



## Women\* Refugee Route

### Observations and questions with regard to the Second Revised Draft of the Global Compact on Migration

June 2018

#### 1. GENERAL

Although there is no separate objective on gender, we recognise the efforts to mainstream the gender perspective in the whole text. Focus on women leadership, agency sets the right tone for further debates and the review conferences. Nevertheless, as goes for the GCR, good terminology is a first step, but does not replace and thus does not guarantee the implementation of these aspirations, or that gender will be mainstreamed in all other parts of the Compact for that matter. That is why some more concrete textual comments and suggestions will follow below.

Some of the comments or suggestions were also put forward with regard to the Second Draft of the GCR. When looking through the lens of the migration procedure, migrant and refugee women are of course in different legal situations. Nevertheless, they often find themselves in very similar factual situations and face similar challenges which necessitate the same transformative approach to structures at local, national, regional and international level.

#### 1.1 FOCUS ON AGENCY, SELF-RELIANCE, EMPOWERMENT

In line with our observations for the GCR, we would like to emphasise again here that the focus on self-reliance, empowerment or resilience cannot be used as a substitute and does not exclude the importance of a support-based approach, as well as the need for legal migration pathways, in which gender is continuously and actively mainstreamed.

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\* With respect for the way in which people identify themselves.

## 1.2 NO MENTION OF SEXUAL AND REPRODUCTIVE HEALTH

Throughout the text, there is no explicit reference to access to sexual and reproductive health-care services for women, which is in line with paragraph 26 and Goal 3.7 of the 2030 Agenda on ensuring universal access to sexual and reproductive health-care services. Throughout the text there is only mention of (basic) health care. Therefore, we would like to stress that streamlining strong guarantees for the sexual and reproductive rights of women throughout the various objectives of the GCM is not only what is required under the 2030 Agenda, but is part and parcel of the human rights based approach the States aspire to take in the GCM.

## 2. SECTION-SPECIFIC

### 2.1 OBJECTIVE 1: COLLECT AND UTILIZE ACCURATE AND DISAGGREGATED DATA AS A BASIS FOR EVIDENCE-BASED POLICIES

It is important to be conscious of the difference in scope between ‘gender’ and ‘sex’ and the consequences of using them interchangeably. We would therefore suggest to disaggregate data by gender instead of solely by sex; this in order to transcend the binary perspective and to identify and monitor vulnerabilities, other than the ones linked to sex. Using the word gender instead of sex increases the inclusiveness, taking the focus away from looking only at women (in its stricter usage) and putting it instead on all genders. This way data would also approach inequality by including problems linked to all genders (including men\*).

### 2.2 OBJECTIVE 7: ADDRESS AND REDUCE VULNERABILITIES IN MIGRATION

#### 2.2.1 PARA 22, D)

In line with the observation made under 1.2, it is of utmost importance to define here what is envisaged with ‘assistance, medical, psychological and other counselling services’ by including a specific reference to sexual and reproductive health care, hygiene and sanitation.

### 2.3 OBJECTIVE 13: USE MIGRATION DETENTION ONLY AS A MEASURE OF LAST RESORT AND WORK TOWARDS ALTERNATIVES

In line with the observation made under 1.2, we consider it important to include specific guarantees with regard to sexual and reproductive health care for women in detention, as detention places individuals in a situation of vulnerability, and has a particularly gendered impact. Notably, it should be specified what is envisaged when talking about ‘basic health care’? Does it refer to (basic) sexual and reproductive health care for all genders (including contraception, sensitisation, access to abortion, etc.)?

In addition, this objective does not refer to hygiene or sanitation, elements which have often proven to be a challenge in the context of detention. Such reference should thus be included in the text, preferably with a specific reference to safe conditions for making use of these facilities (eg, safe showers), and ensure access by explicitly mentioning ‘menstrual products such as tampons, sanitary napkins, cups, etc.’.

### 2.4 OBJECTIVE 15: PROVIDE ACCESS TO BASIC SERVICES FOR MIGRANTS

#### 2.4.1 PARA 30, B) ON THE ENACTING OF LAWS AND MEASURES FOR PROHIBITING DISCRIMINATION

Again, with regard to the grounds for discrimination, the use of 'sex' instead of 'gender', may result in the exclusion of people who are not discriminated on the basis of their sex, but the way in which they identify themselves, in an objective as important as the provision of services.

In addition, we should be mindful not only of the discrimination that takes place in the delivery of services, but also the discrimination that some groups face when trying to access a service.

#### 2.4.2 PARA 30, D)

Drawing on our work in the field, WRR continues to emphasise the importance of access to information in the migration process and accessing services in particular. We therefore very much welcome the separate Objective 3: Provide adequate and timely information at all stages of migration. In relation to this, we value the power of repeatedly training refugees and migrants, as well as service providers working with them, such as health care providers, on how to mainstream gender in their work. We would like to see this more reflected in Objectives 3 and 15 by way of specific references to these trainings.

### 2.5 OBJECTIVE 16: EMPOWER MIGRANTS AND SOCIETIES TO REALIZE FULL INCLUSION AND SOCIAL COHESION

#### 2.5.1 PARA 31, E)

Keeping in mind the difference in scope between 'sex' and 'gender' as referred to above, we welcome the specific reference to 'eliminating gender-based discriminatory restrictions on formal employment' for migrant women.

### 2.6 OBJECTIVE 17: ELIMINATE ALL FORMS OF DISCRIMINATION AND PROMOTE EVIDENCE-BASED PUBLIC DISCOURSE TO SHAPE PERCEPTIONS OF MIGRATION

#### 2.6.1 PARA 32

Again, being mindful of the exclusion of certain groups when using 'sex' and 'gender' interchangeably, we welcome the important addition of 'gender' as a ground to the objective on eliminating discrimination and violence, xenophobia and intolerance towards migrants.

### 2.7 OBJECTIVE 18: INVEST IN SKILLS DEVELOPMENT AND FACILITATE MUTUAL RECOGNITION OF SKILLS, QUALIFICATIONS AND COMPETENCES

We emphasise the importance of a strong and detailed Objective 18 as the recognition of skills, qualifications and competences is key in the empowerment of migrant women and their communities in a new environment. In addition, the emphasis on all skills levels is of utmost importance, as a focus on higher skilled migration or a strict reading of skilled migration is very much gendered. In the same way, labour market conditions, as well as exploitation, are gendered and ethnicised.

### 2.8 OBJECTIVE 20: PROMOTE FASTER, SAFER AND CHEAPER TRANSFER OF REMITTANCES AND FOSTER FINANCIAL INCLUSION OF MIGRANTS

We welcome the efforts made to address the gendered realities of financial inclusion of migrants, such as the savings gender gap by explicitly referring to enabling women to open a bank account, as well as ‘female-headed households’. As mentioned above, next to spelling out gender-responsiveness as a guiding principle, it deserves preference to explicitly mention the issues to tackled and actions to take as part of this approach in each objective.

## 2.9 IMPLEMENTATION + FOLLOW-UP AND REVIEW

A good tool for guaranteeing a gender mainstreamed implementation would be to install a gender committee, which should act as an advisory mechanism for the implementation process and a control mechanism for the follow-up and review processes by way of a reporting structure. At least half of the committee should be made up of refugee women. Putting in place a body that acts both during implementation and follow-up/review provides a valuable way to monitor mainstream gender in law and policy following the compact. This ensures that positive action is implemented and flaws can be effectively and efficiently corrected. At the same time it provides a platform for the inclusion of refugee women in the process.

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