

ENAR Fact Sheet 42



EUROPEAN WOMEN'S
LOBBY
EUROPEEN DES FEMMES



European Network Against Racism
Réseau européen contre le racisme
Europäisches Netz gegen Rassismus



**EUROPEAN NETWORK
OF MIGRANT WOMEN**



Centre de recherche METICES



UNIVERSITÉ LIBRE DE BRUXELLES, UNIVERSITÉ D'EUROPE

Gender and Migration

February 2010

The purpose of this fact sheet is to raise awareness among ENAR members on the impact of migration policies on migrant women and the need to integrate a gender perspective in migration, integration and asylum policies.

This fact sheet will enhance the capacity of ENAR members to develop mechanisms to document and address the gender gaps in immigration/integration policies in their work. It provides an overview on the state of play of the debate, by defining the key target groups and issues at stake, as well as challenging the dominant public perception of migrant women. Following sections look into the international and European political agenda by outlining the key international human rights instruments for protecting women's rights, and the current European developments in migration, integration and asylum policies by mapping the challenges faced by migrant women in the European Union. Finally the different civil society activities that are taking place in this area are outlined.

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Introduction

According to estimates by the United Nations, almost a third of the world's 200 million migrants head for Europe. Of these, 49.6% are women¹. Female migration has become a striking phenomenon of migratory movements.

This raises the question of who we mean when we talk about migrant women. The European institutions casually use this term to describe 'non-European women', thus making reference to nationality. This effectively makes migrant women synonymous with women from poor countries and from the global South. However, the term also describes women who are from immigrant backgrounds but who were born in the European Union. A number of recent European Union documents make reference to subsequent-generation immigrant women, noting that they must be taken into consideration when integration policies are being developed.

Because of this it is crucial to examine how these women are defined. In doing this, account must be taken of the complex realities of the situation, while at the same time avoiding stigmatising people or confining them to a particular category. The challenge is to increase the visibility of certain groups of people in order to identify specific issues which they may encounter. This will then enable appropriate policies to be developed without casting in stone the identity of any group and reinforcing stereotypes.

Migrant women - who are they?

For many years migrant women were largely seen as spouses coming to join their migrant worker husbands. This was despite the fact that the reality of female migration had already been shown to be a lot more complex and this complexity has only increased in recent years. Women have been migrating increasingly independently, in search of work and often as heads of families, rather than simply as wives coming to join their husbands already resident in the host country.

A particular feature is that these women may often be motivated by the desire to escape political, cultural and social restrictions in their country of origin. While such restrictions affect women and men in the same way, their impacts may be quite different depending on the gender of the individual². Some women, for example, migrate in order to escape from oppressive family or marital relationships³.

A significant proportion of female migration today is due to asylum seekers fleeing their countries in order to escape gender-specific persecution, such as female genital mutilation (FGM), forced marriage or so-called honour crimes. Consequently, they tend to seek refuge in the countries of the global North which they perceive to be more respectful of human rights⁴.

Finally, some decisions to migrate are linked to the phenomenon of globalisation, the consequences of which may differ for women and men. Some authors maintain that women are the primary victims of globalisation, since trade liberalisation has led to the destabilisation of the economies of the countries of the global South, resulting in mass unemployment which first and foremost affects

¹ IOM, World migration, 2008.

² Anthias F., Cederberg M. (2006), *Theoretical perspectives and debates in the UK, State of the art*, Working Paper 2, FEMIPOL project, http://www.femipol.unifrankfurt.de/docs/working_papers/state_of_the_art/UK.pdf

³ Kofman, E., Phizacklea, A., Raghuram, P. and Sales, R. (2000), *Gender and international migration in Europe*, London: Routledge.

⁴ Freedman, J., Valluy, J., (2007), *Persécutions de femmes. Savoirs, mobilisations et protection*, Paris, Collection TERRA, Editions du Croquant.

women⁵. Furthermore, budgetary austerity measures imposed on poor countries by the International Monetary Fund (IMF) and the World Bank are of especial disadvantage to women because budget cuts affect two sectors which are essential for them, namely education and health.

The challenges of female migration

One may wonder why these women, whose presence in the EU has remained invisible for so many years, are currently attracting such interest from the political sphere.

The first point in response to this is to highlight the importance in recent years of migration issues on the political agenda of many European countries as well as at an international level. In addition, the introduction of the concept of *gender mainstreaming* into European and national policy has led to an increased recognition of the need to adopt a gendered perspective to migration in policy documents⁶. Finally, feminist movements have also played a role in the development of this interest in migrant women by adopting a contextualised analysis of social relations which takes account of the complex web of sex, ethnic origin and class.

Female migration could also prove a considerable challenge in the selective immigration policy which the EU intends to implement. Europe recognises the need for a workforce from outside its borders to cope with the ageing of its population. In this context, there could be a particular need for a female workforce to take on responsibilities in care for the elderly, children and persons with special needs, in domestic work and in the medical professions⁷. Many migrant women are already employed in Europe, especially in domestic work and seasonal agricultural work. A by no means negligible proportion of qualified professionals also migrate, such as nurses, teachers, researchers and technical experts. Since 2000, a quarter of migrant women in Finland, the United Kingdom and Sweden work in the education and health sectors⁸.

Women migrants are therefore systematically associated with domestic and care work, or prostitution. The focus on these sectors serves to reinforce the image of migrant women as being poorly educated and as victims. A perception is thus established of these women as ill-adapted to modern society, isolated and in need of assistance.

This perception also masks the whole process of professional downgrading which these women often face in Europe, a situation which is generally due to a lack of recognition of their degrees and/or professional qualifications obtained in their country of origin. They therefore experience professional downgrading in the labour market in comparison with both European women and immigrant men. This phenomenon is revealed by various indicators⁹, such as *employment statistics*. 44% of non-European women are employed compared with 68% of European women. In terms of highly-qualified women, the gap widens in the 25-54 age group where 84.7% of European women are employed compared with 60% of non-European women. Migrant women are thus very disadvantaged in the European labour market. Their unemployment rate is also higher than that of

⁵ Sassen, S. (1991) *The global city: New York, London, Tokyo*, Princeton: Princeton University Press.

⁶ The Treaty of Amsterdam strengthened the EU's commitment to gender equality by introducing two provisions: Article 2 TEC (now article 3(3) TEU), making equality between women and men a task of the EU, and Article 3 (2) TEC (now article 8 TFEU) which enshrined the principle of gender mainstreaming in the treaties.

⁷ Pratt, S. (2007), 'Migrant women and the common European migration policy' in *Equal Rights, Equal Voices, Migrant Women in the European Union*, European Women's Lobby, pp. 38-41.

⁸ United Nations Research Institute for Social Development, 2005, p. 120.

⁹ It should nevertheless be noted that all the figures provided here relate only to women who are not citizens of an EU Member State. The indicators therefore exclude women of foreign origin who hold citizenship of an EU country.

migrant men (14% compared with 11.3%). The number of migrant women in part-time work and/or on temporary contracts is also higher¹⁰.

In addition, while the *unemployment rate* among European migrant women is 10%, it stands at 19% among non-European migrant women¹¹. Among highly-qualified women, in the 25-54 age group the gap increases again between the two categories, to the detriment of non-European migrant women (4.9% compared with 12.7%)¹².

Finally, the pay gap between European men and women is 16% in the EU and migrant women earn 10% less than their European counterparts¹³.

A survey of the research on female migration

Women were long absent from studies of migration where men remained the universal focus, since migration was generally only considered from an economic point of view from which women were excluded. Furthermore, the sectors in which women worked or still work contributed to their invisibility since, often unable to hold residence and work permits in their own right, they were restricted to undertaking casual and often illegal work, such as in the garment industry or in domestic work¹⁴.

Migrant women were similarly absent from women's studies which gave priority to a 'universal woman' rather than looking at the specific experiences of certain groups of women on the basis, for example, of their nationality or origin. In Europe it was not until the 1980s that the United Kingdom, for instance, saw the emergence of a *black feminist* movement, highlighting the specific issues of the oppression of black women. This type of analysis would not be developed in France until the end of the 1990s.

It was only after the curtailment of mass economic immigration in the 1970s and the implementation of family reunion policies in many European countries that migrant women became more visible. The few research studies produced in the 1970s focused on the real and presumed issues of integration encountered by these women and their children in their country of residence. Having said that, there were a number of marginal studies, notably in France, on the motivations for female migration¹⁵ and the feminisation of the foreign workforce, and also on the rise in the rate of employment among immigrant women¹⁶.

In the 1980s, a new concept of the 'independent' woman challenged the traditional, monolithic image of migrant women as victims. This was due in essence to the development of the voluntary sector within the immigrant community and the arrival of the second generation of immigrants who were more visible and active professionally and sometimes politically as well.

The 1990s marked a major turning point. Migration flows diversified significantly at the same time as the European Union established a more selective policy in relation to migrants. In addition, the inclusion of migrant women as a group in feminist analyses led to a review of the studies based on the major social divisions and to a more refined understanding of the different types of disadvantage

¹⁰ Rubin J. et al. (2008), *Migrant women in the EU labour force*.

¹¹ Eurostat, Statistics in focus, Theme 3-2/2003.

¹² *L'emploi en Europe* (2003), p.196.

¹³ European Commission, *Report on equality between women and men 2005*, p.6

¹⁴ Gaspard Françoise (1996), 'Pourquoi avons-nous tant tardé?' in *Les cahiers du Mage*, 3/96.

¹⁵ Morokvasic, M. (1975), 'l'immigration féminine en France: état de la question', *l'Année sociologique*, vol.26, p.561-575.

¹⁶ Lebon A. (1979), 'La féminisation de la main d'œuvre étrangère', in *Hommes et migration*, N°963, February.

and discrimination which women face. This intersectional approach allows a focus on the importance of the many different types of social structures and the processes which are intertwined with them in order to produce specific social positions and identities¹⁷.

In the early years of the 21st century, the number of research studies focusing on women increased dramatically and the authors demonstrated the growing gender diversity of migratory flows, the different effects of globalisation and transnationalism on women and men¹⁸, the differentiated situations of undocumented women and men migrants, informal work¹⁹ and regularisation campaigns, as well as the gender-specific division of employment sectors (agriculture, manufacturing, small business and the health and social care sectors).

The introduction of a gender perspective to work on immigration shines a new light on the social mobility of migrants, the functioning of transnational networks and the political struggles and demands. It also helps to demonstrate the fact that apparently neutral public policies have different impacts on men and women, for example by creating situations of dependence which affect women more than men²⁰.

International standards of human rights and migrant women

Women's rights are human rights and are therefore guaranteed in both general human rights standards and standards specifically elaborated to recognise the specificities and vulnerabilities of women. As argued by Satterthwaite, human rights instruments should be used in an intersectional approach and the rights of migrant women are included in many major human rights treaties. She points out that it might be detrimental to focus dominantly on the UN Convention on the Protection of the Rights of All Migrant Workers²¹ which has not been ratified by any primary host countries so far, including EU Member States "not only because such a focus would siphon off energy more wisely placed elsewhere, but also because it would allow states to minimise the obligations they owe to women migrants under existing human rights law regardless of their decision to sign, ratify, or ignore this new treaty"²².

The five most relevant major international human rights conventions for migrant women are:

- ❖ The UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
- ❖ The International Covenant on Civil and Political Rights (ICCPR)
- ❖ The International Covenant on Social, Economic and Cultural Rights (ICESCR)
- ❖ The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- ❖ The UN Convention on the Protection of the Rights of All Migrant Workers

¹⁷ Anthias, F., 2005, 'Social stratification and social inequality: models of intersectionality and identity', in Crompton, R., Devine, F., Scott, J. and Savage, M. (eds), *Rethinking class: cultures, identities, lifestyle*, London and Basingstoke: Palgrave.

¹⁸ Salih, R. in 'Moroccan migrant women: transnationalism, nation-states and gender' in *JEMS*, Vol. 27 (2001), No. 4: 655-671. shows that men and women have different transnational experiences – on the one hand because women do not necessarily have the same access to mobility as men and on the other because their movements are restricted by gender-specific regulations and cultural norms.

¹⁹ Once they are in the European Union, the experiences of men and women who are undocumented may be quite different. The precarious nature of their residence status is associated with specific problems for women, especially in relation to access to healthcare, fair working conditions and housing (Levoy, 2007:54).

²⁰ Morokvasic, M. (2008), 'Femmes et genre dans l'étude des migrations: un regard rétrospectif', in Falquet, J., Rabaud, A., Friedman J. and Scrinzi F. (eds.): *Femmes, genre, migrations et mondialisation: un état des problématiques*, CEDREF, Université Paris Diderot-Paris 7.

²¹ The UN Convention on the Protection of the Rights of All Migrants Workers: <http://www2.ohchr.org/english/law/cmw.htm>

²² Satterthwaite, Margaret L., *Crossing Borders, Claiming Rights: Using Human Rights Law to Empower Women Migrant Workers*. Yale Human Rights and Development Law Journal, Vol. 8, 2005.

Among the most relevant human rights instruments is CEDAW which has been ratified by all EU Member States. The rights granted in CEDAW are aimed at fighting and preventing all forms of discrimination suffered by women and cover the range of women's socio-economic, civil and political rights, in both the public and private spheres. CEDAW can be invoked effectively to address the concerns of migrant women, for example Article 6 invites all state parties "to take all appropriate measures, including legislation, to suppress all forms of trafficking"²³. CEDAW adopted in November 2008 a General Recommendation on Women Migrant Workers²⁴.

Other important general human rights standards include²⁵:

- ❖ The Universal Declaration of Human Rights
- ❖ The UN Convention of the Rights of the Child
- ❖ The European Convention on Human Rights (ECHR)
- ❖ The International Labour Organisation (ILO) Conventions

One of the most important processes for women's rights is also the follow up to the implementation of the **Beijing Platform for Action (BPfA)**. The BPfA is an action plan of the United Nations, adopted at the 4th World Conference on Women in Beijing in 1995, in which governments have made commitments to addressing equality between women and men. 2010 will be the 15th anniversary of the adoption of the Beijing Platform for Action and a revision of its implementation has taken place at national, European and international levels²⁶.

European migration, integration and asylum policies and gender

In recent years, immigration has become a central theme in the EU political debate. Since 1999, the European Union has adopted important directives and policies with a view to gradually developing a common immigration policy. However, these policies have been criticised for not integrating a gender perspective and not addressing the discrimination faced by immigrant women and their specific situation. Recent developments show a positive change at EU level towards recognition of the importance of a gender equality perspective, but focus mostly on integration policies - how these commitments will be translated into practice still remains to be seen.

Migration and integration policies

We have seen an increased recognition of the need to integrate gender and pay specific attention to the situation of migrant women in policy documents, nearly exclusively in relation to integration policies:

The European Commission:

- **The Communication 'A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the EU' (September 2005)**²⁷ states that a gender perspective should be incorporated into all relevant actions and in addition, particular mention is made under 'participation of immigrants in the democratic process' that a balanced gender representation

²³ UN Convention on the Elimination of All Forms of Discrimination against Women: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article6>

²⁴ See http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

²⁵ This is a non-exhaustive list and many other UN instruments are relevant, for example the two Protocols to the UN Organised Crime Convention i.e. the Protocol on smuggling of migrants and the Protocol on trafficking in human beings.

²⁶ The BPfA has been signed by all EU Member States, who have to provide review reports to the United Nations Economic Commission for Europe (UNECE), you can find them here: http://www.unece.org/gender/National_Reports.html. At the EU level, see the report drafted by the Swedish Presidency, available at: http://www.se2009.eu/polopoly_fs/1.22442!menu/standard/file/Beijing_low_links.pdf and the European Women's Lobby Report entitled « Beijing-Brussels, an unfinished journey » available at: <http://www.womenlobby.org>

²⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0389:FIN:EN:PDF>

should be promoted; and in ‘mainstreaming’ that due attention should be paid to the mainstreaming of gender equality.

- **The European Fund for the Integration of Third-Country Nationals (2007-2013)**²⁸: Actions, including introduction programmes and activities, whose main objective is to address the specific needs of particular groups, including women, may benefit from an increased Community contribution (to 75%).
- **The Roadmap for Equality between Women and Men**²⁹ adopted in March 2006 includes a commitment to promote “gender equality in migration and integration policies in order to ensure women’s rights and civic participation, to fully use their employment potential and to improve their access to education and lifelong learning”. The key actions proposed are, in particular, to monitor gender mainstreaming in the Framework for the Integration of Third Country Nationals in the EU and in the follow-up to the Policy Plan on Legal Migration.

The European Parliament: The Kratsa report was adopted in 2006 by the **Women's Rights and Gender Equality (FEMM)** Committee on Immigrant women in the EU and called Member States to guarantee respect for the fundamental rights of immigrant women, and their integration in economic and social life³⁰.

The Council of Europe: The Resolution 1478 (2006) of the Council of Europe on the integration of Immigrant Women in Europe emphasises the need to pay particular attention to ensure that the specific needs of women migrants are taken into account and distinguished from men³¹.

The Declaration of the Ministerial Conference on integration of Vichy (3-4 November 2008) devotes a whole section on migrant women and states that migrant women should be a priority target group of integration policies³².

Immigration policies seem to be lagging behind and still adopt a gender-neutral approach that may have an indirect discriminatory effect on women. A close look at the Policy Plan on Legal Migration for the period 2007-2009, which only addresses the conditions and procedures of admission for a few selected categories of economic migrants (third country nationals in legal employment, highly skilled workers, seasonal workers Etc.) make some NGOs and researchers believe that this will result in an indirect discrimination of women, which is already taking place in many Member States:

- Kofman and Raghuram³³ have compared the modes of selection of highly qualified migrants and found that the sectoral and earnings based selection practiced in most European countries and proposed in the Blue card system implicitly favours men while the Canadian system, under which immigration is based on education and language attainment, has led to an increase in highly qualified female migrants.
- Gregoriou points out the need for the immigration debate to be linked to the problem of ageing western societies, the issue of care provision and feminised care labour³⁴. This link is essential to deal with the increasing migration of female domestic workers who are providing indispensable care services to a growing number of EU citizens who need support: families with children, those with disabilities, the elderly and others. While their labour is “instrumental for liberating us from

²⁸ [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005PC0123\(03\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005PC0123(03):EN:HTML)

²⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0092:FIN:EN:PDF>

³⁰ <http://www.europarl.europa.eu/oeil/file.jsp?id=5303812>

³¹ <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta06/ERES1478.htm>

³² http://www.ue2008.fr/webdav/site/PFUE/shared/import/1103_Ministerielle_Integration/conference_integration_041108_Final_declaration_EN.pdf

³³ Kofman, E. and Raghuram, P, Skilled female labour migration. Focus Migration. Policy Brief No. 13. Hamburg, HWWI, 2009.

³⁴ Gregoriou, Z., “Gendering migration and integration policy frames: Female migrant domestic workers as ‘precarious workers’ and as ‘reconciliators’”. In Mediterranean Institute for Gender Studies (2008). Integration of female migrant domestic workers: Strategies for employment and civic participation. Nicosia, University of Nicosia Press, 2008.

the responsibility of reproductive labour and rendering us fit for the gender-blind framework of the workplace”, these ‘reconciliators’ are usually excluded from protection under national labour codes and do not have access to labour visas, or face specific barriers to have their status regularised, which results in many of them being undocumented with virtually no social rights³⁵.

Integration policies, on the other hand, seems to pay much more attention to migrant women, but mostly to strengthen their integration in the labour market and lack a comprehensive picture of integration beyond employment. The 2007 Annual Report on Immigration and Integration emphasises that even though measures to strengthen promotion of employment for immigrant women are increasingly implemented and the need to enhance the capacity to collect, analyse and disseminate gender disaggregated statistics is perceived, an effective paying due attention to the mainstreaming of gender equality is still a major challenge in most Member States.

Anti-discrimination

In 2004, the European Commission recognised that a “systematic mainstreaming of gender considerations seems to be lacking in most Member states when dealing with immigration, both in terms of policy and data”³⁶. One reason advanced for the invisibility of migrant women is the absence of a policy at European level covering gender and ethnic background. Issues related to gender and to ethnic minorities tend to be covered by separate policies rather than as part of an integrated approach³⁷. The two anti-discrimination directives adopted in 2000 preventing discrimination on grounds of race and ethnic origin (the Race Equality Directive³⁸) and on grounds of religion or belief, disability, age or sexual orientation at work (the Employment Framework Directive³⁹) recognise that women are often victims of multiple discrimination but do not provide for proper gender mainstreaming mechanisms.

Family reunification

At EU level, family reunification is covered by the 2003 directive on the right to family reunification. The purpose of this directive is to determine the conditions under which family reunification is granted to third-country nationals legally resident in the territory of the Member States. From a gender perspective, the following challenges have been pointed out:

- **The directive does not provide for an independent resident/work permit to the spouse once he/she has arrived in the host country**⁴⁰. Therefore the status of migrants, a large percentage of whom are women, joining their spouse under family reunification arrangements is directly linked to that of the principal legal status holder, i.e. their husband. While this directive is expressed in gender neutral terms, in reality, it can have a negative impact on women, particularly women who find themselves in vulnerable situations (women victims of violence, widowed, divorced) and who have not reached the five-year residence condition before being able to seek an independent legal status⁴¹.
- **The increasing restrictions imposed by family immigration policies make it more and more difficult for women to qualify.** Kraler and Kofman point out that the criteria (in particular the

³⁵ This issue has been highlighted by organisations such as the Mediterranean Institute of Gender Studies (MIGS) in Cyprus <www.medinstgenderstudies.org/>, Kalayaan in the United Kingdom www.kalayaan.org.uk/ and the European network RESPECT www.respectnetwork.eu.org.

³⁶ Commission’s 1st report on Migration and Integration, COM (2004) 508 final, 16/07/2004

³⁷ EWL, *Equal Rights, Equal Voices: Migrant women in the European Union*, Brussels, 2007.

³⁸ Council directive 2000/43/EC of 29 June 2000 implementing the Principle of Equal Treatment between Persons irrespective of Racial or Ethnic Origin

³⁹ Council directive 2000/78/EC of 27 November 2000 establishing a General Framework for Equal Treatment in Employment and Occupation.

⁴⁰ Ibid.

⁴¹ Contribution from the European Women’s Lobby to the European Commission’s Green Paper on the future Common Asylum System COM(2007) 301 final, September 2007

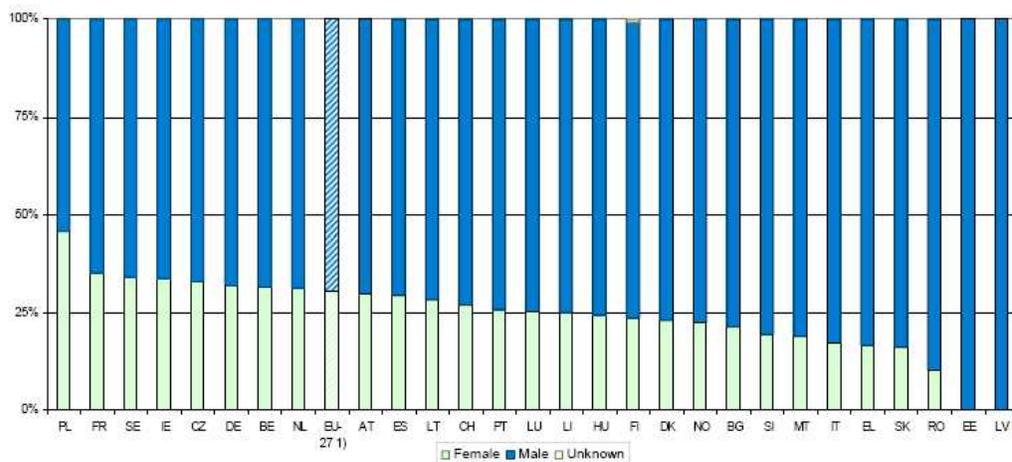
income requirements) for family reunification make it more difficult for women to qualify. To meet the income requirements, women need to work fulltime, which makes it difficult for those who have childcare responsibilities and no access to subsidised childcare, which is often dependent on having long-term residence status. The fact that women in Southern Europe are concentrated in informal work is an additional barrier to family reunification. Furthermore, language and pre-entry exams carried out abroad might also have an indirect discriminatory impact on women, who have on average a much lower level of literacy in some regions of origin and income than men, and might face additional obstacles when travelling to the exams or language courses centre.

As analysed by a 2008 Migration Policy Group Policy Brief, the recently adopted French Pact on Immigration and Asylum would further lower integration standards in almost every Member State and even limit Member States' ability to adopt more inclusive policies. By calling all Member States "to regulate family reunification more effectively by inviting them to take into consideration its own reception capacities and families capacities to integrate, as evaluated by their resources and accommodation in the country of destination and, for example, their knowledge of that country's language", the Pact puts forward three new conditions and one new ground for rejection.

Asylum

Estimates indicate that an average of 30% women seek asylum in the EU. The figures vary considerably in different countries, as the table below shows for the second quarter of 2009. However, the actual number of women seeking asylum may be higher, as many women are still registered as dependants. There is also a lack of awareness by migrant women in many countries of the recognition of gender-based persecutions as a legitimate reason to seek protection, which definitely hinders many women from applying for asylum.

Asylum applicants by gender, 2nd quarter 2009 (in %)⁴²



1) EU-27 aggregate includes only new asylum applicants for the UK and CY data relating to applications.

Source: Eurostat ([migr_asyappctzm](http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&code=migr_asyappctzm))

The current gender neutral approach to the assessment and monitoring of the right to asylum has been criticised. Despite the increasing recognition at European level of the need to pay special attention to gender in asylum procedures, but also to claims of gender-based persecutions⁴³,

⁴² http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-09-039/EN/KS-QA-09-039-EN.PDF

⁴³ The Qualification Directive - Council Directive 2004/83/EC of 29 April 2004 - represented in this regard an important step forward as it explicitly recognised in its article 9.2. acts of a gender-specific nature as persecution and non-state actors as potential actors of

research has shown that there is still great disparity among EU Member States, which is very problematic in the current Dublin system which obliges asylum seekers to apply in the first EU country they enter. It is worth noting however that the European Commission proposal for recast directives in November 2009 for the qualification directive adopted in 2004 (which establishes minimum standards defining who can qualify for refugee status) and the procedures directive (which establishes minimum standards for asylum procedures) adopted in 2005⁴⁴ pays stronger attention to gender and the specific needs of women asylum seekers.

To end this great disparity, different NGOs have been campaigning for the adoption by all Member States of the United Nations High Commissioner for Refugees (UNHCR) Guidelines on Asylum (2002) on “gender-related persecution within the context of Article 1A-2 of the 1951 Convention and/or its 1967 Protocol relating to the status of refugees”⁴⁵. Currently, within the EU only the United Kingdom⁴⁶ and Sweden have guidelines which require gender to be taken into account by caseworkers considering asylum claims. Other countries have incorporated gender aspects into their general policy or internal regulations (for example, Belgium with its ‘gender unit’ (2005)). The guidelines do not mean that an application for asylum made by a woman necessarily leads to her being granted refugee status. Instead it means her application is assessed on the basis of gender-specific factors or factors related to the experience of gender-related persecution. These principles strengthen the anti-discrimination rules of the international human rights instruments, including the Geneva Convention. The guidelines recognise that many forms of violence against women do not stem from the private sphere and correspond to one of the five reasons for asylum claims recognised by the Convention. Therefore, women fleeing violence should have recourse to international protection if the authorities in their country of origin are not able to guarantee their protection. Finally, the gender guidelines are necessary to highlight the procedural obstacles and barriers with regard to the review of evidence which may undermine the impartiality of decisions relating to asylum claims made by women. In June 2007, the European Commission launched a wide-ranging debate on the future architecture of the Common European Asylum System (CEAS) with its Green Paper and consultation on the future of the CEAS, in which it sought to outline the main issues at stake and invited constructive suggestions from all stakeholders to take these issues forward. The Commission then adopted in June 2008 a Policy Plan "Asylum - an integrated approach to protection across the EU" in which it states that gender is one of the overarching objectives of the future CEAS. How this objective will be translated into policy measures will be one of the main challenges of the CEAS.

Civil society’s areas of activities

As raised in the first section, migrant women remained invisible for many years in the academic and political spheres. The same applies to their presence in civil society organisations. Even if migrant women have been active in organisations for many years, their activism has remained invisible and it is only since the 1980s, when newly arrived migrant women decided to set up their own organisations, that their activism has become more visible. Women’s organisations and feminist

persecution or serious harm in its article 6. The transposition of this directive at the national level has led to an increased recognition of gender-based persecutions.

⁴⁴ EC proposals, 21.10.09, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009PC0554:EN:NOT> and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009PC0551:EN:NOT>

⁴⁵ United Nations High Commissioner for Refugees (UNHCR), *Guidelines on international protection : gender-related persecution within the context of Article 1A-2 of the 1951 Convention and/or its 1967 Protocol relating to the status of refugees*, HCR/GIP/02/01, 7 May 2002. To know more on the use of the gender guidelines in the framework of the implementation of the existing European directives on asylum, see: European Women’s Lobby and Refugee Women’s Resource Project at Asylum Aid, *Asylum is not gender-neutral. A practical advocacy guide*, 2007, http://www.womenlobby.org/SiteResources/data/MediaArchive/Publications/migrant-final_en.pdf

⁴⁶ In the United Kingdom the guidelines adopted in March 2004 were the culmination of sustained work by the Refugee Women’s Legal Group (RWLG) and the Refugee Women’s Resource Project (RWRP) run by the NGO Asylum Aid.

movements as well as anti-racist organisations often have migrant women as activists, members or staff members, but their leadership is very rarely made of migrant women. That is why some migrant women have decided to set up their own organisation to ensure that their voices are heard by decision-makers. This section will outline the main challenges identified by migrant women's organisations as well as the different strategies developed by them to face these challenges.

The challenges⁴⁷:

❖ Legal status

A range of obstacles to the empowerment of migrant women in the host country derive from their legal status when they arrive in the EU. The lack of independent legal status is the most common challenge faced by migrant women. This lack of independent status creates a dependency factor, whether it is dependence on the husband, the employer or the state, which puts migrant women in a vulnerable position and impedes on the access to their fundamental rights.

❖ Sexual and reproductive rights

Poverty, employment and legal status are all factors that impact on the health of migrants as well as their right to access quality healthcare. Many migrant women face particular challenges in relation to their reproductive healthcare needs because of their insecure economic and social situation. The differences in culture, language, and financial/social insecurity make it difficult to access health services and information about sexual health and issues such as contraception. Studies have found that migrant women receive inadequate or no antenatal care, and show higher rates of stillborn children and infant mortality. Migrant women have a higher incidence of unplanned pregnancies due to poor access to family planning and lack of information regarding contraception and its availability. Additionally, the lack of understanding of migrant women's health needs and the lack of culturally appropriate health services poses a serious problem.

❖ Violence

Domestic violence against women

Although domestic violence occurs in every society and in every socio-economic group, women who migrate as dependents of their husbands under family reunification are particularly vulnerable to physical and psychological violence. These women are often dissuaded from making formal complaints because of linguistic barriers, family pressure, isolation, cultural traditions or discrimination practiced by police officers in charge. Furthermore, access to women's shelters can be difficult for undocumented migrant women. There is a lack of appropriate legislation and protection against gender based violence and of services for the support of victims in many EU Member States.

Harmful traditional practices

A number of migrant women face specific forms of violence such as Female Genital Mutilation or honour-based violence. These harmful traditional practices continue to systematically violate women's human rights and should never be justified on the basis of their cultural context.

Trafficking for sexual exploitation

Women are the first victims of trafficking for sexual exploitation and are coerced into prostitution, sex tourism or commercial marriages. Increasingly, restrictive immigration policies in the EU limit the possibility of entry of migrant women which is driving more and more women who wish to migrate to get involved with traffickers.

⁴⁷ These areas have been identified as crucial to migrant women's integration at the EWL 2007 seminar on "Equal Rights, Equal Voices: Migrant Women in the European Union", Brussels 19-21 January 2007.

❖ Education

50% of migrant girls in Europe do not go beyond compulsory education, while only 17% go through tertiary education.

For migrant women, access to language courses is often restricted, mainly due to cost and lack of childcare facilities and/or absence of legal status.

❖ Employment and working conditions

The lack of recognition of informal/formal qualifications and/or professional experience of migrants is an important barrier to accessing the labour market. Other barriers linked to the social situation of migrant women, the lack of access to information, language, and stigmatisation and discrimination by employers also prevent migrant women from accessing the formal labour market. For these reasons, many fall into irregular work with precarious working conditions (under-paid, very long hours) and many are concentrated in “typical female” occupations such as domestic work, working in restaurants and hotels, etc, in a position below their qualifications. Additionally, longer term security and prospects are often limited due to the prejudice and racism of employers. If these workers are undocumented their vulnerability increases even more.

❖ Participation in public and political life

Participating in public and political life is an important element to integration. The right to vote and to access European citizenship are both essential to ensure migrants’ full participation in public and political life. However, migrant women are particularly under-represented in public and political life. They often feel isolated and alienated from the host society, and are either not authorised to vote in local elections or do not have access to information about their voting rights and how they can participate in political debates and the democratic life of their host country. This is particularly important for undocumented migrant women who work as domestic workers and are particularly exposed to isolation and discrimination.

Key strategies:

Migrant women’s organisations have been developing different strategies to confront the challenges faced by migrant women:

❖ Delivering direct services to migrant women in vulnerable situations

Direct service delivery is an essential tool to help women in vulnerable situations, often because of their precarious legal status (e.g. asylum seekers, undocumented migrant woman, dependent status from their spouse). Migrant women’s organisations and migrant support organisations are key actors to enable migrant women to have access to their fundamental rights. Some examples of direct service delivery include:

- **Providing culturally-sensitive health services for undocumented migrants:** Maisha Internationale Humanitäre Health Councelling Centre is a project of the city of Frankfurt and Maisha Organisation in Frankfurt, an African women’s organisation. This service which acts as a bridge between all migrant communities and health provides health care for undocumented migrants in a holistic and culturally-sensitive way: migrants are taught about nutrition, health, baby-care, sexually transmitted diseases, FGM etc, but this service is also one which is able to confront recognised cultural taboos, especially in the areas of sexually transmitted diseases⁴⁸.
- **Providing help for women and children fleeing domestic violence:** Monika-Multicultural Women’s Association in Finland is an umbrella organisation of 16 multicultural women’s NGOs

⁴⁸ See: <http://www.maisha.org/>

established in 1998 that develops and offers services to immigrant women and children who are suffering from domestic violence and offers education to recognise and prevent violence against immigrant women and children and to help victims. They offer direct services in 20 languages, have two shelters for immigrant women and children who are in immediate danger of life due to intimate relationship violence and issued a publication called “Immigrant Women and Violence. Handbook for victim help in social welfare and health care”⁴⁹.

❖ **Advocacy - Promoting migrant women’s rights**

Advocacy has been recognised as a key tool to change detrimental policies to migrant women’s rights. Advocacy work is often carried jointly with other stakeholders such as human rights organisations, anti-racist organisations, women’s organisations or trade unions. Below are two examples of successful advocacy campaigns:

- **Campaigns against Female Genital Mutilation:** This has been a key area of concern for many African women’s organisations who developed advocacy work towards their national authorities to ensure that the right to asylum is granted to women fleeing this practice either for themselves or their daughters, but also to work towards the eradication of this practice within the countries of reception through working with migrant communities. These associations successfully obtained that FGM be recognised as a ground of asylum, even before the adoption of the 2004 qualification directive at EU level, and work closely with the authorities. At EU level, many of these associations are now engaged in the End FGM European campaign coordinated by Amnesty International Ireland⁵⁰.

AkiDwA, an African women’s association based in Ireland, is one of the associations member of the End FGM European Campaign. In Ireland, they have been an active member of the Steering Committee of Ireland’s National Plan of Action to Address FGM, launched in November 2008, which is pursuing the introduction of legislation in Ireland to address female genital mutilation. AkiDwA has organised a number of lectures and information sessions for health-care professionals on FGM across Ireland. In January 2009 a new and unique health resource produced by AkiDwA, in collaboration with the Royal College of Surgeons in Ireland, was launched by the Minister for Integration entitled; “FGM: Information for Health-Care Professionals Working in Ireland”⁵¹.

- **Campaign for Migrant Domestic Workers:** The rights of Migrant Domestic Workers have been a key area of concern in different European states. Abuse and absence of rights have been denounced by associations in different contexts: in the UK or Cyprus⁵², organisations have been campaigning to change the immigration legislation which was directly putting MDWs in a vulnerable situation (low wage, visa tied to their employers) while in other countries like the Netherlands organisations are campaigning for the rights of undocumented MDWs.

In the United Kingdom, in 1980 foreign domestic workers began to escape from abusive employers. The Commission for Filipino Migrant Workers (CFMW) began to help this group of vulnerable workers by supporting them in developing their own organisation, established in 1984. Through the organisation they were able to help each other, especially the newly ‘run aways’, with finding jobs, accommodation etc. Three years later, in 1987, **Kalayaan** was established specifically to campaign to change the legislation which tied domestic workers to

⁴⁹ See: <http://www.monikanaiset.fi/>

⁵⁰ See: <http://www.endfgm.eu>

⁵¹ See: <http://www.akidwa.ie>

⁵² See for Cyprus the work done by the Mediterranean Institute of Gender Studies at: <http://www.medinstgenderstudies.org/?p=17>

their employer. Outside the house of the employer the worker had no rights whatsoever in the UK. Kalayaan encouraged workers to join the Trade Union T&GWU which in turn gave them very strong support. Very significant were the fringe meetings at the Labour Party Conferences organised by the Union each year. In addition, the media - print, radio and television - was used extensively by Kalayaan. Six half hour documentaries were produced by major TV channels at the Kalayaan Centre. The issue was raised many times in the Houses of Lords and Commons as well as in the European Parliament. The workers took part in many London demonstrations and lobbies. In 1997 the law was changed and over 4,000 'hidden' domestic workers began to be regularised. Since then migrant domestic workers in the UK are admitted as workers in their own right, with a right to change employers⁵³.

❖ **Recognising migrant women's social, cultural and economic contribution to society and changing public perception**

This strategy is increasingly being acknowledged as key by migrant women's organisations given the predominant negative portrayals of migrant communities in the media, but also by decision-makers in Europe. While migrant men tend to be portrayed as thieves or terrorists, migrant women are often portrayed as illiterate and oppressed by their husbands, or prostitutes. This representation is far from the reality of migrant women's migration as many of them are highly educated professionals who unfortunately can not find jobs fitting their qualifications. Some organisations have been pioneers in changing public perceptions.

- The **Forum Femmes Méditerranée** based in Marseille, France, for example, has decided to offer a space for these women that nobody was listening to: "Speaking, and beyond that, leaving in writing a piece of words means having access to dignity and to the deepest part of the humanity" ("Parler, et plus encore, laisser par écrit une trace de sa parole, c'est accéder à une forme de dignité, c'est accéder au plus profond de la dimension humaine") In order to give women a space, they have organised for many years a short story contest open to women from the Mediterranean region. The best story writers are then invited to Marseille to receive their prize and have their stories published⁵⁴.

❖ **Ensuring that their voices are heard by decision-makers by setting up their own organisations**

While migrant women have been setting up their own organisations at national level since the 80s, migrant organisations fighting for migrant women's rights increasingly saw a need to have their own European network as well given the increasing impact of European policies on migrant women's lives. Two networks have emerged in this framework:

- **RESPECT, a Europe-wide network of migrant domestic workers' organisations**⁵⁵, trade unions, NGOs and supporters, campaigns for the rights of all those working in the private household, both men and women, whether live-in or live-out, regardless of immigration status. The name RESPECT was chosen for the network after an intensive process of consultation among MDWs in six European countries in 1998: Rights, Equality, Solidarity, Power in, Europe and Co-operation To-day - RESPECT. The objectives of the network are:
 - o To empower and facilitate the development of MDW transnational self-organisations and networks;
 - o To research & analyse the issues;
 - o To campaign and lobby for MDW rights in Europe and globally in the context of anti-racism and discrimination.

⁵³ See: <http://www.kalayaan.org.uk>

⁵⁴ See: <http://www.femmes-med.org/>

⁵⁵ See : <http://respectnetworkeu.org/>

- The **European Network of Migrant Women** is a European network of non-governmental organisations which represents the concerns, needs and interests of migrant women in the European Union. This network emerged out of a seminar organised by the European Women’s Lobby in January 2007 where migrant women’s organisations expressed the need to set up a European network to ensure that their voices are heard by European decision-makers. The EWL has been supporting the development of this independent network since then through the project “Equal Rights. Equal Voices. Migrant Women in the EU”. The objectives of the network are⁵⁶:
 - o To promote equal treatment, equal rights and better integration for migrant women in Europe;
 - o To provide regular input on all areas of EU policy development and implementation that have an impact on migrant women's lives;
 - o To help shape social policies and design action programmes addressing migrant women's specific needs;
 - o To represent member's organisations and lobby for and with migrant women to have a stronger voice at the European level;
 - o To support migrant women's organisations and movements through information and trainings.

Conclusion

Women today represent almost half of the population migrating to the European Union. Many are “skilled” and primary economic providers; others have come through family reunification schemes to join their husbands and families. Yet immigration and integration policies do not pay enough attention to the particular needs and situations of women. By maintaining a gender-neutral approach to immigration, women’s human rights are not being upheld and the experiences and needs of women are being ignored in the current debates around migration.

This fact sheet has sought to raise awareness and enhance the capacity of ENAR members to document on the implications of current gender-neutral migration policies, and address the gender dimension in their work. This fact sheet provides an analysis of the different challenges faced by women migrants and a mapping of the various actors in this area. The role that NGOs can play cannot be overstated, both in terms of support for migrant women as well as in giving visibility and promoting empowerment to combat prejudice and public perception within EU society. NGOs active on immigration issues should seek to ensure that all related policies are gender sensitive, and that the specific needs of migrant women are adequately addressed.

⁵⁶ See: www.migrantwomennetwork.org

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ENAR is a network of some 600 NGOs working to combat racism in all EU member states and acts as the voice of the anti-racist movement in Europe. ENAR is determined to fight racism, racial discrimination, xenophobia and related intolerance, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national and European initiatives.



The European Women's Lobby (EWL) is the largest umbrella organisation of women's associations in the European Union (EU), working to promote women's rights and equality between women and men. EWL membership extends to organisations in all 27 EU member states and the three candidate countries, as well as to 21 European-wide bodies, representing a total of more than 2500 organisations.



The European Network of Migrant Women (ENoMW) is a European network of non-governmental organizations and associations which represents the concerns, needs and interests of migrant women in the European Union.



The METICES research centre, whose director is Pierre Desmarez, is a grouping of several researcher centers such as TEF, CSS, CRU, CSP, GERME, GPS, GRE, GEM from the sociology institute of the Université Libre de Bruxelles. Areas of interest are: Labour, employment, training - Health and ethics - Mobility - Migration and ethnicity - Gender