

## **Presentation by Paola Cymont**

Comisión Argentina para Refugiados y Migrantes (CAREF)

Women in Migration Network (WIMN)

### **First Informal Session on “Human Rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance”**

#### **Panel 1. Human rights of all migrants**

Palais des Nations

Geneva, 8 May 2017

Good morning, and thank you for inviting me as a panelist for this first thematic session, I work at the Comisión Argentina para Refugiados y Migrantes (CAREF). We are part of the Women in Migration Network. At WIMN we consider that the Global Compact on Migration should refer to all women in migration, including those women affected by migration in countries of origin, transit, destination and return. This entails women seeking to remain at home, in some cases challenging land-grabbing and extractivist projects to avoid displacement, women in transit, women who remain behind when spouses migrate—often raising families alone and migrant women who have been deported. It also includes LBTQI women and girls in these contexts.

For this presentation, I have selected two stories that show how the migration process negatively affects women’s lives if their rights are not at the center of migration policies:

The first story is about Bea, a 26-year-old undocumented Philippine woman living in Denmark. She became pregnant but she did not consult a doctor during the course of her pregnancy because of fear of being deported to the Philippines if she sought medical care. She continued her work as a cleaner, waking up early in the morning and taking the train to her workplace. She went into labour and, when the pain became unbearable, she was taken to the hospital. She had an emergency caesarean section, but her baby died in the incubator. A short time later the police came to the hospital and told her she had to leave the country and that they would pay for her flight. She pleaded with the police not to send her to the Philippines, but they said that they had no other choice.

The second story is about Maribel. She wanted to leave Puerto Rico to meet her sister who had been living in Argentina since 2004. However, since 2006 the Argentine government has required a travel visa for Puerto Ricans as a measure against sex trafficking. In order to avoid the visa requirement, Maribel decided to travel by plane to Uruguay and then paid a smuggler to cross into Argentina by land. Since she entered the country through an irregular path, she could not regularize her migration status. She finally decided to marry an Argentine man who offered to provide papers for her. However, instead of doing so, he held her passport and locked her up in the house. She did not ask local authorities for help because she was afraid of being deported.

Bea and Maribel’s stories show that women in migration face a lack of access to public services, abusive labour conditions, discrimination and lack of access to justice and effective remedies.

Women like them face violence in all stages of the migration process--violence coming from different sources, including migration enforcement policies.

These women are not vulnerable *per se*. They are brought into this situation because of restrictive migration policies.

The Global Compact on Migration should highlight women's agency and resistance in the context of induced vulnerability by migration policies, not a single-minded focus on their victimization. In this sense, anti-trafficking measures are of great concern if they justify securitization of migration policies that make women's lives more dangerous and the criminalization of migrants themselves. As we saw in the case of Maribel, efforts to legislate "protection of women" can actually do women greater harm.

Further, migrant women should not be instrumentalized as a source of income to their countries of origin through remittances, or as a source of cheap labor in destination countries. Many calls for the global compact to enable the efficient movement of labour to meet supply and demand ignore the human rights of migrant women.

## **PRIORITIES FOR ACTION**

The Women in Migration Network participated in the process lead by UN Women to develop the 'Recommendations for addressing women's human rights in the Global Compact' that brought together several UN agencies, members of Human Rights treaty body Committees including CEDAW, CMW, CERD, CESCR as well as civil society.

The recommendations highlight specific areas that need to be strengthened in order to reduce the risk that women face, simultaneously recognizing women's agency throughout the migration journey and process.

On the basis of these recommendations, we consider that the following measures should be taken by States:

- Implementation of "firewalls" is critical to ensuring the separation of immigration enforcement authorities and other government agencies and service providers so that migrant women have access to services and to justice.

As a practical example, in the United States, cities, such as New York City, are implementing these firewalls at the local level. Last month the California Senate advanced a bill to make the state of California a Sanctuary state.

- Survivors of gender-based violence in countries of transit and destination should be able to report crimes without fearing deportation, independently of their migration status.

Spain's gender-based Violence Act recognizes the rights and protections of every victim of violence, no matter of her administrative status. Furthermore, a 2011 amendment has removed the obligation for police to automatically open an expulsion file for undocumented women who contact them, and suspends any existing expulsion files.

- Social inclusion should entail access to gender-responsive healthcare services, including reproductive and sexual health care, regardless of migration status.

Argentine immigration law has an article guaranteeing access to public health services for immigrants independently of their migration status. Public health services include reproductive and sexual health care.

- For migration to actually be empowering for women, the global Compact must centralize access to full labor rights, access to decent work and alternatives to the current heavy reliance on circular, temporary and precarious labor migration programs. This means regularizing the status of migrants with opportunity for long term permanent status, together with their families.

We welcome the opportunity to contribute to this dialogue. We urge you to take into account the Recommendations for addressing Women's Human Rights in the Global Compact, which you can find in this room. The Women in Migration Network welcomes ongoing conversation with Member States so that the global compact will reflect the gendered reality of migration and a strong, actionable commitment to the human rights of all women in migration. Thank you.

**Closing remarks by Paola Cymment after state's interventions:**

Gender dimension of migration should be kept central throughout all the Global Compact for Migration elaboration process, including the upcoming thematic sessions as well as in the regional sessions.

Moreover, if we want to address human rights of women in migration, and in fact of all migrants, detention and deportation cannot be the answer to irregular migration. Deterrence measures have shown not to be a practical solution for stopping people from migrating. We should find practical solutions in the Human Rights Framework.