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## The Global Compact for Migration: what could it mean for women and gender relations?

Carolina Gottardo and Paola Cymment

### ABSTRACT

Under half of international migrants throughout the world are women. While large movements of people, human rights and humanitarian crises, and migrant deaths are not new, the public attention given to the arrivals of refugees and migrants to the shores of Europe has compelled governments to engage in a multilateral manner. In September 2016, the United Nations General Assembly held its first-ever summit dedicated to large movements of refugees and migrants, reaffirming the importance of existing legal instruments to protect refugees and migrants, and also foreseeing the development of two new Global Compacts: one on refugees, and the other for safe, orderly and regular migration. This article examines the process to elaborate the Global Compact for Safe, Orderly and Regular Migration from a gender-responsive perspective. It takes into consideration the advocacy role that the Women in Migration Network and other civil society stakeholders have played in its development, identifies the various opportunities and gaps within the Global Compact, and explores how women's organisations and development organisations can promote change for women in migration under the new Global Compact.

Moins de la moitié des migrants internationaux à l'échelle mondiale sont des femmes. Si les importants mouvements de personnes, les crises humanitaires et des droits de la personne, et la mort de migrants ne sont pas des phénomènes nouveaux, l'attention publique accordée aux arrivées de réfugiés et de migrants sur les rivages européens a néanmoins poussé les gouvernements à intervenir de manière multilatérale. En septembre 2016, l'Assemblée générale des Nations Unies a organisé son tout premier sommet consacré aux importants mouvements de réfugiés et de migrants, réaffirmant l'importance des instruments juridiques existants au moment de protéger les réfugiés et les migrants, et prévoyant par ailleurs l'élaboration de deux nouveaux pactes mondiaux : l'un portant sur les réfugiés et l'autre en faveur de migrations sûres, ordonnées et régulières. Cet article examine le processus d'élaboration du Pacte mondial pour des migrations sûres, ordonnées et régulières d'un point de vue sensible au genre. Il prend en compte le rôle de plaidoyer que le Women in Migration Network (WIMN) et d'autres parties prenantes de la société civile ont joué dans son élaboration, met en évidence les diverses opportunités et lacunes au sein du Pacte mondial, et se penche sur la manière dont les organisations de femmes et les organisations de développement peuvent promouvoir des changements pour les femmes migrantes au titre du nouveau Pacte mondial.

### KEYWORDS

Migration; gender-responsive perspective; feminisation of migration; Global Compact; New York Declaration for Refugees and Migrants; migration governance

Menos de la mitad de los migrantes del mundo a nivel internacional son mujeres. Aunque los movimientos masivos de personas, los derechos humanos y las crisis humanitarias, así como las muertes de migrantes, no son temas nuevos, la atención pública centrada en la llegada de refugiados y migrantes a los litorales de Europa obligó a los gobiernos a colaborar de manera multilateral. En septiembre de 2016, la Asamblea General de Naciones Unidas realizó su primera reunión cumbre para examinar la cuestión de los grandes desplazamientos de refugiados y migrantes, reafirmando la importancia que revisten los instrumentos legales existentes para su protección; a la vez, previó la elaboración de dos nuevos pactos mundiales: uno sobre los refugiados y otro sobre la migración segura, ordenada y regular. El presente artículo analiza el proceso encaminado a diseñar el Pacto Mundial para una Migración Segura, Ordenada y Regular desde una perspectiva de género. En este sentido aborda el papel de incidencia desempeñado por la Red de Mujeres en la Migración (WIMN, por su siglas en inglés) y por otros actores de la sociedad civil en aras de impulsarlo; además, identifica varias oportunidades y lagunas presentes en el Pacto Mundial y examina cómo —en el marco del nuevo Pacto Mundial— las organizaciones de mujeres y de desarrollo pueden promover transformaciones a favor de las mujeres migrantes.

## Introduction

In the first couple of decades of the 21st century, human mobility has become one of the core issues of international governance. Some 48.4 per cent of 257.7 million international migrants in the world are women (United Nations Department of Economic and Social Affairs, n.d.) and, for some decades, there has been an increase in the autonomous migration of women for the purpose of work, particularly in feminised labour sectors. Although women are responsible for half of global remittances, most women face discrimination, violence, health risks, and exploitation at all stages of migration, deriving in large part from gender discrimination, in addition to social class, race, ethnicity, sexual orientation and gender identity, and immigration status (Hennebry *et al.* 2016).

Another global trend has been the increased visibility of large movements of people who are fleeing from their countries because of violent conflict, poverty, displacement due to land grabbing, inequality, climate change, natural disasters, and environmental degradation. As former United Nations (UN) Secretary General, Ban Ki-Moon described:

The images of the past few years have shocked the world's conscience ... Unable to find safe ways to move, people suffer and die in search of safety while crossing the Sahara desert, the Andaman Sea, the Mediterranean and dozens of other dangerous places around the world. Upon arrival, the rights of those who survive these perilous trips are often violated. Many asylum seekers and migrants are detained, and their reception is sometimes far from welcoming. (UN Secretary General 2016, 2)

Such large movements of people, human rights and humanitarian crises, and migrant deaths are not new. However, the public attention given to the arrivals of people to the shores of Europe has compelled governments to engage in a multilateral manner. A consensus has emerged that no country can manage migration effectively on its own, and that inter-state co-operation – at both the regional and the global levels – is very much needed.

On 19 September 2016, for the first time in history, the UN General Assembly held a summit dedicated to the large movements of refugees and migrants. The outcome was the New York Declaration for Refugees and Migrants, which not only reaffirmed the importance of existing legal instruments to protect refugees and migrants, but also foresaw the development of two new Global Compacts: one on refugees and one for safe, orderly, and regular migration to be adopted at the end of 2018.

This article examines the process to elaborate the Global Compact for Safe, Orderly and Regular Migration (GCM) from a gender-responsive perspective. The authors are both members of the Women in Migration Network (WIMN), which, during the past two years, has been actively involved in multi-stakeholder dialogues, consultations, and inter-governmental negotiations in order to promote a gender-responsive approach to migration governance. WIMN seeks to ensure that women's rights standards are fully promoted and upheld in accordance with international human rights instruments, and to advance the rights of women and girls at all stages of migration.

### **The New York Declaration for Refugees and Migrants**

The 2016 UN General Assembly New York Declaration for Refugees and Migrants recognises the particular needs of women on the move and makes specific commitments to ensuring that appropriate responses mainstream a gender-responsive perspective, promote gender equality and the empowerment of all women and girls, and fully respect and protect the human rights of women and girls. The Declaration commits to combating sexual and gender-based violence (SGBV) and to providing access to sexual and reproductive health-care services, as well as to tackling the multiple and intersecting forms of discrimination that affect refugee and migrant women and girls.

The Declaration also recognises the significant contributions and leadership of refugee and migrant women, and commits to ensuring women's full and meaningful participation in the development of local solutions. It refers to the existing international normative framework on the protection of migrant worker rights, calling upon states to ratify or accede to the International Convention on the Protection of the Rights of all Migrant Workers (ICRMW). In relation to the GCM, it recommends that it should include the effective protection of the human rights and fundamental freedoms of migrants, including women and children – regardless of their migratory status – and the specific needs of migrants in vulnerable situations. In relation to migrant workers, it calls for the GCM to include the protection of labour rights and a safe environment for migrant workers and those in precarious employment, the protection of women migrant workers in all sectors, and the promotion of labour mobility.

### **The global context**

Although the text of the New York Declaration reflects a human rights-based approach, the following two years that led to the development of the GCM took place within a growing adverse political context, due to rising xenophobia and nationalist and populist

movements. This growing trend comes in response to years of austerity in the United States and the European Union (EU) that have harmed workers and have also opened up spaces for demagogues to pit domestic workers against immigrant workers.<sup>1</sup> In December 2017, the United States announced its withdrawal from the GCM process before the beginning of the negotiations phase. Hungary made a similar announcement after the presentation of the final draft of the GCM in July 2018.

These were relatively limited defections in a climate of significant polarisation during the GCM negotiations. Member states sought co-operation to address intractable regional and global migration concerns. Depending on their vantage point, states wanted to see shared responsibility for migrants and refugees, potential technical assistance for developing nations, and greater access to migrant labour for developed nations, all within the framework of national security, national sovereignty, and the model of ‘circular migration’ for labour mobility.<sup>2</sup>

During the negotiations, the EU sought explicit assurances that countries of origin would agree to receive returnees, and made efforts to link development aid to this condition. A number of states, from Australia and Singapore to South Africa, Russia, China, and India, made every effort to affirm state sovereignty and exclude irregular migrants from services and rights that are extended to what the EU termed ‘legally staying migrants’.<sup>3</sup> This became one of the central issues of the debate.

In addition, many member states that are party to the 1951 Refugee Convention wanted to be sure that the GCM would not extend commitments under that convention to new groups (such as people affected by climate-induced displacement, or those fleeing non-state violence – such as in the case of many people on the move in Central America), nor impose any new obligations upon states. Understandably, poorer nations did not want new obligations without new forms of financial support.

### **The role of women’s organisations<sup>4</sup> and migrant women during the process of consultation and negotiation of the GCM**

WIMN<sup>5</sup> is a global network that convenes migrant rights, labour, and women’s and faith organisations to promote women’s human rights at the centre of all migration and development policy. WIMN, formerly known as the Women and Global Migration Working Group, was established in a pre-meeting at the Association for Women’s Rights in Development (AWID) in April 2012. The Network reflects a history of collaboration on migrant women’s concerns since 2009, at the People’s Global Action on Migration, Development and Human Rights and the Civil Society Days of the Global Forum on Migration and Development (GFMD Athens, Mexico City, Geneva), as well as at the UN Commission on the Status of Women (CSW).

WIMN considers gender as a cross-cutting issue in migration and development that applies a specific lens in every area to explore causes and consequences, and to identify specific policy requirements. WIMN uses an intersectional gender analysis to view migration, which explores the social and economic roles assigned to women and men in society and how these roles shape women’s circumstances. This includes women’s

power to negotiate on their own terms and to claim rights. Women live at the intersection of multiple identities that allow for greater or lesser levels of power. They often experience multiple and intersecting forms of discrimination at all stages of migration, not only as women and as migrants, but also based on (but not limited to) the grounds of race, nationality, migration status, marital and family status, age, sexual orientation and gender identity, pregnancy, parenthood, nationality, class, ethnicity, religion or belief, and/or disability.

Women (and specifically poor, migrant, women of colour/racial minorities, lower-caste women) provide unpaid labour for the social reproduction of the household (caregiving, food production), and in the paid economy they are similarly concentrated within these roles. SGBV is a reality in all countries and at all levels. Women migrate while navigating livelihoods, protection of their families, safety, and rights. This becomes more difficult and complex for women who are marginalised by race, ethnicity, class, religion, sexual orientation, gender identity, migration status, and other factors.

UN Women invited WIMN to participate in the elaboration of a set of Recommendations for Addressing Women's Human Rights in the Global Compact for Safe, Orderly and Regular Migration. This process started at the end of 2016, with a meeting at the UN headquarters in Geneva that brought together members of the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on Migrant Workers (CMW), the Committee of Elimination of Racial Discrimination (CERD), the Committee for Economic, Social and Cultural Rights (CESCR), and the Working Group on Discrimination Against Women in Law and Practice, together with representatives of different UN agencies and inter-governmental organisations (including the International Labour Organization (ILO), International Organization for Migration (IOM), UNHCR, and Office of the United Nations High Commissioner for Human Rights (OHCHR)), as well as academics and representatives of civil society organisations. A second multi-stakeholder meeting took place in New York, in January 2017, in order to set out a strategic approach to advocacy to influence the development of the GCM and identify key areas for action for addressing women's rights in the new GCM.

The UN Women Recommendations for addressing women's human rights in the GCM<sup>6</sup> was launched during the first phase of consultations of the GCM, comprising a broad process of thematic and regional consultations that took place in 2017 and that included active participation of WIMN's members. Two co-facilitators led the process of developing the GCM: Ambassador Jürg Lauber, Permanent Representative of Switzerland, and Ambassador Juan José Gómez Camacho, Permanent Representative of Mexico. The process was also closely supported and led by the Special Representative of the Secretary General for International Migration (SRSG), Louise Arbour, who was very vocal about the importance of a gender-responsive GCM and explicitly stated that the GCM should prioritise the best interests of women and girls (Arbour 2017, 7). These consultations led to a Stocktaking Meeting held in Puerto Vallarta, Mexico, in December 2017.

WIMN had an active role during the consultation phase, including key interventions in thematic and regional consultations, preparing and delivering key statements, and the

organisation of specific side events on women's rights and gender in the GCM during key meetings.

Once the consultation phase concluded, UN Women invited three WIMN members to participate in an Expert Working Group (EWG) on addressing women's rights in the GCM. The EWG was tasked to mobilise support through strategic advocacy, expert engagement, and capacity building, to ensure that the linkages between gender and migration would be effectively addressed in the negotiations leading to the GCM. WIMN representatives mobilised the global WIMN network in the negotiations process, working closely with the Global Coalition on Migration<sup>7</sup> (WIMN is a member of the Coalition) and a broader civil society support network.<sup>8</sup>

Throughout 2018, the EWG issued three joint statements and produced five Guidance Notes that were distributed among member states during the six rounds of negotiations of the GCM that were held at the UN headquarters in New York. The Guidance Notes are brief documents focusing on: 'Ensuring a gender-responsive global compact for migration'; 'Access to services and to justice'; 'Promoting and protecting the rights of children and families at all stages of migration'; 'Realizing the human rights, including labor rights, of women migrant workers'; and 'Implementing a gender-responsive Global Compact'.<sup>9</sup> WIMN's input reflected a consultative process with Network members globally for broad input and consensus.

During the six rounds of negotiations, WIMN members worked together with UN Women and the Permanent Missions of Mexico and Canada to promote the creation of a 'Gender Equality' group of countries. Some member states, including Argentina, Australia, Canada, Costa Rica, El Salvador, Ireland, Israel, Liechtenstein, Mexico, New Zealand, Panama, and Switzerland, issued a statement promoting the involvement of women's organisations in the design, implementation, and follow-up of the GCM. The statement also called for the GCM to specifically mention access to sexual and reproductive health services, reaffirming the commitment from the New York Declaration.

### **Gender in the GCM: what was achieved and what is missing**

After 18 months of multi-stakeholder consultations and six rounds of negotiations among UN member states, the final draft of the GCM was completed on 13 July 2018. The GCM's guiding principles include gender-responsiveness, promoting gender equality, and the empowerment of women and girls, and recognising women as agents and drivers of change and moving away from a lens of victimhood. WIMN consistently and effectively advocated for this approach throughout the process.

However, WIMN considered that there were also missed opportunities for strengthening gender justice, labour rights, and human rights in the context of migration. Many member states were willing to name gender concerns in the GCM, but had more difficulty applying a gender lens that went beyond the traditional notion of what is considered to be a gendered issue; not only trafficking and sexual violence, but access to services for irregular migrants, and returns and border externalisation policies. 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.

Although the GCM reaffirms the New York Declaration, and had a positive outcome in reconciling conflicting positions of member states under the diplomatic leadership of Mexico and Switzerland, the language of the final draft is often non-prescriptive. It is ultimately non-binding and offers a list of options that states can choose from for policymaking. As such, the mobilisation of civil society will play an essential role in making national implementation a reality that has a positive impact on the lives of women and girls. Many key references to women's rights and migrant rights that were included in the Declaration were not thoroughly developed in the GCM. For example, the GCM fails to include access to sexual and reproductive health-care services, and it distinguishes between irregular and regular migrants in terms of access to services instead of recognising the protection of the human rights and fundamental freedoms of all migrants, including women and children, regardless of their migratory status (UN General Assembly 2016).

### **The impact and implications of the GCM on the life of women and girls in migration**

In order to have a better understanding of the impact and implications of the GCM on the life of women and girls in migration, this article explores and analyses the content of this international agreement in detail and from a gender-responsive perspective.

#### ***Overarching principles***

The GCM is based on a set of cross-cutting and interdependent guiding principles. The principles of human rights and gender-responsiveness are key to ensuring that the implementation of the GCM mainstreams a gender-responsive perspective and promotes and protects the human rights of all migrant women and girls. The GCM further upholds the principles of non-regression and non-discrimination, which are invaluable when addressing gaps in the text and ensuring a full and effective implementation.

The GCM rests on core international human rights treaties, including CEDAW, CMW, CERD, and others. Several ILO conventions are specifically referenced, including the Convention on Domestic Work for Domestic Workers of 2011 (No. 189).

#### ***Adverse drivers and structural factors that compel people to leave their country of origin***

Gender inequalities and gender-related discrimination are important drivers of women's migration. Sex-specific barriers for accessing education, land, and economic opportunities; gender-based violence at both domestic and public spheres; natural disasters or wars; limited access to resources and poverty; and internal military or other conflicts may determine women and girls' need to migrate. Climate change also affects women and girls in specific ways and often forces them to migrate.



In the GCM there is a reference to the importance of investing in programmes that accelerate the fulfilment of the Sustainable Development Goals (SDGs), and achieving gender equality and the empowerment of women and girls as a way to address adverse drivers that compel women and girls to migrate as a result of gender inequalities and other situations in their communities or countries of origin.

### ***Identification and documentation***

The GCM establishes that women have the same right as men to confer their nationality to their children who have been born in other countries and are at risk of statelessness. On the other hand, the reference to the need for women to be provided with individual documentation was removed from the final draft. However, by promoting the need for a gender-responsive review of migration policies, the GCM provides an opportunity to ensure that access to visas, passports, and identity procedures is non-discriminatory towards women and girls, and the responsibility for the identity accreditation does not fall on the women in migration, but in public policy.

### ***Pathways to regular migration***

The GCM provides for the development of rights-based and gender-responsive labour mobility schemes for migrants, including specific measures to prevent labour exploitation. It has been WIMN's position that some labour mobility schemes promote circular migration and have certain shortcomings. Additionally, the failure of the GCM to affirm long-standing human rights guidance on the non-criminalisation of irregular entry or stay harms migrants' rights and is a gender issue. Both WIMN and the UN Women Recommendations for addressing women's human rights in the GCM consider that the restrictive and securitised policies aimed at addressing irregular migration foster the vulnerability of women and girls to trafficking and sexual and labour exploitation. However, during the GCM negotiations, there was a lack of consensus among state parties on the recognition of human rights for all migrants, independent of their migration status. Member states had different positions on the rights and entitlements of regular and irregular migrants.

### ***Recruitment and decent work***

One of the shortcomings of the GCM is that it establishes labour rights to only 'contractual workers', potentially leaving many migrant workers – in particular women – outside the protections of labour law. However, because of the affirmation of the New York Declaration and the affirmation of non-regression on human rights commitments, there is significant room for advocacy regarding labour rights for all migrant workers.

Although full labour rights are not recognised for all migrant workers – including migrant women workers – the text outlines the importance of taking measures to prohibit the confiscation or non-consensual retention of work contracts, or travel or identity

documents. This is particularly important for migrant women domestic workers, where such practices heighten their risk of exploitation, SGBV, and abuse.

The GCM establishes specific safeguards for migrant workers in the informal sector, a sector in which many women migrant workers are concentrated. These safeguards provide for ensuring safe access to effective reporting and redress mechanisms in cases of exploitation, abuse, or violations of rights in the workplace. The GCM also proposes adopting specific measures to prevent, report, address, and provide effective remedies for all forms of exploitation and abuse, which include SGBV. Nevertheless, there is no reference to the development of specific regulations on sexual harassment that could prevent SGBV at the workplace and allow safe reporting.

The GCM also provides for the review of labour laws, practices, and programmes to ensure that they include the needs and contributions of migrant women workers.

### *Vulnerabilities in migration*

The GCM outlines the need to apply a gender-responsive approach in addressing vulnerabilities and develop gender-responsive migration policies that address the particular needs of migrant women, including references to providing health care and access to justice and effective remedies. It also establishes a need to review policies and practices – to ensure they do not increase vulnerabilities – by applying human rights-based and gender- and disability-responsive approaches. Additionally, it establishes the need to develop policies and partnerships to provide migrants who are in a situation of vulnerability with necessary support, particularly in cases of women at risk, victims of SGBV, domestic workers, victims of trafficking, and others.

There is also a reference to the UN Global Migration Group's (2018) 'Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations' that includes the principle on the protection of the human rights of women and girls.

### *Smuggling and trafficking*

The GCM includes a commitment to identify smuggled migrants and to protect their human rights, taking into consideration the special needs of women and children, and developing gender-sensitive co-operation protocols to identify and assist smuggled migrants. While this references a valid concern regarding abuse, WIMN noted the heightened risk of criminalising those who rely on smugglers for transport in areas where regular migration pathways are inadequate, particularly unskilled women workers and their children. WIMN worked to delineate the differences between migration and smuggling, and the necessity of smugglers, until both push and pull factors of migration are addressed and more regular pathways are created.<sup>10</sup>

The GCM also commits to apply measures that address the particular vulnerabilities of women, men, girls, and boys – regardless of their migration status – at risk of becoming

victims of trafficking, by facilitating access to justice and reporting, focusing on prevention and protection, and addressing sexual exploitation and other abuse.

### ***Borders***

The GCM establishes a commitment to implement gender-responsive border policies. Although the approach is ambiguous, since it does not specify gender-sensitive mechanisms or affirmative actions to analyse the specific needs of women, it mentions some specific protection lines as preventing family separation and reuniting families when the separation occurs. It also mentions the importance of taking into consideration OHCHR's (2014) 'Recommended Principles and Guidelines on Human Rights at International Borders' when identifying best practices.

### ***Mixed migration***

The GCM commits to establishing gender-responsive referral mechanisms and improved screening measures and individual assessments at borders and places of first arrival, as well as relevant information of rights in the context of mixed migration – which are mixed flows composed of refugees and migrants using the same routes and means of transport to get to an overseas destination.<sup>11</sup>

### ***Detention***

The GCM misses the opportunity to end detention in the context of international migration. WIMN advocated for the end of immigration detention in all its forms. The GCM establishes that member states should work to end the practice of child immigration detention. It does not provide for gender-responsive principles and guidelines while migrant women are still being detained.

### ***Access to services and inclusion***

Civil society, including WIMN, advocated throughout all the negotiations to include the concept of firewalls, which refers to measures to separate immigration enforcement activities from public service provision, labour law enforcement, and criminal justice processes to protect migrants, and ensure that all persons, irrespective of migration status, are not denied their human rights. However, the final draft of the GCM deleted reference to firewalls or a similar concept. The absence of such measures means that irregular migrants, including women and girl migrants, are likely to be limited to safely access social services, such as health and education, without the fear of deportation. Moreover, restricted provisions on firewalls could translate into limitations for migrant women and girls to access justice and safe reporting, leaving them in a desperate situation out of fear of immigration control. This could be the case, even when women are victims of SGBV and other types of violence, as they would often prefer not to report.

The GCM establishes the need to enact laws and take measures to ensure that service delivery is not discriminatory on the grounds of sex, race, language, religion, and other grounds.

### ***Elimination of all forms of discrimination***

Another issue that WIMN advocated throughout all the negotiations was the inclusion of the concept of multiple and intersecting forms of discrimination. Although this concept was removed from some of the objectives of the GCM, it is mentioned under Objective 17: committing to ‘Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration’. One of the actions of this objective is to provide migrant women with access to complaint and redress mechanisms to address governmental actions related to discriminatory acts.

### ***Remittances and social security***

The GCM encourages member states to enable migrant women to access financial literacy training and remittance transfer systems, and to manage financial assets, investments, and business as means to address gender inequalities and foster women’s active participation in the economy. It also provides for specific measures to counteract the barriers that women face to access social protection.

### ***Returns***

WIMN advocated against forced return and supported that voluntary return should be conducted on an individual basis. The GCM calls on states to ensure that all voluntary return takes place on the basis of the migrant’s free, prior, and informed consent, and commits member states to promote gender-responsive return and reintegration programmes. However, the GCM does not make a direct reference in the text to the principle of non-refoulement.<sup>12</sup> However, its meaning has been included indirectly, without calling it such.

The GCM fails to include the need for co-operation between local and national governments in countries of origin, transit, and destination, in the case of returns. There are transnational communities who live between two countries, where women play important roles – such as taking care of children and sick family members – that need to be included in public policy.

### ***Data collection***

The GCM includes a requirement to improve data collection and availability, disaggregated by sex, age, migration status, and other characteristics, through Objective 2.

### **Access to information**

The GCM refers to the need to establish information points along migration routes, providing gender-responsive support and information on human rights, international protection, and pathways for regular migration, and to provide newly arrived migrants with gender-responsive information and legal assistance on their rights.

### **Implementation, follow-up, and review**

The GCM provides for concerted efforts at global, regional, national, and local levels for effective implementation, taking into account national realities. It also provides for the implementation of the GCM in co-operation and partnership. It welcomes the establishment of a UN Network on Migration that will convene UN agencies with the IOM as Secretariat, and the new quadrennial International Migration Review Forum.

At the time of publication of this article, WIMN is advocating for a gender-responsive implementation, and follow-up and review of the GCM, with full and non-tokenistic participation of migrant women and migrant women's organisations in this process in an integrated and institutionalised way.

WIMN and the EWG are also advocating for a GCM gender task force, composed of representatives of governments, civil society, migrant women's organisations, national human rights institutions, UN agencies and relevant human rights treaty bodies, to ensure a coherent gender-responsive policy that collectively supports, monitors, and evaluates GCM implementation and outcomes.

WIMN believes that national action plans should emerge from a 'whole of society' approach and should also mainstream gender equality considerations. GCM implementation should be co-ordinated at all levels and should be gender-responsive in practice. There should also be consistent and coherent implementation of the two global compacts – the GCM and the Global Compact on Refugees – to ensure that no one falls through the gaps.

Finally, WIMN believes that the setting up of a UN Migration Network is an opportunity. WIMN is advocating for a UN Migration Network Gender Working Group to ensure that a gender lens is applied to all aspects of implementation, follow-up, and review. Additionally, gender expertise should be part of all other working groups, with at least one gender specialist in each group. Working groups should also include civil society representation, and there should be regular gender audits of all working groups.

### **Gaps in the GCM**

Despite the fact that gender has been mainstreamed in the GCM and is part of the guiding principles, there is no specific objective on gender, as is the case with the SDGs, and thus there are various gaps that need to be addressed. It is also problematic that SGVB is only mentioned tangentially in the document, as part of one of the objectives, but not addressed in a comprehensive manner, despite the alarming impact of SGVB on women in migration.

The GCM does not address the need for full access to sexual and reproductive health and rights for all migrant women. It is also silent about the special needs and rights of pregnant women and breastfeeding mothers. Neither does it mention or address the rights of LGBTQI migrants or non-discrimination on the grounds of sexual orientation.

The GCM also has a strong focus on promoting development from a market-oriented perspective, in terms of supply and demand. In this sense the gender-responsive perspective also risks becoming dependent on market needs, instrumentalising women migrant workers as merely economic resources for the development of countries of origin and destination without recognising their agency and full access to rights.

Finally, the GCM does not mention the UN Women Recommendations to address women's human rights in the GCM, despite the fact that some of the Recommendations' language was incorporated in the text.

### **Looking forward: how development organisations can promote change for women in migration under the new scenario of the GCM**

The GCM represents an opportunity to ensure that women in migration are at the centre of development policies and practices as agents of change and leaders in their own communities and beyond. Women and migrant organisations also need to be central to meaningful implementation efforts and to local initiatives, influencing regional and international dimensions. The GCM is rooted in the 2030 Agenda for Sustainable Development, which provides the foundation on which the implementation of the GCM will take place at local and national levels, and provides important entry points for ensuring gender-responsive implementation.

The GCM identifies sustainable development as one of its guiding principles, establishing that:

Migration contributes to positive development outcomes and to realizing the goals of the 2030 Agenda for Sustainable Development ... The Global Compact aims to leverage the potential of migration for the achievement of all Sustainable Development Goals, as well as the impact this achievement will have on migration in the future. (Global Compact for Migration 2018, 4)

In addition, Objective 2 of the GCM focuses on minimising the drivers and structural factors of migration, and commits to ensure timely and full implementation of the SDG agenda. It also commits to investing in programmes that accelerate the state's fulfilment of the SDGs, with the aim of eliminating adverse drivers that compel people to migrate, including through the promotion of gender equality and the empowerment of women and girls among others. The GCM also commits to investing in sustainable development at national and local levels, and strengthening co-operation between humanitarian and development actors.

Similarly, the 2030 Agenda for Sustainable Development includes specific targets related to migration and migrant women. Under Objective 10, 'Reduce inequality within and among countries', Target 10.7 aims to 'Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and

well-managed migration policies'. This target is directly related to the New York Declaration and the GCM.

However, it is critical that policies and programmes implemented on the ground are rights-based and gender-responsive in order to put people who are on the move, and particularly women and girls, at their centre, and ensuring that the human rights of migrants prevail over the management of borders, national security, and national sovereignty.

Another SDG that is key is Target 8.8, to 'Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment', under Objective 8 on 'Decent work and economic growth'. This target is critical in order to ensure that decent work and labour rights are promoted for all migrants, including irregular migrants and those migrants working in the informal sector. This is particularly important for women, who increasingly migrate for work – work that is often disproportionately precarious, exploitative, and low paid, and in informal and unregulated sectors. Development policies and programmes need to ensure that women migrant workers are not considered instrumental as a source of income to their countries of origin, or as 'money-making commodities', and look beyond this economic dimension, taking into consideration their social, political, and cultural agency and leadership. This requires a strong rights-based approach to development that enables women's human rights, women's role in decision-making – including political participation – women's bodily integrity, decent work, social protections, and sustainable environmental practices.

More importantly, development organisations should pursue these goals by promoting women and migrant women organisations as key agents of change. There is a need for the development sector to move from merely promoting women's roles, through the lens of economic growth and through remittances, into adopting a rights-based approach to advocacy and programme work that brings migrant women to the fore. In order to pursue this goal, the development sector should appropriately resource and support women's rights and feminist organisations working on these issues at local and national levels.

In addition, global policies such as the GCM and the SDGs need to be complemented by capacity-building efforts and resourcing of local and national actors, in order to echo the messages coming from national and local organisations representing women's rights and migrant rights and social justice activism.

### *Some concluding thoughts*

Women and migrant women organisations play a key role in promoting policies that are beneficial for women in migration and for other people on the move. An example is the key role that a feminist migrant women organisation (specifically, the Latin American Women's Rights Service (LAWRS) – a specialist black and ethnic minority women organisation (BME)) – played in achieving a key policy change in the UK.

LAWRS was instrumental to achieving a firewall in between police services and immigration control for victims of crime in the UK. This meant that police in the UK would no longer share the immigration status of victims of crime with the Home Office, as had been

done previously. LAWRS started a campaign called ‘Step Up Migrant Women’, which was joined by other organisations and social movements. The campaign’s success in achieving this policy victory was largely as a result of undocumented migrant women speaking up about the fact that violence against women is a crime and that safe reporting and access to justice are rights, regardless of the immigration status of the victim. The firewall is being implemented for all victims of crime.<sup>13</sup>

This was a key victory in a country of destination, despite its context of populism and nationalism, and it took place while the GCM was being developed and finalised. It is in this sense that the voice of women in migration should be at the centre of policy development and decision-making, Migrant women and feminist organisations should be properly funded and promoted because they have the evidence, potential, and leadership to achieve change.

Ultimately, the main challenge of the GCM is to ensure a gender-responsive implementation, and to follow up and review at national, regional, and global levels to ensure that women in migration are not left behind and that the GCM has a real impact on their lives. Gender-responsive commitments in the GCM must be translated into practice so that all women and girls in migration, including LGBTQI women and girls, can realise their rights. Gender should not be sidelined or left as mere words on a page.

## Notes

1. Even as WIMN focused on GCM preparatory consultations and negotiations, it also joined global feminist groups, such as MADRE, Just Associates (JASS), Center for Women’s Global Leadership, AWID, Urgent Action Fund, and Outright Action International at the UN CSW 2017, to protest against new US policies that denied visas to many civil society participants of the CSW, ‘No Borders on Gender Justice’. This coalition continued at the CSW in 2018, where feminist activists came together from around the world to address shrinking space for human rights defenders, including migrant women claiming rights. For more information, see [www.madre.org/press-publications/statement/no-borders-gender-justice-platform-principles](http://www.madre.org/press-publications/statement/no-borders-gender-justice-platform-principles); [www.commondreams.org/newswire/2017/03/13/rights-organizations-call-no-borders-gender-justice](http://www.commondreams.org/newswire/2017/03/13/rights-organizations-call-no-borders-gender-justice) (last checked 9 January 2019). At the UN CSW 2018, WIMN led a campaign with feminist activists to understand the critical nature of the GCM and to raise concerns for all if rights were to be set back.
2. The concept of circular migration promotes labour mobility through temporary work programmes without extending migrant’s options to remain long term in countries of destination, bring family members, or organise in trade unions. Much of the official debate around migration since 2006 has been about streamlining mechanisms for the circular ‘migration for development’ model as a form of regular pathways.
3. For more information, see <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0098&from=EN> (last checked 9 January 2019).
4. Other groups and organisations that worked together with WIMN to promote a gender perspective during the GCM process were Act Alliance, Action Committee, Asia Pacific Refugee Rights Network (APRRN), Bloque Latinoamericano, Global Coalition on Migration, IMUMI, Migrante, NGO Committee on Migration, Oxfam, and PIANGO, among others.
5. WIMN understands ‘women in migration’ to include all women and girls affected by migration, whether they migrate, remain home when family members migrate, must travel to seek



disappeared loved ones, or as deportees returning to countries of origin. WIMN understands women and girls to include LGBTQI women and girls.

6. See UN Women, 'Recommendations for Addressing Women's Human Rights in the Global Compact for Safe, Orderly and Regular Migration', November 2016, [www.unwomen.org/en/digital-library/publications/2017/3/addressing-womens-rights-in-global-compact-for-migration](http://www.unwomen.org/en/digital-library/publications/2017/3/addressing-womens-rights-in-global-compact-for-migration) (last checked 9 January 2019).
7. See Global Coalition on Migration at <http://gcmigration.org/> (last checked 9 January 2019).
8. The EWG is co-chaired by the CMW and CEDAW. It includes members of other treaty bodies such as CESCR and CERD, special procedure mandate holders (working group on the issue of discrimination against women in law and practice, Special Rapporteur on the Human Rights of Migrants), UN agencies (IOM, ILO, OHCHR, UNHCR, UNICEF), civil society (Women in Migration Network, NGO Committee on Migration), and key academics. UN Women functions as the EWG's Secretariat.
9. See the above-mentioned documents at [www.empowerwomen.org/en/who-we-are/initiatives/expert-working-group-migration](http://www.empowerwomen.org/en/who-we-are/initiatives/expert-working-group-migration) (last checked 9 January 2019).
10. See [http://womeninmigration.org/wp-content/uploads/2017/06/Berlin-2017\\_8-Smuggling.pdf](http://womeninmigration.org/wp-content/uploads/2017/06/Berlin-2017_8-Smuggling.pdf) (last checked 9 January 2019).
11. See mixed migration definition at UNHCR, [www.unhcr.org/mixed-migration.html](http://www.unhcr.org/mixed-migration.html) (last checked 9 January 2019).
12. This refers to the 'protection against return to a country where a person has reason to fear persecution'. For more information, see [www.unhcr.org/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html](http://www.unhcr.org/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html) (last checked 9 January 2019).
13. See LAWRS at [www.lawrs.org.uk](http://www.lawrs.org.uk) (last checked 9 January 2019).

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