# Gender, SOGIESC & Migration in the Global Compact for Migration and the 2030 Agenda:

Frameworks Matrix



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#### **Foreword**

Regional Director
Regional Office for South-Eastern Europe, Eastern Europe, and Central Asia
International Organization for Migration
Vienna, Austria



Renate Held

IOM Regional Director

At IOM, we value and actively promote diversity. We know it is one of the strengths that enables us to better rise up to the complex challenges of migration. As an organisation we have implemented a number of measures to increase gender equality and the empowerment of women, yet there is no room for complacency.

IOM recognises that our objective of safe, orderly, and regular migration can only be met if gender equality is lived and applied across all our work.

Gender is central to the causes and consequences of migration. A person's sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) shape every stage of the migration experience, from the reasons that lead to them taking the decision to migrate, to the particular risks and vulnerabilities which can be shaped by a person's gender. Lack of access to livelihood opportunities can disproportionately impact persons with diverse SOGIESC and create an impetus for migration as well as contribute to poor socio-economic outcomes at destination countries. Gender equality and the empowerment of women must be a critical topic in our dealings with governments and partners.

IOM and the United Nations as a whole need to do more for gender equality. Translating policy into practice requires a leadership shift, strong commitment, and continuous investments going forward. IOM, together with our UN partners and stakeholders at large, are devoted to achieving equality through our policies, programmes, and initiatives. Moreover, as the entire United Nations system strengthen their reporting focus on gender equality, in a similar vein, IOM's policies and endeavours also promote results reporting in relation to gender equality. Since 2012, IOM has committed to implementing the UN System-Wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP), an accountability framework that applied to the entire UN system.

As we strive to ensure the specific needs and concerns of different gender groups and of different ages, are duly considered, I am pleased to launch the Gender, SOGIESC & Migration in the Global Compact for Migration and the 2030 Agenda: Frameworks Matrix designed to support gender mainstreaming across our projects and programmes.

The publication illustrates how including gender considerations contributes to achieving the goals, objectives, and commitments of the Agenda 2030's Sustainable Development Goals; those of the Global Compact for Safe Orderly and Regular Migration; as well as those of other international frameworks.

I hope this Frameworks Matrix becomes a key reference point for you and that it helps you to navigate the important interlinkages between gender and migration in your work.

#### **Remarks from RO Vienna**

Senior Regional Liaison and Policy Officer, and Regional Gender Focal Point Regional Office for South-Eastern Europe, Eastern Europe, and Central Asia International Organization for Migration Vienna, Austria



Amr Taha Senior Regional Liaison and Policy Officer Regional Gender Focal Point

Gender Equality means equal rights, responsibilities, and opportunities of all individuals, not depending on one's sex assigned at birth, physical sex characteristics, gender assigned by society, gender identity or gender expression. Gender equality also implies that the interests, needs and priorities of all individuals should be taken into consideration (see IOM SOGIESC Full Glossary of Terms).

Despite the political discourse and narratives, it is indisputable that migration will not only continue to shape economies and societies in the years ahead, but it will define them in many more ways. The United Nations calculates that between 2000 and 2020 the total number of international migrants has grown by 49 per cent, reaching 3.4 per cent of the world's population, surpassing the global population growth rate of 23 per cent. It is thus increasingly important that all migrants, regardless of gender are afforded the opportunity to be equal participants in their home, their community, and the society at large.

Since joining the United Nations, IOM - as the designated Coordinator and Secretariat of the Global Compact for Migration, and a member of the UN Sustainable Development Group - is able to demonstrate its obligation and responsibility in achieving gender equality particularly, but not only, through a migration lens. It is our sincerest hope that this document helps you better articulate the interlinkages between the various frameworks to achieve just that.

#### Introduction

The 2030 Agenda for Sustainable Development recognizes that migration is a powerful driver of sustainable development, for migrants and their communities. It brings significant benefits in the form of skills, strengthening the labour force, investment and cultural diversity, and contributes to improving the lives of communities in their countries of origin through the transfer of skills and financial resources. Migration is specifically referenced in in Sustainable Development Goal (SDG) Target 10.7 under the goal to reduce inequalities and to "facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies". Nevertheless, migration is a cross-cutting issue relevant to all of the SDGs. Further, the SDG's motto to "leave no one behind" is a clear call for sustainable development to be inclusive, including for migrants.

Both the GCM and the 2030 Agenda recognize that equal rights, responsibilities and opportunities of all individuals regardless of gender are critical to ensure safe, regular and orderly migration, and indispensable for sustainable development. It is crucial to understand how gender interacts with migration and to respond accordingly. Gender influences reasons for migrating, who migrates and to where, how people migrate and the networks they use, opportunities and resources available at destinations, and relations with the country of origin. Risks, vulnerabilities and needs are also shaped in large part by one's gender, and often vary drastically for different groups. The roles, expectations, relationships and power dynamics associated with being a man, woman, boy or girl, and whether one identifies as lesbian, gay, bisexual, transgender and/or intersex (LGBTI), significantly affect all aspects of the migration process, and can also be affected in new ways by migration.



# SDG Goal 5: Achieve gender equality and empower all women and girls

Empowering women and promoting gender equality is crucial to accelerating sustainable development. Ending all forms of discrimination against women and girls is not only a basic human right, but it also has a multiplier effect across all other development areas. There are still gross inequalities in access to paid employment in some regions, and significant gaps between men and women in the labour market. Sexual violence and exploitation, the unequal division of unpaid care and domestic work, and discrimination in public decision making, all remain huge barriers. Gender equality is one of 17 Global Goals that make up the 2030 Agenda for Sustainable Development. An integrated approach is crucial for progress across the multiple goals.

UN Sustainable Development Goals (2015, Goal 5)



#### GENDER-RESPONSIVE

# GCM Cross-cutting and interdependent guiding principle: gender-responsive

The Global Compact ensures that the human rights of women, men, girls and boys are respected at all stages of migration, that their specific needs are properly understood and addressed and that they are empowered as agents of change. It mainstreams a gender perspective and promotes gender equality and the empowerment of all women and girls, recognizing their independence, agency and leadership in order to move away from addressing migrant women primarily through a lens of victimhood".

Global Compact on Migration (2018, para. 15 - g)

## Purpose of this document

This Framework Matrix has been produced by the IOM Regional Office for South-Eastern Europe, Eastern Europe and Central Asia (SEEECA) Policy and Liaison Team to illustrate the important linkages between gender sensitive approaches when implementing the Global Compact for Migration (GCM) and the Sustainable Development Goals (SDGs).

In highlighting the interlinkages, this guide aims to support policy makers and project managers to highlight the impact of their projects during policy or project inception, monitoring, evaluation, reporting accountability and learning. Additionally, through clearly delineating the importance of migration to leverage sustainable development and gender issues, this guide is designed to support coherent planning and integration of migration in states' Common Country Analyses and UN Sustainable Development Cooperation Frameworks. It will also be of assistance when advising governments to ensure migration policy and programming takes a gendered approach. It is also of interest to those working specifically on gender topics that wish to incorporate migration into their work. At a strategic level, this guide can be used as a reference tool when supporting governments and stakeholders ensure that gender is considered in reporting activities, for example when preparing voluntary submissions on the GCM and high-level political forums of the SDGs.

It is designed to support people working in migration programming and policy to ensure that gender mainstreaming, gender equality and gender sensitivity is integrated in the implementation of the GCM and SDGs, in planning, programming and policymaking.

The Framework Matrix is laid out according to the 23 GCM Objectives; followed by the SDGs which are relevant to migration as a cross-cutting theme; followed by the relevant international instruments which pertain to gender. This includes general guidance on best practices, international instruments, legislation, tools, policies and approaches which have been developed to ensure gender equality and gender mainstream is considered. The language used to describe sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) varies greatly across the world and is dependent on such factors as location, language, age, gender and cultural references. However, there are some terms commonly used within the international context. We recognize that many of these terms are of Western origin, and that, in particular, the terms lesbian, gay, bisexual, transgender and queer represent concepts of personal identity that are not universal. Many people use other terms, or no terms, and it is critical to respect the autonomy of individuals in defining their own identities. (IOM SOGIESC Full Glossary of Terms, 2020)

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The findings, interpretations and conclusions expressed herein do not necessarily reflect the views of IOM or its Member States. The designations employed and the presentation of material throughout the w ork do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries, or legal status.

#### Framework Matrix

#### Gender, SOGIESC & Migration in the Global Compact for Migration and the 2030 Agenda:









#### **GCM OBJECTIVE**

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS







#### DATA Objective 1:

Collect and utilize accurate and disaggregated data as a basis for evidencebased policies

**10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's IOM's Migration **Governance Indicators** (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly, regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

#### **General best practices**

- Ensuring all data on beneficiaries, with due safeguards for individual privacy rights and data protection, is disaggregated by sex, gender, age and disability, wherever possible, and analysed and reported on accordingly. Disaggregated data enables the analysis of how various factors might influence the experiences of different migrants, including migrants of different sexes, genders, ages and abilities. According to the IOM GMDAC report, "Leave No Migrant Behind: The 2030 Agenda and Data <u>Disaggregation</u>" "data is sex-disaggregated when it includes differentiation of information by sex categories, including the classification of a person as having female, male and/or intersex sex characteristics based on a range of bodily characteristics usually assigned at birth. Gender-disaggregated data, on the other hand, refers to information on the socially constructed or defined categories of gender... To gather data that is genderdisaggregated required respondents to self-identify by gender..."
- Acknowledging that sex- and genderdisaggregated data allows for the identification and analysis of specific vulnerabilities and capacities of individuals, revealing gaps and inequalities, and can provide a better comparative picture of the obstacles faced by individuals to promote evidencebased policies and facilitate allocation of resources. It is relevant to understand how migrants are exposed to forms of gender-based violence or vulnerabilities during different migration processes. It is equally important that data collection methodology is in line with international data protection standards to ensure privacy and safety of individuals.

#### SDG GOALS

17 PARTNERSHIPS FOR THE GOALS



**17.18:** By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.

#### **MIGRATION RELEVANCE**

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.

#### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

 Considering the experiences of all migrants, including those with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), who may also be exposed to forms of gender-based violence or vulnerabilities during different migration processes.

#### References

• Beijing Declaration and Platform for Action

Strategic objective H.3.: Generate and disseminate gender-disaggregated data that would inform policy planning and evaluation.

 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1997

The Committee on the Elimination of All Forms of Discrimination against Women has made explicit calls for improving the production and use of gender statistics through its general recommendations

General recommendation No. 9 on Statistical data concerning the situation of women, adopted by the Committee on the Elimination of Discrimination against Women, 1989 (A/44/38)

The Committee has made explicit calls for improving the production and use of gender statistics through all its general recommendations.

<u>Committee, General recommendation No.</u> <u>26 on women migrant workers</u>

Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination in economic, social and cultural rights, art. 2, para. 2, ICESCR) (E/C.12/GC/20)

#### **Policies and approaches**

Leave No Migrant Behind: The 2030
 Agenda and Data Disaggregation

This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			UN System-Wide Policy on Gender     Equality and the Empowerment of Women
			To accelerate the implementation of the ECOSOC Agreed Conclusions 1997/2 on "Mainstreaming a gender perspective into all policies and programmes in the UN System", CEB policy commits UN entities to establish oversight through monitoring, evaluation and reporting by utilizing, inter alia, peer reviews, gender audits as well as collecting sex-disaggregated data. Gender Equality and the Empowerment of Women are integrated in the evaluation scope of analysis and evaluation criteria and questions are designed in a way that ensures related data will be collected.
			UNCT SWAP Scorecard  The UNCT-SWAP Scorecard is a standardized assessment of UN country-level gender mainstreaming practices and performance that is aimed at ensuring accountability of senior managers and improving UNCT performance.
			IASC Policy on Gender Equality and Empowerment of Women and Girls
			The purpose of this Policy is to guide the Inter-Agency Standing Committee (IASC) to make gender equality and the empowerment of women and girls a core principle of its humanitarian action. The Policy harnesses progressive thinking on humanitarian preparedness and response, peace building, and development, to be transformative, inclusive and uncompromising towards achieving the goals of gender equality and the empowerment of women and girls in humanitarian action.
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			The World Humanitarian Summit (Istanbul, May 2016) was a pivotal moment for the global community. It generated momentum and political determination to move forward on the Agenda for Humanity and its five core responsibilities, and kick-started concrete changes in the way we address humanitarian need, risk and vulnerability.
			Office of the United Nations High     Commissioner for Human Rights, Living

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Free and Equal, 2016 (HR/PUB/16/3)  "Data should be disaggregated based on sex and gender (),"
			<ul> <li>Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (A/72/172)</li> </ul>
			"The Sustainable Development Goals offer an opportunity to tackle violence and discrimination, also in regard to sexual orientation and gender identity, and that opportunity should be maximized to ensure that no one is left behind without exception or distinction. They are also an avenue for Governments and other actors to generate data and information in a disaggregated manner so as to facilitate future planning and allocation of resources;"
			<ul> <li>Commonwealth Secretariat,</li> <li>Commonwealth Plan of Action on Gender</li> <li>Equality 2005 – 2015 Year of publication:</li> <li>2005</li> </ul>
			The Plan of Action encourages governments to "() improve the collection, analysis and dissemination of sex-disaggregated data for policy, planning and implementation processes2 (para. 4-12).

#### MIGRATION RELEVANCE

#### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



2 MINIMIZE DRIVERS

## 5 GENDER EQUALITY

**SDG GOALS** 

# **P**

#### **Objective 2:**

Minimize the adverse drivers and structural factors that compel people to leave their country of origin

## All SDGs are relevant to Objective 2

- 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- **5.A:** Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services. inheritance and natural resources, in accordance with national laws

• Ensuring equality of access to economic resources, ownership and control over land and other forms of property, financial services, inheritance policies and natural resources for all migrants, regardless of their sexual orientation, gender identity, gender expression or sex characteristics.

#### **General best practices**

- Addressing gender-based discrimination and violence, or conflict-related sexual violence, which can force people to migrate because of their sexual orientation, gender identity, gender expression or sex characteristics.
- Addressing gender inequalities in economic resources, ownership and control over land and other forms of property, financial services, inheritance policies and natural and other resources insofar as they can be potential drivers of migration.
- Providing access to information in countries or communities of origin for people of different sexes, genders, ages and abilities before they migrate for work. This will not only shape their decision to migrate and future migration experience, it will also foster stronger links with the community.
- Acknowledging discrimination can appear
   at the very start of the migration process.
   Prejudice against women, men with
   diverse SOGIESC and people with diverse
   genders, can in particular act as a strong
   push factor. On arrival in the country of
   destination, discrimination continue to
   be part of the lives of many migrants who
   are women, men with diverse SOGIESC
   and people with diverse genders as they
   experience a dual vulnerability: gender
   status and their status as foreigners.
   Often, these two main causes of
   vulnerability intersect with additional risk
   factors.
- Acknowledging climate change impacts, environmental change and natural disasters affect women, men, and people with diverse genders in different ways. Vulnerability to climate and environmental stressors is also shaped by gender roles and responsibilities. These differentiated impacts are clear both in cases of migration linked to slow-onset events and forced migration occurring in the context of sudden-onset events. Among others, they range from differentiated protection issues, access to services, health impacts, the weight of existing gender cultural norms that can expose women, men with different

#### SDG GOALS

#### **MIGRATION RELEVANCE**

#### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

10 REDUCED INEQUALITIES



10.1: By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average

- Achieving and sustaining income growth for the bottom 40 per cent of the population in order to address poverty as a potential driver of migration.
- Integrating the rights and needs of all migrant populations in local and national poverty reduction policies and programming addressing the bottom 40 per cent of the population, including groups such as asylum seekers, refugees and IDPs.
- Recognizing and promoting linkages between migration, development and poverty reduction, for example through addressing relationship between migration and different sectors such as health and education.
- Integrating migrants and their needs in urban planning.
- Integrating migrants' safety and protection in urban disaster risk reduction and management.
   Addressing displacement by natural disasters, climate change and other environmental factors in urban planning.

source specification in order dress powerty as SOGIESC and people with diverse genders to additional risks, access to land tenure and labour protection.

References

- GCM Objective 2, Action Point:
  - (b) Invest in programmes that accelerate States' fulfilment of the Sustainable Development Goals with the aim of eliminating the adverse drivers and structural factors that compel people to leave their country of origin, including through poverty eradication, food security, health and sanitation, education, inclusive economic growth, infrastructure, urban and rural development, employment creation, decent work, gender equality and empowerment of women and girls, resilience and disaster risk reduction, climate change mitigation and adaptation, addressing the socioeconomic effects of all forms of violence, non-discrimination, rule of law and good governance, access to justice and protection of human rights, as well as creating and maintaining peaceful and inclusive societies with effective, accountable and transparent institutions

#### • <u>Universal Declaration of Human Rights</u>

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

• Beijing Declaration and The Platform for Action

Paragraph number 15: Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;

SUSTAINABLE CITIES AND COMMUNITIES



11.B: By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	implement, in line with the Sendai Framework for Disaster Risk Reduction 2015- 2030, holistic disaster risk management at all levels		<ul> <li>Paragraph number 26: Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;</li> <li>Paragraph number 35: Ensure women's equal access to economic resources, including land, credit, science and</li> </ul>
			technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources, inter alia, by means of international cooperation;  • CEDAW (applicable as a whole)
			Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and ()
			<ul> <li>International Covenant on Civil and Political Rights (ICCPR)</li> </ul>
			The Human Rights Committee has stated that the principles of the ICCPR apply equally to all without discrimination to LGBTI populations, holding that the reference to 'sex' in Article 26 incorporates sexual orientation.
			Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status
			International Covenant on Economic, Social and Cultural Rights (ICESCR)

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Policies and approaches
			<ul> <li>Leave No Migrant Behind: The 2030         Agenda and Data Disaggregation     </li> </ul>
			This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.
			UN System-Wide Policy on Gender     Equality and the Empowerment of Women
			To accelerate the implementation of the ECOSOC Agreed Conclusions 1997/2 on "Mainstreaming a gender perspective into all policies and programmes in the UN System", CEB policy commits UN entities to establish oversight through monitoring, evaluation and reporting by utilizing, inter alia, peer reviews, gender audits as well as collecting sex-disaggregated data. Gender Equality and the Empowerment of Women are integrated in the evaluation scope of analysis and evaluation criteria and questions are designed in a way that ensures related data will be collected.
			UNCT SWAP Scorecard
			The UNCT-SWAP Scorecard is a standardized assessment of UN country-level gender mainstreaming practices and performance that is aimed at ensuring accountability of senior managers and improving UNCT performance.
			<ul> <li>IASC Policy on Gender Equality and Empowerment of Women and Girls</li> </ul>
			The purpose of this Policy is to guide the Inter-Agency Standing Committee (IASC) to make gender equality and the empowerment of women and girls a core principle of its humanitarian action. The Policy harnesses progressive thinking on humanitarian preparedness and response, peace building, and development, to be transformative, inclusive and uncompromising towards achieving the goals of gender equality and the empowerment of women and girls in humanitarian action.
			Gender markers, including IOM Gender     Marker

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Agenda for Humanity
			The World Humanitarian Summit (Istanbul, May 2016) was a pivotal moment for the global community. It generated momentum and political determination to move forward on the Agenda for Humanity and its five core responsibilities, and kick-started concrete changes in the way we address humanitarian need, risk and vulnerability.
			• The Secretary General's Bulletin on Sexual Exploitation and Abuse
			IASC Policy on Gender Equality and Empowerment of Women and Girls
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion
			<ul> <li>Independent Expert on sexual orientation and gender identity</li> </ul>

#### SDG GOALS

#### MIGRATION RELEVANCE

#### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

**General best practices** 



INFORMATION

**Objective 3:** 



**10.7:** Facilitate

migration

policies

orderly, safe, Provide regular and adequate responsible and timely migration and information mobility of at all stages of people, including migration through the implementation of planned and well-managed

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See <u>IOM's</u> <u>Migration Governance</u> <u>Indicators (MGI)</u> for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly, regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future.
   For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

17 PARTNERSHIPS FOR THE GOALS



17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training

- Ensuring that information is readily available to all migrants of different sexes, genders, ages and abilities, using different media. For example, information on the
- media. For example, information on the standard terms of employment can help migrants to defend their rights in the workplace.

   Ensuring that communication material is also accessible for children, persons
- Ensuring that communication material is also accessible for children, persons with disabilities or those who have difficulties reading, for example, by using child-friendly language, plain language and/or adding braille. Actions to prevent trafficking include the dissemination of information on the modes used by traffickers to attract and entrap individuals, the dangers involved and the legal channels open for migration, as well as the provision of better employment opportunities in the country of origin.
- Improving access to meaningful and gender-sensitive migration information and education.
- Facilitating information on legal channels of migration, for all migrants regardless of their sex or gender.
- Fostering sustainable alternatives to migration in countries of origin.

#### References

• <u>Universal Declaration of Human Rights</u>

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

CEDAW

Article 13: 1. Migrant workers and members of their families shall have the right to hold opinions without interference.

 Migrant workers and members of their families shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice.

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts	researchers, statisticians and research institutions to research and monitor migration topics.  • Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.	<ul> <li>3. The exercise of the right provided for in paragraph 2 of the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: <ul> <li>(a) For respect of the rights or reputation of others;</li> <li>(b) For the protection of the national security of the States concerned or of public order (ordre public) or of public health or morals;</li> <li>(c) For the purpose of preventing any propaganda for war;</li> <li>(d) For the purpose of preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.</li> <li>Article 33: 1. Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning:</li> <li>(a) Their rights arising out of the present Convention;</li> <li>(b) The conditions of their admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State. 2. States Parties shall take all measures they deem appropriate to disseminate the said information or to ensure that it is provided by employers, trade unions or other appropriate bodies or institutions. As appropriate, they shall co-operate with other States concerned.</li> <li>3. Such adequate information shall be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand.</li> <li>Article 10: States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women ()</li> <li>Committee, General recommendation No. 26 on women migrant workers.</li> </ul> &lt;</li></ul>

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Paragraph number 24. b) (i) Deliver or facilitate free or affordable gender- and rights-based pre-departure information and training programmes that raise prospective women migrant workers' awareness of potential exploitation, ()
			Vienna Declaration and Programme of Action
			Paragraph number 33: () education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels.
			Beijing Declaration and Platform for Action
			Paragraph number 225: Many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socioeconomic class or because they are indigenous people, migrants, including women migrant workers, displaced women or refugees. They may also be disadvantaged and marginalized by a general lack of knowledge and recognition of their human rights as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights.
			Strategic Objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.
			Policies and approaches
			Leave No Migrant Behind: The 2030     Agenda and Data Disaggregation  This guide helps practitioners     disaggregate data related to the     Sustainable Development Goals (SDGs)     by migratory status, to address the     needs of migrants and highlight their

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Independent Expert or and gender identity	n sexual orientation

#### **MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



IDENTITY AND DOCUMENTATION

#### **Objective 4:**

Ensure that all migrants have proof of legal identity and adequate documentation



**SDG GOALS** 

REDUCED

orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See **IOM's** Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

PEACE, JUSTICE **AND STRONG** INSTITUTIONS

**16.9:** By 2030, provide legal identity for all, including birth registration

 Ensuring all migrant groups, particularly migrant children, are provided with the legal identity they are entitled to, helping eradicate statelessness and also facilitating access to health care, social protection, education and citizenship or permanent residence applications.

#### **General best practices**

- Ensuring gender-equal nationality rights by eliminating discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics in terms of persons' ability to acquire, change, and retain their nationality and to confer nationality on non-national spouses. Gender discrimination in nationality and identity laws may make migrants even more vulnerable and for example complicate the ability to leave or enter a state's territory, to gain recognition of a family unit, access work and work visas, obtain documentation that is in alignment with one's gender identity or expression, etc.
- Acknowledging that undocumented migrant workers, often employed in domestic work or in informal economy, are particularly vulnerable to exploitation and abuse because of their irregular immigration status, which exacerbates their exclusion and the risk of exploitation.

#### References

• <u>Universal Declaration of Human Rights</u>

Article 15.1: Everyone has the right to a nationality.

• CEDAW

Article 9: States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure, in particular, that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless, or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

#### Committee, General Recommendation No 26 on Women Migrant Workers

Paragraph number 24. (e) Travel documents: States Parties should ensure that women have equal and independent access to travel documents (article 2 (d)); (f) Legal and administrative assistance: States parties should ensure

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

#### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS



**17.18:** By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysis and reporting at all levels of government as well as with other actors. for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.

the availability of legal assistance in connection with migration for work. For example, legal reviews should be available to ensure that work contracts are valid and protect women's rights on a basis of equality with men (articles 3 and 11);

Paragraph number 26 (d) Legal protection for the freedom of movement: States parties should ensure that employers and recruiters do not confiscate or destroy travel or identity documents belonging to women migrants. (...)

#### • Convention on the Rights of the Child

Article 7: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8: States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 29: Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

#### **Policies and approaches**

#### • GCM Objective 4, Action Point

(d) Facilitate access to personal documentation, such as passports and visas, and ensure that relevant regulations and criteria to obtain such documentation are non-discriminatory, by undertaking a gender-responsive and age-sensitive review in order to prevent increased risk of vulnerabilities throughout the migration cycle.

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			(e) Strengthen measures to reduce statelessness, including by registering migrants' births, ensuring that women and men can equally confer their nationality to their children, and providing nationality to children born in another State's territory, especially in situations where a child would otherwise be stateless, fully respecting the human right to a nationality and in accordance with national legislation
			<ul> <li>IASC Policy on Gender Equality and Empowerment of Women and Girls</li> </ul>
			<ul> <li>Gender markers, including IOM Gender Marker</li> </ul>
			Agenda for Humanity  AUNITE LORING TO Supply the Control of t
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			<ul> <li>Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion</li> </ul>
			• Independent Expert on sexual orientation and gender identity

#### SDG GOALS N

#### MIGRATION RELEVANCE

#### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



3 GOOD HEALTH AND WELL-BEING



5 REGULAR PATHWAYS

#### **Objective 5:**

Enhance availability and flexibility of pathways for regular migration 3.C: Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States

- Increasing financing to support migrant health needs and migrant health insurance coverage.
- Strengthening adherence and recognition of the WHO 'Code of Global Practice' in the context of the migration of health-care workers.
- Promote programmes supporting the transfer of medical professional skills from diaspora to medical staff in communities and countries of origin.

10 REDUCED INEQUALITIES



10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See <u>IOM's</u> <u>Migration Governance</u> <u>Indicators (MGI)</u> for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

#### **General best practices**

- Acknowledging migrants with diverse SOGIESC are at particular risk of discrimination in healthcare settings. In general, the unique healthcare concerns of people with diverse SOGIESC are often overlooked due to a lack of awareness of bias on the part of healthcare providers, and people with diverse genders may in particular have difficulty accessing appropriate care and life-saving treatments such as hormone therapy."
- Acknowledging migrants with diverse genders may have more difficulty accessing dignified, formal employment and may be more likely to engage in informal labour markets, exposing them to a wide variety of risks.
- Acknowledging the growing participation of women in migration. Women now move around more independently and no longer in relation to their family position or under a man's authority (roughly 48% of all migrants are women). Note that no data is available at this time on the migration of people with diverse genders, nor people of any gender who have diverse sexual orientation, gender expression or sex characteristics.
- Ensuring all migrants, regardless of their sexual orientation, gender identity, gender expression or sex characteristics, have equal access to information, services and resources. In particular, migrant women and migrants with diverse genders, have less access to information, less education, and fewer options for regular migration, which put them at greater risk of exploitation and abuse, including trafficking, sex work, violence, exploitation and abuse.

#### **References**

• <u>Universal Declaration of Human Rights</u>

Article 16.3: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 23: Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

#### SDG GOALS MIGRATION RELEVANCE

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

B DECENT WORK AND ECONOMIC GROWTH



8.8: 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

 Protecting labour rights for migrant workers, who are often at greater risk of exploitation, violence and/or abuse than other groups, especially women migrant workers in domestic employment, men migrants workers with diverse SOGIESC and migrant workers with diverse genders. This includes improving working conditions, promoting fair recruitment practices, addressing health needs, including ensuring access to equitable health services, and more.

17 PARTNERSHIPS FOR THE GOALS



17.18: By 2020, enhance capacitybuilding support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysis and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migrationrelated variables such as migratory status.

CEDAW

Article 11.1: States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights (...)

Article 14.2: States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency

Article 16.1: States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations (...)

## Committee, General Recommendation No 26 on Women Migrant Workers

This general recommendation aims to contribute to the fulfilment of the obligations of States parties to respect, protect and fulfil the human rights of women migrant workers.

## International Covenant on Civil and Political Rights (ICCPR)

Article 23: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. The right of men and women of marriageable age to marry and to found a family shall be recognized.

 International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 6(1): The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

 International Convention on the Protection of the Rights of All Migrant

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Workers and Members of Their Families
			Article 14: No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks.
			Article 44: 1. States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers.
			2. States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.
			3. States of employment, on humanitarian grounds, shall favourably consider granting equal treatment, as set forth in paragraph 2 of the present article, to other family members of migrant workers.
			Article 52(1): Migrant workers in the State of employment shall have the right freely to choose their remunerated activity, subject to the following restrictions or conditions 2. For any migrant worker a State of employment may: (a) Restrict access to limited categories of employment, functions, services or activities where this is necessary in the interests of this State and provided for by national legislation; (b) Restrict free choice of remunerated activity in accordance with its legislation concerning recognition of occupational qualifications acquired outside its territory. However, States Parties concerned shall endeavour to provide for recognition of such qualifications. 3. For migrant workers whose permission to work is limited in time, a State of employment may also: (a) Make the right freely to choose their

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			remunerated activities subject to the condition that the migrant worker has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed two years; (b) Limit access by a migrant worker to remunerated activities in pursuance of a policy of granting priority to its nationals or to persons who are assimilated to them for these purposes by virtue of legislation or bilateral or multilateral agreements. Any such limitation shall cease to apply to a migrant worker who has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed five years. 4. States of employment shall prescribe the conditions under which a migrant worker who has been admitted to take up employment may be authorized to engage in work on his or her own account. Account shall be taken of the period during which the worker has already been lawfully in the State of employment
			<ul> <li>Policies and approaches</li> <li>Leave No Migrant Behind: The 2030         Agenda and Data Disaggregation         This guide helps practitioners         disaggregate data related to the         Sustainable Development Goals (SDGs) by         migratory status, to address the needs of         migrants and highlight their contributions         to sustainable development</li> <li>GCM Objective 5, Action Point</li> <li>We commit to adapt options and         pathways for regular migration in a         manner that facilitates         labour mobility and decent work         reflecting demographic and labour         market realities, optimizes         education opportunities, upholds the         right to family life, and responds to the         needs of migrants         in a situation of vulnerability, with a view         to expanding and diversifying availability         of pathways for safe, orderly and regular         migration.         (d) develop flexible, rights-based and</li> </ul>

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			gender-responsive labour mobility schemes for migrants, in accordance with local and national labour market needs and skills supply at all skills levels, including temporary, seasonal, circular, and fast-track programmes in areas of labour shortages, by providing flexible, convertible and non-discriminatory visa and permit options, such as for permanent and temporary work, multiple-entry study, business, visit, investment and entrepreneurship.  (i) Facilitate access to procedures for family reunification for migrants at all skills levels through appropriate measures that promote the realization of the right to family life and the best interests of the child, including by reviewing and revising applicable requirements, such as on income, language proficiency, length of stay, work authorization, and access to social security and services  (And objective and Action points 12 (d) and 13 h) on family unity (re children).  • IOM's institutional SOGIESC training package: SOGIESC in the Context of Forced Displacement and Migration, 2021  • IASC Policy on Gender Equality and Empowerment of Women and Girls  • Gender markers, including IOM Gender Marker  • Agenda for Humanity  • UNFE LGBTI Equality: Frequently asked Questions  • OHCHR Born Free and Equal  • Human rights council reports (thematic)  Discrimination and violence against individuals based on their sexual orientation and gender identity  Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity  • Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion  • Independent Expert on sexual orientation and gender identity

#### MIGRATION RELEVANCE

### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

## (S) n

#### 5 GENDER EQUALITY

**5.2:** Eliminate all

forms of violence

women and girls

in the public and

private spheres,

trafficking and

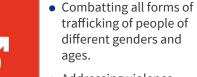
other types of

against all

including

sexual and

**SDG GOALS** 



#### **General best practices**

6 RECRUITMENT AND DECENT WORK

- Addressing violence
   against and exploitation
   of people of different
   genders and ages
   during all stages of
   the migration cycle.
   This includes physical,
   sexual or psychological
   violence they may be
   subject to during transit
   (for example travelling or
   in refugee camps) or at
   destination (for example
- Acknowledging the trend of international gender division of labour, in which people of different genders and ages typically work in different sectors, when individuals of different genders work in the same sector, their tasks often differ owing to gender stereotypes. For example, women tend to be active in service sectors such as wholesale, education and health, rather than in industries such as manufacturing and construction. In wealthier destination countries, where demand is strong for a flexible and low-cost labour force, women comprise a larger percentage of migrant domestic workers - traditionally considered a 'feminine' sector whereas more men than women work in industry, including manufacturing and construction. In addition to that, female migrants face a double wage penalty, both as migrants and as women.

## **Objective 6:** Facilitate fair

and ethical

recruitment

and safeguard

conditions that

ensure decent

work

- exploitation 5.4: Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate
- Addressing genderbased violence or conflict-related sexual violence generally, which can force people of different genders and ages to migrate.

by an employer).

- Protecting the rights and interests, and enhancing the well-being, dignity and status of migrant domestic workers.
- Ensuring eligibility, equal access and coverage to social protection for female migrant domestic workers.
- Acknowledging the vulnerability of migrants of particular genders is all the greater when it comes to labour market inclusion and decent work.

#### References

• <u>Universal Declaration of Human Rights</u>

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 23: (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection (4) Everyone has the right to form and to join trade unions for the protection of his interests.

#### **SDG GOALS**

DECENT WORK AND ECONOMIC GROWTH



8.3: Promote developmentoriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, smalland mediumsized enterprises, including through access to financial services.

8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

#### **MIGRATION RELEVANCE**

- Promoting policies that support decent job creation, entrepreneurship, innovation, and formalization to:
- Address un- and underemployment, poor working conditions and lack of entrepreneurship opportunities as potential drivers of migration;
- Address un- and underemployment of migrant populations,
- Protect migrant workers by guaranteeing adequate working conditions.
- Taking an inclusive approach to job creation, entrepreneurship, innovation, and formalization that integrates the needs and interests of all migrant groups, including but not limited to refugees, return migrants and IDPs.
- Expanding access for all migrant groups and migrant-founded enterprises to financial services, including refugee and returned migrant enterprises.
- Improving local and national employment and increasing access to decent work to:
- Address un- and underemployment and poor working conditions as potential drivers of migration;
- Address un- and underemployment of migrant populations;
- Protect migrant workers by guaranteeing

#### MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

• Beijing Declaration and Action Plan

Paragraph number 26: Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;

Strategic Objective F.1.: Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources

Strategic Objective F.2.: Facilitate women's equal access to resources, employment, markets and trade

Strategic Objective F.3: Provide business services, training and access to markets, information and technology, particularly to low-income women. Strategic Objective F.4: Strengthen women's economic capacity and commercial networks

Strategic Objective F.5: Eliminate occupational segregation and all forms of employment discrimination.

Strategic Objective F.6: Promote harmonization of work and family responsibilities for women and men

#### • CEDAW

Article 11: (1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights (...)

Article 14: (1) States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas. (2) States Parties shall take all appropriate measures to eliminate discrimination against women

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms  8.8: 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	adequate working conditions.  Taking an inclusive approach to employment provision to ensure all migrant groups, including but not limited to refugees, return migrants and IDPs, have access to labour market opportunities.  Focusing on improving employment and decent work for women, men with diverse SOGIESC and people with diverse genders and improving economic value of their work, to address a lack thereof as a potential driver of migration and to protect migrant workers.  Combating human trafficking of all forms, including of children.  Addressing vulnerabilities of child migrants and children left behind, which could increase their risk of trafficking and/or exploitation.  Addressing the multiple associated health risks due to poor working and living conditions, and the various forms of exploitation, discrimination, and unsafe health practices throughout the migration process.  Protecting labour rights for migrant workers, who are often at greater risk of exploitation, violence and/or abuse than other groups, women migrant workers with diverse SOGIESC and migrant workers	in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development ()  Committee, General Recommendation No 26 on Women Migrant Workers  24.(b) (ii) Provide a list of authentic, reliable recruitment agencies and create a unified information system on available jobs abroad;  (iv) Require recruitment agencies to participate in awareness-raising and training programmes and sensitize them on the rights of women migrant workers, the forms of sex- and gender-based discrimination, the exploitation women could experience and responsibilities of agencies towards the women  (c) (i) States parties should adopt regulations and design monitoring systems to ensure that recruiting agents and employment agencies respect the rights of all women migrant workers. States parties should include in their legislation a comprehensive definition of irregular recruitment along with a provision on legal sanctions for breaches of the law by recruitment agencies (article 2 (e));  (ii) States parties should also implement accreditation programmes to ensure good practices among recruitment agencies (article 2 (e));  Committee, General Recommendation No 13 on equal remuneration for work of equal value  Committee, General Recommendation No 16 on unpaid women workers in rural and urban family enterprises  International Covenant on Economic, Social and Cultural Rights (ICESCR)  Article 6(1): The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.  International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	8.3: Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small-and medium-sized enterprises, including through access to financial services.  8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.	with diverse genders. This includes improving working conditions, promoting fair recruitment practices, addressing health needs, including ensuring access to equitable health services, and more.  • Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.  • Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.  • Strengthening capacity for states to create planned and well-managed migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.	Article 11 1. No migrant worker or member of his or her family shall be held in slavery or servitude. 2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour. 3. Paragraph 2 of the present article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court. 4. For the purpose of the present article the term "forced or compulsory labour" shall not include: (a) Any work or service not referred to in paragraph 3 of the present article normally required of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention; (b) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (c) Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.  Article 16: 1. Migrant workers and members of their families shall have the right to liberty and security of person. 2. Migrant workers and members of their families shall have the right to liberty and security of person. 2. Migrant workers and members of their families on their families of the State of employment in respect of remuneration and:  (a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these terms;  (b) Other terms of employment, that is to say, minimum age of employment, restriction on work and any other matters which, according to national law and practice, are covered by these terms;

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS

PEACE, JUSTICE AND STRONG INSTITUTIONS



**16.2:** End abuse, exploitation, trafficking and all forms of violence against and torture of children

- Combating all forms of trafficking of children.
- Addressing vulnerabilities and protecting the rights, well-being and interests of child migrants throughout the migration cycle, for example addressing the detention of migrant children, assisting unaccompanied migrant children

Strengthening systems

migration data

and processes around

- 2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article.
- 3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity

Article 52.1: Migrant workers in the State of employment shall have the right freely to choose their remunerated activity, subject to the following restrictions or conditions

Article 54: 1. Without prejudice to the terms of their authorization of residence or their permission to work and the rights provided for in articles 25 and 27 of the present Convention, migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of: (a) Protection against dismissal; (b) Unemployment benefits; (c) Access to public work schemes intended to combat unemployment; (d) Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention. 2. If a migrant worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State of employment, on terms provided for in article 18, paragraph 1, of the present

collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration. Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics

Improving collection

and disaggregation of development and other types of data (for example in education and health) by migrationrelated variables such as

Article 66 1. Subject to paragraph 2 of the present article, the right to undertake operations with a view to the recruitment of workers for employment in another State shall be restricted to: migratory status.

- (a) Public services or bodies of the State in which such operations take place;
- (b) Public services or bodies of the State of employment on the basis of agreement between the States concerned;
- (c) A body established by virtue of a bilateral or multilateral agreement.

PARTNERSHIPS FOR THE GOALS



**17.18:** By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			2. Subject to any authorization, approval and supervision by the public authorities of the States Parties concerned as may be established pursuant to the legislation and practice of those States, agencies, prospective employers or persons acting on their behalf may also be permitted to undertake the said operations
			Article 68 1.: States Parties, including States of transit, shall collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include c) (c) Measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers or members of their families in an irregular situation.
			The United Nations Convention Against     Transnational and Organized Crime     (2002) and its Protocols, including the     Protocol to Prevent, Suppress and Punish     Trafficking in Persons, Especially Women     and Children, Emphasize recruitment     practices as important indicators in the     identification of human trafficking cases
			Equal Remuneration Convention (N. C100)     and Recommendation (N. R90), 1951  Migration for Equal Resource Conventions
			<ul> <li>Migration for Employment Convention (C079), 1949 (revised), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).</li> </ul>
			Discrimination (Employment and Occupation) Convention (N. C111) and Recommendation (N.R111), 1958 Requires states to enable legislation which prohibits all discrimination and exclusion on any basis including of sex, race or colour, religion, political opinion national or social origin in employment and to repeal legislation that is not based on equal opportunities in employment.
			Minimum Age Convention (N. C138) and Recommendation (N. R146), 1973
			• Equality of Treatment (Social Security) Convention, 1962 (No. 118)
			Maintenance of Social Security Rights     Convention, 1982 (No. 157)
			Worst forms of Child Labour Convention

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			(N. C182) and Recommendation (N. R190), 1999
			<ul> <li>Freedom of Association and Protection of the Right to Organise Convention (N. C87) and Recommendation (N. R98), 1948</li> </ul>
			• Forced Labour Convention (N. C29) and Recommendation (N. R35), 1930
			Abolition of Forced Labour Convention (N. C105), 1957
			<ul> <li>The Conventions on Discrimination in Employment and Occupation, on Maternity, and on Violence and Harassment in the world of work Maternity Protection Convention (N. C103/ C183) and Recommendation (N. R95/ R191), revised 2000</li> </ul>
			<ul> <li>Workers with Family Responsibilities (N. C156) and Recommendation (N. R165),</li> <li>1981</li> </ul>
			<ul> <li>Domestic Workers Convention (N. C189) and Recommendation (N. R201), 2011</li> </ul>
			<ul> <li>Violence and Harassment in the World of Work (N. C190) and Recommendation (N. R206), 2019</li> </ul>
			<ul> <li>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000</li> </ul>
			<ul> <li>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</li> </ul>
			Policies and approaches
			Leave No Migrant Behind: The 2030     Agenda and Data Disaggregation
			This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development
			IRIS Standard
			General Principle A: Respect for Laws, and Fundamental Principles and Rights at Work:
			CRITERION A.6: The labour recruiter ensures that migrant workers are treated equally throughout the recruitment

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	

#### SDG GOALS

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



1 NO POVERTY



REDUCE VULNERABILITIES

#### **Objective 7:**

Address and reduce vulnerabilities in migration **1.5:** By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climaterelated extreme events and other economic, social and environmental shocks and disasters

 Addressing how climaterelated events and other economic, social and environmental shocks and disasters forcibly displace people.

**MIGRATION RELEVANCE** 

- Integrating migration and migrants in disaster risk reduction and management, postdisaster response and other humanitarian responses.
- Strengthening adaptation strategies and other mechanisms by which people can protect themselves from extreme events which may cause displacement; recognizing migration as an adaptation strategy.
- Strengthening
   mechanisms by which
   migration can build the
   resilience of the poor,
   namely by helping
   households cope with
   crises, economic risks
   and shocks, through
   migration, financial and
   social remittances and
   other strategies.

5 GENDER EQUALITY



- 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- **5.4:** Recognize and value unpaid care and domestic work through

- Combating all forms of trafficking of migrants.
- Addressing violence against and exploitation of migrants during all stages of the migration cycle. This includes physical, sexual or psychological violence they may be subject to during transit (for example travelling or in refugee camps) or at destination (for example by an employer).
- Addressing gender-based violence or conflictrelated sexual violence generally, which can force women and girls to migrate.

#### **General best practices**

 Acknowledging that gender constitutes a specific kind of vulnerability and the roles, expectations, relationships and power dynamics associated with being a particular gender or age exposes migrants to different types of risks. For example, during the migration processes, men and boys may in some cases find it difficult to seek assistance, owing to gendered expectations or the limited availability of resources for men, such as shelters. All migrants, but especially women, girls, men and boys with diverse SOGIESC, and people with diverse genders of all ages, are at high risk of gender-based violence (GBV) during the migration process. According to the IOM SOGIESC Glossary of Terms, GBV is any act of violence targeting an individual on the basis of their gender. It includes acts that inflict physical, sexual or psychological harm or suffering, the threats of such acts, coercion and arbitrary deprivation of liberty, whether occurring in public or private life. GBV encompasses violence against people based on their SOGIESC because diverse SOGIESC is often perceived as a transgression of gender norms.

#### References

• <u>Universal Declaration of Human Rights</u>

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 23: (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection (4) Everyone has the right to form and to join trade unions for the protection of his interests.

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

 Protecting the rights and interests, and enhancing the well-being, dignity and status, of migrant domestic workers.
 Ensuring eligibility, equal access and coverage to social protection for female migrant domestic workers. Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

B DECENT WORK AND ECONOMIC GROWTH



- 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its
- 8.8: 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

forms

- Combating human trafficking of all forms, including of children.
- Addressing vulnerabilities of child migrants and children left behind, which could increase their risk of trafficking and/or exploitation.
- Addressing the multiple associated health risks due to poor working and living conditions, and the various forms of exploitation, discrimination and unsafe health practices throughout the migration process.

Protecting labour rights

for migrant workers, who are often at greater risk of exploitation, violence and/or abuse than other groups, especially women migrant workers in domestic employment, men migrants workers with diverse SOGIESC and migrant workers with diverse genders. This includes improving working conditions, promoting fair recruitment practices, addressing health needs, including ensuring access to equitable health services, and more

#### CEDAW

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women (...)

### <u>Committee, General Recommendation No</u> <u>26 on Women Migrant Workers</u>

This general recommendation aims to elaborate the circumstances that contribute to the specific vulnerability of many women migrant workers and their experiences of sex- and genderbased discrimination as a cause and consequence of the violations of their human rights.

Committee, General Recommendation No. 12, 19 on Violence against Women:

Asserted that violence against women is a form of discrimination, directed towards a woman because she is a woman or that affects women disproportionately. This violence seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.

# Committee, General Recommendation No 35 on Women against Violence

Recognized that the prohibition of gender-based violence against women has evolved into a principle of customary international law, binding all States.

<u>Committee, General Recommendation No</u> <u>9 on Statistical data</u>

#### **SDG GOALS**

## **MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS

REDUCED **INEOUALITIES** 



**10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

• Combating all forms of trafficking of children.

- Addressing vulnerability and protecting the rights, well-being and interests of child migrants throughout the migration cycle, for example addressing the detention of migrant children, assisting unaccompanied migrant children
- Improving access to justice, due process and equal legal treatment to address the needs and human rights of all migrant groups, including migrant workers, irregular migrants, victims of trafficking, asylum seekers and refugees, and as part of addressing the

The Committee has made explicit calls for improving the production and use of gender statistics through all its general recommendations.

- Vienna Declaration and Programme of Action recognized that the elimination of violence against women in public and private life is a human rights obligation.
- Beijing Declaration and Actions Plan

Paragraph number 23: Ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms

Paragraph number 29: Prevent and eliminate all forms of violence against women and girls

Strategic Objective I.1: Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.

Strategic Objective I.2: Ensure equality and non-discrimination under the law and in practice.

Strategic Objective I.3: Achieve legal literacy

Strategic Objective D.1: Take integrated measures to prevent and eliminate violence against women

Strategic Objective D.2: Study the causes and consequences of violence against women and the effectiveness of preventive measures.

Strategic Objective D.3: Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

 Protocol to Prevent, Suppress and Punish <u>Trafficking in Persons Especially Women</u> and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.

#### **Policies and approaches**

- GCM Objective 7, Action point
- (c) Develop gender-responsive migration policies to address the particular needs and vulnerabilities of migrant women,

PEACE. JUSTICE **AND STRONG** INSTITUTIONS



- **16.2:** End abuse, exploitation, trafficking and all forms of violence against and torture of children
- **16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
GCM OBJECTIVE	17 PARTNERSHIPS FOR THE GOALS  17.18: By 2020, enhance	drivers of migration and displacement.  Regulating and monitoring migrant detention practices to comply with international law and standards, taking extra care to monitor and eradicate the detention of migrant minors.  Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis	
	capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts	on migration-related topics, monitoring implementation of local and national legislation and policies on migration.  • Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.  • Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.	Discrimination and violence against individuals based on their sexual orientation and gender identity  Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity  • Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion  • Independent Expert on sexual orientation and gender identity

#### **SDG GOALS MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



REDUCED **INEOUALITIES** 



**SAVE LIVES** 

## **Objective 8:**

Save lives and establish coordinated international efforts on missing migrants **10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.

Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

PEACE, JUSTICE **AND STRONG** 

#### 16.1:

Significantly reduce all forms of violence and related death rates everywhere • Reducing all forms of violence that may target migrants, including due to xenophobia or racism, as well as reducing violence and death incidence throughout the migration cycle, including for migrants in countries of crisis and as part of addressing the drivers of migration and displacement.

#### **General best practices**

• Ensuring efforts on missing migrants are gender-sensitive. For instance, evidence shows that women face greater risks of death while migrating irregularly. Gendered social practices within families, and within countries of origin and transit, as well as the practices of smuggling markets, are key contributing factors to which women are more likely to die crossing borders at the harsh physical frontiers. Where women and children are concerned, either because they go missing or because they are related to a migrant who goes missing, they face additional gender- or age-specific challenges. Missing someone from the family is also seen to impact on family roles, with women in particular having to take on greater responsibilities in homes where men, particularly husbands, are missing. Women also reported becoming a target for harassment where a husband is missing, as well as seeing their identity challenged since their status as wives or widows is ambiguous. Wives of the missing reject any possibility that they could remarry without definitive news of their husbands. Families also reported challenges to livelihood, as families were often left without the economic support of young men who were potentially their most productive members.

#### References

• Universal Declaration of Human Rights

Article 3: Everyone has the right to life, liberty and security of person.

CEDAW

Article 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

• Beijing Declaration and Platform for Action

Strategic Objective I.1: Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS



**17.18:** By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migrationrelated variables such as migratory status.

Strategic Objective I.2: Ensure equality and non-discrimination under the law and in practice.

Strategic Objective I.3: Achieve legal literacy

Strategic Objective D.1: Take integrated measures to prevent and eliminate violence against women

Strategic Objective D.2: Study the causes and consequences of violence against women and the effectiveness of preventive measures.

Strategic Objective D.3: Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.
- International Convention for the Protection of All Persons from Enforced Disappearance, 2007.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

#### **Policies and approaches**

Leave No Migrant Behind: The 2030
 Agenda and Data Disaggregation

#### SDG GOALS MIGRATION RELEVANCE

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



10 REDUCED INEQUALITIES



9 COUNTER SMUGGLING

#### **Objective 9:**

Strengthen the transnational response to smuggling of migrants

10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

PEACE, JUSTICE AND STRONG INSTITUTIONS

16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

 Tackling organized crime linked to smuggling, trafficking and the flow of forged identity and travel documents.

#### **General best practices**

• Ensuing gender-sensitive policies to tackle smuggling, acknowledging smuggled migrants often face GBV and abuse. The **IOM Glossary** defines smuggling as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a State Party of which the person is not a national or a permanent resident. A migrant's status and empowerment, in particular of girls and women, boys and men with diverse SOGIESC and migrants of all ages with diverse genders, can be undermined where they are made vulnerable to exploitation during irregular migration journeys, where for example labour standards and practices are unregulated, and where they have an irregular status in transit and destination countries or are criminalized by laws penalizing same-sex relationships or diverse gender identities and expressions.

#### References

 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Article 16. Protection and assistance measures,

Identify smuggled migrants to protect their human rights, taking into consideration the special needs of migrants of particular ages and genders and assisting in particular those migrants subject to smuggling under aggravating circumstances.

 Convention on the Rights of Migrant Workers and Members of their Family.

Article 16 (2): Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.

• <u>Universal Declaration of Human Rights</u>

Article 3: Everyone has the right to life, liberty and security of person.

#### MIGRATION RELEVANCE

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS

**SDG GOALS** 



**17.16:** Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries

17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of highquality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Building and strengthening multistakeholder partnerships between international organizations, governments, civil society, private sector and others to improve migration governance and address cross-cutting migration issues, for example ethical recruitment, migrant health and cross-border health collaboration, and migration, environment and climate change linkages. Strengthening the capacity of migrants themselves to be development partners.
- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migrationrelated variables such as migratory status.

#### CEDAW

Article 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

## Committee, General recommendation No 26 On Women Migrant workers

All women migrant workers are entitled to the protection of their human rights, which include the right to life, the right to personal liberty and security, the right not to be tortured, the right to be free of degrading and inhumane treatment, the right to be free from discrimination on the basis of sex, race, ethnicity, cultural particularities, nationality, language, religion or other status, the right to be free from poverty, the right to an adequate standard of living, the right to equality before the law and the right to benefit from the due processes of the law. These rights are provided for in the Universal Declaration of Human Rights and the many human rights treaties ratified or acceded to by States Members of the United Nations.

# • Beijing Declaration and Platform for Action

Strategic Objective I.1: Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.

Strategic Objective I.2: Ensure equality and non-discrimination under the law and in practice.

Strategic Objective I.3: Achieve legal literacy

Strategic Objective D.1: Take integrated measures to prevent and eliminate violence against women

Strategic Objective D.2: Study the causes and consequences of violence against women and the effectiveness of preventive measures.

Strategic Objective D.3: Eliminate trafficking in women and assist victims

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			of violence due to prostitution and trafficking.
			Policies and approaches
			IASC Policy on Gender Equality and Empowerment of Women and Girls
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against
			individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion
			• Independent Expert on sexual orientation and gender identity

## **SDG GOALS**

#### **MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



## GENDER **EOUALITY**

DECENT WORK AND

**ECONOMIC GROWTH** 

**Objective 10:** 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

- Addressing violence against and exploitation during all stages of the migration cycle. This includes physical, sexual or psychological violence migrants may be subject to during transit (for example travelling or in refugee camps) or at destination (for example by an employer).
- Addressing gender-based violence or conflictrelated sexual violence generally, which can force individuals to migrate.
- Combating human trafficking of all forms, including of children.
- Addressing vulnerabilities of child migrants and children left behind, which could increase their risk of trafficking and/or exploitation.
- Addressing the multiple associated health risks due to poor working and living conditions, and the various forms of exploitation, discrimination and unsafe health practices throughout the migration process.

Prevent, combat and eradicate trafficking in persons in the context of international migration

> 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

REDUCED **INEOUALITIES** 

10.7: Facilitate orderly, safe, regular and responsible migration and mobility of

 Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.

#### **General best practices**

- Combating all forms of trafficking of all persons. The **IOM Glossary** defines trafficking of persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- Addressing violence against and exploitation of individuals during all stages of the migration cycle. This includes physical, sexual or psychological violence they may be subject to during transit (for example travelling or in refugee camps) or at destination (for example by an employer).
- Acknowledging human trafficking can also be understood as a form of violence, sometimes identified as GBV as trafficking is often featured by gender dimensions. According to available information, men and boys account for more than half of all victims of trafficking for forced labour; women and girls account for the vast majority of detected victims of trafficking for sexual exploitation; and it is not uncommon for boys to be trafficked for sexual exploitation; and some trafficked children are particularly vulnerable because of their disabilities or their diverse SOGIESC. Not enough is known about the experiences of men with diverse SOGIESC or people with diverse genders. In crisis situations, all people, and especially women and girls, can be targeted by armed groups for sexual slavery, domestic servitude or forced/ child marriages. In these contexts, both adults and youth with diverse SOGIESC are extremely vulnerable and highly scrutinized. They experience high rates of marginalization, poverty, and hate

GCM OBJECTIVE SDG GC	DALS MIGRA	ATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	ough the lentation hed and lend and lend and lend lend lend lend lend lend lend le	tecting migrant ts and migrant safety bughout the migration cess by promoting e, orderly regular and consible migration in cy and practice. Engthening capacity states to create and well- naged migration cies in the future. For mple, by encouraging ration mainstreaming hat more migration development linkages institutionalized and uded in local and onal migration and/or elopment strategies.	<ul> <li>Combating all forms of trafficking of all persons. The IOM Glossary defines trafficking of persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</li> </ul>
16.2: Er exploita trafficki forms o against ture of o	traff TITUTIONS  Add and well child the exame detection, ing and all of violence and tor-children  Tomote e of law ational ernational and ensure ccess to for all  Reg more detection dispersion of the ensure ccess to for all  Reg more detection dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs seed as p drived dispersion of the ensure ccess to for all traffs and the ensure ccess to for all traffs and traff	nbating all forms of ficking of children.  ressing vulnerability protecting the rights, l-being and interests of d migrants throughout migration cycle, for mple addressing the ention of migrant dren, assisting ccompanied migrant dren.  roving access to ice, due process and al legal treatment ddress the needs human rights of all rant groups, including rant workers, irregular rants, victims of ficking, asylum kers and refugees, and lart of addressing the ers of migration and placement.  ulating and hitoring migrant ention practices to apply with international and standards, ang extra care to hitor and eradicate detention of migrant	<ul> <li>Addressing violence against and exploitation of individuals during all stages of the migration cycle. This includes physical, sexual or psychological violence they may be subject to during transit (for example travelling or in refugee camps) or at destination (for example by an employer).</li> <li>Acknowledging human trafficking can also be understood as a form of violence, sometimes identified as GBV as trafficking is often featured by gender dimensions. According to available information, men and boys account for more than half of all victims of trafficking for forced labour; women and girls account for the vast majority of detected victims of trafficking for sexual exploitation; and it is not uncommon for boys to be trafficked for sexual exploitation; and some trafficked children are particularly vulnerable because of their disabilities or their diverse SOGIESC. Not enough is known about the experiences of men with diverse SOGIESC or people with diverse genders. In crisis situations, all people, and especially women and girls, can be targeted by armed groups for sexual slavery, domestic servitude or forced/child marriages. In these contexts, both adults and youth with diverse SOGIESC are extremely vulnerable and highly scrutinized. They experience high rates of marginalization, poverty, and hate</li> </ul>

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS		
GCM OBJECTIVE	17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in na-	minors and monitor the detention of people with diverse genders, who are at particular risk of discrimination and violence.  • Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.  • Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.  • Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as			
	geographic loca- tion and other characteristics	other types of data (for example in education and health) by migration-	other types of data (for example in education and health) by migration-related variables such as	other example in education and health) by migration-related variables such as	or servitude; slavery and the slave trade shall be prohibited in all their forms  • International Covenant on Civil and
			<ul> <li>CEDAW         Article 6: States Parties shall take all appropriate measures, including legislation, to sup-press all forms of traffic in women and exploitation of prostitution of women.     </li> <li>Beijing Declaration and Platform for Action         Paragraph number 99. Sexual and gender-based violence, including physical and     </li> </ul>		

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			psychological abuse, trafficking in women and girls, and other forms of abuse and sexual exploitation place girls and women at high risk of physical and mental trauma, disease and unwanted pregnancy. Such situations often deter women from using health and other services.
			Strategic objective C.2.: Strengthen preventive programmes that promote women's health
			Strategic objective D.3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking
			Worst forms of Child Labour Convention (N. C182) and Recommendation (N. R190), 1999
			• Forced Labour Convention (N. C29) and Recommendation (N. R35), 1930
			<ul> <li>Abolition of Forced Labour Convention (N. C105), 1957</li> </ul>
			Supplementary Convention on the     Abolition of Slavery, the Slave Trade,     and Institutions and Practices Similar to     Slavery, 1956.
			Policies and approaches
			<ul> <li><u>UNODC Toolkit to Combat Trafficking</u>         in Persons, Global Programme Against         Trafficking in Human Beings</li> </ul>
			The Secretary General's Bulletin on Sexual Exploitation and Abuse
			<ul> <li>OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2002.</li> </ul>
			<ul> <li>IASC Policy on Gender Equality and Empowerment of Women and Girls</li> </ul>
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion
			Independent Expert on sexual orientation and gender identity

#### **SDG GOALS**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



11 MANAGE BORDERS

## Objective 11:

Manage borders in an integrated, secure and coordinated manner

- 9 INDUSTRY, INNOVATION AND INFRASTRUCTURE
- 9.1: Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all
- 9.A: Sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support to African countries, least developed countries, landlocked developing countries and small island developing States

 Generating domestic employment and decent work through infrastructure development, and addressing unemployment as a potential driver of migration.

**MIGRATION RELEVANCE** 

- Facilitating the participation of migrant groups in infrastructure development employment, including by helping provide adequate skills and training.
- Ensuring infrastructure, especially transborder infrastructure, is affordable and equitable to all migrant groups.

#### **General best practices**

- Promoting safe migration procedures and the obligation to respect, protect and fulfil the human rights of all individuals regardless of their gender or SOGIESC and throughout the migration cycle. For example, border and customs officials may need gender-sensitivity training to ensure that their procedures and practices do not expose migrants to further harm. A gender-sensitive needs analysis is also required to make sure the border management activities address the different needs of all migrants appropriately.
- Ensuring all migrants, regardless of their migrant status and sexual orientation, gender identity, gender expression or sex characteristics, have access to dignified and appropriate health and other basic services at the border. Access to justice for particularly marginalized individuals, such as migrants with diverse SOGIESC – as they often completely get overlooked in all spheres and have great difficulty accessing justice in most countries.
- Integrating gender considerations into border management reform processes enhances operational effectiveness by improving the prevent and detection of human trafficking and smuggling, strengthening the protection and promotion of human rights, creating more representative border management institutions, enhancing local ownership, oversight and collaboration.
- Ensuring border and customs officials of different genders are available. This also help prevent the exposure of migrants to sexual exploitation and abuse. Greater diversity in border control workforces may also result in less frequent use of excessive force, increased implementation of community-based responses, and fewer incidents of gender-based discrimination, sexual exploitation, violence, abuse and harassment.

#### **References**

• International Covenant on Civil and Political Rights, 1966:

Article 2: (1) Each State Party to the

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

10 REDUCED INEQUALITIES



10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

PEACE, JUSTICE AND STRONG INSTITUTIONS

- **16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all
- **16.6:** Develop effective, accountable and transparent institutions at all levels
- Improving access to justice, due process and equal legal treatment to address the needs and human rights of all migrant groups, including migrant workers, irregular migrants, victims of trafficking, asylum seekers and refugees, and as part of addressing the drivers of migration and displacement.
- Regulating and monitoring migrant detention practices to comply with international law and standards, taking extra care to monitor and eradicate the detention of migrant minors and monitor the detention of people with diverse genders, who

- present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- The Protocol to Prevent, Suppress and punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against transnational organized crime, 2000
- CEDAW

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end (...)

# Committee, General Recommendation No 26 on Women Migrant Workers

Paragraph number 25. States parties through which migrant women travel should take all appropriate steps to ensure that their territories are not used to facilitate the violation of the rights of women migrant workers. Measures that may be required include. but are not limited to, the following: (a) Training, monitoring and supervision of Government agents: States parties should ensure that their border police and immigration officials are adequately trained, supervised and monitored for gender-sensitivity and non-discriminatory practices when dealing with women migrants (article 2 (d));

Paragraph number 26. States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are not limited to, the following:

Training and awareness-raising: States parties should provide mandatory awareness-raising programmes concerning the rights of migrant women workers and gender sensitivity training for relevant public and private recruitment

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts	are at particular risk of discrimination and violence.  Ensuring all migration or migration-related ministries and authorities, institutions and systems are accountable and transparent at all levels.  Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.  Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.  Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.	agencies and employers and relevant State employees, such as criminal justice officers, border police, immigration authorities, border police and social service and health-care providers (article 3);  • Committee on Migrant Workers, General Comment 1 on Domestic Workers  • Paragraph number 49. States of employment should ensure that all migrant domestic workers have access to mechanisms for bringing complaints about violations of their rights (articles 18, paragraph 1, and 83). States parties should ensure that such complaints are investigated in an appropriate manner and within a reasonable period of time and that cases of violations are appropriately sanctioned. To facilitate access to redress mechanisms, States parties could for example designate a domestic workers' Ombudsperson. States parties should also ensure that migrant domestic workers can obtain legal redress and remedies for violations of their rights by employers who enjoy diplomatic immunity under the Vienna Convention on Diplomatic Relations.  • Paragraph number 50. In order to ensure effective access to justice and remedies for all migrant domestic workers, the Committee considers that migrant domestic workers should be able to access courts and other justice mechanisms without fear of being deported as a consequence, and that migrant domestic workers should have access to temporary shelter when needed due to the abusive circumstances of their employment. States parties are encouraged to consider time-bound or expedited legal proceedings to address complaints by migrant domestic workers. Moreover, States parties are encouraged to enter into bilateral agreements in order to ensure that migrants who return to their country of origin may have access to justice in the country of employment, including to complain about abuse and to claim unpaid wages and benefits.  • United Nations Security Council Resolution 1325 on Women, Peace and Security

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Policies and approaches
			• The Border Identity Solutions Unit (BIS) supports Member States in mainstreaming gender and considering the specific implications for women, men, boys and girls in any of their planned action, including legislation and policies in the field of immigration and border management.
			<ul> <li>Gender and Security Sector Reform         Toolkit, Gender and Border Management,         Angela Mackay, 2008.     </li> </ul>
			<ul> <li>IASC Policy on Gender Equality and Empowerment of Women and Girls</li> </ul>
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion
			<ul> <li>Independent Expert on sexual orientation and gender identity</li> </ul>
			Leave No Migrant Behind: The 2030     Agenda and Data Disaggregation
			This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



12 SCREENING AND REFERRAL

## Objective 12:

Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral REDUCED INEQUALITIES



10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See <u>IOM's Migration</u> <u>Governance Indicators</u> (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and well-managed migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.
- Strengthening capacity of assisting entities to support migrants with diverse SOGIESC in ways that are respectful, dignified and appropriate while maintaining confidentiality.

PEACE, JUSTICE AND STRONG INSTITUTIONS

16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

**16.6:** Develop effective, accountable and

- Improving access to justice, due process and equal legal treatment to address the needs and human rights of all migrant groups, including migrant workers, irregular migrants, victims of trafficking, asylum seekers and refugees, and as part of addressing the drivers of migration and displacement.
- Regulating and monitoring migrant detention practices to comply with international law and standards, taking extra

#### **General best practices**

- Ensuring greater diversity in screening staff and improving their awareness on gender equality to make sure screening and assessment do not expose migrants to risks of discrimination and abuse, which may also result in less frequent use of excessive force, increased implementation of community-based responses, and fewer incidents of genderbased discrimination, sexual exploitation, violence, abuse and harassment. Migrants of different genders and with diverse SOGIESC can face discrimination, exploitation, violence and intimidation, a problem in all communities, including migrant communities.
- Reducing barriers to disclosure and access to support without discrimination by assisting entities. Individuals with diverse SOGIESC are at heightened risk of harassment, abuse and violence in familial, social, legal and economics contexts in all regions of the world, and may feel unsafe sharing their diverse SOGIESC, especially with entities perceived as discriminatory.

#### References

• Universal declaration of Human Rights

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, juris-dictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### • CEDAW

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women (...)

Committee, General Recommendation No 26 on Women Migrant workers

#### **MIGRATION - GENDER RELEVANCE GCM OBJECTIVE SDG GOALS MIGRATION RELEVANCE** IN INTERNATIONAL INSTRUMENTS transparent care to monitor and eradi-• Paragraph number 24. Countries of origin institutions at all cate the detention of mimust respect and protect the human levels. grant minors and monitor rights of their female nationals who the detention of people migrate for purposes of work. Measures **16.9:** By 2030, with diverse genders, who that may be required include, but are not provide legal are at particular risk of dislimited to, the following: identity for all, crimination and violence. including birth iii) Provide information on methods and registration • Ensuring all migration procedures for migrating to work for or migration-related women workers who wish to migrate ministries and authorities, independently of recruitment agencies; institutions and systems **Policies and approaches** are accountable and • Identifying and addressing vulnerability: transparent at all levels. a tool for asylum and migration systems, Ensuring all migrant jointly developed by UNHCR and the IDC, groups, particularly with the support of the Oak Foundation, migrants' children, are • The Secretary General's Bulletin on Sexual provided with the legal **Exploitation and Abuse** identity they are entitled to, helping eradicate stateless-• Leave No Migrant Behind: The 2030 ness and also facilitating Agenda and Data Disaggregation access to health care, social This guide helps practitioners protection, education and disaggregate data related to the citizenship or permanent Sustainable Development Goals (SDGs) by residence applications migratory status, to address the needs of Strengthening systems **PARTNERSHIPS** migrants and highlight their contributions and processes around to sustainable development. migration data collection, • IASC Policy on Gender Equality and exchange, monitoring, **Empowerment of Women and Girls** analysing and reporting at all levels of government as • Gender markers, including IOM Gender well as with other actors, Marker for example publishing 17.18: By 2020, Agenda for Humanity data on a regular basis on enhance capacitymigration-related topics, building support • UNFE LGBTI Equality: Frequently asked monitoring implementato develop-**Questions** ing countries, tion of local and national • OHCHR Born Free and Equal legislation and policies on including for least migration. developed coun-• Human rights council reports (thematic) tries and small Building local and na-Discrimination and violence against island developing tional capacity to improve individuals based on their sexual States, to increase migration data in the fuorientation and gender identity significantly ture, for example training the availability <u>Discriminatory laws and practices and</u> researchers, statisticians acts of violence against individuals based of high-quality, and research institutions timely and reliable on their sexual orientation and gender to research and monitor identity data disaggremigration topics. gated by income, • Universal Periodic Review Improving collection and gender, age, race, recommendations on SOGIESC / LGBTIQ+ disaggregation of develethnicity, migrainclusion opment and other types tory status, disof data (for example in • Independent Expert on sexual orientation ability, geographic education and health) by location and other and gender identity migration-related varicharacteristics ables such as migratory relevant in nastatus. tional contexts

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS





### **Objective 13:**

Use immigration detention only as a measure of last resort and work towards alternatives

**10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

PEACE, JUSTICE AND STRONG

- **16.2:** End abuse, exploitation, trafficking and all forms of violence against and torture of children
- **16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all
- Improving access to justice, due process and equal legal treatment to address the needs and human rights of all migrant groups, including migrant workers, irregular migrants, victims of trafficking, asylum seekers and refugees, and as part of addressing the drivers of migration and displacement.
- Regulating and monitoring migrant detention practices to comply with international law and standards, taking extra care to monitor and eradicate the detention

• Recognising all people are susceptible to human rights abuses in detention, and that women, girls, men with diverse SOGIESC and people with diverse genders in detention facilities may be particularly vulnerable to sexual abuse. The UN Special Rapporteur on the human rights of migrants has recognised that "whenever possible, migrant women who are suffering the effects of persecution or abuse, or who are pregnant or nursing infants, should not be detained." (UNGA, 2007) In a different report, the special rapporteur noted that people with diverse SOGIESC are also at a heightened risk of abuse and exploitation, including physical and sexual violence, verbal and psychological abuse, physical isolation and solitary confinement, lack of legal recognition of their' identity, inadequate vulnerability screening, non-gender appropriate searches or forced nudity, and lack of access to medical care (A/ HCR/31/57, 2016)

#### References

- <u>Universal Declaration of Human Rights</u>
  - Article 9: No one shall be subjected to arbitrary arrest, detention or exile.
- International Covenant on Civil and **Political Rights**

Article 9: (1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Article 12: (1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. (2) Everyone shall be free to leave any country, including his own. (3) The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts	of migrant minors and monitor the detention of people with diverse genders, who are at particular risk of discrimination and violence.  - Ensuring all migration or migration-related ministries and authorities, institutions and systems are accountable and transparent at all levels.  • Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.  • Building local and national legislation and policies on migration.  • Building local and national research institutions to research and monitor migration topics.  • Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.	<ul> <li>Convention of the Rights of the Right of the Child         Article 9: a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.         Article 37 (b): No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.     </li> <li>CEDAW General Recommendation No 26 on Women Migrant workers         Paragraph number 26. (j) () States parties should ensure that women migrant workers who are in detention do not suffer discrimination or genderbased violence, and that pregnant and breastfeeding mothers as well as women in ill health have access to appropriate services. They should review, eliminate or reform laws, regulations, or policies that result in a disproportionate number of women migrant workers being detained for migration-related reasons (articles 2 (d) and 5);     </li> <li>Policies and approaches         <ul> <li>United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)</li> <li>While detention centres holding asylum-seekers and other immigration detainees are not covered by the Bangkok Rules, many of the rules are also highly relevant to those settings.</li> <li>Leave No Migrant Behind: The 2030 Agenda and Data Disaggregation</li> <li>This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.</li> <li>IASC Policy on Gender Equality and</li> </ul> </li> </ul>

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Empowerment of Women and Girls
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion
			Independent Expert on sexual orientation and gender identity

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



14 CONSULAR



**Objective 14:** 

Enhance consular protection, assistance and cooperation throughout the migration cycle

10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See <u>IOM's Migration</u> <u>Governance Indicators</u> (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and well-managed migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.
- Ensuring all migration or migration-related ministries and authorities, institutions and systems are accountable and transparent at all levels.

PEACE, JUSTICE AND STRONG INSTITUTIONS

**16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

**16.6:** Develop effective, accountable and transparent institutions at all levels.

#### **General best practices**

- Ensuring gender is taken into account when
- delivering consular protection. Services should be adapted to the gender needs of migrants. For example, officials may need gender, diversity and prevention of sexual exploitation and abuse (PSEA) training to ensure that their procedures and practices do not expose migrants to further harm. A gender-sensitive needs analysis is also required to make sure that consular protection and assistance addresses the different needs of all migrants appropriately.
- Ensuring all migrants, regardless of their migrant status and sexual orientation, gender identity, gender expression and sex characteristics,, who seek consular protection have access to dignified and appropriate health services.
- Providing consular support to all migrants, regardless of their sexual orientation, gender identity, gender expression and sex characteristics, ensuring access to services for financial inclusion and business establishment, the issuance of relevant documentation, such as travel documents and consular identity documents that may facilitate access to services, assistance in emergency situations, the opening of a bank account, and access to remittance facilities. It is important to make sure all people of different sexes, genders, ages and abilities have access to the services.
- Ensuring that consular identity documents align with the individual's gender identity and/or expression in order to ensure their safety and access to relevant services.

#### References:

- Universal Declaration of Human Rights
  - Article 15.1: Everyone has the right to a nationality.
- CEDAW

Article 9: States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that

#### MIG

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS

**SDG GOALS** 



17.18: By 2020, enhance capacitybuilding support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Building and strengthening multistakeholder partnerships between international organizations, governments, civil society, private sector and others to improve migration governance and address cross-cutting migration issues, for example ethical recruitment, migrant health and cross-border health collaboration, and migration, environment and climate change linkages.
- Strengthening the capacity of migrants themselves to be development partners

neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

# Committee, General Recommendation No 26 on Women Migrant Workers

Paragraph number 24. Countries of origin must respect and protect the human rights of their female nationals who migrate for purposes of work. Measures that may be required include, but are not limited to, the following: (j) Diplomatic and consular protection: States parties must properly train and supervise their diplomatic and consular staff to ensure that they fulfil their role in protecting the rights of women migrant workers abroad. Such protection should include quality support services available to women migrants, including timely provision of interpreters, medical care, counselling, legal aid and shelter when needed. Where States parties have specific obligations under customary international law or treaties such as the Vienna Convention on Consular Relations, those obligations must be carried out in full in relation to women migrant workers (article 3);

#### • Convention on the Rights of the Child

Article 7: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8: States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			re-establishing speedily his or her identity.
			CMW, General Comment 1 on Domestic Workers
			Paragraph number 62. While the States of employment have the primary responsibility to protect the rights of migrant domestic workers, embassies and consulates of States of origin should play an active role in protecting the rights of their nationals employed as migrant domestic workers ().
			Policies and approaches
			<ul> <li>IASC Policy on Gender Equality and Empowerment of Women and Girls</li> </ul>
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion
			• Independent Expert on sexual orientation and gender identity

#### **MIGRATION RELEVANCE**

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



# **POVERTY**

**SDG GOALS** 

## **Objective 15:**

Provide access to basic services for migrants

1.3: Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the

poor and the

**1.4:** By 2030,

vulnerable

ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

- Extending social protection access, eligibility and coverage to migrants, especially irregular migrants, and making efforts towards the transferability and portability of these benefits.
- Addressing inequalities in basic services, ownership and control over land and other forms of property, to uphold the human rights of migrants, ensure migrants can contribute to social and economic development in host communities, and to address these insofar as they can be potential drivers of migration.
- Increasing access to economic resources, basic services, ownership and control over land and other forms of property for migrants.
- Strengthening mechanisms by which migration can increase rights and access to economic resources, basic services and land/ property ownership and control to families and communities.

#### **General best practices**

- Acknowledging forms of discrimination occur at several levels. Often, policies regulating entry to the labour market and access to public services result in de facto discrimination against migrants, in particular women, men with diverse SOGIESC and people with diverse genders with regard to access to legal recourse, social security, housing, education, health care, employment and other socioeconomic opportunities, as well as a lack of security and protection from violence. The end result is usually the systematic disempowerment of marginalized migrants, which further increases their vulnerability to various forms of discrimination and violence.
- Ensuring equal access to services, including health and education, and ensuring that services are delivered in an appropriate way for migrants of all genders, ages and abilities. Women migrants often work in informal or isolated situations due to "feminine" position such as care and household work, where GBV is a particularly important issue.

#### **References:**

• Universal Declaration of Human Rights

Article 22 on social economic and cultural rights, Article 23 unemployment, Article 25 on health, Article 26 on education, article 27 on cultural life,

• International Covenant on Economic, Social and Cultural Rights

Article 2(2): The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4: The States Parties to the present Covenant recognize that, in the enjoyment

#### SDG GOALS

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

3 GOOD HEALTH
AND WELL-BEING



- **3.7:** By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes
- 3.8: Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all

- Addressing the vulnerability of migrants regarding sexual and reproductive health, in all countries, including in refugee camps, makeshift settlements and IDP settlements, to increase their access to related health-care services. Universal access is only achievable if migrants are included.
- Promoting sexual and reproductive health and family planning, information and education for female migrants at all stages of the migration cycle.
- Integrating the sexual and reproductive health needs of migrants in local or national health policy and programming.
- Ensuring sexual and reproductive health is inclusive of people with diverse SOGIESC and does not uphold or reinforce problematic and damaging stereotypes and misinformation about the sexual and reproductive health realities and needs of people who have diverse SOGIESC or exclude family planning resources for same-gender couples.
- Understanding that migration is a social determinant of health and will affect the achievement of universal health coverage.
- Expanding health coverage to all migrants; addressing their neglect or exclusion from local or national policies and legislation on insurance coverage, focusing particularly on irregular migrants and migrants in the informal sector. Universal health coverage is intrinsically

of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

# <u>International Covenant on Civil and Political Rights</u>

Article 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (c) To have access, on general terms of equality, to public service in his country.

#### • Beijing Declaration and Action Plan

Paragraph number 30: Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education

Paragraph number 35: Ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources, inter alia, by means of international cooperation;

Strategic objective A.2.: Revise laws and administrative practices to ensure women's equal rights and access to economic resources

Strategic objective B.1.: Ensure equal access to education

Strategic objective B.2.: Eradicate illiteracy among women

Strategic objective C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services

Strategic objective F.1. Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources

Strategic objective F.2. Facilitate women's equal access to resources, employment, markets and trade

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
		inclusive of migrants as part of a population, and can only be achieved if migrants are included.	Strategic objective F.3. Provide business services, training and access to markets, information and technology, particularly to low-income women
		<ul> <li>Ensuring access to quality and affordable health-care services for migrants in all contexts, including those in transit, migrants in crises and in disasters.</li> <li>Ensuring migrants with diverse SOGIESC have access to dignified and appropriate healthcare services.</li> <li>Developing data collection and surveillance mechanisms to understand migrant health needs and monitor variables relating to the health of migrants</li> </ul>	<ul> <li>CEDAW         Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end ()     </li> <li>Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to en sure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.     </li> <li>Article 10 on Education Article 11 on</li> </ul>
	4.1: By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes 4.2: By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education	<ul> <li>Promoting access to and improving quality of primary and secondary education for all migrant children at all stages of the migration cycle.</li> <li>Strengthening linkages between secondary education and vocational or technical skills and training opportunities with a view to facilitate access to labour markets and decent work.</li> <li>Strengthening the capacity of schools to address discrimination and violence against children with diverse SOGIESC and help deter those children from leaving school before completion.</li> <li>Promoting access to and improving quality of early childhood development, care and pre-primary education for all migrant children at all stages of the migration cycle.</li> </ul>	Article 10 on Education, Article 11 on Employment, Article 12 on Health services, Article 13 on Economic and social life,  • Committee, General Recommendation No 26, Women Migrant Workers  paragraph number 26. States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities.  Measures that may be required include, but are not limited to, the following:  (i) Access to services: States parties should ensure that linguistically and culturally appropriate gender-sensitive services for women migrant workers are available, including language and skills training programmes, emergency shelters, health-care services, police services, recreational programmes and programmes designed especially for isolated women migrant workers, such as domestic workers and others secluded in the home, in addition to victims of domestic violence. Victims of abuse must be provided with relevant emergency and social services, regardless of their immigration status (articles 3, 5 and 12);

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

10 REDUCED INEQUALITIES



10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See <a href="IOM">IOM"</a>'s Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and well-managed migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.
- 11 SUSTAINABLE CITIES AND COMMUNITIES

11.1: By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

- Improving living conditions, access to secure and decent housing for migrants and displaced persons.
- If relevant in particular context, addressing land and property rights of migrants.
- Strengthen protections against housing discrimination for migrants with diverse SOGIESC, who may face particularly high rates of housing insecurity due to discriminatory landlords and communities.

CMW General Comment 4 and CRC
 General Comment 23 on State obligations
 regarding the human rights of children
 in the context of international migration
 in countries of origin, transit, destination
 and return.

Paragraph number 55. (...) Attention should be paid to addressing the gender-specific impacts of reduced access to services. In addition, migrant children should be provided full access to age appropriate sexual and reproductive health information and services

• CMW, General Comment 1 on Domestic Workers

Paragraph number 43: States should ensure effective access of all migrant domestic workers to any medical care urgently required to avoid irreparable harm to their health (article 28). Particular attention should be given to women migrant domestic workers with irregular status, who are especially vulnerable during pregnancy, as they are often afraid to contact public health services out of fear of deportation. States should not require public health institutions providing care to report data on the regular or irregular status of a patient to immigration authorities.

• CMW, General Comment 2 on the rights of migrant workers in an irregular situation and members of their families

Paragraph number 72: States parties shall ensure (...) that migrant women have access to appropriate prenatal and postnatal health care, safe reproductive health services, and to emergency obstetric care.

#### **Policies and approaches**

- IASC Policy on Gender Equality and Empowerment of Women and Girls
- Gender markers, including IOM Gender Marker
- Agenda for Humanity
- UNFE LGBTI Equality: Frequently asked Questions
- OHCHR Born Free and Equal
- Human rights council reports (thematic)
   <u>Discrimination and violence against</u>

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	16.B: Promote and enforce non-discriminatory laws and policies for sustainable development	<ul> <li>Proactively considering minorities and all types of migrants in non- discriminatory laws and policies.</li> </ul>	individuals based on their sexual orientation and gender identity  Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity  • Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion  • Independent Expert on sexual orientation and gender identity
	17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts	<ul> <li>Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.</li> <li>Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.</li> <li>Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.</li> </ul>	

# SDG GOALS

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS



16 INCLUSION AND SOCIAL COHESION

**Objective 16:** 



Empower
migrants and
societies to
realize full
inclusion and
social cohesion

10.2: By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

 Addressing the integration needs of migrant populations, including exclusion or discrimination based on nationality, migratory status, ethnicity or other related factors.

**MIGRATION RELEVANCE** 

- Striving towards inclusion of all minorities to end exclusion, discrimination, homophobia, biphobia, transphobia, intersexphobia and xenophobia.
- Addressing inclusion and reintegration needs of returned migrants in origin communities.
- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and wellmanaged migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

#### **General best practices**

- Introducing gender-sensitive approaches to integration which are crucial as a person's gender shapes every stage of the migration experience. The paths of different individuals towards integration may face differing obstacles due to societal expectations and prejudices regarding their perceived roles in society, both in the country of origin and of destination. In addition, discrimination in public institutions as well as homophobic, biphobic, transphobic, intersexphobic and xenophobic attitudes and abuse from local communities are an obstacle to successful integration for migrants, including those with diverse SOGIESC.
- Organizing trainings on gender, inclusion and diversity, having gender and diversity in policy goals regarding the inclusion of migrants in societies, making sure all migrants of different sexes, genders, ages and abilities are included in the labour market, eliminating gender-based discriminatory restrictions on formal employment and providing access to training and education for all migrants of different sexes, genders, ages and abilities.
- Preventing and countering violent extremism (P/CVET) as terrorists and violent extremists tend to exploit existing gender inequalities and ideas around traditional or 'ideal' roles for women and men in their recruitment materials and propaganda, and targeting women and women's rights as an explicit tactic. Violent extremism is also associated with increased persecution and displacement of people with diverse SOGIESC, as they are perceived to violate traditional gender norms.

#### References

• International Covenant on Economic, Social and Cultural Rights

Article 2: (1) Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. (3)

## **GCM OBJECTIVE SDG GOALS SUSTAINABLE CITIES** AND COMMUNITIES 11.B: By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster **Risk Reduction** 2015-2030, holistic disaster risk management at all levels

#### **MIGRATION RELEVANCE**

- Integrating migrants and their needs in urban planning.
- Integrating migrants' safety and protection in urban disaster risk reduction and management.
- Addressing displacement by natural disasters, climate change and other environmental factors in urban planning.

- Participatory approaches that include migrants should be encouraged; all types of migrants should be proactively included in as many aspects of decisionmaking as possible related to migration and development.
- Proactively considering minorities and all types of migrants in nondiscriminatory laws and policies.

#### **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS

Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

#### CEDAW

Article 5: States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases

#### Committee, General Recommendation No. 26 on Women Migrant Workers

States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are not limited to, the following: (k) Social inclusion of women migrant workers: States parties should adopt policies and programmes with the aim of enabling women migrant workers to integrate into the new society. Such efforts should be respectful of the cultural identity of women migrant workers and protective of their human rights, in compliance with the Convention (article 5);

CMW General Comment 3 and CRC General Comment 22 on the general principles regarding the human rights of children in the context of international migration.

Paragraph number 24. States parties should conduct a robust gender analysis of the specific impacts of migration policies and programmes on children of all genders. States parties should review and amend any gender-discriminatory restrictions on migration in law or practice that limit opportunities for girls or that do not recognize their capacity and autonomy to make their own decisions.

PEACE, JUSTICE AND STRONG INSTITUTIONS



**16.7:** Ensure responsive, inclusive, participatory and representative decision-making at all levels

16.B: Promote and enforce nondiscriminatory laws and policies for sustainable development

#### **SDG GOALS**

#### **MIGRATION RELEVANCE**

## MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS



17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of highquality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migrationrelated variables such as migratory status.
- Paragraph number 39: States parties should adopt measures directed at facilitating the participation of all children in the context of international migration in the design, implementation, monitoring and evaluation of policies that could directly or indirectly affect them, as individuals or a group, including in the fields of social policies and social services. Initiatives should be taken to prepare girls and transgender children to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership. In countries of origin, the participation of children is paramount in developing policies on and in processes aimed at addressing drivers of the migration of children and/or their parents and developing policies in that regard.
- <u>United Nations Security Council Resolution</u> 1325 on Women, Peace and Security

#### **Policies and approaches**

- IASC Policy on Gender Equality and Empowerment of Women and Girls
- Gender markers, including IOM Gender Marker
- Agenda for Humanity
- UNFE LGBTI Equality: Frequently asked Questions
- OHCHR Born Free and Equal
- Human rights council reports (thematic)

<u>Discrimination and violence against individuals based on their sexual orientation and gender identity</u>

<u>Discriminatory laws and practices and acts</u> <u>of violence against individuals based on</u> <u>their sexual orientation and gender identity</u>

- <u>Universal Periodic Review</u> recommendations on SOGIESC / LGBTIQ+ inclusion
- Independent Expert on sexual orientation and gender identity
- Leave No Migrant Behind: The 2030 Agenda and Data Disaggregation

This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.

ELIMINATE DISCRIMINATION

# **Objective 17:**

Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration

# **SDG GOALS**

# **DECENT WORK AND ECONOMIC GROWTH**



8.8: Protect labour rights and promote safe and secure working environments for all workers, including in particular and those in precarious

migrant workers, women migrants, employment

REDUCED **INEOUALITIES** 



**10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

# **MIGRATION RELEVANCE**

- Protecting labour rights for migrant workers, who are often at greater risk of exploitation, violence and/or abuse than other groups, women migrant workers in domestic employment, men migrants workers with diverse SOGIESC and migrant workers with diverse genders. This includes improving working conditions, promoting fair recruitment practices, addressing health needs, including ensuring access to equitable health services, and more.
- Eliminating laws, policies and practices that are discriminatory towards any migrant group, and promoting appropriate legislation that is inclusive towards migrants.
- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and well-managed migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

# **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS

# **General best practices**

- Promoting the voices of migrants and their participation in society. There must be a demonstrable ability for migrants to participate in social and political life.
- Eliminating discrimination against all migrants and removing barriers to migrants accessing social services and fair employment.
- Tracking and publishing of trends analysis which should be utilised for greater transparency and public understanding of the manifestations of racism and other forms of discrimination and aiding policy decisions to eliminate discrimination.
- Introducing policies to promote quality reporting, educating and public awareness raising of the positive contributions migrants make to society.

### References

• Universal Declaration of Human Rights

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

• International Covenant on Civil and Political Rights

Article 2: (1) Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 22: (1) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. (2) No restrictions may be placed on the exercise of this right other than those which

# **SDG GOALS**

# **MIGRATION RELEVANCE**

# MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

PEACE, JUSTICE AND STRONG INSTITUTIONS



 Proactively considering minorities and all types of migrants in nondiscriminatory laws and policies. are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

**16.B:** Promote and enforce non-discriminatory laws and policies for sustainable development

• <u>CEDAW</u>

17 PARTNERSHIPS FOR THE GOALS



 Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.

- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migrationrelated variables such as migratory status.

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women (...).

Article 5: States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases

Article 4: (1) Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved

• Beijing Declaration and Action plan

Paragraph number 24. Determined to take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women.

Strategic objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the

17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of highquality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Elimination of All Forms of Discrimination against Women
			Strategic objective I.2. Ensure equality and non-discrimination under the law and in practice
			CMW, General Comment 1 on Domestic     Workers
			Paragraph number 60: Recognizing that most domestic workers are women and girls and taking into consideration traditional roles, the gendered labour market, the universal prevalence of gender-based violence and the worldwide feminization of poverty and labour migration, States should incorporate a gender perspective in efforts to understand their specific problems and develop remedies to the gender-based discrimination that they face throughout the migration process.
			Policies and approaches
			UN System-Wide Policy on Gender Equality and the Empowerment of Women
			To accelerate the implementation of the ECOSOC Agreed Conclusions 1997/2 on "Mainstreaming a gender perspective into all policies and programmes in the UN System", CEB policy commits UN entities to establish oversight through monitoring, evaluation and reporting by utilizing, inter alia, peer reviews, gender audits as well as collecting sex-disaggregated data. Gender Equality and the Empowerment of Women are integrated in the evaluation scope of analysis and evaluation criteria and questions are designed in a way that ensures related data will be collected.
			UNCT SWAP Scorecard
			IASC Policy on Gender Equality and Empowerment of Women and Girls
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			<u>Universal Periodic Review</u> recommendations on SOGIESC / LGBTIQ+ inclusion
			Independent Expert on sexual orientation and gender identity
			Leave No Migrant Behind: The 2030 Agenda and Data Disaggregation
			This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.

### **SDG GOALS MIGRATION RELEVANCE**

# **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



# **Objective 18:**

Invest in skills development and facilitate mutual recognition of skills, qualifications and competencies **GOOD HEALTH** AND WELL-BEING

3.C: Substantially increase health financing and the recruitment, development, training and retention of the health workforce

in developing

countries,

especially in

least developed

countries and

small island

developing

States

- Increasing health financing to support migrant health needs and migrant health insurance coverage.
- Strengthening adherence and recognition of the WHO 'Code of Global Practice' in the context of the migration of health-care workers.
- Encouraging programmes supporting the transfer of medical professional skills from diaspora to medical staff in communities and countries of origin.

# **General best practices**

- Acknowledging there is broad evidence of significant underutilization of immigrants'
- Ensuring access to information on how migrants can have their skills and qualifications assessed and recognized prior to departure, including in recruitment processes, for all migrants of different sexes, genders, ages and abilities.

### QUALITY **EDUCATION**



- **4.4:** By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills. for employment, decent jobs and entrepreneurship
- 4.B: By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small

- Improving skills and training for migrants to increase their access to decent work.
- Improving local and national linkages between education and skills provision and labour markets, to address any discrepancies such as labour shortages for particular skill profiles or large emigration of a certain skill set.
- Increasing scholarships for enrolment in higher education abroad, including exchange programmes and any other forms of student mobility.

### References

• International Covenant on Economic, Social and Cultural Rights

Article 6: (1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

- (2) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.
- The International Convention on the Protection of the Rights of All Migrant Workers and **Members of Their Families**

Article 25: (1) Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration

- (a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these terms:
- (b) Other terms of employment, that is to say, minimum age of employment, restriction on work and any other matters which, according to national law and practice, are

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
	island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries  8 DECENT WORK AND ECONOMIC GROWTH  8.5: Achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.  8.6: By 2020, substantially reduce the proportion of youth not in employment, education or training	<ul> <li>Improving local and national employment and increasing access to decent work to:</li> <li>Address un- and under-employment and poor working conditions as potential drivers of migration;</li> <li>Address un- and underemployment of migrant populations;</li> <li>Protect migrant workers by guaranteeing adequate working conditions.</li> <li>Taking an inclusive approach to employment provision to ensure all migrant groups, including but not limited to refugees, return migrants and IDPs, have access to labour market opportunities.</li> <li>Focusing on improving employment and decent work for women, women, men with diverse SOGIESC and people with diverse genders and improving economic value of their work, to address a lack thereof as a potential driver of migration and to protect migrant workers.</li> </ul>	considered a term of employment Article 52: (2) For any migrant worker a State of employment may:  (a) Restrict access to limited categories of employment, functions, services or activities where this is necessary in the interests of this State and provided for by national legislation;  (b) Restrict free choice of remunerated activity in accordance with its legislation concerning recognition of occupational qualifications acquired outside its territory. However, States Parties concerned shall endeavour to provide for recognition of such qualifications  • CEDAW  Article 10: States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women ()  Article 11: 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, ()  Committee, General Recommendation No 26 on Women Migrant Workers.  Paragraph number 26. States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are not limited to, the following:  (i) Access to services: States parties should ensure that linguistically and culturally appropriate gender-sensitive services for women migrant workers are available, including language and skills training programmes, ()  Beijing Declaration and Platform for Action Strategic objective A.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty  (l) Introduce measures to integrate or rein-

# **GCM OBJECTIVE SDG GOALS** REDUCED **INEQUALITIES 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies **PARTNERSHIPS** 17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island

developing

significantly

timely and

reliable data

disaggregated

the availability

of high-quality,

States, to

increase

# **MIGRATION RELEVANCE**

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration Governance Indicators (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and well-managed migration policies in the future.
   For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.

 Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.

- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types

# MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

tegrate women living in poverty and socially marginalized women into productive employment and the economic mainstream; ensure that internally displaced women have full access to economic opportunities and that the qualifications and skills of immigrant and refugee women are recognized.

Strategic objective B.1. Ensure equal access to education

Strategic objective B.3. Improve women's access to vocational training, science and technology, and continuing education

Strategic objective B.6. Promote life-long education and training for girls and women

Strategic objective F.4. Strengthen women's economic capacity and commercial networks

Strategic objective G.1. Take measures to ensure women's equal access to and full participation in power structures and decision-making

Strategic objective K.1. Involve women actively in environmental decision-making at all levels

Strategic objective L.4. Eliminate discrimination against girls in education, skills development and training

 Human Resources Development Convention (N. C142) and Recommendation (N. R195), 2004

# **Policies and approaches**

• ILO Multilateral Framework on Labour Migration, 2006

Principle VI – Prevention of and Protection against Abusive Migration Practices: promoting the recognition and accreditation of migrant workers' skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized.

• UN System-Wide Policy on Gender Equality and the Empowerment of Women

To accelerate the implementation of the ECOSOC Agreed Conclusions 1997/2 on "Mainstreaming a gender perspective into all policies and programmes in the UN System", CEB policy commits UN entities to establish oversight through monitoring, evaluation and reporting by utilizing, inter alia, peer reviews, gender audits as well as collecting sex-disaggregated data.

by income,		IN INTERNATIONAL INSTRUMENTS
gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts	of data (for example in education and health) by migration-related variables such as migratory status.	Gender Equality and the Empowerment of Women are integrated in the evaluation scope of analysis and evaluation criteria and questions are designed in a way that ensures related data will be collected.  • UNCT SWAP Scorecard  • IASC Policy on Gender Equality and Empowerment of Women and Girls  • Gender markers, including IOM Gender Marker  • Agenda for Humanity  • UNFE LGBTI Equality: Frequently asked Questions  • OHCHR Born Free and Equal  • Human rights council reports (thematic)  Discrimination and violence against individuals based on their sexual orientation and gender identity  Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity  • Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion  • Independent Expert on sexual orientation and gender identity  • Leave No Migrant Behind: The 2030 Agenda
		tions on SOGIESC / LGBTIQ+ inclusion  Independent Expert on sexual orientation and gender identity

### **SDG GOALS MIGRATION RELEVANCE**

# **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



# All 17 SDGs are relevant to this objective

**7.B:** By 2030, expand infrastructure and upgrade technology for

supplying

modern and sustainable energy services for all in developing countries, in particular least developed

countries, small island developing States, and land-locked developing countries, in accordance with their respective programmes of support

**10.C:** By 2030,

reduce to less

than 3 per cent

the transaction

costs of migrant

remittances and

eliminate

remittance

5 per cent

corridors with

costs higher than

 Improving povertyreduction capabilities of remittances to individuals, households and communities, for example by strengthening financial inclusion.

diaspora investment, knowledge and skills transfers, and other mechanisms, into initiatives that address sustainable energy infrastructure and technology.

• Increasing migrant and

**General best practices** 

# • Empowering people of different genders and promoting gender equality is crucial to accelerating sustainable development. Ending all forms of discrimination against wom-

en, girls and people with diverse genders of all ages is not only a basic human right, but it also has a multiplier effect across all other development areas.

### References

• International Covenant on Economic, Social and Cultural Rights

Article 2: (1) Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. (3) Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

### • CEDAW

Article 5: States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases

# Committee, General Recommendation No 26 on Women Migrant Workers

States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are

# **Objective 19:**

Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries

> REDUCED **INEOUALITIES**

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			not limited to, the following: (k) Social inclusion of women migrant workers: States parties should adopt policies and programmes with the aim of enabling women migrant workers to integrate into the new society. Such efforts should be respectful of the cultural identity of women migrant workers and protective of their human rights, in compliance with the Convention (article 5);
			Policies and approaches
			<ul> <li>IASC Policy on Gender Equality and Empowerment of Women and Girls</li> </ul>
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked     Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			<u>Discrimination and violence against individuals based on their sexual orientation and gender identity</u>
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			<u>Universal Periodic Review</u> recommendations on SOGIESC / LGBTIQ+ inclusion
			<ul> <li>Independent Expert on sexual orientation and gender identity</li> </ul>

# **MIGRATION RELEVANCE**

# **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



# 20 REMITTANCES

**Objective 20:** 

# Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants

NO POVERTY

**SDG GOALS** 

- 1.4: By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources. appropriate new technology and financial services, including
- Addressing inequalities in basic services, ownership and control over land and other forms of property, to uphold human rights of migrants, ensure migrants can contribute to social and economic development in host communities, and to address these insofar as they can be potential drivers of migration.
- Increasing access to economic resources, basic services, ownership and control over land and other forms of property for migrants.
- Strengthening mechanisms by which migration can increase rights and access to economic resources, basic services and land/ property ownership and control to families and communities.

# **DECENT WORK AND ECONOMIC GROWTH**



microfinance

8.10: Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all

 Improving all migrant groups' financial inclusion, by expanding access to banking, insurance and financial services.

# **General best practices**

• Acknowledging women play a central role as recipients and managers of remittances. At the global level, female migrants send approximately the same amount of remittances as male migrants. However, research suggests that women tend to send a higher proportion of their income, even though they generally earn less than men. Given widespread gendered differences in relation to level of pay, working conditions and remitting behaviour (and expectations), women's specific situation has to be considered too. Note that there is not any data on remittances by people with diverse genders. The GCM only underlines the importance to consider "gender-responsive distribution channels to underserved populations, including for persons in rural areas, persons with low levels of literacy, and persons with disabilities", but it needs to go further than this and demand the full financial inclusion of all migrants and their families, both in their home and host countries.

### References

CEDAW

Committee, General Recommendation No 26 Women Migrant Workers

- 24. Countries of origin must respect and protect the human rights of their female nationals who migrate for purposes of work. Measures that may be required include, but are not limited to, the following: (g) Safeguarding remittances of income: States parties should establish measures to safeguard the remittances of women migrant workers and provide information and assistance to women to access formal financial institutions to send money home and to encourage them to participate in savings schemes (articles 3 and 11);
- International Convention on the Protection of the Rights of All Migrant Workers and **Members of Their Families**

Article 47: (1) Migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State. Such transfers shall be made in conformity with procedures established by applicable legislation of the State concerned

# SDG GOALS

# ∩ R<u>eduçed</u>



10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

10.C: By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent

# **MIGRATION RELEVANCE**

- Implementing planned and well-managed migration policies; this can include any number of migration governance areas at the local or national level.
   See <u>IOM's Migration</u> <u>Governance Indicators</u> (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and well-managed migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and national migration and/or development strategies.
- Lowering remittance transfer costs, making transfer markets more transparent, informing migrants of their transfer choices.
- Improving povertyreduction capabilities of remittances to individuals, households and communities, for example by strengthening financial inclusion.

# MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

and in conformity with applicable international agreements.

Beijing Declaration and Platform for Action

Paragraph number 154. Women migrant workers, including domestic workers, contribute to the economy of the sending country through their remittances and also to the economy of the receiving country through their participation in the labour force. However, in many receiving countries, migrant women experience higher levels of unemployment compared with both nonmigrant workers and male migrant workers

Strategic objective A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources

Strategic objective A.3. Provide women with access to savings and credit mechanisms and institutions

Strategic objective F.1. Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources

 International Covenant on Economic, Social and Cultural Rights, 1966

Article 7: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions;

- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d ) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8: 1. The States Parties to the present

# SDG GOALS

# **MIGRATION RELEVANCE**

# MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS



17.3: Mobilize additional financial resources for developing countries from multiple sources

17.17: Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships

17.18 By 2020, enhance capacitybuilding support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Mobilizing all migrationrelated financial resources as appropriate, including remittance flows and diaspora investment.
- Building and strengthening public, public-private and civil society partnerships to improve migration governance and address cross-cutting migration issues, and mobilizing resources this way.
- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.

Covenant undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country. 2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State. 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9: The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10: The States Parties to the present Covenant recognize that: 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses. 2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits. 3. Special measures of protection and assistance

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law
			<ul> <li>International Labour Organization (ILO) Domestic Workers Convention (No. 189) (2011)</li> <li>Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights</li> </ul>
			Policies and approaches
			<ul> <li>IASC Policy on Gender Equality and Empowerment of Women and Girls</li> </ul>
			Gender markers, including IOM Gender     Marker
			Agenda for Humanity
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against individuals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			<u>Universal Periodic Review</u> recommenda- tions on SOGIESC / LGBTIQ+ inclusion
			<ul> <li>Independent Expert on sexual orientation and gender identity</li> </ul>
			<ul> <li>Leave No Migrant Behind: The 2030 Agenda and Data Disaggregation</li> </ul>
			This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.

# **MIGRATION RELEVANCE**

# **MIGRATION - GENDER RELEVANCE** IN INTERNATIONAL INSTRUMENTS



# **Objective 21:**

Cooperate in facilitating dignified safe and dignified return and readmission, as well as sustainable reintegration

REDUCED **INEQUALITIES** 

**SDG GOALS** 

**10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

- well-managed migration policies; this can include any number of migration governance areas at the local or national level. See IOM's Migration **Governance Indicators** (MGI) for six domains of migration governance.
- Protecting migrant rights and migrant safety throughout the migration process by promoting safe, orderly regular and responsible migration in policy and practice.
- Strengthening capacity for states to create planned and well-managed migration policies in the future. For example, by encouraging migration mainstreaming so that more migration and development linkages are institutionalized and included in local and development strategies.

PEACE, JUSTICE AND STRONG INSTITUTIONS

**16.9:** By 2030, provide legal identity for all, including birth registration

- Implementing planned and
- national migration and/or

 Proactively considering minorities and all types of migrants in nondiscriminatory laws and policies.

# **General best practices**

- Acknowledging the diverse needs of returning migrants which requires gender-responsive and comprehensive services focusing on economic, social, and psychosocial needs. Returning migrants may experience a wide variety of needs, requiring programmes that address those seeking assistance with unemployment, lack of savings, business development, job-matching, or issues with psychosocial trauma or difficulty reintegrating into their communities.
- Taking specific measures to tackle marginalization and empower marginalized individuals and groups to claim their rights and to participate in society on an equal basis.

### References

• Universal Declaration of Human Rights

Article 3: Everyone has the right to life, liberty and the security of person.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

CEDAW

Committee, General Recommendation No 26, Women Migrant Workers

Paragraph number 11. Women migrant workers may face sex- and gender-based discrimination, including compulsory HIV and AIDS testing for women returnees, moral "rehabilitation" for young women returnees and increased personal and social costs compared to men, without adequate gender-responsive services. For example, men may return to a stable family situation, whereas women may find disintegration of the family upon their return, with their absence from home regarded as the cause of such disintegration. There may also be a lack of protection against reprisals from exploitative recruiting agents.

Paragraph number 24. Countries of origin must respect and protect the human rights of their female nationals who migrate for purposes of work. Measures that may be required include, but are not limited to, the following:

(h) Facilitating the right to return: States parties should ensure that women who wish to return to their countries of origin are able

# **SDG GOALS**

# **MIGRATION RELEVANCE**

# MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS



17.18: By 2020, enhance capacitybuilding support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables such as migratory status.

to do so free of coercion and abuse (article 3); (i) Services to women upon return: States parties should design or oversee comprehensive socio-economic, psychological and legal services aimed at facilitating the reintegration of women who have returned. They should monitor service providers to ensure that they do not take advantage of the vulnerable position of women returning from work abroad, and should have complaint mechanisms to protect the women against reprisals by recruiters, employers or former spouses (articles 2 (c) and 3);

• Beijing Declaration and Platform for Action

Strategic objective E.5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women

Strategic objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women

The Protocol to Prevent, Suppress and punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against transnational organized crime,

Article 8 (1). The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

- 2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.
- 3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.
			4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.
			5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.
			6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.
			<ul> <li>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</li> </ul>
			Article 67 (1.) States Parties concerned shall co-operate as appropriate in the adoption of measures regarding the orderly return of migrant workers and members of their families to the State of origin when they decide to return or their authorization of residence or employment expires or when they are in the State of employment in an irregular situation.
			2. Concerning migrant workers and members of their families in a regular situation, States Parties concerned shall co-operate as appropriate, on terms agreed upon by those States, with a view to promoting adequate economic conditions for their resettlement and to facilitating their durable social and cultural reintegration in the State of origin.
			Policies and approaches
			UN System-Wide Policy on Gender Equality and the Empowerment of Women
			To accelerate the implementation of the ECOSOC Agreed Conclusions 1997/2 on "Mainstreaming a gender perspective into all policies and programmes in the UN

System", CEB policy commits UN entities to establish oversight through monitoring, evaluation and reporting by utilizing, inter alia, peer reviews, gender audits as well as collecting sex-disaggregated data. Gender Equality and the Empowerment of Women are integrated in the evaluation scope of analysis and evaluation criteria and questions are designed in a way that ensures related data will be collected.  • UNCT SWAP Scorecard  • The Secretary General's Bulletin on Sexual Exploitation and Abuse  • IASC Policy on Gender Equality and Empowerment of Women and Girls  • Gender markers, including IOM Gender Marker  • Agenda for Humanity  • UNFE LGETI Equality: Frequently asked. Questions  • OHCHR Born Free and Equal.  • Human rights council reports (thematic)  Discrimination and violence against individuals based on their sexual orientation and gender identity  Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity  • Universal Periodic Review recommendations on SOGIESC / LGBTIQ+ inclusion  • Independent Expert on sexual orientation and gender identity
Leave No Migrant Behind: The 2030 Agenda and Data Disaggregation  This guide helps practitioners disaggregate data related to the Sustainable Development Goals (SDGs) by migratory status, to address the needs of migrants and highlight their contributions to sustainable development.

• Promoting equal opportunity and gender

• Integrating gender considerations in the es-

ity of social security such as gender-based

difference in health costs and subsequent

tablishment of mechanisms for the portabil-

# **GCM OBJECTIVE**

# MIGRATION RELEVANCE

# MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

**General best practices** 

and racial equality.



22 SOCIAL PROTECTION

**Objective 22:** 

Establish
mechanisms for
the portability
of social security
entitlements and
earned benefits

1 NO POVERTY

**SDG GOALS** 

1.3: Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

 Extending social protection access, eligibility and coverage to migrants, especially irregular migrants, and making efforts towards the transferability and portability of these benefits.

# References

• <u>Universal Declaration of Human Rights</u>

needs for coverage over time.

Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

CEDAW

Article 11: (1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (...) (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave, (...)

(2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status; (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances; (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities; (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

5 GENDER EQUALITY



5.4: Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

- Protecting the rights and interests, and enhancing the well-being, dignity and status of migrant domestic workers.
- Ensuring eligibility, equal access and coverage to social protection for women migrant domestic workers.

10 REDUCED INEQUALITIES



10.4: Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality

- Ensuring social protection policies and programmes grant eligibility, coverage and equal access to migrants.
- Ensuring fiscal and wage policies consider migrants and do not increase inequalities between them and native populations.

# **SDG GOALS**

# **MIGRATION RELEVANCE**

# MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS

17 PARTNERSHIPS FOR THE GOALS



**17.18:** By 2020, enhance capacitybuilding support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

- Strengthening systems and processes around migration data collection, exchange, monitoring, analysing and reporting at all levels of government as well as with other actors, for example publishing data on a regular basis on migration-related topics, monitoring implementation of local and national legislation and policies on migration.
- Building local and national capacity to improve migration data in the future, for example training researchers, statisticians and research institutions to research and monitor migration topics.
- Improving collection and disaggregation of development and other types of data (for example in education and health) by migration-related variables

- Maternity Protection Convention (N. C103/ C183) and Recommendation (N. R95/R191), revised 2000, Workers with Family Responsibilities (N. C156) and Recommendation (N. R165), 1981
  - Equality of Treatment [Social Security]
    Convention, 1962 [No. 118], Maintenance of
    Social Security Rights Convention, 1982 [No. 157]
- International Labour Organization (ILO)
   R202 Social Protection Floors Recommendation, 2012

Paragraph number 3: Recognizing the overall and primary responsibility of the State in giving effect to this Recommendation, Members should apply the following principles: (d) non-discrimination, gender equality and responsiveness to special needs;

Paragraph number 21: For the purpose of Paragraph 19, Members should regularly collect, compile, analyse and publish an appropriate range of social security data, statistics and indicators, disaggregated, in particular, by gender.

# **Policies and approaches**

• UN System-Wide Policy on Gender Equality and the Empowerment of Women

To accelerate the implementation of the ECOSOC Agreed Conclusions 1997/2 on "Mainstreaming a gender perspective into all policies and programmes in the UN System", CEB policy commits UN entities to establish oversight through monitoring, evaluation and reporting by utilizing, inter alia, peer reviews, gender audits as well as collecting sex-disaggregated data. Gender Equality and the Empowerment of Women are integrated in the evaluation scope of analysis and evaluation criteria and questions are designed in a way that ensures related data will be collected.

- UNCT SWAP Scorecard
- The Secretary General's Bulletin on Sexual Exploitation and Abuse
- IASC Policy on Gender Equality and Empowerment of Women and Girls
- Gender markers, including IOM Gender Marker
- Agenda for Humanity

GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
			UNFE LGBTI Equality: Frequently asked Questions
			OHCHR Born Free and Equal
			Human rights council reports (thematic)
			Discrimination and violence against indi- viduals based on their sexual orientation and gender identity
			Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity
			<u>Universal Periodic Review</u> recommendations on SOGIESC / LGBTIQ+ inclusion
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GCM OBJECTIVE	SDG GOALS	MIGRATION RELEVANCE	MIGRATION - GENDER RELEVANCE IN INTERNATIONAL INSTRUMENTS
COM OBJECTIVE  23 INTERNATIONAL COOPERATION  Objective 23:  Strengthen international cooperation and global partnerships for safe, orderly and regular migration	All 17 SDGs are relevant to this objective.  17.3: Mobilize additional financial resources for developing countries from multiple sources  17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to	• International cooperation is necessary for ensuring integrated, comprehensive approaches to facilitate safe, orderly and regular migration, recognising that states are all countries of origin, transit and destination, and that the majority of the world's migration takes place within regions.	
	increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts		

# References

# **IOM SOGIESC Glossary**

2020. Available at https://static1.squarespace.com/static/5367af22e4b0915380a1eb0a/t/5fcfc9c6 a3f9e430eb9406d4/1607453160297/IOM SOGIESC Full Glossary 2020.pdf

# IOM Migration and the 2030 Agenda: A Guide for Practitioners

2018. Available at https://publications.iom.int/system/files/pdf/sdg\_en.pdf

# **IOM Global Compact Thematic Paper**

2018. INTEGRATION AND SOCIAL COHESION: KEY ELEMENTS FOR REAPING THE BENEFITS OF MIGRATION. Available at <a href="https://www.iom.int/sites/default/files/our\_work/ODG/GCM/IOM-Thematic-Paper-Integration-and-Social-Cohesion.pdf">https://www.iom.int/sites/default/files/our\_work/ODG/GCM/IOM-Thematic-Paper-Integration-and-Social-Cohesion.pdf</a>

# **IOM Info sheets**

2013. Taking Action against Violence and Discrimination Affecting Migrant Women and Girls. Available at <a href="https://publications.iom.int/system/files/pdf/violence\_against\_women\_infosheet2013.pdf">https://publications.iom.int/system/files/pdf/violence\_against\_women\_infosheet2013.pdf</a>

2010. Gender, Migration and Remittances. Available at <a href="https://www.iom.int/sites/default/files/about-iom/Gender-migration-remittances-infosheet.pdf">https://www.iom.int/sites/default/files/about-iom/Gender-migration-remittances-infosheet.pdf</a>

# IOM Outlook on Migration, Environment and Climate Change.

2014. Available at IOM Outlook on Migration, Environment and Climate Change | Environmental Migration Portal

# **IOM GMDAC: Central Mediterranean Route Thematic Report Series**

2018. Analysis of Best Practices on the Identification of Missing Migrants. Available at <a href="https://publications.iom.int/system/files/pdf/identification\_of\_missing\_migrants.pdf">https://publications.iom.int/system/files/pdf/identification\_of\_missing\_migrants.pdf</a>

# **IOM GMDAC: Fatal Journeys**

2017. Improving Data on Missing Migrants, Fatal Journeys, Volume 3 part 2. Available at <a href="https://publications.iom.int/system/files/pdf/fatal\_journeys\_3\_part2.pdf">https://publications.iom.int/system/files/pdf/fatal\_journeys\_3\_part2.pdf</a>

# **ODI (Overseas Development Institute)**

2016. Women on the move. Migration, gender equality and the 2030 Agenda for Sustainable Development. Available at <a href="https://cdn.odi.org/media/documents/10731.pdf">https://cdn.odi.org/media/documents/10731.pdf</a>

# **Migration Data Portal**

Last updated 2021. Available at https://migrationdataportal.org/themes/gender-and-migration

# **UN Women**

2018. Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development. Available at <a href="https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-gender-equality-in-the-2030-agenda-for-sustainable-development-2018-en.pdf?la=en&vs=4332">https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-gender-equality-in-the-2030-agenda-for-sustainable-development-2018-en.pdf?la=en&vs=4332</a>

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# **Gender, SOGIESC & Migration** in the Global Compact for Migration and the 2030 Agenda: Frameworks Matrix

