



Office for Democratic Institutions and Human Rights

**Gender responsive short-term visa policies:
Overview of practices in the OSCE region and
recommendations for improvement
Online Meeting
30 June 2021**

OSCE/ODIHR Meeting Report



This report should not be interpreted as comprising official OSCE recommendations based on a consensus decision, an opinion of the OSCE Office for Democratic Institutions and Human Rights or of any particular

OSCE participating State. The content of this report reflects opinions expressed by participants in the event which took place online on 30 June, 2021.

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BACKGROUND TO THE MEETING

Facilitating the development of ‘human contacts’ is one of the core commitments made by the OSCE participating States. In the Helsinki Final Act, OSCE participating States emphasized “[...] the development of contacts to be an important element in the strengthening of friendly relations and trust among peoples [...]” and committed to removing obstacles to enable this. The removal of obstacles includes the introduction of visa-free regimes, or steps to make it easier for people to obtain visas (where visas are still in place) in order to travel and to therefore access opportunities in other countries within the region.

The OSCE Action Plan for the Promotion of Gender Equality (2004) tasks ODIHR with building local capacity and expertise on gender issues, as well as supporting participating States in complying with international instruments for gender equality. As outlined in the Moscow Document (1991), “Full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law.”¹

Migration, including of a temporary nature, can increase equal access to education and economic resources, and can improve one’s autonomy and status. The International Organization for Migration (IOM) recognizes that “a person’s sex, gender, gender identity and sexual orientation shape every stage of the migration experience.”² Addressing potential gender inequalities that may arise in a person’s ability to access visas or challenge visa denials requires analysis and action by policy makers in participating States and by regional organizations such as the European Union (EU).

AIMS OF THE MEETING

The online meeting was organized to present the findings of a policy brief published by ODIHR in 2020 on [Gender Responsive Short Term Visa Policies](#), and was aimed at relevant policy makers from participating States, regional organizations, and civil society advocating for change in this area. The aim was to raise awareness of the need for relevant policy makers to develop a gender lens when developing and/or revising their visa policies and to facilitate discussion on this issue.

¹ Moscow Document 1991, paragraph 40.

² See IOM’s webpage on Gender and Migration.

The meeting highlighted that while states have the right to control entry into their territory, including through their visa policies, this must be done in compliance with human rights and must factor in and address potential gender inequalities or discrimination that may arise.

MEETING SUMMARY

The event was held online on 30 June 2021 with two sessions. In the first, gender-related obstacles in visa processes were outlined, and in the second, recommendations were summarized from the ODIHR policy brief.

Session One featured two presentations: ‘*Examining Canada’s Visa Program through a Gender Lens*’ by Dr. Hedy Fry, OSCE PA Special Representative on Gender Issues and ‘*Visas, migration, and gender equality*’ by Eleonora Servino, Senior Programme Coordinator from IOM.

Session Two featured a presentation on ‘*Gender Responsive Visa Policies in the OSCE region; presentation of policy brief*’ by ODIHR consultants Iryna Sushko and Sanja Nikolin, who drafted the policy brief.

Participants included representatives from the EU, the OSCE and civil society. There were 25 participants in total (22 women and 3 men).

Opening

Mr. Konstantine Vardzelashvili, Chief of the Legislative Support Unit and Acting Head of the Democratization Department at ODIHR, opened the event by outlining the importance of cross-border mobility, especially showcased during the Covid-19 pandemic. He highlighted that obtaining a visa is still a requirement for many wishing to visit family and friends or access opportunities for work or study. While states have the right to manage entry of foreign nationals, it is vital that states develop policies that do not discriminate. He emphasized that the ODIHR policy brief on Gender Responsive Short-Term Visa Policies is a resource for policy makers and organizations seeking to influence policy changes and concluded by stating that adding a gender lens to make these administrative requirements accessible equally to all is of key importance and that ODIHR stands ready to provide necessary support to participating States in this work.

Session I

“Examining Canada’s Visa Program through a Gender Lens”, **Dr. Hedy Fry**, OSCE PA Special Representative on Gender Issues

Dr. Fry started her presentation by highlighting the important fact that gender is non-binary. As a parliamentarian in Canada, she spoke about Canada’s efforts to include a “gender-based analysis” in all policies developed in the country from 1996 onwards, which became mandatory in 2015 for every governmental department. The government since then has adopted an intersectional approach that takes ethnicity, belonging to the LGBTQ+ community, etc. into account, under the term ‘*gba+*’ (gender-based analysis plus).

Furthermore, Dr. Fry outlined how Canada issues temporary visas, which are valid for six months, which can pave the way to residency and eventually citizenship. In the 1990s, criteria

were eased for the issuance of temporary visas to women fleeing their homes/home countries who faced domestic violence. Also, if one spouse is outside of Canada, and the other one has a temporary visa, they have the right to be together. However, she outlined that people working in security and border crossings can have pre-existing bias, including gender bias. There is the preconception, according to Dr. Fry, that certain people who have obtained temporary visas will want to stay, which may be a challenge for applicants.

Dr. Fry highlighted how the Canadian Constitution mandates gender equality. She also stated that a combination of artificial intelligence (AI) and auditing has been used to manage visa applications. Applications are processed through AI, but visa officials audit these and can issue a visa for compassionate reasons.

The impact of the Covid-19 pandemic was also discussed by Dr. Fry. Applications for temporary visas to Canada dropped significantly. She noted that as a result of the pandemic, some countries will add the layer of requesting the health status of applicants. While Canada is trying to mitigate the impact this has on travellers, it is unfortunately difficult to address this issue given the public health challenges that arise from the pandemic.

Lastly, Dr. Fry stressed the importance of disaggregated data, and how it is important to remember that gender is fluid and can change and that temporary visas are very important as they can lead to citizenship and integration.

“Visas, migration, and gender equality”, **Ms. Eleonora Servino**, Senior Programme Coordinator of IOM

In the second presentation of Session I, Ms. Servino presented the work of the Immigration and Visas Unit of IOM. She firstly provided the definition of gender from the IOM Gender Equality Policy, which reads: “Gender refers to the socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to males and females on a differential basis. Gender is relational and refers not simply to women or men, but to the relationship between them.” She outlined how gender is an influencing factor in all stages of migration. Risks, vulnerabilities and needs are all influenced by the gender identity and sexual orientation of the person migrating.

Both the Sustainable Development Goals (Target 5.c and 10.7) and the Global Compact for Migration (Objective 3-5 and 7) provide an international framework for IOM’s work.

Ms. Servino outlined that there can be three different types of gender and migration policies: gender-biased, gender-neutral and gender-responsive. Gender-biased policies directly discriminate along gender lines and restrict access to migration programmes based on gender or gender identity. Gender neutral policies intend to have the same impact on men, women, boys, girls and non-binary individuals. They can fail though to address gender-specific challenges and circumstances and therefore, outcomes can be damaging. Gender responsive policies address normative bias and discrimination and rely on sex-disaggregated data.

According to Ms. Servino, “equitably accessing regular migration pathways, including visa procedures” is of fundamental importance for women. Issues women face include that visas are tied to specific employers, which can expose women to abusive treatment. It can also be more difficult for women to prove their financial status, especially since women often share bank

accounts with their spouses. Lack of equal legal status can also negatively influence women, for example, if women migrants require approval from male relatives to leave/travel with their children. LGBTQ+ migrants also face particular challenges.

Ms. Servino gave as an example of gender-responsive policy implementation the family assistance programme that is operated by IOM and funded by the German government. The programme aims to achieve family reunifications in Germany. Of those who apply for reunification, over 80% are women and 10% are separated children. This programme is operating in a total of 10 countries for a period of five years and over 500,000 people have been assisted by IOM.

To implement gender-responsive policies and build capacity for gender responsiveness, Ms. Servino gave five recommendations:³

1. To train staff to consider the needs of applicants during the application process, through a gender lens (training on gender diversity, Prevention of Sexual Exploitation and Abuse (PSEA), gender bias etc.);
2. To maintain gender balance among the staff working directly with visa applicants;
3. To include gender in the design of programme/policy implementation – breastfeeding rooms, child-friendly spaces, etc.;
4. To ensure that the highest standards are followed not only by the staff working in the visa sections, but also by the private companies to whom visa related services are externalized;
5. To establish a dedicated gender unit/focal point and require public officials to undertake capacity building to strengthen their understanding of the role of gender in the context of migration.

Lastly, Ms. Servino closed her presentation with an overview of IOM's visa-related activities, including i) visa/permit facilitation, ii) immigration/visa policy support, iii) document verification solutions, and iv) consular/citizen services.

Session II

In Session II, ODIHR consultants Ms. Iryna Sushko and Ms. Sanja Nikolin, who drafted the ODIHR policy brief on Gender Responsive Visa Policies gave their presentations.

“Gender Responsive Visa Policies in the OSCE region: Analysis of application processes of OSCE participating States”, **Ms. Iryna Sushko**

Ms. Sushko first outlined that the ODIHR policy brief was developed in the effort to support OSCE participating States' implementation of human dimension commitments related to freedom of movement, cross-border human contacts and gender equality by raising awareness on what visa application practices are and how they impact on women and men, in all their diversity. The study's objectives were, therefore, to provide clarity on how gender may impact the ability to equitably access short-term visas, to assist states in mainstreaming gender into their visa policies and to highlight good practices and provide recommendations.

³ These recommendations have been summarized from IOM's presentation during the event.

The study for the policy brief divided the 57 OSCE participating States in four categories (EU+, North America, Commonwealth of Independent States (CIS) and other) due to the respective geographical closeness and similarity in policies. In the visa application process, seven factors were analyzed: i) the visa application form (specifically the gender choice options, marital status and gender-sensitive language), ii) the photo requirements, iii) the possibility to appeal a negative decision, iv) the rules on required supportive documents, v) potential bias and prejudice, vi) sex-disaggregated statistical data and vii) face recognition and biometrics.

Regarding gender-sensitive language in English and Russian, it has been noted that OSCE participating States in general use gender-sensitive wording. For example, the U.S. offers ‘self’ without a preceding ‘him’ or ‘her’ and Georgia, Mongolia, Turkey and the Western Balkan countries use gender-neutral terms in the English language. However, it also has been noted that there are cases of problematic language in visa applications or the overuse of masculine forms.

For gender choice options, nine participating States provide more than two options for gender identification in their visa application form, and Belgium, Canada, France, Germany, Italy, Latvia, Moldova, Mongolia, and the United Kingdom provide extra options, such as ‘unspecified’, ‘not applicable’, ‘unknown’ or ‘other gender’. However, 48 participating States provide only two options (male/female).

With regard to marital status, it was observed that OSCE participating States use at least 18 variations of marital status that allow for a wide range of relationships to be covered. Specific examples include from the UK include ‘dissolved partnership’, ‘civil partner’, ‘unmarried partner’ or ‘surviving civil partner’. Canada also has the options ‘common law union’, ‘annulled marriage’, ‘legally separated’, and Belgium proposes ‘cohabitant status’. However, many OSCE participating States do not offer options that cover registered partnerships, civil unions or domestic partnerships.

Regarding photo guidance, over half of the OSCE participating States have clear and publicly available photo requirements, in which cultural and religious norms are taken into account. For example, the Schengen uniform visa rules allow the use of cultural head dress, as long as it complies with International Civil Aviation Organisation (ICAO) standards. However, 20 OSCE participating States do not have these requirements clearly and publicly available. Similarly, Ms. Sushko highlighted inaccuracies in outputs of biometric face recognition algorithms, which heavily depend on gender, race and age, and that female faces are more difficult to recognize and therefore produce false rejections and false acceptances.

Lastly, on sex-disaggregated data, no OSCE participating States publishes sex-disaggregated data regarding short-term visa issuance, denials and appeals, even though they maintain detailed statistics regarding immigration and entries to the country. However, Canada conducts an annual comparative analysis of their immigration policy; Georgia published sex-disaggregated data regarding residence permit recipients; and the UK procures sex-disaggregated information regarding tourist visa acceptances and refusals.

“Short Term Visa Policies – The Importance of Gender”, **Ms. Sanja Nikolin**

Ms. Sanja Nikolin shared the definition of gender equality used for the research for the policy brief, namely “Equal rights and opportunities, as well as outcomes for women and men, in all

their diversity, in all spheres of life, including access to resources, power, finances and work opportunities, as well as freedom from any form of discrimination or violence.”

Ms. Nikolin outlined the steps in the visa application process, which starts with the applicant obtaining information on what is needed to apply. Next, forms are completed, necessary evidence is obtained and the application is submitted with the fee. Fourthly, an appointment is booked and an interview is conducted. Lastly, the visa is issued or rejected. In the case of rejection, an appeal can be made if an appeal procedure is available. The visa process requires a number of obligations of the visa applicants, such as interviewing at the consulate and providing biometrics. The issuing state is also obliged to provide information about visa policies in different formats and be flexible in obtaining evidence from applicants. Additionally, the issuing state should apply visa fees that can be reasonably met by women and men and provide alternatives, if people cannot travel to the office.

To determine how and if gender influences the outcome of a policy, Ms. Nikolin outlined how the visa policy intent needs to be investigated from a gender perspective. An example of this is that gender-neutral visa policies may impact women differently due to their different situations, i.e. with 243 million women and girls aged 15-49 being subjected to violence by a partner. Another example could be issues a pregnant woman may face. Since different women carry their babies differently, the border guard’s assumptions about the stage of a woman’s pregnancy may impact her travel based on their assumptions concerning ‘birth tourism’. This could also affect her ability to obtain a visa in the future, due to rules pertaining to previous denials of entry.

The OSCE has made numerous commitments on gender equality (e.g. the OSCE Action Plan for the Promotion of Gender Equality in 2004), that exist next to overarching international frameworks, such as the Istanbul Convention, the Beijing Declaration and Platform for Action, and the Sustainable Development Goals amongst others.

Ms. Nikolin highlighted areas of needed improvements in the OSCE region, and provided the following recommendations, (which are provided in ODIHR’s policy brief [Gender Responsive Short Term Visa Policies](#))

1. Introduce visa application forms that take gender into account;
2. Remove gender biased statements and information on consulate websites;
3. Provide safeguards against gender assumptions and profiling through clear and transparent rules and training for visa issuing authorities and border guards;
4. Develop policies that counter possible gender discrimination due to existing financial inequalities;
5. Eliminate mandatory HIV declaration or testing in order to obtain a short-term visa;
6. Simplify the required travel documents to facilitate a single parent’s mobility, while retaining strong safeguards to ensure the protection of children;
7. Ensure that algorithms using biometrics for visas do not discriminate against people at borders based on gender;
8. Provide transparent rules on the mechanisms to appeal a visa refusal;
9. Collect and analyze gender-disaggregated data on applications, issuance, refusal and appeals);
10. Strengthen gender competence of officers implementing visa policies.

In the following discussion, a representative of the EU Visa Unit outlined how in the Schengen area, no internal borders are needed, which requires a visa policy at the EU level to mitigate potential risks in migration, security and health. He highlighted that non-discrimination is of key importance to the EU visa policy work, including on the ground of gender, however the risks mentioned were a key priority for the EU.

Ms. Nikolin noted in response that if one group is more prone to being victimized, it is necessary that this is examined. An analysis of the data through a gender lens is therefore of importance.

In the Closing Remarks, Ms. Servino highlighted that data regarding out-sourcing of visa applications to private companies is not always publicly available and that regulations vary from country to country.

Ms. Sofia Botzios, ODIHR's Migration, Freedom of Movement and Human Contacts Advisor, closed the event by thanking all the presenters and the participants.

Agenda

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Time	What	Who
10:00 – 10:05	Introduction	ODIHR
10:05 – 10:10	Opening Remarks	ODIHR, Konstantine Vardzelashvili, Chief of Legislative Support Unit
Session One		
10:10 – 10:20	Examining Canada’s Visa Program through a Gender Lens	Dr. Hedy Fry, OSCE PA Special Representative on Gender Issues
10:20 – 10:40	Visas, migration, and gender equality	Eleonora Servino, Senior Programme Coordinator, IOM
Session Two		
10:40 – 11:20	Gender Responsive Visa Policies in the OSCE region; presentation of policy brief	Iryna Sushko, ODIHR consultant Sanja Nikolin, ODIHR consultant
11:20 -11:55	Discussion	All participants
11:55 – 12:00	Conclusions	ODIHR