FOR ALL: MIGRANT WOMEN RIGHTS ARE HUMAN RIGHTS

Key issues and recommendations
for policymakers



Foreword

Intercultural dialogue and civic participation against stigmatisation of migrants and refugees (FORUM) is a project co-funded by the Europe For Citizens programme of the European Union.

This project is led by the Centre for International Development Initiatives of the University of Granada (Granada, Spain), in partnership with Akina Dada Wa Africa (Dublin, Ireland), Centro de Estudios e Investigación sobre Mujeres (Malaga, Spain), European Network of Migrant Women (Brussels, Belgium), Forum Femmes Méditerranée (Marseille, France) and Le Fate Onlus (Verona, Italy).

The 6 key issues and 76 recommendations gathered in this policy brief have been identified and defined by the partners organizations. We are grateful to all migrant and refugee women and all people from different studies and professionals' fields that have contributed to this document with their work, comments and experiences.



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Contents

Introduction	4
1. MIGRATION POLICIES, REGULARISATION AND LEGAL STATUS.....	7
2. VIOLENCE AGAINST WOMEN AND GIRLS (VAWG)	12
3. RISE IN HATE SPEECH AND RACISM	16
4. EMPLOYMENT AND EDUCATIONAL / PROFESSIONAL QUALIFICATIONS..	19
5. POLITICAL PARTICIPATION AND CITIZENSHIP.....	22
6. FUNDAMENTAL AND SOCIAL RIGHTS	25

Introduction

Human dignity, equality and human rights are EU values, while also EU Charter of Fundamental Rights cover the right to be free from discrimination on the basis of sex, racial or ethnic origin. However, migrants and refugees' rights, specially women and girls, are being threatened in the EU and they continue to face discrimination, racism and violence on a daily basis. The securitarian approach of the EU and Member States migration policies; the "European Fortress" and its consequent externalization of borders control; the rise in hate speech and racist incidents, exacerbated due to Covid-19 pandemic; the difficulties for acquire legal status; the violence against migrant women and girls and the risk of being victims of trafficking; the difficulties in the access to employment and in the recognition of educational/professional qualifications; the no recognition of fundamental, social and health rights; or the barriers for civic participation and the limits of citizenship rights, are some of the forms of this threat.

Working and fighting for Human Rights of migrants and refugees begin with respect for them from the moment that people leave their country of origin until they arrive at the country of destination, paying special attention to borders, where rights are commonly undermined, and to the inclusion process in the host communities. Establishing legal, safe and stable migration channels; develop migration policies with human rights and intersectional approach; and recognising migrants as subjects of rights and as active agents enriching the EU communities become key to overcome racism, discrimination and violence.

In the international sphere, it is also essential to review the EU's foreign policy and the impact of political, economic and trade relations with third countries in order to avoid the expulsion of people from their territories.

Against this backdrop, this policy brief sets out to 6 key issues and 76 recommendations of policies, measures and actions to addressed urgently the migrants and refugees, especially women and girls, rights violations and discrimination. This documents is aligned with international instruments developed and ratified in the European context such as the Convention on Human Rights (1950); Refugee Convention (1951) and its Protocol; the European Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979); International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); Charter of Fundamental Rights of the European Union (2000); Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol, 2000); Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011); the International Labour Organization Domestic Workers Convention No. 189 (2011); the UN 2030 Agenda for Sustainable Development (2015-2030); the EU anti-racism action plan (2020-2025); the European Commission's gender equality strategy (2020-2025); the European Commission's action plan on integration and inclusion (2021-2027) and the recommendation CM//Rec(2022)17 of the Committee of Ministers to member States on protecting the rights of migrant, refugee and asylum-seeking women and girls (2022).

To conclude, we call for commitment of policymakers from local, national and European institutions, to an effective coordination, co-responsibility and forceful endeavour, for a successful development of policies that guarantee migrants' rights, with especial attention to women and girls rights, without forgetting the key role of NGOs and organizations made up of, or engaged with, migrants and refugees.

MIGRATION POLICIES, REGULARISATION AND LEGAL STATUS

24.629
MISSING
MIGRANTS
in Mediterranean
since 2014*

*IOM. Update on 8
September 2022.
Data represent
minimum estimates.

Once migrant people arrive in any European country they face **discrimination, exploitation and precariousness**

New Pact on
Migration and Asylum

Security, control and fortification **over**
Human Rights and needs of migrants

- 1 **LEGAL, SAFE AND STABLE** migration channels
- 2 Easier and faster MIGRANTS' LEGAL STATUS RECOGNITION AND REGULARIZATION
- 3 END THE EXTERNALISATION OF EU BORDER policies
- 4 Put an END TO "HOT RETURNS"
- 5 Migration Policies guided by a HUMAN RIGHTS-BASED, FEMINIST AND INTERSECTIONAL APPROACH are needed
- 6 Develop a STRONG LEGAL FRAMEWORK TO AVOID THE EXPULSIONS of people from their territories due to the action of EU corporations
- 7 Implement mechanisms of STATES' ACCOUNTABILITY to ensure international commitments
- 8 Promote active participation in DECISION-MAKING PROCESSES of migrant organization in the diaspora
- 9 Improve DATA COLLECTION to develop specific policies, plans and interventions
- 10 Develop mechanisms for REPORTING AND TRACING MISSING AND DESEASED PEOPLE on migratory routes

1. MIGRATION POLICIES, REGULARISATION AND LEGAL STATUS

Since the European Union was established, we have been witnessing how internal borders among States Members are increasingly opened and that free movement to EU citizens is assured. On the contrary, external EU borders have become a serious source of danger for migrant people¹, mainly due to the growing tendency to prioritise interests of security, control and fortification over Human Rights and needs of migrants. In this context, on 23 September 2020, the European Commission (EC) issued a new Pact on Migration and Asylum, a comprehensive proposal to reshape the EU approach to migration. This New Pact focuses on returns rather than creating real mechanisms for protection, inclusion and safe access to European territory, replicating and exacerbating past mistakes².

Furthermore, once migrant people manage to arrive in any European country, difficulties and risks do not end. Migrant people in the EU face discrimination, exploitation and precariousness³. Migrant women, in particular, “face additional challenges as they tend to have lower proficiency in the host country language, weaker social networks, and greater responsibilities for childcare and family”⁴. To face this situation, legal status recognition and regularization, as well as migrant women’s access to information about their rights and how to exercise them is key for real inclusion and integration.

Particularly, the existence of legal, safe and stable migration channels and the access to independent legal status for women and girls is crucial for them to be able to escape from trafficking and other forms of violence against women and girls (VAWG). Overall, a human rights-based approach needs to be adopted when it comes to migrants' integration in Europe.

RECOMMENDATIONS

- Ensure that migration and asylum policies, including border management, are in line with Human Rights and Women's Rights instruments and that they are guided by a humanitarian, feminist and intersectional approach, not by a securitarian one.

¹ OIM: 24629 missing migrants in mediterranean since 2014 (update on 8 September 2022. Data represent minimum estimates) <https://missingmigrants.iom.int/region/mediterranean>

2 The New Pact on Migration and Asylum. Global Impact - EuroMed: https://euromedrights.org/wp-content/uploads/2021/05/EN_4AnalysisPACT.pdf

3 EU legislation and policies to address racial and ethnic discrimination (Briefing). European Parliamentary Research Service (EPRS). May 2022. Available at: [EU legislation and policies to address racial and ethnic discrimination](#)

⁴ European Commission (2020). *Action plan on Integration and Inclusion 2021-2027*

- Establish legal, safe, accessible and stable migration channels with the aim to ensure human dignity.
- Dismantle “Fortress Europe”⁵ tools and policies as they foster human trafficking and violence, especially sexual violence, due to the dangerous routes that migrants are forced to take⁶.
- End the externalisation of EU border policies⁷ and the conditionality of aid, visa policies or investments in exchange for migration control commitments.
- Develop a strong legal framework to regulate the impacts of the activities of transnational corporations on Human Rights and to avoid the expulsions of people from their territories due to the action of EU extractive industries and economic corporations.
- Promote a gender-sensitive and intersectional approach to the use of the Charter of Fundamental Rights of the European Union⁸, in order to better assist migrant women who need protection and support in asserting their fundamental rights.
- Guarantee coherence between migration policies and the Women’s Rights Agenda, the 2030 Agenda for Sustainable Development and the Global Compacts on Migration and Refugees, ensuring a Human Rights, feminist and intercultural approach in its implementation.
- Implement mechanisms for States’ accountability to ensure the fulfillment of their due diligence and international commitments such as the Refugee Convention, CEDAW, Istanbul Convention, Palermo Protocol or UNSCR 1325.
- Promote and ensure the active participation of migrant organisations in the diaspora, particularly migrant women organisations, in consultative and decision-making processes⁹, ensuring that migration policies and plans are more effective and respond to real needs.
- Collect and analyse disaggregated data in order to depict an accurate profile of migrants, ensuring the protection of personal data, with the aim of developing more specific policies, plans and interventions. Gender data disaggregation is crucial to improve gender equality policies¹⁰.
- Defend and promote solidarity and co-responsibility between the EU Member States in the reception and protection of asylum seekers and refugees.
- Ensure the access to seeking international protection and asylum in all EU States Member and establish the possibility of asylum applications in Embassies and Consulates, for being a safe channel for asylum seekers.

.....
5 https://coveringmigration.com/learning_pages/fortress-europe/

6 Migrant women and girls are the main victims of these forms of violence. See more: [Global Report on Trafficking in Persons](#)

7 <https://www.tni.org/files/publication-downloads/outsourcingoppression-report-tni.pdf>

8 The European Commission’s Gender Equality Strategy 2020-2025 highlights that including gender equality issues into policy making in all fields is key to success, as the challenges affecting the EU today all have a gender dimension. Any policy to meet these challenges will only be effective if the gender perspective is taken into account at all stages of policy making, from design to implementation

9 [European Commission. Action plan on Integration and Inclusion 2021-2027](#)

10 UN (2017). 2035 Agenda for facilitating human mobility.

- Eliminate the transit visa requirement for people from countries in conflict whose population suffers serious human rights violations and is likely to receive international protection.
- Put an end to “hot returns” as they represent a violation of the right to asylum and international protection as well as a violation of Article 19 of the EU Charter of Fundamental Rights in relation to collective expulsions and the principle of non-refoulement. Hence, it is necessary to give prevalence to the principle of non-refoulement¹¹ and primacy of voluntary returns^{12 13}, for instance, reformulating the “pre-entry screening” contemplated in the New Pact on Migration and Asylum^{14 15}.
- Reformulate the role of the European Border and Coast Guard Agency (Frontex), ensuring that its operations are carried out within a fundamental rights framework, abandoning the alarmist approach and replacing the military with rescue operations.
- Advocate for Member States to enforce relevant laws, constitutional provisions and EU instruments in relation to fundamental rights of migrants, and build capacity of relevant bodies and practitioners in order to apply them.
- Improve accessibility to international protection and regularisation procedures, by developing accompaniment programs, regarding the creation of safe and supportive environments and ensuring that access to reliable information, as well as translation and interpretation services to and from languages that are understood by all parties, is provided.
- Take into account, in the process of considering asylum applications, traumatic consequences of violence against women and girls (mental health problems, memory loss, dissociative state, etc) and adapt the burden of proof consequently.
- Develop measures for easier and faster migrants’ regularisation, accelerating administrative proceedings and ensuring a rapid access to full national and European citizenship.
- Put an end to migrants’ detention and internment facilities, an arbitrary system against migrants’ Human Rights, contemplating other alternative measures.
- Guarantee the right to legal assistance to all migrants and the information about their rights and duties as well as available instruments for its enjoyment.
- Establish mechanisms to avoid supervening irregularity¹⁶ of adults, which also affects minors in their charge.
- Develop measures to facilitate family reunification, reducing its costs and delays.

11 Article 33 Geneva Convention.

12 Report of the Special Rapporteur on the human rights of migrants (2018).

13 It cannot be considered voluntary if it causes the migrant to return to their country of origin to avoid expulsion or detention, to escape from abusive or exploitative situations, or to avoid deprivation of socio-economic rights in the country of destination.

14 More information: <https://www.cear.es/informe-cear-2021>

15 Commentary to the New Pact on Migration and Asylum from the ENoMW: [Migration pact through the eyes of a woman.pdf](#)

16 Definition: [What is supervening irregularity?](#) (Balcells Group Lawyers)

- Recognize EU host country citizenship to migrant's women children who were born in it¹⁷, removing the barriers they have to face, considering the special needs of migrant women victims of violence and single-parent families.
- Develop an accessible and harmonised mechanism at European level for reporting and tracing missing or deceased persons on migratory routes, as well as economic and psychological support measures for their families.

17 Recommendation 73 CM/Rec(2022)17: "Member States should ensure that any child born in their territory is entitled to be registered immediately after birth and is granted a pathway to a nationality".

VIOLENCE AGAINST WOMEN AND GIRLS (VAWG)

30%

OF WOMEN WORLDWIDE HAVE BEEN SUBJECTED TO **PHYSICAL AND/OR SEXUAL VIOLENCE***

*WHO 2021



65% WERE WOMEN AND GIRLS*

*UNODC, 2020

IN 2018, MORE THAN **49.000**

VICTIMS OF HUMAN TRAFFICKING FOR SEXUAL AND LABOUR EXPLOITATION WERE DETECTED

Migrant women and girls face specific forms of violence. **THEY EXPERIENCE VIOLENCE:**

IN THEIR COUNTRY OF ORIGIN

DURING THE MIGRATION PROCESS

AND UPON ARRIVAL TO THE **HOST COUNTRY**

In addition to gender-based violence (GBV) in the EU host country, they endure racist and xenophobic attitudes that affects the exercise of their citizenship, their ability to achieve decent work, economic autonomy, etc.

- 1 ADDRESS THE STRUCTURAL CAUSES of Violence Against Women and Girls (VAWG) and racism
- 2 IMPROVE THE PREVENTION of VAWG implementing coordination and monitoring procedures
- 3 Guarantee PROTECTION AND SOCIAL, LEGAL AND PSYCHOLOGICAL SUPPORT for migrant women victims and survivors of any type of VAWG
- 4 ERADICATE ALL FORMS OF VAWG, TRAFFICKING IN WOMEN AND EXPLOITATION OF PROSTITUTION OF WOMEN, in accordance with Article 6 of CEDAW
- 5 Ensure that the EU Member State reception systems are EFFICIENT IN THE IDENTIFICATION OF VAWG AND TRAFFICKING VICTIMS and guarantee their access to international protection
- 6 Promote and support CIVIL SOCIETY ORGANIZATIONS (CSOS), NETWORKS AND PLATFORMS made up of, or engaged with migrant women to strengthen women's agency
- 7 Specialised TRAININGS OF ALL STATE EMPLOYEES on VAWG and in the detection and support of victims
- 8 IMPROVE THE DATA COLLECTION by sex, age, ethnicity and migration status to develop evidence-based responses and policies against VAWG

2. VIOLENCE AGAINST WOMEN AND GIRLS (VAWG)¹⁸

Violence against women and girls is a violation of human's rights with an enormous incidence, as 30% of women worldwide have been subjected to physical and/or sexual violence¹⁹. Rising anti-feminist discourses, social confinement due to Covid-19 and the breakdown of safety nets and public services, have led to an increase in male violence against women. Domestic violence, sexual harassment and assault, cyberstalking, rape, female genital mutilation, forced marriage, lesbophobia, trafficking²⁰ and sexual exploitation in prostitution are just some of the violence that women and girls face in their daily lives, at home, in their professional environment or in the public space.

In addition, migrant women and girls, who represent a particularly vulneralised group face specific forms of violence²¹. They experience violence in their country of origin, during the migration process, and upon arrival to the host country. In addition to gender-based violence (GBV)²² in the EU host country, they endure racist and xenophobic attitudes, which puts them at disproportionate risk. Migrant women suffer from machismo and racism that affects the exercise of their citizenship, their ability to achieve decent work and economic autonomy, and their right to a life free from violence.

This underlines the urgent need to improve the safety of migrant women and girls, for instance by opening safe and legal routes to the EU to avoid trafficking, having a feminist perspective, incorporating measures and interventions for the detection and protection against VAWG, as well as by the ratification of the Istanbul Convention²³.

.....

18 Following the definitions on the Article 3 of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), violence against women is a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

19 World Health Organization (2021). Violence against women. Available at: [Violence Against Women](#).

20 UNODOC Global Report on Trafficking in Persons (2020): In 2018, more than 49.000 victims of human trafficking for sexual and labour exploitation were detected. 46% of them were women, 19% girls, 20% men and 15% boys. In total, 65% were women and girls, which shows the gender dimension of these crimes. Human trafficking for sexual exploitation is the more extended way, with an overall of 50%, being the second the human trafficking for labour exploitation (38%). Available at: [Global Report on Trafficking in Persons](#).

21 Committee of Ministers of the Council of Europe Recommendation CM/Rec(2022)

22 Following the definitions on the Article 3 of the Istanbul Convention, gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately

23 The Europe we want? Feminist approaches to gender, migration and democracy. WIDE, 2018

RECOMMENDATIONS

- Address the structural causes of Violence Against Women and Girls (VAWG) and racism through EU and Member State comprehensive policies, plans and interventions.
- Improve the prevention of VAWG implementing coordination and monitoring procedures.
- Ensure that public policies regarding migrant women and girls are based on the principle of universalism and indivisibility of women's human rights, and make sure that there is no space for relativism in what concerns any form of violence against women.
- Implement a comprehensive, harmonized protection system that guarantee care for migrant women victims and survivors of any type of VAWG, regardless of their administrative status. Guarantee safe places, in accordance with the principles of human dignity, where they can reside until their administrative situation is resolved. In connection to this, it is necessary to provide specialized social, legal and psychological support.
- Develop comprehensive anti-trafficking legislation, harmonize standards and strengthen measures to abolish and eradicate all forms of trafficking in women and exploitation of prostitution of women, in accordance with Article 6 of CEDAW²⁴. Concrete and unambiguous provisions are essential for the comprehensive protection of victims and survivors, such as guaranteeing legal status for women, providing them with essential services such as single-sex shelter, specialized economic and psychological support, and facilitating administrative processes such as long-term residence permits.
- Ensure that the EU Member State reception systems are efficient in the identification of VAWG and trafficking victims and provide them with safe single sex housing in the host country in line with the Istanbul Convention and Palermo Protocol.
- Improve identification and protection systems of victims and survivors of trafficking. Define clear and shared indicators to detect cases and victims of human trafficking, through the analysis of all recorded data and the development of forecasting and predictive mechanisms, pursuing prevention.
- Increase funding for research to better understand how trafficking modalities are becoming more complex.
- Ensure access to international protection systems for trafficked victims, regardless of their collaboration with law enforcement bodies, and for women at risk of revictimization when forced to return to their country of origin.
- Guarantee the principle of non-refoulement in suspected cases of trafficking in human beings.
- Ensure protection of women and young girls at risk of female genital mutilation and guarantee their access to appropriate health and psychological care as well as social support.

.....
24 States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women (CEDAW, article 6).

- Improve the EU disaggregated data collection by sex, age, ethnicity and migration status to enable policy makers to develop evidence-based responses and policies against VAWG²⁵ and to monitor their implementation and outcomes.
- Implement plans for a rights-based sexual education in diversity and put an end to the pornosocialization that legitimizes VAWG, lesbophobia and racism and that has a great impact on the formation of the minds of societies, especially of young people.
- Enforce specialised trainings of all state employees on VAWG and in the detection and support of victims, paying special attention to unaccompanied girls given their specific vulnerability.
- Promote and support Civil Society Organizations (CSOs), networks and platforms made up of, or engaged with migrant women and children to strengthen women's agency, in order to ensure their real needs are taken into account and reflected in VAWG prevention and intervention plans.

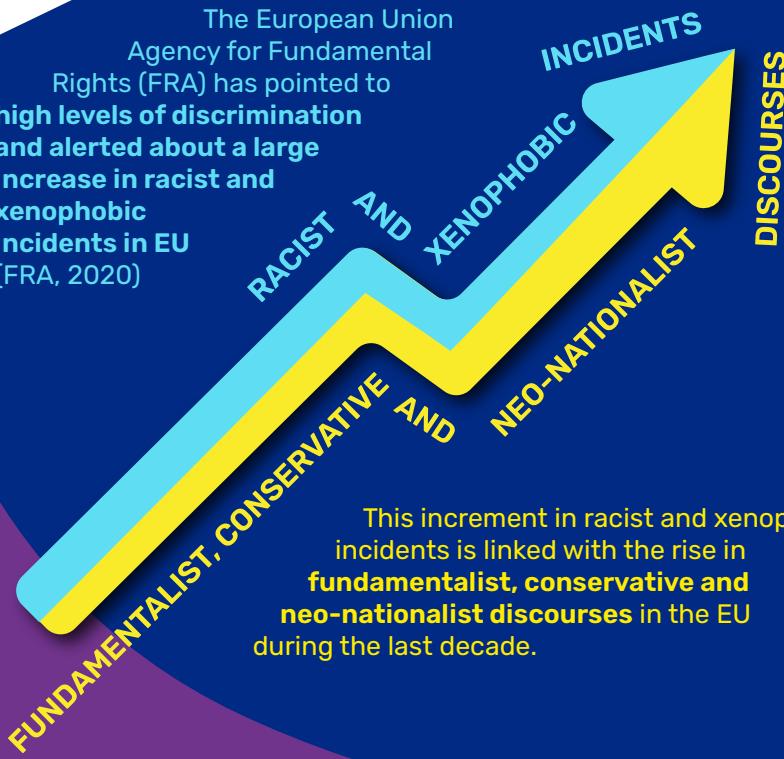
25 Specifically on intimate partner violence, see: European Institute for Gender Equality (2018): Recommendations to the EU to improve data collection on intimate partner violence. Available at: [Recommendations to the EU to improve data collection](#).

RISE IN HATE SPEECH AND RACISM



Racial and ethnic minority members, especially women and girls, face discrimination on a **daily basis** (European Parliamentary Research Service, 2022) in the Areas of:

The European Union Agency for Fundamental Rights (FRA) has pointed to **high levels of discrimination** and alerted about a large increase in racist and xenophobic incidents in EU (FRA, 2020)



This increment in racist and xenophobic incidents is linked with the rise in **fundamentalist, conservative and neo-nationalist discourses** in the EU during the last decade.



EMPLOYMENT



EDUCATION



HOUSING



SECURITY



PHYSICAL AND MENTAL HEALTH



ACCESS TO SOCIAL SERVICES

**It is not enough to be against racism,
we have to be active against it**

1

TACKLE MANIFESTATIONS OF STRUCTURAL RACISM (discriminatory rules, norms, laws or policies, racial profiling by institutions and service-providers or racist attitudes and behaviour in institutions)

2

Elaborate comprehensive SOLID-BUDGETED LAWS, POLICIES AND NATIONAL ACTION PLANS, with an intersectional approach, ensuring fully legal protection

3

COMBAT PREJUDICES AND STEREOTYPES with awareness-raising campaigns, dissemination of good practices and the promotion of antiracist role models

4

Overtake the mechanisms that promote hate speech, disinformation and the dissemination of FAKE NEWS

5

FIGHT IMPUNITY AND UNDERREPORTING by improving disaggregated and reliable data collection and by the creation of a specialist service model for victims of racist crimes

6

INCREASE THE PARTICIPATION and visibility of migrant and racialised people in the EU institutions

3. RISE IN HATE SPEECH AND RACISM

Racial and ethnic minority members, especially women and girls, face discrimination on a daily basis²⁶ in the areas of employment, education, housing, access to social services, physical and mental health and integrity, security, freedom, etc.

The exact scale of the problem is hard to measure due to a lack of data and under-reporting of racist incidents but the European Union Agency for Fundamental Rights (FRA) has pointed to high levels of discrimination²⁷ and alerted about a large increase in racist and xenophobic incidents in EU²⁸.

This increment in racist and xenophobic incidents is linked with the rise in fundamentalist, conservative and neo-nationalist discourses in the EU during the last decade. These narratives, adopted by political parties and EU governments, promote misinformation and the stigmatisation of "otherness", exalting an exclusionary imaginary of "homeland" and "order" based on social control, xenophobia, racism and misogyny.

As long as such discrimination and hate speech persist in our society, it is not enough to be against racism, we have to be active against it²⁹.

RECOMMENDATIONS

- Identify and tackle manifestations of structural racism such as discriminatory rules, norms, laws or policies, racial profiling by institutions and service-providers, attitudes and behaviour in institutions that present obstacles to racialised groups or individuals.
- Elaborate comprehensive solid-budgeted laws, policies and national action plans, with an intersectional approach, against racism, xenophobia, hate crime and hate speech to ensure fully legal protection against racism and racial discrimination in all EU Member States.
- Combat prejudices and stereotypes by the dissemination of messages, information and data for a better understanding of migration and its positive effects and

26 EU legislation and policies to address racial and ethnic discrimination (Briefing). European Parliamentary Research Service (EPRS). May 2022. Available at: [EU legislation and policies to address racial and ethnic discrimination](#)

27 FRA surveys: Crime, safety and victims' rights (2021); Experiences and perceptions of antisemitism - Second survey on discrimination and hate crime against Jews in the EU (2018); Being Black in the EU (2018); Second European Union Minorities and Discrimination Survey - main results (2017); Second European Union Minorities and Discrimination Survey. Muslims - Selected findings (2017); Second European Union Minorities and Discrimination Survey Roma - Selected findings (2016).

28 Coronavirus pandemic in the eu-fundamental rights implications. European Union Agency for Fundamental Rights (FRA). 2020. Available at: [Coronavirus pandemic in the EU](#)

29 A Union of equality: EU anti-racism action plan 2020-2025. Available at: [Anti-racism action plan 2020-2025](#)

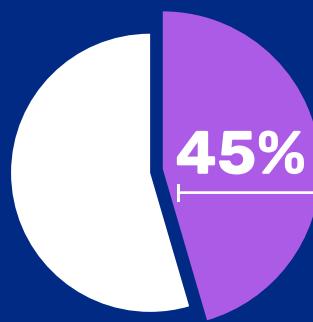
benefits through, *inter alia*, awareness-raising campaigns, dissemination of good-best practices and the promotion of antiracist role models.

- Overturn the mechanisms that promote hate speech and the dissemination of fake news and disinformation, and break with discourses based on cultural stereotypes and which, used to a large extent in a pejorative way, affect the inclusion and integration of migrants.
- Fight impunity and underreporting by improving disaggregated and reliable data collection with a common methodology and the creation of specific control bodies to research and monitoring racial discrimination incidents and all forms of exploitation.
- Develop a specialist service model for victims of racist crimes, including legal support, reparation and prevention of the isolation and the psychological suffering of the victims.
- Create mechanisms in the EU institutions that ensure the participation and increase visibility of migrant and racialised people. Allow them to be leaders at the global level, considering their voices, proposals, positions, views and specific needs.
- Set up antiracism training through Equality, Diversity and Inclusion (ED&I)³⁰ programs for institutions, companies, and NGOs. Train and recruit of champions³¹ to combat racism.

30 EDI (Equality, Diversity and Inclusion) ensures fair treatment and opportunity for all. It aims to eradicate prejudice and discrimination on the basis of an individual or group of individual's protected characteristics.

31 Champion is defined as a person who support, defend and fight for a cause, belief or principle.

EMPLOYMENT AND EDUCATIONAL / PROFESSIONAL QUALIFICATIONS



- The 45% of migrants are at **risk of poverty or social exclusion** in the EU*

*Eurostat, 2021

Migrant women are often confined to the **most precarious, invisible and socially undervalued professions** regardless of their level of education.

AGRICULTURE



DOMESTIC WORK

CARE WORK

Even when they have a job

19,7%

MIGRANT MEN

20,8%

MIGRANT WOMEN

continue to be at risk of poverty in the UE*

*Eurostat, 2018

In these sectors fundamental rights are not fully ensured which enhances the existing high risks for migrant women to fall **victim of racial discrimination, labour exploitation, sexism and other forms of violence such as sexual and workplace harassment or systemic sexual exploitation and prostitution.**

1

Guarantee LABOUR RIGHTS and eradicate all forms of discrimination against migrant workers

2

Recognise the DIVERSITY of migrant women's EDUCATIONAL LEVELS, PROFESSIONAL EXPERIENCE AND FORMAL AND INFORMAL SKILLS with the development and implementation of national, regional and local employment and educational policies

3

Ensure FULL LEGAL RECOGNITION and legal protection of CARE AND DOMESTIC WORKERS

4

Endorse the RATIFICATION AND ENTRY into force of International Labour Organization (ILO) C189 - Domestic Workers Convention, 2011 (No. 189) – by all EU Member States

5

DEVELOP SPECIAL PROGRAMS for migrant women with low formal educational attainment, with special attention to older and long-term unemployed women

4. EMPLOYMENT AND EDUCATIONAL / PROFESSIONAL QUALIFICATIONS

The 45% of migrants are at risk of poverty or social exclusion in the EU³². Even when they have a job, the 20,8% of migrant women and the 19,7% of migrant men continue to be at risk of poverty in this territory³³. Particularly, the barriers that migrant women face in accessing employment due to professional downgrade, non-recognition of skills and qualifications or the limitation of access to more precarious and informal jobs, emerge as a major challenge.

Migrant women are often confined to the most precarious, invisible and socially undervalued professions. For instance, migrant women constitute a large number of domestic workers in the EU. This sector, most often than not, does not meet basic standards of decent and dignified work as well as minimum standards of labour laws and are at high risk of suffering violence and exploitation.

As a consequence of an inefficient integration into the EU labour market, migrant women are too often constrained to informal sectors, such as agriculture, domestic and care work, regardless of their level of education. In these sectors fundamental rights are not fully ensured which enhances the existing high risks for migrant women to fall victim of racial discrimination, labour exploitation, sexism and other forms of violence such as sexual and workplace harassment or systemic sexual exploitation and prostitution.

There is an important need for the European Union and its Member States to protect migrant workers, especially women, and to ensure the effective application of fundamental principles and rights at work. Encouraging decent employment opportunities, guaranteeing equal access to the labour market, facilitating recognition of skills and qualifications and enhancing laboral and social protection are key to bringing substantial benefits for migrants, as well as national economies.

RECOMMENDATIONS

- Guarantee labour rights and eradicate all forms of discrimination against migrant workers, with especial attention to women workers, in the field of employment and training.
- Recognise the diversity of migrant women's educational levels, professional experience and formal and informal skills with the development and implementation of national, regional and local employment and educational policies.

32 Eurostat (2021). Migrant integration statistics – at risk of poverty and social exclusion. EU-27. Available at: [Migrant integration statistics](#)

33 Eurostat, 2018. Cited in [Voices contra la precariedad: Mujeres y pobreza laboral en Europa \(Oxfam\)](#)

- Promote integration into employment through access to professional certification by means of a Validation of Skills and Acquired Experience System.
- Boost the training recognition and qualifications acquired beyond the borders of the EU through the facilitation of the homologation process and the generalisation of a System of Equivalences. Opacity, lack of uniformity, or differentiation in pathways for qualification validation in different job sectors must be avoided.³⁴
- Facilitate the recognition of refugees' qualifications in line with the recommendations of the Lisbon Recognition Convention Committee³⁵ and ensure the implementation of the European Qualifications Passport for Refugees³⁶ in all EU Member States.
- Develop special programs for migrant women with low formal educational attainment, with special attention to older and long-term unemployed women. These specific programs should include mentoring, assisted volunteering, pre-employment training, job placements, specialised language courses with integrated elements of skill learning, vocational training and skill recognition for women with no official qualifications.
- Endorse the ratification and entry into force of International Labour Organization (ILO) C189 - Domestic Workers Convention, 2011 (No. 189)³⁷ – by all EU Member States in line with EU Council Decision of 28 January 2014³⁸.
- Ensure full legal recognition and legal protection of care and domestic workers. Establish monitoring and tracking mechanism to warrant that laws are fulfilled.
- Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by all EU Member States.

.....

34 The Action Plan on Integration and Inclusion 2021-2027 points out that to facilitate the homologation of foreign qualifications increases job opportunities for migrant communities. For instance, it is expressed that offering bridging courses to help migrants complement the education acquired abroad will help to this aim.

35 Recommendation on Recognition of Qualifications Held by Refugees, Displaced Persons and Persons in a Refugee-like Situation. DGII/EDU/HE (2017)

36 [What is the European Qualifications Passport for Refugees?](#)

37 Just 9 EU Member States have ratified the ILO Convention 189. The C189 is in Force in Belgium, Finland, Germany, Ireland, Italy, Malta, Portugal and Sweden. The Convention will enter into force for Spain on 09/06/2023. [Ratifications of C189](#)

38 EU Council Decision of 28 January 2014 authorising Member States to ratify the ILO C189 (2014/51/EU). [Council Decision of 28 January 2014](#)

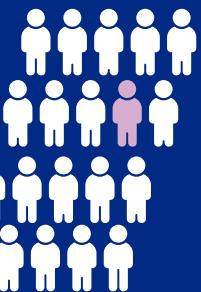
POLITICAL PARTICIPATION AND CITIZENSHIP



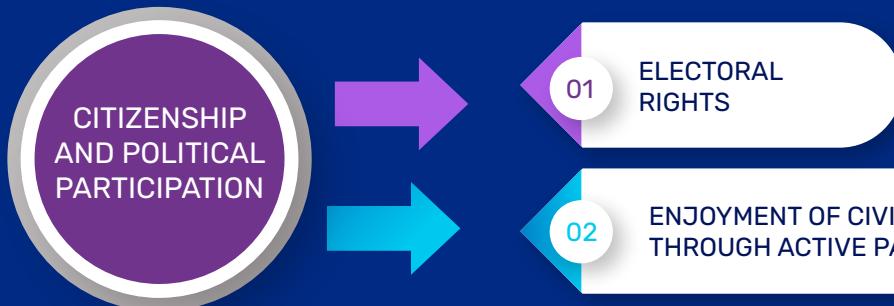
23.7 million

third country nationals live
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*Eurostat, 2022



The European Commission's Action Plan for Integration and Inclusion 2021-2027 points that integration is a two-way process and stresses the importance of "**including migrants and EU citizens with a migrant background**", as well as "**promoting their active participation in consultative and decision-making processes**".



1
PROMOTE CIVIC AND
POLITICAL
PARTICIPATION of
migrants, especially
women and girls

2
Enhance the capacity-building of migrants,
especially women and girls, to effectively
ENGAGE IN POLITICAL SPACES

3
STRENGTHEN the development of the potential of migrants
and MIGRANT WOMEN'S ORGANIZATIONS, involving them in
politics and decision-making processes, with the aim of
EMBODYING THEIR ECONOMIC, SOCIAL AND CULTURAL
INTERESTS AND NEEDS

Despite this, the lack of
citizenship or legal status
makes **the voice of
most women and
girls invisible in
political,
economic and
social
affairs.**

4
Extend and GUARANTEE THE RIGHT TO VOTE in elections at European,
national, regional and local level for communitarian and third country
nationals living in any EU country

5. POLITICAL PARTICIPATION AND CITIZENSHIP

23.7 million third country nationals live in the EU Member States, representing 5.3% of the EU population³⁹. This amounts to almost 24 million people whose voices and contributions must be recognized and considered in political, economic, civil and social affairs⁴⁰.

Citizenship and political participation go beyond conventional electoral rights (voting or standing for election). It is about the recognition and full enjoyment of civil, political and social rights that enable migrants, especially women and girls, to have a life free of violence and influence the society in which they live.

The European Commission's Action Plan for Integration and Inclusion 2021-2027 points that integration is a two-way process and stresses the importance of "including migrants and EU citizens with a migrant background", as well as "promoting their active participation in consultative and decision-making processes".

Despite this, the lack of citizenship or legal status makes the voice of most women and girls invisible in political, economic and social affairs. All too often, national institutions and associations endorse, to a bigger or lesser extent, the submission of migrant women by tolerating, or even reproducing, patriarchal hierarchies.

RECOMMENDATIONS

- Promote civic and political participation of migrants, especially women and girls.
- Enhance the capacity-building of migrants, especially women and girls, to effectively engage in political spaces⁴¹.
- Strengthen the development of the potential of migrants and migrant women's organizations, allowing them to express and build their own spaces.
- Consult migrants and migrant women organisations in order to draw together policies and legislation.
- Strengthen participatory rights through funding grassroots organisations, which should participate in decisions concerning public and political life and administration of local communities.
- Involve migrants and migrant women organisations in politics and decision-making processes, with the aim of embodying their economic, social and cultural interests and needs.
- Extend and guarantee the right to vote in elections to the European Parliament for third country nationals that live in any EU country.

39 Eurostat (2022). Data available at: [Non-EU citizens make up 5.3% of the EU population](#)

40 The Committee of Ministers of the Council of Europe Recomendation CM/Rec(2022)17 note the importance of the integration and participation of migrant, refugee and asylum-seeking women and girls to the economic, social, civic, political and cultural life of the host country.

41 See the toolkit from ENoMW (2021): [Young Migrant Women's Political Participation - Toolkit](#) based on the report: [Young Migrant Women's Political Participation - Report \(2021\)](#)

- Extend and guarantee the right to vote in national elections to Congress, Senate and elections at regional level for communitarian and third country nationals that live in any EU country.
- Guarantee and facilitate the right to vote in local elections for communitarian and third country nationals that live in any EU country.

FUNDAMENTAL AND SOCIAL RIGHTS

Migrants in the European Union are affected by inadequate access to fundamental rights. They, especially women and girls, have suffered Covid-19 consequences more intensively (precarious living and housing conditions, less resources to adopt preventive measures or higher exposure to the virus because of their precarious jobs). The situation is particularly dire for migrant women and girls:

DUE TO THE BARRIERS IN THE ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS, ESPECIALLY WHEN THEY ARE PREGNANT



*Eurostat, 2021

The risks of
POVERTY OR
SOCIAL
EXCLUSION

45%

MONETARY POVERTY
38%
AND THE INCIDENCE
OF SEVERE
MATERIAL
DEPRIVATION
12%

in the EU are more than twice as high among non-EU citizens as it is among nationals or citizens of other EU Member States*

THEIR FAMILY
AND CARE
RESPONSIBILITIES
IN A PATRIARCHAL
CONTEXT

AND BECAUSE OF
THE HIGH RISK
OF SEXUAL
VIOLENCE AND
EXPLOITATION
THAT THEY
FACE

1 GUARANTEE THE ACCESS OF MIGRANTS TO HEALTH, EDUCATIONAL AND HOUSING SERVICES AND SOCIAL BENEFITS, regardless of their administrative status, strengthening the public support system and their accessibility, paying particular attention to minors, both accompanied and unaccompanied

2

Tackle administrative and cultural barriers to FACILITATE ACCESS TO PUBLIC SERVICES

3 TRAINING AND AWARENESS-RAISING PROGRAMS FOR SERVICE PROVIDERS (social and health services workers, law enforcement bodies, institutional staff, teachers, legal practitioners, etc) with an intersectional, antiracist and feminist perspective

4

Develop prevention-related interventions in order to IDENTIFY PATTERNS OF ABUSE early and providing victims the necessary support

5 DEVELOP UNIFIED AND FAST-TRACKED PROCEDURES, in accordance with international standards, for the identification and priority protection of minors (for instance, age proves, the identification of their family members, etc)

6

Remove the difficulties imposed by the Public Administration and legislations for FAMILY REUNIFICATION

6. FUNDAMENTAL AND SOCIAL RIGHTS

According to Eurostat migrant integration statistics, there is an overrepresentation of migrant people at risk of social exclusion. The risks of poverty or social exclusion (45%), of monetary poverty (38%) and the incidence of severe material deprivation (12%) in the EU are more than twice as high among non-EU citizens as it is among nationals or citizens of other EU Member States⁴².

In addition, migrants, especially women and girls, have suffered Covid-19 consequences more intensively due to, *inter alia*, the precarious living and housing conditions, less resources to adopt preventive measures or higher exposure to the virus because of their precarious jobs.

In this context, migrants arriving in the European Union are affected by inadequate access to fundamental rights and they are at risk of social exclusion, regardless of their administrative status.

The situation is dire for migrant women and girls. For instance, due to the barriers in the access to sexual and reproductive health and rights, especially when they are pregnant; their family and care responsibilities in a patriarchal context and because of the high risk of sexual violence and exploitation that they face.

RECOMMENDATIONS

- Develop specific measures, including reforms of current legislation and policies, modifying the rules and administrative processes, to guarantee the access of migrants to health, educational and housing services and social benefits, regardless of their administrative status. These specific measures must pay particular attention to minors, specially girls, both accompanied and unaccompanied⁴³, and ensure the full respect for the best interest of the child.
- Strengthen the public support system in order to provide a complete and better accessibility to quality social services, healthcare and education system for migrants.
- Tackle administrative barriers to facilitate access to public services, by simplifying, translating and diffusing rules on the process for accessing care, removing expensive or unnecessary requirements and proactively challenging the impact of cultural barriers as ways of overseeing the welfare of vulnerable groups.
- Implement training and awareness-raising programs for service providers (social and health services workers, law enforcement bodies, institutional staff, teachers,

42 Eurostat (2021). Migrant integration statistics – at risk of poverty and social exclusion. EU-27. Available at: [Migrant integration statistics](#)

43 Specifically, the Action Plan on Integration and Inclusion 2021-2027 detailed the need to develop support programmes for unaccompanied minors who arrive past the age of compulsory schooling and programmes for them on the transition to adulthood.

legal practitioners, etc) with an intersectional, antiracist and feminist perspective considering the specific needs, culture and background of migrant people and refugees, for an adequate understanding of migration.

- Develop prevention-related interventions acknowledging that VAWG is directly hampering migrant women and girls' fundamental rights. These interventions must enable public and private services to identify patterns of abuse early, and to provide victims with necessary support and appropriate care.
- Guarantee the right to abortion for migrant women, regardless of their administrative status.
- Develop unified and fast-tracked procedures, in accordance with international standards, for the identification and priority protection of minors, in order to accelerate processes, such as the age proves, the identification of their family or relatives when they have migrated in different moments, and/or lost their family members along migrant routes, etc.
- Remove the difficulties imposed by Public Administration and legislations for family reunification and, consequently, avoid the separation between children and their mothers or relatives. These separations represent a clear and intolerable violation of families and children's fundamental rights.
- Address the digital divide by facilitating the access of migrant, refugee and asylum-seekers to digital services and internet connection, in particular if services and information are available solely or largely in a digital format⁴⁴.
- Develop programs in which migrants, especially women and girls, can exchange experiences and testimonies, working on their coping strategies⁴⁵.

44 Access to the Internet for most services, which has been increased during Covid-19 pandemic, have shown the real, severe and existing digital gap in our society, which have affected collectives who are already at risk of exclusion, such as migrant women. <https://www.migrantwomennetwork.org/2020/06/16/digital-inclusion/>

45 Coping strategies are mechanisms for stress management and how to cope with anger, loneliness, anxiety or depression.



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