

**EUROPEAN NETWORK  
OF MIGRANT WOMEN**



# **SUBMISSION TO THE CONSULTATION ON EUROPEAN BORDER AND COAST GUARD: UPDATE ON EU RULES**

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**SUBMITTED BY: EUROPEAN NETWORK OF MIGRANT WOMEN.**

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[www.migrantwomennetwork.org](http://www.migrantwomennetwork.org) | [info@migrantwomennetwork.org](mailto:info@migrantwomennetwork.org)

## 1. Executive Summary

The European Network of Migrant Women is pleased to submit its contribution to update on EU Rules on European Border and Coast Guard.

The planned revision of Regulation (EU) 2019/1896 on the European Border and Coast Guard (Frontex) will directly shape how power is exercised over women at borders, in hotspots, at sea, in detention and during return operations. A stronger Frontex that is not firmly anchored in women's rights will mean stronger tools of harm against refugee and asylum-seeking women.

### Our main concerns are:

- Legal and operational grey zones in Frontex's mandate, especially in cooperation with third countries, create spaces where male violence against women can flourish with limited accountability;
- Frontex's current approach to data and situational awareness does not ensure systematic sex-disaggregated data and safe handling of information on sexual and male violence against women. Women's disclosures about violence can be ignored or, worse, used against them in asylum and return procedures.
- The push for more "effective" returns is built on a male-default understanding of migration. For women and girls, return often means being sent back to domestic abuse, honour violence, forced marriage, female-genital mutilation, trafficking and prostitution. Individual and sex-specific risk assessment are not guaranteed in practice;
- Training and standards for border guards and Frontex staff are fragmented and frequently superficial on male violence against women, trafficking and trauma. Women's experiences are treated as a special case instead of a central reality;
- Governance and oversight remain structurally weaker than the operational drive for control and returns. The Fundamental Rights Officer and related mechanisms lack the mandate, resources and sex-specific expertise required to counterbalance a powerful and uniformed EU agency. Systematic input from migrant and refugee-led women's organisations is not structurally embedded.
- Intersections with detention and holding practices are not clearly addressed in the Regulation. While Frontex does not formally run detention centers, its joint operations and return activities frequently take place in or around facilities where people are deprived of liberty. In practice, migrant and refugee women and girls are often held in mixed spaces with men, and girls are not separated from adults, exposing them to heightened risks of sexual harassment, assault and exploitation. The absence of clear obligations on Frontex to monitor and react to these sex-and age-specific risks means that these harms remain invisible and unaddressed in operational planning and situational awareness.

We therefore call for the revision of the Regulation to centre migrant and refugee women and girls, and to make women's rights a non-negotiable condition of any expansion or clarification of Frontex's mandate.

## 2. Problem Analysis: how the current framework harms migrant and refugee women

### 2.1. Lack of clarity on tasks: legal vacuum where violence against women thrives

Ambiguity in Frontex's tasks and responsibilities, especially in cooperation with third countries, creates spaces where male violence against women can flourish with almost no accountability.



Women and girls face specific risks, including:

- Sexual harassment and assault in border zones, camps, hotspots, transit and detention;
- Rape in exchange for food, documents, transport, protection or the promise not to be reported;
- Trafficking and prostitution along routes and in destination countries.

When Frontex operates in legal grey zones, women pay the price. Operating with third countries without clear binding human rights and women's rights conditions, make it easier for the EU to cooperate with authorities that:

- Detain women in degrading and unsafe conditions;
- Tolerate or commit sexual violence and harassment in detention;
- Return women to situations where they face male violence, forced marriage, so-called "honour" crimes, female-genital mutilation and other forms of violence.

A stronger and more flexible Frontex without strong sex-based protections will not protect women but expand the terrain where their rights can be violated.

Furthermore, although Frontex does not directly operate detention centers, its operational involvement in joint border and return operations often intersects with detention practices. There is no clear framework obliging Frontex to ensure sex-and age-disaggregated monitoring, to prevent women and girls from being in mixed facilities, or to mitigate the heightened risks of sexual harassment, exploitation, and abuse that they face in these contexts.

## 2.2. Data: women's realities are invisible or misused

Current rules on data processing and situational awareness do not ensure:

- Systematic sex-disaggregated data on violence, exploitation and specific risks faced by women and girls;
- Safe and confidential handling of information relating to violence, pregnancy, prostitution or trafficking;
- Guarantees that data disclosed by women will not be used against them in asylum or return decisions.

Women are often forced to disclose deeply intimate and traumatic information, yet there is no consistent and binding framework guaranteeing that such data:

- Are handled with victim-centred and trauma-informed safeguards;
- Only serve protection and access to services, not surveillance or accelerated removal.

This exposes migrant and refugee women to a double harm: they are at risk of male violence, and then at risk of institutional misuse of their disclosure.

## 2.3. Male-default understanding of migration

The push to make Frontex more effective on returns is framed in neutral language, but it sits on a male-default understanding of migration.

For women and girls, return can mean:

- Going back to violence partners, families or communities;
- Renewed exposure to forced marriage, so-called honour killings, female genital mutilation, domestic violence, rape and others form of violence against women and girls;
- Forced separation from children, or return to contexts where mothers have no legal or social protection;



- Trafficking, prostitution and other forms of sexual exploitation.

In practice, this means that many women do not disclose violence in time because of shame, fear, lack of female staff or interpreters or traumatisation. Return decisions are taken without a serious sex-specific risk assessment, and economic dependence and unpaid care work are ignored, even though these are central to women's vulnerability.

Expanding Frontex's role in return, especially returns between third countries, without hard, enforceable sex-based human rights safeguards will deepen these harms.

## 2.4. Training and standards

The current fragmentation in training and operational standards means that:

- Some border guards have minimal or no training on male violence against women, trafficking or forced marriage;
- Trauma, shame and stigma around sexual violence may not be understood.

In practice, this leads to:

- Failure to recognise women and girls as victims and survivors of male violence;
- Interviews conducted in mixed settings, with male officers or interpreters, where women cannot safely disclose rape, abuse or other forms of violence;
- Women being labelled as uncooperative or inconsistent when they are actually traumatised or afraid to speak.

## 2.5. Governance: Fundamental rights, especially for women's rights, are politically weak

Frontex's governance is built like a typical EU agency, but it is not a typical agency: it is a uniformed structure operating in highly unequal power situations where migrant women are structurally subordinated.

Yet the internal and external oversight mechanisms, particularly in relation to fundamental rights and women's rights, remain relatively weak compared to the operational drive for control and returns. The Fundamental Rights Officer and related structures:

- Lack guaranteed and sufficient resources and staffing with specific expertise on male violence against women, trafficking and sex-based discrimination;
- Do not have strong and formalised channels to systematically integrate the voices and evidence of migrant and refugee-led women's organisations;

This imbalance of power is not neutral. It means that the political priority of border control regularly trumps women's safety and rights.

## 3. What should change: Recommendations

### 3.1. Make women's rights non-negotiable in Frontex's tasks and external cooperation

Any clarification or expansion on Frontex's tasks must be explicitly conditional on:

- Full compliance with EU fundamental rights and women's human rights;
- Adoption of a sex-specific approach recognising that women and girls face distinct harms rooted in sex;
- Strict adherence to the principle of non-refoulement, including in relation to male violence against women.



Cooperation with third countries should only occur where:

- There are clear and binding human rights clauses with explicit protections for women and girls, including from sexual violence, female-genital mutilation, forced marriage and honour crimes;
- Prior and ongoing sex-based impact assessments are carried out;
- There is a clear and workable mechanism to suspend or end cooperation where violations occur, especially sexual violence and systemic abuse of women.

### 3.2. Data and situational awareness: make women visible

The Regulation should require that:

- All data on border operations, incidents and returns are disaggregated by sex and age at minimum, with attention to intersectional factors such as race, disability and sexual orientation;
- Information disclosed by women about sexual and other male violence is treated as highly sensitive, with strict safeguards and limited access;
- Such data are used only to support protection, asylum, medical and psychosocial assistance, and never to accelerate deportation or penalise victims.

Without this, Frontex's drive for situational awareness will continue to erase the reality of violence against migrant and refugee women, or worst, exploit their disclosure.

### 3.3. Returns: from male-default to women's safety-first

No extension of Frontex's role in returns should be adopted unless the Regulation:

- Makes individual and sex-specific risk assessments mandatory before any return decision or operation, including risks of domestic violence, forced marriage, honour crimes, female-genital mutilation and rape;
- Presumes protection rather than removal when women raise concerns about male violence or when indicators of trafficking or violence exist;
- Guarantees access to independent legal aid and psychosocial support, including services specialised in violence against women at all stages;
- Provides that families are not split in ways that further expose women to violence.

Proposals to involve Frontex in returns between third countries should be treated with extreme caution. Such operations must only be possible under strict conditions of monitoring, transparency and suspension in case of violations.

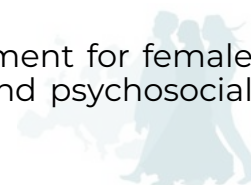
### 3.4. Training, standards and standing corps: women's rights as core compliance

We call for binding minimum standards for all border guards and Frontex staff, including the standing corps, covering:

- Male violence against women and girls, including sexual violence, domestic violence, forced marriage, female-genital mutilation, trafficking and prostitution;
- Trauma-informed, survivor-centred interviewing, with attention to stigma and dissociation;
- Specific vulnerabilities of pregnant women, women with infants, single mothers, elderly women and women with disabilities;

Training must be:

- Recurrent, practical and evaluated;
- Co-designed and regularly updated with migrant and refugee-led women's organisations and survivors;
- Directly linked to operational procedures, such as requirement for female staff and interpreters, private spaces, safe referrals to medical and psychosocial services.



### 3.5. Governance and oversight

The revision of the Regulation should:

- Significantly strengthen the mandate, independence, staffing and budget of the Fundamental Rights Officer, with explicit and resourced expertise on women's rights and male violence against women;
- Institutionalise regular and structured consultation with migrant and refugee-led women's rights organisations at all key stages, including planning, deployment, evaluation and revision of operations;
- Ensure that women's rights and equality bodies, not only interior and security ministries, have an influential role in Frontex governance and evaluation.

The Frontex complaint mechanism should be redesigned so that:

- Women and girls can complain safely and confidentially, without fear that complaining will harm their status or lead to retaliation;
- There are specific procedures for sexual violence, trafficking and other forms of male violence, with mandatory referral pathways to specialised services;
- Information on the mechanism is accessible in multiple languages, in oral and visual formats, and proactively provided to women in border zones, detention and return operations.

## 4. Conclusion

From a migrant-led feminist perspective, Frontex cannot simply be strengthened by adding more staff, more powers and more technology. A stronger Frontex without a strong, enforceable and sex-based women's rights framework will intensify the violence and control that migrant and refugee women already face.

The revision of the Regulation is a crucial moment to re-design Frontex so that the safety, dignity and rights of women and girls, become a non-negotiable core of European border management.

