

Women in Migration and Women's Agency

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 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.

Women in migration are not “vulnerable” and in need of “rescue: they are advocates for their rights and agents of change.

Current immigration policies create the contexts of exclusion, inequality and rights violations, which put women at risk and in a situation of vulnerability. The migration discourse should not be about “protecting” women, which limits autonomy and the enjoyment of women’s rights. Rather, it should be about protecting *women’s rights*. Furthermore, the “protection of women” must not be utilized to then criminalize migrant men and exacerbate xenophobia in the name of “women’s rights.”

Migration policy must recognize the rights and agency of women rather than reinforcing gendered power relations. “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.

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 can be 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.

Migrant women are active in 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

Policies to “protect” migrant women often do the opposite. Some countries ban women's migration with the intention of protecting them from abuses in the country of destination, even though these bans have proven to be counterproductive. Limits linked to age, parenthood, etc., drive women to migrate in irregular status, seeking more precarious transit and jobs in destination countries. For example, in India, only women aged 30 and above are officially permitted to travel for employment to Gulf Countries, and their applications have to be processed via one of the six government agencies or through an online e-migrate system.

The Global Compact should:

- Guarantee autonomous and independent status for migrant women that promotes their integration. This is critical to enable them to advocate for their rights and those of their communities in destination countries.
- Prioritize ending all forms of discrimination against women, on the basis of legal or residence status or factors including race, ethnicity, nationality, age, religion, sexual orientation, gender identity, disability, health and pregnancy status, or occupation.
- Guarantee women the right to autonomous movement and life choices independent of men. Guarantee women access to individual documentation, issued in their own names. Ensure that women can pass on their nationality to their children (*Convention on the Rights of Migrant Workers, art 29*)
- Remove any gender-based barriers to the issuing of visitors' visas.
- Agree to assess all national immigration legislation for compatibility with the rights of migrants, including the specific rights of women migrants.
- Make the process of application and acquiring documented status transparent and provide opportunities for undocumented migrant women to regularise their immigration status.
- Ensure that immigrant survivors of gender-based violence can claim autonomous legal status, for example, from an abusive spouse, and adequate safeguards.
- Commit to implement CEDAW General Recommendation 26 which requires states to "formulate a gender-sensitive, rights-based policy on the basis of equality and non-discrimination to regulate and administer all aspects and stages of migration, to facilitate access of women migrant workers to work opportunities abroad, promoting safe migration and ensuring the protection of the rights of women migrant workers (articles 2 (a) and 3)". para.23(a) In doing so they can ensure that "International migration can be an empowering experience for women: women may leave situations where they have limited options for ones where they exercise greater autonomy over their own lives, thereby benefiting themselves as well as their families and communities."¹

¹ General Assembly, Report of the Secretary-General on violence against women migrant workers, UN Doc. A/66/212, 29 July 2011, para.5