

Civil Society Days 2016, 8-9 December, Dhaka, Bangladesh

## Bridging Document – Women in Migration<sup>1</sup>

### 1. Introduction

The framing of *Women-in-Migration* goes beyond migrant women to explore the realities of all women affected by migration in countries of origin, transit, destination and return.

Women’s mobility can be viewed as a continuum within countries and across borders, based in some cases on choice, but increasingly forced by economic, political, gender-based, conflict-driven, or climate-change factors. Gender-based violence and gender discrimination are also drivers of women’s migration. Women’s lived realities do not easily fit into current national and global frameworks and categories of people on the move—categories that serve to include some and exclude others and create a false hierarchy of “deserving” and “undeserving” migrants.

States often fail to recognize multiple and complex reasons for women’s migration, women’s common realities across migration categories, and state’s obligation to fulfill human rights and treaty obligations regardless of the category or status. ‘Mixed migration’ does not capture the continuum of migration realities – in many cases not by choice.

At a time when states, the UN system and civil society prepare the framework for a Global Compact for Migration and a separate one on Refugees, it is important to point to limitations in the current discourse on women in migration:

- A gender analysis is about gendered roles of women, men, trans and intersex persons, not only about women. Gender is not a binary.
- For a gender-inclusive framework it does not suffice to sprinkle “women and girls” throughout the document without addressing the way women’s exploitation and exclusion is built into economic, political and social systems and the deep-seated systemic obstacles to realization of women’s human rights and gender equality.
- Migrant women are not primarily victims and “vulnerable populations” to be rescued. They are agents of their own lives and of community change. The vulnerability migrant and refugee women may face stems from policies and systems which must be the focus of our efforts.
- Women in migration is not only about domestic workers and trafficked women—it is about the broad and diverse ways that women are impacted by their own migration or that of family members as well as the right to remain at home.
- While gender-based violence is present in all aspects of women in migration—in home, transit and destination countries, migrants are targeted for violence for a *range* of reasons including

---

<sup>1</sup> This bridging paper has been prepared as input for the 2016 GFMD Civil Society Days by the Women in Migration Network. It analyses the role, protection and empowerment of women in migration across the four thematic areas on the agenda of the 2016 GFMD Civil Society Days.

migration status, nationality, race, religion, etc. Violence is often perpetrated by the state, including in the context of immigration enforcement.

- The majority of trafficking is labour trafficking, not sex work. The best way to end trafficking is through the full implementation of international labour standards in national law and through more regular channels of migration. “Trafficking” must not be used as an excuse to further militarize borders, increase enforcement and criminalize people who transport migrants or migrants themselves and the work they do.
- The “protection of women” must not be utilized to criminalize migrant men and exacerbate xenophobia in the name of “women’s rights.”
- “Migrant women’s contribution to development” is a framing that instrumentalizes women’s labour rather than affirming women’s human rights and women’s agency first and foremost.
- “Managed migration” begs the question, management of whom (it’s not all migrants), by whom, for whom, for what purpose? Who really benefits? We challenge the framing of “managed migration” which focuses on labor mobility rather than migrant human rights.

Rather, a gender analysis of women in migration and a clear commitment to women’s human rights and gender equality in home, transit and destination countries must:

- View the role of women in migration as central to the current global economy, which drives human mobility. Failed development and economic policies and global economic shocks are driving displacement and a growing demand for women’s low-wage, precarious labor. Women’s paid and unpaid labour in the global economy cannot be an afterthought—this work greases the wheels of the entire system—in the home, the workplace, the community, and fills gaps in services that the state should provide. Increasingly this labour is “moved” from one place to another to meet the need of new sites in the global assembly line. Women’s labour is at the very heart of the development agenda, and must be addressed in the context of economic and social and human rights.
- Recognize the rights and agency of women rather than reinforcing gendered power relations.
- Take into account the complexity of women’s status due to race, ethnicity, class, religion, sexual orientation, gender identity, national status and other factors, as well as dominant discourses that seek to pit one identity group against another.
- Recognize that women are not a “group” to be added on to the analysis and policy frameworks, women are half of the world’s population and half of all international migrants.
- Recognize that human rights are universal for all and states have the obligations to protect these rights. One cannot lift up one identity group as more deserving of rights.
- Work to protect *women’s rights*, not protect women.

## **2. Rights of migrant women workers (theme 1 on the 2016 GFMD civil society agenda)**

Migrant women are often temporary contract workers unable to claim the same rights as citizens, some with their status tied to one employer and at risk of labour exploitation and abuse. Many migrant women are not able to bring families. Migrant women workers with insecure immigration status often face widespread exclusion from labor protections, barriers of accessing services and workplace justice, and are prevented from joining unions because of justified fears of retaliation by employers and deportation.

A lack of political will to regulate and monitor the international recruitment industry means that it often operates in a legal vacuum and is responsible for many of the abuses experienced by migrant women

workers: from gender-based violence, to extortionate fees leading to conditions of bondage, to withholding of wages and confiscation of passports.

One of the main issues is a flawed development model that relies on the exploited labour of migrant women while building barriers to their movement across borders and criminalizing their presence in destination countries. Nations benefit from their labour and their remittances, yet fall short in protecting their human rights. Women migrant workers' role in development cannot be instrumentalised and must be seen in the complex nexus of their choices, their lack thereof, their family relationships and their ability to claim rights.

Increasingly migrant women workers are being criminalized, particularly those with insecure immigration status. Migrants should not be criminalized for seeking escape from poverty, conflict, or displacement, but rather states and regions should take responsibility for their reliance on cheap migrant labor, particularly through regularization of migrant women workers. Globally, there is a need to increase regular channels for migration and family re-unification, particularly for low-paid migrant women workers.

### **3. Protection of migrants on the move (theme 2 on the 2016 GFMD civil society agenda)**

#### Migrants in Crisis

The current focus on refugees and asylum-seekers, which requires urgent, rights-based responses, should not divert our attention from the ongoing realities of migrants seeking livelihoods across borders and the overlap between the two categories.

The welcome initiative on Migrants in Countries in Crisis (MICIC) should also contemplate flows of refugees fleeing state and para-state violence as well as migrants facing crisis and violence in transit and at borders, bringing a gender analysis to the effort.

An increasingly large and visible number of migrants at borders and in transit are women and children, which brings additional concerns to ensuring protection for migrants and refugees due to vulnerabilities linked to age and gender. This includes the experience of rape and other gender-based violence. More women are risking dangerous routes on their own and growing numbers are dying in transit.

Displaced women and migrant women, be they refugees or migrant workers, often have no access to sexual and reproductive health services and can be pregnant or are unable to avoid pregnancies. The situation for pregnant women is increasingly aggravated by the causes of the migration; poor conditions in transit and in camps, including lack of safe drinking water, lack of adequate food, lack of healthcare, unsanitary conditions, as well as obstructionist policies that seek to turn thousands of refugees away.

#### Climate Migration

The impact of climate change has a direct gender and migration-related impact, particularly for rural women farmers, displacing women within countries and across borders. According to UNFPA, an estimated 87% of unmarried women and 100% of married women lost their main source of income when Cyclone Nargis hit the Ayeyarwaddy Delta in Myanmar in 2008. States must recognize the gendered nature of agriculture in addressing migrants in crisis.

### **4. Inclusive Development (theme 3 on the 2016 GFMD civil society agenda)**

## Racism & Xenophobia

Creating welcoming and inclusive societies in the current global economic system requires a radical and intersectional re-think of how we relate to one another in the context of colonialism, racism, nationalism, xenophobia, austerity measures that threaten the rights of workers, inequality, unemployment, poverty and patriarchy. Building solidarity between oppressed groups demands that we all challenge our own prejudices, the inequalities and discrimination in our own contexts, and the global systems of post-colonial power and privilege that create and foster racism, xenophobia and violence against women.

It is concerning when migrant perpetrators of gender-based violence become an excuse for racism and xenophobia, even leading to physical attacks on migrant and refugee men in the name of “protecting women.” All women should be safe from sexual and gender based violence, regardless of the migratory status of the women or the perpetrators of such acts.

## Migrant Women’s Leadership

Women in migration are key agents of change and their contribution should be viewed through the full range of human development—social, political, cultural, and economic. Despite, and often precisely due to the challenging conditions they face, migrant women are visionary and organized forces for change within their destination and origin countries. Migrant women lead change from their multiple identities in many public policy arenas.

States should recognize and support migrant women’s leadership in such areas as challenging xenophobia, establishing social and economic support networks, addressing violence, building workers centers to claim labour rights, challenging police abuse, and leading migrant rights movements to reform national policies. In origin countries, migrant women can gain economic independence, shift gender relations, and participate politically with new knowledge and leadership. They are leading civil society claims on decent work, public services, against violence, and for land rights.

Diaspora communities cannot be reduced to mere ‘banks’ from which countries of origin seek funding for development projects or host countries reduce overseas aid using the argument that diaspora remittances are a replacement. The developmental role that women play in community- building in both home and destination countries should be recognized for its social and political value as well as being a cornerstone for creating transnational cultures of diversity.

## **5. Global Governance of Migration (theme 4 on the 2016 GFMD civil society agenda)**

### Circular Migration

The ‘Circular Migration’ Model alleges a win-win situation for countries of origin, which gain remittances, and destination countries which fill critical labour gaps, but too frequently obscures the human rights of migrants themselves. For women in particular some circular migration models lead to divided families, raising others’ children but not their own, heightened risks in transit and workplaces and other factors mean that the necessity to migrate can have deep and harmful impacts.

As the international community shapes a Global Compact for Migration, it must begin with the human rights of migrants and women’s human rights at the center, challenging the fallacies of these models of “circular migration.” The need to regularize migration, recruitment and employment policies, portability

of pensions, and other ways to improve the migration experience are necessary but insufficient. Temporary workers should have pathways to permanent residency and citizenship along with their families. These models of circular migration works against building socially inclusive societies. Feeling insecure in one's status within a country, or aware that it is temporary, does not encourage a true sense of belonging for migrants or for host communities.

#### Migration and Agenda 2030

The full breadth of sustainable development goals are necessary to make migration a choice, and to guarantee women's human rights and the future of the earth, not merely the places where migration is mentioned in the SDGs. We call on integration of the SDGs with the new Global Compact for Migration. This must also consider the outcomes of the Addis Ababa Declaration, the need for adequate development financing, and the gendered economic human rights implications of illicit financial flows.

Migrant women's contributions go well beyond remittances or diaspora investments, and should not be instrumentalized as such. Development agendas will certainly benefit from migrant women's leadership and economic contributions, but the SDG agenda must not assume that resources emerging from women's precarious survival strategies constitute development financing, or could provide any excuse for not fulfilling national commitments to Official Development Assistance and shared global responsibility for development financing.

The Agenda 2030 framing of "safe, legal and orderly migration," echoed in the Global Compact, opens the possibility for regularization of migrants, end to temporary contracts and circular migration, expansion of channels for regular migration, particularly for low wage women workers, an end to criminalization of migrants at borders and the interior, and a full embrace of the current global migration governance framework as reflected in human rights treaties and ILO conventions. It must *not* be used as code for the further exclusion, criminalization and expulsion of migrants. This will be our joint challenge as civil society engages with states and the UN system in the development of the Global Compact.

For specific recommendations on each of the Civil Society Days/GFMD 2017 Thematic areas, see [www.womeninmigration.org](http://www.womeninmigration.org)