

BRIEFING DOCUMENT

KEY MESSAGES FOR AN INTERSECTIONAL FEMINIST APPROACH TO MIGRATION

**Global Forum on Migration and Development
Geneva, January 23-25, 2024**

This document summarizes WIMN's contributions to the roundtable background papers and includes our proposed key messages to bring to the GFMD. These messages correspond to the six thematic roundtables: 1) The impact of climate change on human mobility; 2) Rights and migration; 3) Diasporas: actors of economic, social and cultural development of regions; 4) Labor migration 5) Improving the perception of migration in public opinion through narratives, culture, emotion and rational discourse and 6) Multi-level governance.

Relative to previous years, the initial background papers for the thematic roundtables of the Global Forum on Migration and Development (GFMD) show some improvement in the inclusion of a gender approach. However, what gender-responsiveness means to the multiple stakeholders in the GFMD process is unclear, especially for governments. Moreover, the documents do not reflect WIMN's broader, intersectional feminist framework and analysis of migration and the situation of migrants.

WIMN's two central recommendations:

1. Shift towards rights-based, gender-responsive, and **permanent regular pathways** for migration, the **regularization** of undocumented migrants, and protection of migrants' rights, including labor rights. Acknowledge the reality of climate-displacement, establishing permanent regular pathways for those who are displaced.
2. States must extend **equal rights to migrants**, including full workers' rights, social protection, and access to services, regardless of their migration status and address intersecting forms of discrimination in policy: gender identity or expression, race, ethnicity, nationality, class, sexual orientation, age, migration status, religion, and disability.

Priority 1: The impact of climate change on human mobility: preventive action, humanitarian action and development

Climate change is exacerbated by natural resources extractivism and climate colonial models, forcing migratory movements as people lose their livelihoods and homes due to fragility of the ecosystem they live in and State's inability or unwillingness to offer humanitarian assistance and durable solutions to those displaced by the climate crisis. Women are severely impacted by these situations; they are primary resource gatherers for their families, ensuring food security, economic and non-economic weaving of social fabrics. The conditions of vulnerability are often greater in rural communities, particularly those who live in agriculture, livestock, and fishing, and in urban settings for those who are part of the informal sector and who lack job security.

Climate change has a significant impact on diverse women and girls, particularly those from racialized communities, who face particular challenges due to intersecting forms of discrimination. They are disparately impacted in their home countries, transit and destination and as migrants.

OUR DEMANDS:

- Most people want to remain in their countries and migration across borders can be a measure of last resort: forced migration. Countries of origin, transit and destination need to provide decent work opportunities and social protections, while the world's largest polluters need to commit to adequate financing for adaptation, mitigation, loss and damage.
- Those displaced by climate disasters who cannot return home should be offered durable solutions within their countries. Those forced to leave their countries should be able to access pathways that enable them to regularize their status and that of their families, including access to permanent residency and full labor rights.
- Efforts to regularize migrants displaced by the climate crisis through temporary work permits or temporary labor programs that limit wages and rights are not a solution.
- Investing in climate-resilient development should not be dependent on the remittances of migrants, a framework that instrumentalizes the economic contributions of migrant women
- Ensure the meaningful participation of women with diverse backgrounds in climate change mitigation, adaptation, relocation planning and implementation, and climate migration governance at all levels.
- There's a need to better understand the profile of those on the move in the context of climate and environmental-related disasters and sudden and slow onset climate change. Research is also needed regarding the care burdens placed on women who remain when family members migrate due to climate change.

- There's a need for more data on the impact of climate change on women and girls in all their diversity, prior to, during and following migration. This includes data of the realities of Black and indigenous migrant women.

Priority 2: Rights and Migration: working to ensure the health, safety, and rights of migrants

Women and LGBTQI+ migrants, particularly those from racialized communities including Black and Indigenous migrants, face particular challenges due to intersecting forms of discrimination. Women are generally culturally assigned a societal role in providing paid and unpaid care work, which increases their burden and challenges both in countries of origin, transit, and destination. Black, Indigenous and LGBTQI+ migrants face disproportionate rates of abuse and violence.

Migrants face significant exclusions and barriers to integration and when accessing basic rights, such as social protections, including healthcare, education, and housing. Because women are often tasked with arranging healthcare, education and housing for their families, the issue of access to these basic services falls disproportionately on them. Women in migration confront significant barriers and reprisals when accessing justice as workers, victims of violence, and in the context of civil and family disputes.

OUR DEMANDS:

- Address the intersecting forms of discrimination that migrant women face due to migratory status, racial, religious, ethnic, gender diversity and sexual orientation, age, disability, or health status, which further limit their ability to access their rights.
- Take measures to ensure women and LGBTQI+ migrants' right to live free from any form of violence. Promote multi-stakeholder strategies to prevent violence, including domestic violence, sexual and gender-based violence, harmful practices, violence in the world of work as defined in ILO Convention C190, racial, ethnic, and religious violence, homophobic and xenophobic violence, and other forms of violence. Ensure that legislation is introduced to address this.
- Migrant women who may be trailing spouses are in a particularly vulnerable situation of domestic violence without the ability to access justice. Policies need to address this vulnerability and ensure there's no backlash against these women whose residence may be linked to the sponsoring spouse, including creating regularization opportunities that enable their independence and autonomy.
- Migrants in irregular situations are entitled to the fulfillment of their rights; however, irregular migration status is often met with restrictive responses from states leading to heightened vulnerability to human rights abuses, discrimination, exploitation and marginalization. States can address this by creating rights-based and gender-responsive regular pathways and by instituting regularization programs for irregular migrants.

- Human Rights-based approaches to border management should ensure migrants and asylum seekers have immediate access to protections, shelter, and safety at the border, including access to services, asylum, and due process.
- Missing migrants: States must work together regionally to support families in finding their loved ones, through centralization of and access to databases of migrant remains, the ability of family members to visit countries of transit where their loved ones have disappeared, and other joint efforts that put the concerns and needs of migrant families first.
- Firewalls are essential to ensure equitable access to quality healthcare, particularly for migrants in irregular situations. Healthcare, educational, and other service providers should not be required to share information about their patients and students with immigration authorities. This also means investing in quality public healthcare and education and social services that can equitably address the needs of all migrants, regardless of status.
- Housing is a human right. Many migrants find decent housing unaffordable and are relegated to precarious and over-crowded housing arrangements. Cities, working with national governments, must do more to address these housing crises, while also recognizing the needs of migrants and preventing housing discrimination.
- Guarantee dignified conditions for the integration of the people who have been deported/returned through the creation and implementation of public policies that respond to their reintegration needs.
- Ensure that the development, implementation, monitoring and evaluation of policies and legislative frameworks are transparent and participatory, including by ensuring the meaningful and effective participation of women, Black, Indigenous and LGBTQI+ migrants, and their organizations.

Priority 3: Diasporas: actors of economic, social, and cultural development of regions

Diasporas traverse sending and receiving countries, simultaneously engaging with new societies, cultures and work while maintaining ties with family, friends, and communities in countries of origin. Their contribution to both origin and destination countries should be valued though it should not be used as a “safety valve” to avoid addressing needs of countries of origin regarding job creation, decent work, services, and social protections. The focus should not be on remittances, which instrumentalize migrant women’s labor for the “benefit of the country” at the cost of rights, family unity, and hyper-exploitation. This is a problematic framework of migration for development, focused on national needs often at the expense of migrant rights.

OUR DEMANDS:

- Recognize the transnational nature of diasporic communities and how gender relations are influenced by connections to both the home country and the host country. This includes recognizing how gender norms may change or persist across borders.

- Identify the specific challenges and opportunities faced by women and gender-diverse individuals within diasporic communities. This can include issues such as discrimination, access to healthcare, and participation in community and political life.
- Explore ways for women within the diaspora to engage in gender-related activism and efforts to promote gender equality. This could involve community organizing, advocacy, and support networks.
- Ensure that the development, implementation, monitoring and evaluation of policies and legislative frameworks are transparent and participatory, including the meaningful and effective participation of diaspora, civil society, and migrant women's organizations.
- Recognize that economic opportunities in the host country impact men and women differently. Policies must address these dimensions as part of policies related to employment, wage gaps, and access to education and professional advancement.
- In countries of destination xenophobia, islamophobia, and racism are part of diaspora experience, which must be actively challenged by the State.

Priority 4: Labour Migration: Promoting the Economic Inclusion of Migrants' Labor

Because women in migration, including migrant women, are often boxed into work in certain sectors, particularly low-wage domestic and care work, they experience heightened exploitation. These jobs are often part of the informal economy, putting women outside the protection of labor law, with low wages and a lack of opportunities for skills development. Women in migration, including women migrant workers, experience precarity and exploitation due to the intersections of race, ethnicity, gender, class, sexual orientation, and other factors.

This is even more so in temporary labor contracts where women migrant workers have little or no leverage with employers. Gender-responsive migration pathways for women migrant workers are needed, ensuring fair recruitment at zero cost, decent work, equality of opportunity and treatment, family unity, and access to permanent residency.

OUR DEMANDS:

- Address the drivers of irregular migration for work, including inequalities; factors in countries of origin that prevent women from accessing decent work; barriers to regular migration, and factors in countries of destination that promote demand for cheap labor, especially in the care sector.
- Migrant-centered approaches will need to address the full needs of migrant women workers, including family unification, open work permits and steps towards permanent residency, with full guarantee of economic, social, cultural, and labor rights throughout the process.
- Reduce informality and labor market segmentation based on gender and enhance occupational mobility both within and outside of female dominated sectors.

- Recognize the value of [paid and unpaid care work](#) undertaken by women in migration in the global care chain through the provision of public services, infrastructure and social protection policies. We demand recognition and development of skills for care workers.
- Regulation and monitoring of employment recruitment agencies by the Ministries of Labor in countries of origin and destination must prevent and sanction unscrupulous recruitment practices that facilitate the legal labor trafficking industry.
- Remove barriers that restrict the ability of women migrant workers, in particular migrant domestic workers, to unionize, associate or collectively bargain regardless of immigration status.
- Ensure the rights of migrant workers are protected in cases where there are labor disputes, collective action or contract negotiation, and that workers are free from reprimands such as loss of employment or earnings, removals, blacklisting from future employment or participation in labor migration programs.
- Facilitate effective labor migration dialogues for recognition of labor rights between key countries of origin and destination, involving active participation of social partners, including trade unions and women’s organizations, as key world of work actors.
- Take appropriate measures to prevent discrimination against women migrant workers on the grounds of age, family status, marital status, legal partnership status, or pregnancy, including the prohibition of dismissal on such grounds; the provision of maternity leave without loss of employment; and the provision of social and legal services, including legal aid, to enable parents to combine family obligations with work responsibilities and participation in public life.
- Ensure easy access to appropriate and effective remedies and safe, fair, and effective reporting and dispute resolution mechanisms and procedures in case of violence and harassment at work for migrant women. This includes protecting the privacy of those individuals involved and confidentiality and the provision for the affected workers to remove themselves from a work situation without suffering retaliation or other undue consequences. The recently enforced ILO C190 adds a binding legal-institutional framework for violence and harassment in the world of work for migrant women.

Priority 5: Improving the perception of migration in public opinion through narratives, culture, emotion and rational discourse

Negative attitudes to migration have intensified and rational evidence-based arguments on the issue are frequently set aside in favor of emotionally charged political stances hinged upon racial, ethnic, and religious stereotypes and preconceptions. This can be fueled by decades of austerity in destination countries that have made economic life more precarious, contributing to scarcity fears of “us v. them.”

More women are migrating independently and are demonstrating their agency, autonomy, and leadership. They are economic providers, often primary household decision-makers, are present in public and social roles, and are reconfiguring gender relations and power equations in these new spaces. However, migrant women, particularly those pertaining to racialized communities, have become particular targets of such racist, xenophobic and Islamophobic narratives, perpetuating inequalities.

Attacks on women's rights, choice and autonomy are generally part of a prevalent divisive and reactionary discourse, and attacks on so-called "*gender ideology*" and women's human rights defenders have intensified. Migrant women not only face backlash, demonization, and criminalization as migrants, but also experience the assault on their autonomy as women - this, while also being affected by the social and cultural constraints of their countries of origin. Distribution of any "benefits" that globalization may have skewed towards male bias and are supported by existing structural inequities like race, caste, class, age, religion, ableism. These are often narrowly measured according to the ability to be productive or useful to the economy, with a historical blindness to women's unpaid labor in the home and community.

OUR DEMANDS:

- Differential reception to different groups of migrants is highly racialized and discussions of xenophobia should explicitly reference racism and intersecting discriminations. Governments must pursue by all appropriate means and without delay a policy based on international binding commitments of eliminating racial discrimination, taking effective measures to condemn all acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against women in migration and the stereotypes applied to them, including on the basis of religion or belief, and other intersecting forms of discrimination, including gender, age, physical and mental ability, sexual orientation and gender identity, and migration status.
- Governments should promote campaigns that promote changes to the narratives about the deported/returnee population with a positive discourse on the recognition of their work and the arrival of transnational families that culturally enriches societies.
- There's a need to go deeper than media campaigns, to put in place informed policies that challenge racial and gender discrimination while also addressing economic precarity and shrinking social safety nets in destination countries.
- Full inclusion will not happen without specific policies to address the differential needs of migrants who are excluded due to race, ethnicity, religion, national origin, gender, sexual orientation, and gender identity, as well as decisive gender-oriented action by states at all levels to challenge and hold accountable abuse, hate crimes, daily slights, and exclusion from access to state services and protection. This is about concerted policy action, not only discourse. Rights-based actions that directly protect migrants from harm are needed to show that discrimination will not be tolerated.

- Actively affirming core labor standards, delivering social protections, and building worker unity among migrant and national workers are essential elements in dismantling xenophobia.
- Involve directly impacted migrant women leaders in concerted efforts at all levels to directly address racism, ethnic and religious exclusion, xenophobia, and gender bias to guarantee human rights and full inclusion for all migrants.
- Hate speech and incitement to hatred must be prohibited as criminal offenses and brought for review by an independent court or tribunal. While affirming free speech, measures should challenge negative perceptions, divisive language categorizing ‘good and bad migrants’, references to migrants as ‘illegal’ and hate speech perpetuated through the media.

Priority 6: Multi-level governance: bringing together the various stakeholders for improved migration management

WIMN supports the whole-of-society approach which is one of the Guiding Principles of the Global Compact for Safe, Orderly and Regular Migration. As such, we reiterate the importance of civil society, including migrant women, LGBTIQ+ migrant associations and other gender-focused entities, as part of the design, implementation, and review of migration policy. As we have noted, migrant women are not mere instruments for development. Their perspectives and concerns must be considered.

This is why it is so critical that global and regional migration policy spaces such as the GFMD and the UN Global Compact Review process open ample space for civil society organizations to play an active and substantive role. Women in migration **MUST** be in the room and given the opportunity to share their perspectives and recommendations. There is growing dismay regarding the closing space for civil society and other stakeholders at GFMD, after a decade of active participation. This is a major setback that undermines the spirit and reality of a “whole of society” approach. Ultimately, progress on shared goals towards rights-based, inclusive, and regular migration cannot be achieved without the active participation of civil society, both on the ground and at the policy-making table.

By fostering collaboration, open communication, and a shared commitment to gender equality, multi-stakeholder governance can contribute to the development of policies that are more comprehensive, effective, and responsive to the needs of diverse populations affected by migration.

There is also a need for coherence in Government policy. Migration cannot be relegated to one ministry, particularly to national security. Migration policy must be understood to touch on inequality/inclusion, labor, economic, development, social services, education, gender equality and climate policy among others. Coherence in government policies, especially between migration and gender policies, is crucial for creating a fair, inclusive, and rights-based approach to

migration. Such policies contribute to the broader goal of gender equality by addressing gender disparities in the context of migration.

Regarding other stakeholders, states and agencies must recognize civil society organizations as relevant migration and humanitarian decision-making actors. Provide flexible core funding to feminist movement and civil society organizations because it enables grantee partners to self-determine their agendas, respond to changes in contexts, seize unanticipated opportunities and support multilevel governance.

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