


The Global Compact on Migration: General Concerns

The Women in Migration Network welcomes a new focus by the global community on migration governance and the urgency of global cooperation. In this context we affirm existing commitments to international law and the primacy of migrant human rights, regardless of status. While the new Compact could do much to address current flawed migration processes and policies, we have a deep concern that the Compact could instead undermine states' existing obligations to respect, protect and fulfil the human rights of all migrants. Securitization and militarization of borders and other deterrence measures, as well as regressive practices such as detention and deportations continue to be sustained and rationalized in frameworks drafted towards the Compact. Furthermore, the drive for the Compact *not* to be a binding instrument would further jeopardize the needed goals for international cooperation and coordinated governance within a human rights framework.

The Global Compact should:

- Address the human rights of ALL women in migration in countries of origin, transit, destination and return.
- States must address internal and external movement and affirm all people as rights-bearers regardless of whether mobility is within national boundaries, or whether they fall within particular migration categories when they cross borders. There are multiple and complex reasons for women's migration, common realities across these categories, mixed status within families and changing status for individuals. States should fulfill existing obligations to respect, protect and fulfill the human rights of all migrants, without discrimination.
- Ensure there is policy coherence in the development and implementation of the parallel Global Compact on Refugees.
- Utilize an intersectional analysis. As noted in the Beijing+5 Outcome Document, (para 5)¹, the Beijing Platform for Action "*recognizes that women face barriers to full equality and advancement because of such factors as their race, age, language, ethnicity,*

¹ A/RES/S-23/3  [Further actions and initiatives to implement the Beijing Declaration and Platform for Action \(Outcome Document\)](#)

culture, religion or disability, because they are indigenous women or of other status. Many women encounter specific obstacles related to their family status, particularly as single parents, and to their socio-economic status, including their living conditions in rural, isolated or impoverished areas. Additional barriers also exist for refugee women, other displaced women, including internally displaced women, as well as for immigrant women and migrant women, including women migrant workers. Many women are also particularly affected by environmental disasters, serious and infectious diseases and various forms of violence against women.” Migrant women can be located in each of these experiences.

The concept of “intersectionality” is that women experience multiple identities at the same time, and multiple oppressions. Thus, ALL of these identities need to be addressed in an integrated way in policy, not as separate realities. The Compact should implement an intersectional analysis of discriminations in the context of human rights and sustainable development.

- Prioritize ending all forms of discrimination against women, regardless of legal status or factors including race, ethnicity, nationality, age, religion, sexual orientation, gender identity, disability, health and pregnancy status, or occupation.

When we refer to Women and girls throughout the document, this includes Lesbian, Bi-sexual, TransGender, Queer and Intersex (LBTQI) women and girls, who also live multiple identities including that of migrants.

The Compact should not emphasize securitization of migration and criminalization of irregular migration:

Undocumented, or irregular, migration is not a “crime”. The rights of all migrants, regardless of their migration status, should be upheld and migrants should be treated with dignity and respect. Access to crossing borders, residency and work permits are administrative issues, not criminal ones. Further, most labour migration takes place to serve the needs of countries of origin for remittances, and the needs of destination countries for labour, yet millions of migrants face obstacles to safe migration pathways, decent work and regularization of status.

States must establish a presumption against immigration detention in law, end the detention for immigration purposes of all children, regardless of their status or the status of their parents. Now is the time for countries to eliminate all forms of immigration-related detention, the criminalization of migrants and those who assist them and defend their rights.

The Compact should not use anti-trafficking discourse and measures to increase restrictive migration policies:

Anti-trafficking policies should not be used to justify anti-migrant initiatives that restrict migration and access to asylum, particularly women’s migration. Measures to “protect” women and apprehend traffickers can restrict women’s access to regular migration channels and produce raids on work sites. In many cases migrant women in irregular status end up being detained and deported.

The Compact should promote access to regularization and family unity rather than focus on returns:

Some women migrate independently, others migrate with their family, some remain at home and others leave families in their country of origin. When women migrate with families, and recognizing that various forms of family exist, their right to family life should be taken into account as a priority human rights principle. Temporary and circular migration programs, forced returns and deportations, and repatriation aggravate family separation. The Global Compact must shift from an emphasis on circular migration to providing access to regularization, permanent residence and pathways to citizenship, including family reunification initiatives.

The Compact should not instrumentalize migrant women's work:

Women's labour migration is disproportionately precarious, in informal, unregulated sectors and low-paid. Measures need to be taken to provide all women migrants with regular channels for migration and full human and labour rights protections, independent of the economic sector.

Migrant women workers should not be instrumentalized as a source of income to their countries of origin through remittances, nor as a source of cheap labour in destination countries. Calls to improve bilateral temporary labour contracts with a "gender sensitive" perspective are insufficient. What is needed is the full realization of women's human and labour rights.

The Compact should not portray migrant women primarily as a vulnerable group to be "protected."

Women in migration are not a "vulnerable" population in need of "rescue". They are advocates for their rights and agents of change. Current immigration policies put women and other migrant sectors at risk and in a situation of vulnerability.

Migration discourse should not be about "protecting women", which limits autonomy and enjoyment of women's rights. It should be about "protecting women's rights".

The Global Compact process should:

- Guarantee meaningful participation of civil society, particularly migrant-led groups, through self-organized civil society engagement in national, regional and thematic meetings and through all stages of the process.
- Provide for emerging mechanisms for global migration governance at all levels to include the establishment of permanent multi-stakeholder fora with civil society, migrant and migrant women's organizations, ensuring that women in migration are recognized and engaged in the policy spaces that impact their lives. In such fora, women's rights-focused speaker should be included on every panel and as part of the summary process for each consultation. Member states to adopt the model of the Civil Society Days of a Women's Rapporteur who oversees and provides a specific focus on women in migration at every stage of the process.