



## Vienna+20 and beyond. Claims on work and migration!

Representatives of various CSOs around the world gathered in Vienna on June 25<sup>th</sup> and 26<sup>th</sup>, 2013 for a Conference on the occasion of the 20<sup>th</sup> anniversary of the Vienna Declaration and Plan of Action. The gathering recognized the important areas of progress made on the basis of the Vienna 1993 Declaration and Plan of Action but also noted that the implementation of that plan still suffered from severe gaps in a number of areas, broadly admitting that many of today's human rights challenges are yet not fully addressed twenty years on – like work and migration.

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The Vienna+20 CSO Conference emphasized the primacy of human rights over all other rights, underlining the fact that protection and promotion of human rights is the first responsibility of governments but that the primacy of human rights is not yet reflected in the policies and institutions of many states. These include some of the most powerful globally, for example in Europe. Despite the progress made in institutionalizing human rights systems, real politics' vested interests, in particular business interests, still tended to prevail. Of great concern is that human rights law, in the context of in particular economic, social and cultural rights, are still not equipped with the proper forms of legal sanctions, as compared to other areas of law such as for example international commercial law. The meeting also emphasized the importance of strengthening extraterritorial obligations in order to address the challenges of globalization while observing the importance of including ecological perspectives into human rights. There was broad support expressed for the welfare of human rights defenders, especially leaders and rank-and-file advocates who are facing growing criminalization, while working for the rights of women, indigenous

peoples, peasants, and others in vulnerable categories. Despite the universality of human rights, many states still interpret these obligations as being applicable only within their own borders. The attempt to limit obligations territorially has led to gaps in human rights protection that have become more severe in the context of globalization over the past 20 years.

### Cross-cutting effects of Gender and Work

It was interesting to note the great interest on the cross-cutting effect of gender during the two day conference. Indeed, in Vienna at least 8 main points were taken up by the participants relating the Rights of Women: We call on states to guarantee and implement the human rights of migrants, refugees and displaced persons as enshrined in the UN Universal Declaration of Human Rights, the ILO Conventions 97, 143, 181, 189, and the Maritime Labour Convention 2006. Furthermore, we urge states to ratify the UN Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, and ILO Convention 189 on Domestic Work. We call on States to implement the outcomes of the UN High Level Dialogue

on global migration governance and institutionalize the active participation of migrant and refugee organizations in future governance mechanisms.

States also have the responsibility to ensure the equality of migrant workers with nationals of the state in respect to wages and conditions of employment and in matters of social security, health and welfare. States should prioritize coherence in economic, trade, investment and development policies to make migration a choice and not a necessity.

States should ensure protection of the rights of migrants and refugees, including unaccompanied children, in transit or passage through borders, whether in regular travel or when caught in crisis situations of distress. Involuntary cross-border and internal displacements have increased due to forced eviction from investment projects, environmental disasters and climate change, to land grabbing, economic deprivation and political persecution, including in the situations of conflict, occupation and war.

However, violations continue against persons and families seeking refuge from well-founded fear in many countries. They are often stripped of their human rights and criminalized in countries of transit while risking falling victim to forced labor, human trafficking and organ trade. Refugee and IDP situations are emblematic of protracted crises. We request that fragile states be addressed and transitional justice processes instituted that call for reparation of victims and national reconciliation.

Legal norms and procedures for refugee and IDP protection coming into force ten years ago, have been developed. The ILO Convention No. 189 concerning decent work for domestic workers and Maritime Labor Convention entered into force in 2013. However, only 46 states have ratified the Migrant Workers Convention so far, and only 49 states are party to ILO Migration for Employment Convention No. 97 (1949 revised), and just 23 ratified the Migrant Workers (Supplementary Provisions) Convention No. 143 (1975). We call upon states to become parties to these instruments.

### Migration and development nexus

Governments must create and implement mechanisms of migration governance, in particular in the post 2015 context, meet the international standards of treatment for refugees, IDPs and migrants, and prevent and remedy their forced eviction and displacement. Migrant women and migrant children, regardless of status, must have access to basic services and protection. States also must redouble efforts to avoid and prevent mass detention and expulsion of migrants, and to investigate deaths on borders.

The over-all effects of the many factors in the migration and development nexus have led to the increasing impoverishment and exploitation of women. It is now recognized that among women migrants, these vulnerabilities increase in all aspects of the migration process: pre departure, transit, arrival, stay and even return. Efforts are intensify-

ing in many sectors and in many theatres of discussion and policymaking in order to correct this state of affairs where women continue to be disenfranchised, even as more and more women take the challenge upon themselves to forge a better future for their children and their families by crossing borders and becoming migrants. Parallel developments at the UN High Level Dialogue affirm similar view. According to the newly formed WGMWG\*, the Women and Global Migration Work Group, which was established during the AWID Conference in Istanbul last year, migration impacts women who move within and across borders as well as women who remain at home when family members leave. Migration affects women as workers, care-givers, partners and parents, and has differential impact due to 'race', class, religion, age, national origin, ability, sexual orientation and status. Women around the world who are impacted by migration affirm that states have the obligation to protect, respect and fulfill fundamental human rights, including women's human rights, regardless of status.

### Claims of ENoMW, the European Network of Migrant Women

The WGMWG enumerate the following key priorities as starting points for addressing women's human rights in the context of migration:

- **WOMEN ARE AGENTS OF CHANGE** and need the resources, autonomy and access to realize our human rights
- **WORKER RIGHTS** that are gender-sensitive and value care-work
- **END CRIMINALIZATION OF MIGRANTS**, detention and deportation. Women must have full access to public services and protection of civil and human rights
- **END DISCRIMINATION/RACISM/XENOPHOBIA** towards migrant women in all their diversity
- **END GENDER-BASED VIOLENCE** and guarantee protections regardless of status
- **HEALTHCARE INCLUDING SEXUAL AND REPRODUCTIVE HEALTH** regardless of status
- **BUILD BRIDGES NOT WALLS** demilitarize borders and respect women's human rights
- **KEEP FAMILIES TOGETHER**; recognize LGBT families, women's status not dependent on a spouse
- **GENUINE GENDER-SENSITIVE DEVELOPMENT** must put people and nature at the center, deliver economic and social human rights, and make migration a choice, not a necessity

Tip: The Women and Global Migration Working Group: [www.wgmwg.org](http://www.wgmwg.org)

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