

Civil Society Days 2017, 29th of June – 1st of July 2017

Special rapporteur - report on women in migration

Special rapporteur on Women in Migration	
Name of rapporteur	Carolina Gottardo, Women in Migration Network (WIMN)
1. RECOMMENDATIONS DAY – 29th of June	
<i>Please describe how participants make reference to vulnerabilities of women when identifying concrete mechanisms (i.e. policies, practices and partnerships) to ensure safe, orderly and regular migration:</i>	
General observations:	<ul style="list-style-type: none"> • The Compact will see very specific input and language about women in migration. It's important to speak about the agency of women as an amazing force! (Louise Arbour) • Las mujeres somos luchadoras y no vamos a callar! • Importance of States addressing the complex reasons for women's migration and upholding the human rights of all women in migration regardless of their immigration status • Ensure that anti-trafficking measures do not affect the human rights and dignity of victims of trafficking, and of migrants, refugees and asylum-seeking women and the specific situations that they face • The Compact needs to guarantee non-tokenistic and meaningful participation of civil society, migrant-led groups, migrant women organisations and migrant women themselves through all stages of its development. • Open ceremony panel for CSD which is made up by a majority of women. Importance of women in decision-making (Berenice)
Specific observations per working session:	
Theme 1:	<ul style="list-style-type: none"> • Women are not a vulnerable population in need of rescue and should not be seeing as victims. Women are agents of change. It is current migration policies that put women in a situation of vulnerability. • Importance of women in decision making • It's important to speak about the agency of women as an amazing force! • Importance of highlighting the work of refugee and migrant-led women organisations • Intersectionality of oppressions: sexism, racism, classism and other discriminations need to be addressed. • Need to enable women affected by intersectional discrimination to claim their rights. • Danger of talking about "women and children" together, as it can obscure what is particular to women and children. Also fails to recognize the many women who are not mothers. • Ensure clarity on smuggling v trafficking and that conversations on this don't fuel securitisation and militarisation of borders that risk migrant's rights. • Need for data that is disaggregated by gender, age, race and sexual orientation.

	<ul style="list-style-type: none"> • Dangerous journeys for women at risk of SGBV and other violence including state violence and gang violence. Examples of women coming to Europe through different routes and being abused and becoming pregnant, unable to access services • Need for sexual and reproductive healthcare for all women regardless of status. • SGBV should be recognised as a reason for seeking asylum. Need for laws and for their implementation in practice.
Theme 2:	<ul style="list-style-type: none"> • Non-negotiable: any legislation which discriminates or marginalizes certain groups or specific genders. • Importance of services and integration programmes for migrant women. • National legislation has to guarantee equal treatment and services for everyone but equal treatment should not translate into requirement of assimilation at the expense of one's culture and traditions. • The Compact should challenge the racial dimensions of migration and the treatment of migrant women in destination countries who are affected by multiple discriminations and oppressions. • States should enact anti-discriminatory laws and measures that target forms of discrimination faced by migrant women and LGBTI migrants. • Address racism and xenophobia with specific policies that can be monitored. This includes ending austerity programs that have made nationals more insecure and prone to attacking migrants. It also includes ending state policies that criminalise migrants, breeding mistrust and anti-immigrant climate.
Theme 3:	<ul style="list-style-type: none"> • Ensure that if return takes place, it is completely voluntary and not called "voluntary" because there is simply no other choice. • Do not measure "success" or "efficiency" by the number of migrants returned. • Forced return should be called deportation and not "voluntary return". Return must be a choice. • No detention of children and no separation of families. • Compact should implement the OHCHR Principles and Guidelines on the Human Rights of Migrants at International Borders.
Theme 4:	<ul style="list-style-type: none"> • Compact should encourage programmes for regularization and permanent residence, with specific measures to address undocumented migrant women and girls. • Circular migration is problematic and infringes rights, particularly women's rights by tying migrant women to one employer, putting them in situations of hyper-exploitation and abuse; forcing them to be apart from their families; and requiring them to constantly work on short-term contracts, without a path to permanent residency. This makes it difficult for them to claim rights or to unionize. • No bans on women's migration based on age, sex, pregnancy, age of children, marital status, etc. • Ensure that independent residency status for women is secured. • Domestic work must be recognized as work. • Importance of establishing firewalls between public services, access to justice and migration enforcement, particularly for women survivors of SGBV and other forms of violence and for all women, regardless of status.
Special session 1	<ul style="list-style-type: none"> • The Compact should endorse and implement the UN Women Recommendations on addressing the human rights of women in the Global Compact of Migration. • Refrain from using concerns about trafficking or smuggling to justify more intense border security, enforcement and criminalization, which undermine migrant rights.

	<ul style="list-style-type: none"> • Amplify migrant voices within the Global Compact process, including migrant women’s organisations. • End criminalization of undocumented migrants and respect the rights of migrants with insecure migrant status. • We can’t aim only for what’s possible because we will undermine existing standards. Need to go for strong language and high standards for the Global Compact. • This could not be a Global Compact on Deportation.
Special session 2	<ul style="list-style-type: none"> • “Safe, orderly and regular migration,” enshrined in the SDGs and the New York Declaration, must not be used to justify a crack down on irregular migration. Instead, it requires states to create more safe and legal migration routes including family migration and family reunification initiatives for women and families. • Problematic issues for women on dependent residence permits which place women in a situation of isolation and at risk of abuse. Women must have independent status without depending on spouses as sponsors. • In some countries women can apply for a permanent visa but only after situations of violence. This is only after violence has occurred and only for physical violence. Psychological violence is difficult to prove. States should create more regular channels for women’s migration that is not dependent on a single employer or spouse, or on experiences of violence. • Sponsorship system is increasing the dependency of women on their partners. State gives power to men to misuse their position of power. • Family reunification & resettlement: frequently it is women and children who apply for family reunification. They face major difficulties in attaining identification papers to proceed with application. Processes of family reunification need to be streamlined and expedited. • When migrants are given only temporary documents, they are more likely to fall into irregular status, intensifying their vulnerability—an inability to access jobs, justice, housing and social services. This makes life particularly precarious for women in caregiving roles.
Special session 3	<ul style="list-style-type: none"> • Women are disproportionately affected by climate change. Because many women bear the burdens of social reproduction and care-giving, they are less able to flee climate-related weather without children, elderly, disabled in tow. This puts them at greater risk.
<p><i>If you could choose one or two key messages to be conveyed by the civil society CSD Chair in her report to states on the 30th of June (Common Space), which would these be? (feel free to just refer back to any point written out above)</i></p>	
<ol style="list-style-type: none"> 1. Women are not a vulnerable population in need of rescue. Agency of women is an amazing force. It is current migration policies that put women in a situation of vulnerability. 2. States should establish firewalls between public services, access to justice and migration enforcement particularly for women survivors of SGBV and other forms of violence. There should be no bans on women’s migration based on age, pregnancy, sex, etc. No detention or deportation based on pregnancy. Independent residency status for migrant women, non-dependent on spouses should be guaranteed. Anti-trafficking measures should not affect the human rights and dignity of victims of trafficking, and of migrants, refugees and asylum-seeking women 3. The Compact should endorse and implement the <i>UN Women Recommendations on addressing the human rights of women in the Global Compact of Migration</i>. 4. The Compact needs to guarantee non-tokenistic and meaningful participation of civil society, migrant-led groups, migrant women organisations and migrant women themselves and it should allow for diversity of opinions within the civil society. 	

5. COMMITMENTS DAY – 1st of July

Did you identify any actions steps coming out of the working or special sessions related to advancing the rights, in a practical sense, of women in migration?

General observations

- “Global Compact should aim to promote the best interest of women as women themselves define what is their best interest.”
- Compact needs to promote leadership and contributions of women.” (Arbour)
- Louise Arbour promoted *UN Women recommendations on addressing human rights of women in the Global Compact of Migration* that needs to be adopted. “The Compact will see very specific input and language about women in migration. Women are over-represented in the informal economy and affected by migration. Need to open new pathways for migration.”
- “The Compact will elevate the focus on women and girls that has been too far neglected. We need to secure a gender responsive Compact.” (Arbour)

Specific observations per working session

Action 1

- Encourage programmes for regularization and permanent residence, with specific measures to address undocumented migrant women and girls.
- Establish firewalls between public services, access to justice and migration enforcement particularly for women survivors of SGBV and other forms of violence.
- Enable access to independent residence status for women.
- Provide training to officials at borders on engaging with children and women that have been put in vulnerable situations by punitive migration policies.
- End detention of children with a call to end all forms all administrative immigration detention.
- Address the situation of women and girls put in a vulnerable situation by punitive migration policies.
- End practices of detention and deportation of pregnant women in some countries in the Middle East.
- Implement the *OHCHR principles and practical guidance on the protection of the human rights of migrants in a vulnerable situation*.

Action 2

- The Compact should challenge the racial dimensions of migration and the treatment of migrant women in destination countries who are affected by multiple discriminations and oppressions.
- Promote empowerment of migrant and refugee women-led organizations.

Action 3

- Forced return should be called deportation and not “voluntary return”. Return must be a choice.
- No detention of children and no separation of families and a call to end administrative immigration detention and how this could happen.

Action 4

- Abolish bans on women’s migration based on age, sex, pregnancy, age of children, marital status, etc.
- Ensure access to independent residency status for migrant women.

Please name 2 strategic steps or actions the groups suggested regarding women in migration, to take towards the Global Compact Process. (If relevant, please specify timeline: before or after adoption of the Compact).

1. The Compact should endorse the *UN Women Recommendations on addressing the human rights of women in the Global Compact of Migration*, implement the *OHCHR principles and practical guidance on the protection of the human rights of migrants in a vulnerable situations* and work closely with UN agencies, Treaty bodies and friendly member states to promote them and integrate them into the Global Compact in a comprehensive way.

2. States must work to expand forms of regular migration for migrants at all skill-levels, with pathways to permanent residency and family reunification. They should also implement programs for regularization of migrant women and other migrants already in their territories and enable access of independent residence for women. Circular migration, which assumes return, undermines migrant women’s rights and workers’ rights.
3. Women are not a vulnerable population in need of rescue. Agency of women is an amazing force. It is current migration policies that put women in a situation of vulnerability. States must change the framing around migrant women, which has undermined rights and led to greater abuse.

6. Inspiring quotes

*If you like, please provide a few **quotes** that you heard during the sessions that you found inspiring. The sessions follow Chatham House rules, so please either ask for approval to name the speaker/organization or put “anonymous”.*

- “Las mujeres somos luchadoras y no vamos a callar!” Comité de Mujeres Desaparecidas del Salvador.
- “The Global Compact should aim to promote the best interest of women as women themselves define what their best interest is. It should promote the leadership of women.” (Louise Arbour).
- “The Compact will elevate the focus on women and girls that has been too far neglected. We need to secure a gender responsive Compact.” (Louise Arbour)
- “Women have stood up for their rights, women speak up migrants could do the same and we have to fight stereotypes.” (François Crépeau)
 - “Este no puede ser un Pacto Mundial de Deportación Segura.”(anonymous)
 - “The first ever writer in world’s history was a black woman called Eihneduana” (Noah Sow)
- “Don’t assume that others have more power than you do over the Global Compact process. Civil society can help to design policies and take responsibilities for leading on Compact initiatives.” (Gregory Maniatis)

7. Other information

You can provide any other information here that you deem relevant

The Global Compact must not become a compact on Deportation. It cannot roll-back existing human rights standards. It should not be used to legitimize criminalization of migrants due to their migration status, detentions and deportations. Concerns about national security, border control or trafficking must not be used to undermine the human rights of migrants, in all their diversity. Migrants are bearers of rights regardless of status, and states have the obligations to fulfill these rights.