I am honored to join you today representing the Women & Global Migration Working Group. We are a global organization of over 20 national, regional and global groups representing all regions of the globe. The Working Group engages in analysis, education and advocacy at the global level to advance the human rights of women in migration. We have convened the Women’s Caucus in GFMD and HLD civil society events, and the Women in Migration Caucus at the CSW since 2009.

I want to recognize the commitment of UN Women, 2016 convener of the GMG, to address international migration from a human rights and gender-sensitive perspective. Thanks to Sir Peter Sutherland for his long term commitment to global migration governance and his truth-telling. We thank the governments of Bangladesh and Italy for organizing this event today. And we affirm Ms. Abu Zayd’s call for bold action at the General Assembly High Level Summit on September 19, commitment to linking refugees and migrants and to bringing a gender perspective, and her openness to the views of civil society. Thank you all for this opportunity to share with you.

I want to address some overarching considerations and then make specific policy recommendations.

Women in migration goes way beyond domestic workers and trafficked women, which is too often the only references to migrant women in international discourse. Migrant women are not merely utilitarian “agents of development” or “victims. They are also leaders and agents of change. Rather than “rescue” women, states should create space for women to claim rights.

The Working Group addresses the needs of all Women in Migration, not only migrant women. Last week at the CSW we led a parallel event featuring stories gathered by our members around the world. They included the story of a Trans woman from Mexico abused in a male detention center in the US; the story of an Indian contract domestic
worker in Kuwait, “sold” by her employer to another family in Saudi Arabia—abused, with her salary withheld. We heard of a Salvadoran mother seeking her missing migrant son in Mexico and the loss of skilled nurses in Kenya due to recruitment offers in wealthy nations; about mothers clubs in the Philippines where women seek mutual support in raising children on their own, with distant migrant spouses. Not all these women were migrants, but all were women “in” migration.

And we heard of the work of indigenous environmentalist Berta Caceres of Honduras, who challenged construction of a hydro-electric dam in her community and was murdered this month. This, too, is a story about women in migration. Women leaders who seek to protect community claims to land and water are key agents of sustainable development. When they do not succeed, men and women are displaced and forced to migrate internally and across borders. This underscores why the entire Agenda 2030 is essential to realities of global migration—not only the specific references to migration. Without ending poverty and inequality, without decent work and social protections, without sustainable environmental practices, healthcare, education, clean water, peaceful societies and shared global responsibility, men and women are forced to migrate. In addition, Berta’s death points to the obligation of states to defend human rights defenders, who are leaders in advancing sustainable development. In too many places the spaces for civil society are shrinking and the very lives of human rights defenders are at risk. Women leaders must have the freedom to speak out, organize and defend their rights without threat of violence, arrest, jail or death. Origin, transit and destination countries must allow full freedom of association and rights to civil society, organizing, and trade unions.

We concur with UN Women that none of the global goals can be achieved without women at the center. A gender analysis explores the differential roles assigned to women and men in society, leading to differential power. This always intersects with religion, race, ethnicity, age, national status, sexual orientation, gender identity and other factors. There are additional vulnerabilities for gay, lesbian and trans migrants whose human rights must be recognized. Women are assigned the role of care work in the family through unpaid labor—bearing and raising children, growing and preparing food, family health and well-being. This gets transferred to the paid economy, in the formal and informal sectors, by boxing most women into low-wage, highly exploited care work. Women’s unpaid labor underpins the global economy and intensifies in times of crisis as social services are cut and women pick up the slack. Today we have a global care chain where migrant women fill the care gaps in destination countries. Women, including migrant women, are key to protecting the environment, providing healthcare, and education, feeding their families, and leading struggles for rights.

National and global migration policy, as well as implementation of Agenda 2030, must take place within the framework of existing commitments, including the Beijing Platform for Action and international human rights obligations. Member states should take the approach of “substantive equality” which goes beyond legal commitments to address
actual impact on women’s lives. International instruments such as ILO Conventions 97 and 143, ILO Convention 189 on Domestic Workers, the Convention on the Protection of the Rights of All Migrant Workers and Members of their families, the UN Convention on Economic, Social and Cultural Rights, CEDAW and the CEDAW General Recommendation No. 26 on women migrant workers must form the cornerstone of migration policies. The Universal Declaration of Human Rights affirms that all are bearers of rights “regardless of national origin…or other status,” (Article 2).

Existing categories of “refugees”, “economic migrants,” “forced migrants,” and other terms are inadequate to address the complex spectrum of women’s mobility. All are bearers of rights regardless of the “category” and we will need new legal mechanisms to address new realities. Last fall at a high level meeting on the refugee crisis, the High Commissioner for Human Rights noted that, “in these precarious flows, movement is rarely ‘voluntary’ in the true sense of that term. Refugees fleeing persecution and conflict journey together with migrants fleeing poverty, discrimination and despair. They are not two different kinds of people; ‘deserving’ and ‘undeserving’. They are all human-beings.”

**Agenda 2030 as a framework for rights-based, gender-sensitive development**

The SDGs offer a powerful road map for development. Yet there is a tension between the goals on decent work, health, ending poverty, social protection, women’s rights and current growth model. Macro-economic policies, trade, and investment, including deregulation, privatization and broad use of tax havens currently work to undermine many of the goals and are often at the root of migration. Goal 10 is of particular significance not only due to its migration references, calls for reducing sex, race and other inequalities, and a call for social protection. Goal 10 calls for reducing inequality between nations, including through regulation of global financial markets, voice for developing countries in decision-making in global international economic and financial institutions; special and differential treatment for developing countries; and official development assistance and financial flows to developing countries. Goal 17 is key in addressing global partnership for sustainable development, including financing, debt sustainability, trade, transfer of technology, and respect for each country's policy space. This goal must be at the center if the SDGs are to be achieved, and would enable women in many developing countries to make migration a choice, not a necessity.

National plans of action are critical, yet there are limits to a purely national approach to SDG implementation, when so many issues are global. This underscores the importance of international fora like the CSW, the GFMD, and the upcoming General Assembly Summit on Large Movements of Refugees and Migrants, in advancing a

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1 High Commissioner statement, General Assembly event 'Strengthening cooperation on migration and refugee movements in the perspective of the new development agenda', 30 September 2015
human rights-based, gender sensitive approach to migration policy and implementation of Agenda 2030.

Migrant women’s contribution to development is far more than remittances and should not be reduced to this role. While this contribution is significant it does not constitute development financing and must not provide any excuse for not fulfilling national commitments to ODA and shared global responsibility for development financing. Data disaggregation is essential, as the realities of irregular migrants, including women migrants may not be captured in national data at all, making their needs invisible.

**National Gendered Migration Policy**

I now address several key issues for migrant women, point to policy gaps and some examples by member states of steps to engender migration.

**Migrant women workers** – The majority of migrant women now migrate for work. As we have noted, they are concentrated in low wage service jobs that are often irregular, lacking legal protections and the right to organize and bargain collectively. Recruitment of migrant women workers increasingly takes place under bilateral agreements which tend to ignore any normative framework and facilitate discrimination and abuse. Policy recommendations include:

1. **Remove restrictions on women’s migration.** These bans take the form of age-specific bans, employment bans, destination country bans among others. Research has found that when women’s movement is restricted, they will move anyway through irregular avenues, often at more risk to their rights and safety.²
2. **Improve women’s access to migration through MOUs, ensure that MOU contracts include gender-sensitive social protection, and end excessive costs for women migrant workers.** A good example is the Philippine’s $400 minimum wage and zero fee policy for migrant domestic workers. A concern is that SDG indicator 10.7 seeks to lower recruitment cost of migrant workers, setting a lower standard than ILO Convention 81 on private employment agencies, which mandates that recruitment agencies charge only employers. In implementation of the SDGs we urge that the highest internationals standards be observed, rather than opening the way for lowering standards.³
3. **End pay discrimination between nationals and migrant workers and between women and men doing work of equal value.** We welcome the attention to this in the new General Comment by the UN Committee on Economic, Social and Cultural Rights on the right to work, which reiterates that women should be guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.⁴

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² See for example, ILO, 2015. *No easy exit: Migration bans affecting women from Nepal* (Geneva: ILO)
³ General Comment No.23 (2016) on the Right to just and favourable conditions of work, para 10
4. Adopt and enforce labour standards on conditions of work and occupational safety and health and provide for adequate labour inspection in workplaces and sectors where migrants, particularly women, are employed.

5. Ensure the full integration of migrants and refugees with the same conditions of work, wages and benefits as of national workers. Create adequate channels for regular labour mobility at all skills levels, and for regularization of migrants in irregular situations.

6. Ensure that any and all temporary, guest worker or seasonal migrant work regimes are subject to full application of international labour standards and human rights protections for all migrants concerned.

7. Include domestic workers in labor law. Women’s care work is work and should be valued and adequately remunerated.

8. Ensure that all labour recruitment agencies and services are subject to proper regulation and monitoring, under the terms of ILO Convention 181 on regulation of private recruitment agencies.

9. Consulates have the responsibility to protect their nationals abroad and should provide funds and capacity to do so. An important model is the Philippines’ Gender Focal Point in Philippine embassies and consulates.

UN Women and the European Commission have an important partnership called “Promoting and protecting migrant women’s rights.” The project is strengthening international human rights mechanisms, national oversight institutions and governments to be accountable to women migrant workers. It involves advocacy for gender-sensitive, free and fair migration policies including support to legislators in developing CEDAW compliant laws. The project has encouraged the Moldovan government to support the establishment of a women migrant workers non-governmental organization and to make a legislative change based on the project’s CEDAW review; it has ensured that the new Philippines Bill on Overseas Workers’ Welfare is in line with CEDAW; and it has strengthened the coherence of Mexican Civil Society Organizations in preparation for 2016’s CEDAW review. This effort involves one of our Working Group members, the Institute for Women in Migration of Mexico.

Safe Migration Channels: There is a tension between the Agenda 2030 goal to leave no one behind and the growing criminalization of migrants, including women and children. The SDG commitment to “facilitate orderly, safe, regular and responsible migration and mobility of people (target 10.7) is made in the context of a guarantee of migrants’ human rights regardless of status. It cannot be used by states as an excuse to criminalize those who come through irregular means. There must be an expansion of safe channels of migration. The lack of regular channels forces migrants and refugees into dangerous routes and the hands of smugglers. Efforts to “deter” migration and refugee flows through detention, deportation, or out-sourcing to third party governments does not stop mobility. We urge states to respect human rights at borders so that migrants, particularly women migrants, do not risk their lives or face violence in transit. The drive for rapid reviews of asylum cases and deportation denies migrants the right to
legal representation and due process. Rather than criminalize both smugglers and migrants, destination countries States must recognize their own need for workers as well as their obligations under human rights and refugee law. Family and child detention must end immediately. Electronic shackling of women is not an acceptable alternative to detention. Saving lives must be paramount and women’s needs must take priority over security and enforcement regimes.

**Social protection:** A central element in meeting migrant women’s economic and social human rights is access to quality public services and social protection. Yet migrant women in irregular status are often denied such services. This underscores the fact that national policies to advance SDG goals around poverty, hunger, health and education which do not explicitly include undocumented migrant women will fall short of our common goal to “leave no one behind.” There should be “firewalls” between agencies that deliver public services and enforcement agencies, so that undocumented women can access services without fear. In particular, migrant women’s access to sexual and reproductive health, must be guaranteed as a human right, not subjected to additional fees for foreigners.

**Violence Against Migrant Women:** Violence is a central part of the narrative for migrant women and is both cause and effect of migration. This includes gender-based violence, state violence, structural post war violence, xenophobic attacks and institutional violence. The state has the obligation to prevent, promote and protect women’s right to freedom from violence and must enact effective policies to do so. A specific policy recommendation comes from our member in Argentina, Comision Argentina para los Refugiados y Migrantes, CAREF. Their survey of migrant women in irregular status found that the women did not know of their legal rights after experiencing violence, had difficulty filing charges and seeking protection, and that policies regarding violence against women do not take migrant women’s realities into account. They propose data collection that specifies place of birth; training of officials and providers on the particular needs of migrant women; collaboration between migration and gender agencies; interpretation services in judicial proceedings; mechanisms to inform migrant women of their rights and how to access services and justice; spaces of support for migrant women experiencing violence; and strengthened partnerships with civil society.

An important example of legislative action to bring national policy into alignment with CEDAW was action by the Spanish parliament on Violence Against Women. Parliamentary leaders realized that a VAW law had failed to include undocumented migrant women. They amended the law to specifically address the ability of these women to report violence without risk of deportation.

**Racism & Xenophobia** – We are deeply concerned about the rising tide of racism, xenophobia and Islamophobia in many destination countries. On March 8, our Working Group released a statement both denouncing violence against women in all its forms, while also condemning the ‘othering’ of perpetrators of gender-based violence, such as
happened in the reporting of sexual attacks and harassment of women in Cologne, Germany on New Year’s Eve. The xenophobic and racist reaction in the media led to physical attacks on migrant and refugee men in the name of ‘protecting women,’ and the justification for more restrictive refugee policies. This also diverts attention from the widespread violence that migrant women face in all stages of their journeys. “Outsourcing” violence against women as a problem of others and setting one marginalized group against another is a disingenuous, anti-feminist, anti-migrant/refugee and dangerous response. Instead, we must challenge inequalities and discrimination in our own contexts.

We must recognize the complexity of migrant women’s lives, the intersection of gender and migration in all of the SDGs, the responsibility of states to align migration and development policy with human rights law, and the obligations of the global community to address global inequalities, in order to really leave no one behind, in particular, women in migration.

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