Women In Migration Network
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Migrants on the Move

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Challenging false dichotomies of "good and bad" migrants

"Mixed migration" is a false construct that categorizes migrants in ways that create legal hierarchies of "deserving and undeserving." Women's mobility is a continuum within countries and across borders, based in some cases on choice, but increasingly driven by economic, political, gender-based, conflict-driven, or climate-change factors. Women's lived realities do not easily fit into current national and global frameworks and categories of people on the move. States often fail to recognize multiple and complex reasons for women's migration, common realities across differing official migration categories, and State obligation to fulfill human rights and treaty obligations regardless of the category or status.

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 economic 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 economic 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, have no access to sexual and reproductive health services and are unable to avoid pregnancies. Some may have already been pregnant before being compelled to leave. Pregnancy in itself does not constitute a "crisis". However, the situation for pregnant women is 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 that is impacted by climate-related events.

- Women human rights defenders who defend their land and water from extractivist industries, drilling, pipelines and other industries that feed global dependence on fossil fuels are part of the women in migration story. Their efforts protect their ability to remain at home. When they are repressed, criminalized and murdered, their communities may be forced to migrate internally or across borders. Thus, the active defense of these human rights defenders in countries of origin is a critical challenge.

-Recommendations-

1. States must ratify the 1951 Refugee Convention, as well as fulfill their obligations under the Convention and their customary law obligations, if not ratified.

2. Destination countries must establish safe and regular channels for migrants and refugees to come, erasing the need for smugglers and precarious or deadly transit created by current migration and border enforcement policies.

3. States must adhere to and implement commitments to human rights at international borders as outlined in OHCHR *Recommended Principles and Guidelines for Human Rights at International Borders* which states that*,* "the human rights of all persons at international borders must be respected in the pursuit of border control, law enforcement and other State objectives, regardless of which authorities perform border governance measures and where such measures take place." States must ensure that all border governance measures protect the right of all persons to leave any country, including their own, and that border management measures do not adversely affect the human rights and dignity of migrants. States must address the needs of people on the move first and foremost. Saving lives must be paramount, be it in moments of "crisis" or ongoing irregular migration flows made necessary due to the lack of regular channels.

4. State policies and practices should end criminalization of migration and migrant detention, including for women and children migrants, refugees and asylum-seekers. States should address monitoring and implementation of minimum standards for the treatment of women and children in transit. In addition, states should commit to the Convention on the Rights of the Child principle of *never* detaining children or families.

5. The right to due process of all migrants regardless of their status shall be respected and promoted by all states. This includes the right to an individual examination, the right to a judicial and effective remedy, and a right of appeal and access to justice and redress mechanisms for all victims of crime irrespective of residence status.

6. States should honor the voices of communities already impacted by various means of displacement, including climate change, particularly for indigenous women.

7. States should pay particular attention to the support needs of survivors of gender-based violence, to ensure effective protection for all migrant women experiencing violence. They must also give specific attention to migrant women's health, sexual and reproductive rights.

8. States and the global community must implement a people-centered development model that adequately addresses climate change, which is at the heart of many of the current refugee and migrant realities.