



Women in Migration Network Statement On Conclusion of Negotiations On the UN Global Compact For Safe, Orderly and Regular Migration

Friday, July 13, 2018

The Women in Migration Network (WIMN) recognizes the immense effort invested by the Co-Facilitators, States, UN Agencies, and civil society in the new UN Global Compact for Safe, Orderly and Regular Migration, at this conclusion of negotiations at the UN in New York today. We particularly welcome the process bringing migration back into the work of the UN and affirming a human-rights based approach to migration.

However, we regret the many missed opportunities for strengthening gender justice, labor rights and human rights in the context of migration. Such omissions set back efforts by Member States and civil society to create the conditions where migrants—including migrant women and girls—can fully enjoy their rights as established in international law. We extend thanks to Member States that enthusiastically responded to our concerns throughout the process.

“Gender-responsive” goes well beyond repetition of words. It must be reflected in the Global Compact’s objectives in tangible ways that will change the lived experience of women in migration in all their diversity, in countries of origin, transit, destination, and upon return. As we have stated throughout the process, a gender-responsive Compact recognizes the right to access public services, labor rights and justice regardless of status. It entails extending these rights to *all* migrants, without creating hierarchies of rights due to migrant status or any other factors.

Access to healthcare, including sexual and reproductive health care services as affirmed in the New York Declaration, (one of the foundations for the Global Compact process) is essential for gender-responsive migration policy.¹

The failure of the Global Compact to affirm long-standing human rights guidance on the non-criminalisation of irregular entry or stay, another issue States addressed in the New York Declaration, harms migrants’ rights and is a gender issue.²

Gender-responsive means providing specific protections for migrant women and their families in vulnerable situations and at international borders.

It means recognising that gender is not binary and that pervasive language linking women with children risks infantilising women and must be avoided where possible.

(continued)

¹ See NYD para.31

² See NYD paras.33 and 56

It means affirming in practice, freedom of association and full labor rights for migrant women and for all migrant workers, including domestic workers. Limiting reference to these established rights to only “contractual workers” is discriminatory, leaving many migrant workers, in particular women, outside of the protections of labour law. Under established human rights and International Labour Organization (ILO) standards, all workers, regardless of status are entitled to such protections.

It means affirming in practice the right to family unity (in a diversity of families) while also recognizing that detention is *never* in the best interest of the child.

It means NEVER sending migrant women, children and families back to torture or other cruel, inhuman or degrading treatment or punishment or other serious human rights abuses in their home or third countries. Again, this is an area where the Global Compact falls short of the promise of the New York Declaration.³

Thus, it is with deep regret that we see areas where States have agreed to an approach in the Global Compact that has not reaffirmed commitments approved two years ago in the New York Declaration, as well as identified in ILO labor standards and human rights treaties.

While this has been a generally positive process of great significance for the global community, we hope for a strengthened implementation, follow up and review process, which will warrant even broader inclusion and full and meaningful participation from migrant communities and civil society. We salute the Co-Facilitators for ably shepherding the negotiations and bringing to consensus a document that opens the way for cooperation and shared responsibility in global migration policy-making. **We see the Global Compact as a transitional step, but not yet transformative.**

We look forward to the formal adoption of the Compact in Marrakesh in December, to further working on these areas with Member States, the UN System and civil society, in the implementation, follow-up and review of the Global Compact. We commit to work for the transformation of global migration governance and policy with migrants’ human rights, including women’s human rights, at the center. On our part, this means strengthened organizing and advocacy at national and regional levels as well as a strong role in international spaces, including implementation of the Global Compact – at national, regional and international levels.

About WIMN:

The Women in Migration Network --WIMN has been present throughout the preparatory process and negotiations for the Compact. We have worked closely with member states, the “Friends of Gender” group, the Expert Working Group for Addressing Women’s Human Rights in the Global Compact for Migration (EWG) convened by UN Women, as well as other UN agencies and civil society to advance a gender-responsive, human rights-based Global Compact.

WIMN is a network of migrant rights, labor, women’s and faith organizations which promotes women’s human rights at the center of all migration and development policy. The network convenes organizations to expand rights-centered policies that prioritize the interests of diverse women and families affected by migration around the world. WIMN is represented on the Expert Working Group for a gender-responsive Global Compact for Migration. www.womeninmigration.org; <https://www.facebook.com/Womeninmigration/> @WomenMigration on Twitter

³ See NYD paras.24 and 58