



POLICY BRIEF



RACIALLY MARGINALIZED MIGRANT WOMEN: HUMAN RIGHTS ABUSES AT THE INTERSECTION OF RACE, GENDER AND MIGRATION

Photo: UN Women/Allison Joyce

Summary

Racially marginalized migrant women experience multiple and intersecting forms of discrimination rooted in systemic racism, sexism and other systems of inequality. Discrimination occurs at all stages of migration and may include racial abuse, sexual and gender-based violence, stigmatization, limited access to health and social services, inequitable labour conditions, criminalization and detention. Exclusionary migration pathways based on race and gender, limited disaggregated data, discriminatory state laws and inadequate international protections are some of the contributing factors that erase and obscure the experiences of racially marginalized migrant women. States, international actors and civil society organizations must seek to expand their understanding of the intersection of race and gender in migration governance and implement urgent reforms to improve access to services and human rights protections for women who are marginalized based upon their race, gender and migration status.

Introduction

Migrant women¹ face various forms of racism, racial and ethnic discrimination, xenophobia and related intolerance at all stages of migration.² These women face direct discrimination, including explicitly prejudiced and differential treatment. They also face indirect discrimination resulting from the implementation of seemingly gender-blind and race-neutral laws and policies that have the effect of disproportionately harming migrant women.

Migration governance has failed to adequately account for systemic racism, sexism, patriarchy and misogyny and the legacies of slavery and colonialism, among others, that are deeply engrained in the formulation and implementation of migration laws, policies and services. Yet because there

is a severe lack of racial, ethnic and sex-disaggregated data and analysis on migrant women, much of the gender-based discrimination and racial inequalities that they experience are obscured or invisible.

The analysis that follows will focus on the human rights violations and situations of vulnerability facing racially marginalized migrant women at all stages of migration. ‘Racially marginalized migrant women’ is an umbrella term that will be used for the purpose of this brief to describe three categories of migrant women, with regular and irregular migration status, who experience racial or ethnic discrimination in related, but unique ways:

1. Migrant women from countries predominantly comprised of non-white populations *in the Global South, moving to countries in the Global North* who face racial or ethnic discrimination. This includes, for example, Cameroonian women who experience anti-Blackness in detention centres in the United States.³
2. Migrant women moving *within the Global North* who face racial or ethnic discrimination. This includes, for example, Roma and Sinti migrant women who experience anti-Gypsyism throughout Europe.⁴
3. Migrant women moving *within the Global South* who face racial or ethnic discrimination. This includes, for example, Zimbabwean migrant women who experience Afrophobia in South Africa.⁵

BOX 1

Definitions

Migrant women: In this policy brief, the term ‘migrant women’ refers to international migrant women in all their diversity, inclusive of age, class, race, ethnicity, migration status, HIV-status, religion, disability, gender identity and expression, among others.

Intersectionality: Intersectionality recognizes that people’s lives are shaped by their identities, relationships and social factors. These combine to create intersecting forms of privilege and oppression depending on a person’s context and existing power structures such as patriarchy, ableism, colonialism, imperialism, homophobia and racism.

Race: Race is a social construct used to group people based on observable physical features, including skin colour, other physical features and ancestry. Race has social meaning, both as self-expressed group identity and in the ways that discrimination and racism have violated human rights and denied people equal opportunities and outcomes.

Ethnicity: Based on perceived common ancestry, history, language, religion and cultural practices.

Systemic racism: An interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin.

This brief is not intended to be exhaustive and acknowledges that each country and region has a unique history, social hierarchies and systems of inequality. The analysis will therefore draw comparisons in experiences and, where relevant, highlight interconnections and commonalities, acknowledging the limitations of available and accurate racial, ethnic and sex-disaggregated data and evidence. Thus, the analysis primarily draws upon data and research that focuses on gender, country of origin, nationality and migration status.⁶

Barriers to the enjoyment of human rights at all stages of migration

Racially marginalized migrant women experience a broad range of human rights violations and situations of vulnerability in their country of origin, the country of transit, the country of destination and, in some cases, eventual return.

Countries of origin: drivers of and pathways to migration

Racism, sexism, patriarchy and misogyny and the legacies of slavery and colonialism, among others, underlie many of the factors that lead racially marginalized migrant women to leave their countries of origin. For instance, gender inequalities in countries of origin can prevent women from accessing the same economic opportunities as men, and as a result, poverty, unemployment or underemployment are common factors in someone’s decision to migrate. Racially marginalized migrant women, and particularly non-white migrants from the Global South, are increasingly becoming the principal wage earners in families and decide to migrate to meet this demand. In some countries in the Global South, women migrate for work to meet family beliefs and expectations that they will be more reliable remittance senders than men,⁷ or more women migrate than men because the migration process is thought to be easier and cheaper for women.⁸

The decision to migrate can also be influenced by political and social instability, conflict, environmental degradation, disasters, persecution and violence—factors which are exacerbated by entrenched gender and racial inequalities in laws and policies. For example, in some countries, Black, Indigenous and other women of colour who identify as lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) face extreme persecution, and migrate to escape physical and sexual violence, and death, as their countries of origin continue to criminalize same-sex intimacy and transgender and gender non-conforming people.⁹

Despite these drivers of migration, many regular migration routes and pathways are closed or severely restricted for racially marginalized women who seek to leave their countries of origin. In 8 countries, explicit laws and regulations place gender-based restrictions on women who wish to travel outside the country, and in 31 countries, women cannot apply for passports in the same way as men.¹⁰ Some countries in the Global South require women seeking to become domestic migrant workers to submit detailed, personal data and undergo costly and intrusive physical examinations before being permitted to leave their countries of origin.¹¹

Moreover, seemingly gender-blind and race-neutral regular migration pathways in countries of destination have the effect of excluding racially marginalized migrant women. In some countries in South-East Asia with very few regular migration pathways available for racially marginalized migrant women, marriage migration¹² has become a popular regular pathway for them.¹³

Racially marginalized migrant women must also navigate the many state immigration, citizenship and nationality laws, country practices, and bilateral and multilateral country agreements governing migration that are both directly and indirectly racially exclusionary and restrict the mobility of non-white migrants.¹⁴ For instance, over the course of the COVID-19 pandemic, many countries imposed travel bans against specific countries, yet in some instances, despite changes in infection rates, countries predominantly comprised of people of colour remained on travel ban lists.¹⁵ Specifically, the travel bans imposed on migrants seeking to travel from Southern African countries in the wake of the Omicron variant of COVID-19 were condemned as discriminatory.¹⁶ These racially exclusionary border practices create even greater barriers for racially marginalized migrant women who are already frequently denied the freedom of mobility granted to migrant men.

Countries of transit and national borders

As a consequence of discriminatory and exclusionary policies, many racially marginalized migrant women have no option but to migrate using irregular channels, often via dangerous land journeys and sea crossings. They are frequently subject to sexual and gender-based violence, including trafficking, as well as exploitation at borders and in countries of transit, perpetrated by both state and non-state actors. Racially marginalized migrant women are also susceptible to, and may rely on, smuggling as a means of transit. As migrant

women are less likely than men to have sufficient funds to pay for their journey, many are forced or coerced into sex in exchange for transportation along the smuggling corridor. Smuggled migrant women also face specific health risks due to higher levels of sexual violence. In addition, women who are pregnant, breastfeeding and travelling with children have unique mobility restrictions and, as such, are often abandoned on the smuggling corridor.¹⁷

The increased securitization and militarization of national borders—aimed primarily at curbing the flow of migrant men—has placed migrant women at greater risk of sexual violence by military forces.¹⁸ At the same time, border policies established to protect migrant women at risk of trafficking in persons and exploitation can often be rooted in gendered stereotypes and applied in a manner that ultimately restricts women's migration entirely. Stereotypes of women being 'vulnerable' feed into conscious and unconscious biases and profiling at national borders that can prevent them from continuing their journey and strip racially marginalized migrant women of their autonomy. Research in the Western Balkans indicates that Black migrant women are frequently considered as being the "most vulnerable" at borders.¹⁹

The increasing use of digital technologies at national borders is particularly detrimental to non-white, racially marginalized migrant women, even those in a regular migratory situation.²⁰ In Canada, even the highest performing facial recognition technologies used in border control systems were significantly more likely to falsely recognize images of both Black women (20 times more frequently than white men)²¹ and Native American women (120 times more frequently than Native American men). Racially marginalized migrant women are therefore at great risk of facial recognition errors which can result in invasive and intrusive border checks, denial of entry and heightened risks of deportation.

Given the instability and precarity of these pathways, racially marginalized migrant women in an irregular situation are at particular risk of death, due to factors such as harsh land environments, medical illness and fatal sea journeys. For instance, while the large majority of migrants crossing the Mediterranean Sea are men, women are more likely than men to die by drowning. This is due to a number of factors including their limited swimming skills, attempts to help and assist children and elderly migrants and, at times, their heavier clothing.²² Indeed, the Mediterranean sea has become known as a site of racialized death, as most fatalities involve migrants of Arab, Middle Eastern and Black descent.²³

Countries of destination: integration and access to services

Upon arrival in countries of destination, racially marginalized migrant women bear the brunt of discriminatory social attitudes, pre-existing racist and sexist ideologies, and anti-migrant sentiments, which can hinder their ability to integrate into countries of destination. Negative public attitudes influenced by tropes in the media and influential political leaders drive intolerance and hate towards migrant women in various societies.²⁴ These include the use of hierarchical, derogatory and archaic terminology both colloquially and in laws and policies to describe migrants based upon race, country of origin and nationality. For example, in Canada and the United States pregnant migrant women are stigmatized by gendered racial and xenophobic narratives of birthright citizenship laws. Derogative terms such as ‘anchor babies’ and ‘passport babies’ describe societal contempt towards racially and economically marginalized migrant pregnant women and their unborn children.²⁵

Laws and policies can also inhibit the ability of racially marginalized migrant women to fully integrate into countries of destination. The controversial “burka bans” in several European countries, including Belgium, Denmark, France and the Netherlands, have been condemned as discriminatory, and deliberately target and exclude Muslim women from social and public institutions, stoking a specific gendered form of Islamophobia in societies more broadly.²⁶ Another example of the challenges of integration can be seen by anti-Blackness and stigmatization experienced by Haitian migrant women in Mexico who report being denied access to basic services and living in extreme isolation and fear.²⁷

Stigmatization and isolation can increase the likelihood of racially marginalized migrant women experiencing gender-based violence in countries of destination. In the public sphere, Black African migrant women in South Africa have been the repeated targets of sexual violence forming part of a wave of Afrophobic and xenophobic attacks against migrant women.²⁸ The increase in hate crimes and attacks against racial, ethnic and migrant populations during the COVID-19 pandemic (and particularly native and migrant East Asian communities²⁹) have, at times, disproportionately affected women.³⁰ In Australia for example, 65 per cent of hate incidents were reported by East Asian women. In the private sphere, national laws may not support racially marginalized migrant women who are survivors of domestic violence. For example, in Sweden, the violence experienced by migrant women was minimized as an inherent part of their culture and their court cases were frequently dismissed.³¹

Marriage migrants, who are overwhelmingly racially marginalized migrant women, are at high risk of abandonment, exploitation and domestic violence.

Social stigmatization in countries of destination can inhibit racially marginalized migrant women from accessing state services and fully claiming human rights protections. Migrant women face particular challenges in accessing health and social services and labour protections and face criminalization and detention.

ACCESS TO HEALTH AND SOCIAL SERVICES

Racially marginalized migrant women across the globe face significant barriers to accessing adequate healthcare and suffer from an extreme lack of psychosocial support.³² For many racially marginalized migrant women, state health services are simply unavailable. Women in an irregular situation, in particular, are often legally excluded from state healthcare services.³³ In 2016, only 10 of the then 28 European Union Member States provided the right to undocumented migrants to access primary care under national law.³⁴ As many migrant women are both racially and economically marginalized, the financial cost of health services and lack of state support for such costs become often insurmountable barriers.

Systemic racism also underlies the quality of healthcare provided to racially marginalized migrant women, particularly regarding sexual and reproductive healthcare. In the Global North, racist myths and ideologies often underlie the poor treatment of native and migrant women of Black and South Asian descent in maternal health and neonatal care.³⁵ Access to safe abortions is severely limited for most marginalized women, and denied to all women in some countries.³⁶ This is particularly detrimental for racially marginalized migrant women, many of whom have experienced severe levels of sexual and gender-based violence at some stage of their migration. In various countries, racially marginalized migrant women are also frequently subject to gynaecological and obstetric abuse, including non-consensual invasive and unnecessary gynaecological examinations, virginity testing, hysterectomies, and coerced and forced sterilization.³⁷ A number of states in Europe participated in the forced and coercive sterilization and gynaecological abuse of Roma and Sinti women. While some states have sought to provide effective remedies for these egregious offences, many states have failed to provide compensation to the affected women, or to provide recommendations to protect these populations in the future.³⁸

Racially marginalized migrant women may also refrain from seeking healthcare. This is due to several factors including lack of information about where and how to access services, language barriers, restrictive and abusive domestic home environments,³⁹ fear of disclosure of migration status, and cultural stigmas in many native and migrant communities of colour. Reports have also found that healthcare providers are ill-equipped and unwilling to address these obstacles among racially marginalized migrant populations.⁴⁰

Migrant women with children are often unable to avail of social and civil services because of race and gender. Childcare support is costly and largely inaccessible for many economically marginalized migrant women. In order to find and maintain employment, many migrant women are left with few options, such as leaving their children alone or leaving them with individuals who may expose their children to abuse. In the most extreme circumstances, this can result in the removal of children from the home—a situation that disproportionately affects women of colour in many countries.⁴¹ Migrant women also experience citizenship discrimination and in many countries are denied the right to pass on their nationality to their children.⁴² In some instances, this leaves both women and children stateless, a situation that has severe consequences and significantly limits their full enjoyment of civil, political, economic, social and cultural rights.

RIGHTS TO AND AT WORK

Globally, women migrant workers are in high demand in the entertainment industry, garment manufacturing, sex trade and domestic, health and care services. Due largely to gender inequalities and systemic racism in countries of origin and destination, the majority of these workers are typically racially marginalized migrant women, and a large majority are women in an irregular situation.

Worldwide, racially marginalized migrant women who are domestic workers regularly fall outside of state labour protection laws. While there is more focus on gendered migrant worker rights in international human rights law, significant gaps in protections remain.⁴³ Violations against racially marginalized women migrant workers are therefore widespread and often shrouded in secrecy due to the devalued nature of low-paid, lower-skilled and highly precarious informal work undertaken by women. Such violations include verbal, physical, sexual and racial harassment, abuse and violence, lower pay based on gender, race and national origin, restrictions on benefits and social protections, and labour exploitation. During the COVID-19 pandemic, such violations

intensified. For example, Central and Eastern European women migrant workers in Austria reported unbearable working conditions and a severe lack of legal and social counselling services in their native Slovak, Romanian and Bulgarian languages.⁴⁴

Highly skilled racially marginalized migrant women also experience racial and gender-based discrimination and their work is frequently devalued. A 2021 study of the career trajectories of British, Chinese, Filipino and Indian migrant women in Australia found that while white British women generally had successful careers, non-white women experienced both direct and indirect racism in hiring and the workplace, and were sometimes underemployed.⁴⁵

In some countries, the discrimination and differential treatment experienced by racially marginalized migrant women is legitimized and permitted by law. In some Gulf Cooperation Council (GCC) countries, the use of the controversial *kafala* (sponsorship) system affects migrant women predominantly from African, South Asian and Southeast Asian countries. Private recruitment agencies seek out migrant women based on nationality, race and appearance, among other factors, to best suit employers' demands. In certain countries, wages are assigned based on this *kafala* system, explicitly naming and segregating women from certain countries and relegating them to the lowest wage bracket.⁴⁶ Other countries in the GCC have created separate laws to differentiate the rights and protections of domestic workers from other migrant workers more generally. Domestic workers (who are mostly women) have fewer labour protections than other migrant workers, such as fewer breaks and no sick pay.⁴⁷

CRIMINALIZATION AND DETENTION

In some instances, the criminalization of racially marginalized migrant women mirrors the experiences of racially marginalized migrant men: both groups experience overpolicing and high levels of surveillance relative to the national population. Yet, gender does create significant differences. The criminalization of female-dominated labour creates significant barriers for racially marginalized migrant women who have few options for basic survival. For example, while trafficking migrant women for purposes of sexual exploitation is all too prevalent, many state laws target and penalize racially marginalized migrant women for their work in the sex trade.⁴⁸ In another area, the European Court of Human Rights found in 2021 that a Swiss law that criminalized begging had severe racial and gendered implications for Romani women.⁴⁹

Racially marginalized migrant women are further criminalized by state laws and punitive immigration measures even when they are the victims of human rights violations. Examples include migrant women who risk losing their jobs and become subject to deportation once they become pregnant,⁵⁰ for participating in marriage ‘fraud’,⁵¹ and risking detention and/or deportation when reporting claims of domestic violence.⁵²

Detention, pushbacks, expulsion and deportation are all methods of criminalization that increase racially marginalized migrant women’s exposure to racial discrimination, exploitation and other forms of gender-based violence. Specifically, the expanded use of detention as a form of criminalizing non-white, racially marginalized migrants is an increasing global phenomenon rooted in systemic racism. While the number of racially marginalized migrant women incarcerated in prisons, jails and detention centres is largely unknown, migrant women are increasingly at risk of facing both authorized and unauthorized arbitrary detention, based in part on their race and country of origin.⁵³

Globally, racially marginalized migrant women in detention regularly face targeted racial abuse, torture, sexual and gender-based violence and cruel, degrading and inhumane treatment. For example, several reports detail extreme cycles of extortion, trauma, repeated rape and sexual violence and deprivations experienced by sub-Saharan African migrant women arbitrarily detained in detention facilities in Libya after being intercepted at sea.⁵⁴ Detention centres and industrial prison complexes lack gender-responsive facilities and are rarely equipped to provide for even the basic health needs of women. In some countries, men and women are detained together, leaving women at a heightened risk of abuse, including sexual and gender-based violence.⁵⁵ In other countries, where men and women are detained separately, women often do not have access to the same services as men, including legal services.⁵⁶ The situation is particularly dire for pregnant women, many suffering from miscarriages or facing child separation; and transgender migrant women, many of whom are placed in facilities designed for cisgender men, increasing their risks of discrimination and abuse.⁵⁷

Return to countries of origin

Although some migrant women return to their countries of origin with greater economic autonomy and prospects, many racially marginalized migrant women return to the same social and political conditions, and often lack social support and gender-responsive reintegration services as they attempt to settle back into their country of origin. Men who return to their countries of origin can be welcomed back to families and communities, while women are more likely to be treated with indifference and disdain due to

social stigmas and beliefs about migrant women and their experiences abroad. Across the Global South, women returnees are often stigmatized for causing a ‘care crisis’ at home by failing in their duty as a wife and mother, while others are accused of earning more abroad by engaging in sex work and are socially ostracized, often by the community, as a result.⁵⁸ Women returnees also frequently struggle to obtain employment, for example, a study of nearly 500 returnee migrant women from Bangladesh, India, Nepal and Sri Lanka who had worked in the Middle East found that over 70 per cent were unemployed following their return to their countries of origin.⁵⁹

BOX 2

Examples of international protections for racially marginalized migrant women

Although gaps persist in international human rights laws, norms and practice, some existing frameworks, recommendations and opinions by treaty bodies promote protections for racially marginalized migrant women:

- The 2001 Durban Declaration and Programme of Action represents a comprehensive framework for addressing the multiple and intersecting forms of discrimination women, including migrant women, face on the basis of race and gender, as well as xenophobia, national origin and migratory status, among others.
- General comment 25 of the International Convention on the Elimination of Racial Discrimination notes the gendered dimensions of racial discrimination and calls for a more systematic approach to evaluating and monitoring such discrimination.
- The Convention on the Elimination of all Forms of Discrimination Against Women committee has issued general recommendations (e.g. No. 26) and opinions calling for an intersectional approach to gender, national origin and migratory status. Yet the committee has found the application of this approach to be inconsistent.
- In recent years, key international actors within the United Nations system have emphasized the urgency of addressing systemic racism as it pertains to Africans and peoples of African descent, and the racial discrimination experienced by migrants in various regions.

Recommendations

Addressing discriminatory norms and practices, while ensuring that migration policies respond to the specific needs, challenges and situations of vulnerability experienced by racially marginalized migrant women is central to gender-responsive migration governance. The following recommendations are proposed for states, international actors and civil society organizations to mitigate the multiple and intersecting forms of discrimination faced by racially marginalized migrant women, while promoting their empowerment at all stages of migration:

DEVELOP AND IMPLEMENT LAWS AND POLICIES THAT PROVIDE ACCESS TO SAFE AND REGULAR MIGRATION PATHWAYS THAT CENTRE AND PROTECT THE HUMAN RIGHTS OF RACIALLY MARGINALIZED MIGRANT WOMEN

- ✓ Develop, implement and monitor migration laws and policies at all levels that recognize and address the multiple and intersecting forms of discrimination experienced by migrant women, including by offering visas granted based on colonial ties, as a form of reparative gender justice.
- ✓ Include racially marginalized migrant women as decision makers in the design and development of policies, especially those that are intended to protect and promote their human rights.
- ✓ Eliminate discriminatory regional and national migration policies and bilateral and multilateral agreements that reproduce existing structural barriers for migrant women, especially on grounds of gender, race and class, including discriminatory COVID-19–related restrictions to travel.
- ✓ Demilitarize national borders and develop border control policies that are human rights–based and gender-responsive, including by providing trainings on racial and gender-based bias and trauma to government officials and staff working at national borders.
- ✓ Promote the adoption and implementation of international frameworks, conventions and policies that protect and promote the human rights of racially marginalized migrant women and their communities, including the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Committee on the Elimination of Racial Discrimination, and the Committee on the Elimination of Discrimination against Women.

STRENGTHEN THE PROVISION OF GENDER-RESPONSIVE SERVICES TO RACIALLY MARGINALIZED MIGRANT WOMEN AT ALL STAGES OF MIGRATION

- ✓ Provide accurate and accessible information to migrant women in countries of transit and destination on how and where to access health and social services.
- ✓ Ensure access to coordinated, quality gender-responsive health and social services and human rights protections for all racially marginalized migrant women, including those who have been detained.
- ✓ Foster cross-border linkages with embassies, consular offices and civil society organizations to ensure that services for migrant women are available and coordinated at all stages of migration.
- ✓ Fund civil society organizations focused on migration, racial justice and women’s rights to provide the necessary support to racially marginalized migrant women.

INCREASE AWARENESS OF THE HUMAN RIGHTS VIOLATIONS AND SITUATIONS OF VULNERABILITY FACING RACIALLY MARGINALIZED MIGRANT WOMEN BY IMPROVING ACCESS TO ACCURATE AND QUALITY INTERSECTIONAL DATA AND POLICY RESEARCH

- ✓ Collect, analyse and disseminate race and sex-disaggregated data and gender statistics in the context of migration, ensuring that the methods, collection and use of data is in accordance with international standards on privacy and confidentiality.
- ✓ Consult racially marginalized migrant women and civil society organizations to ensure that the methods, collection, use and publishing of data is ethical, and that data sets reflect the lived realities of racially marginalized migrant women.
- ✓ Develop a public data trust to make data publicly available and ensure the data are analysed by researchers specializing in race and gender.⁶⁰
- ✓ Ensure that data and policy analysis is informed by current and appropriate language and terminology relating to race, gender and migration, reflecting global, national and local experiences of racism, racial discrimination, xenophobia and related intolerance to inform comparability across countries and regions.
- ✓ Encourage and support the establishment of transnational migrant women’s networks in countries of origin, transit and destination for peer support, learning and awareness raising on the intersections of race, gender and migration and confronting human rights violations.

Endnotes

1. This brief does not specifically discuss girls, refugees or internal migrants but recognizes the relevance and applicability of many of these issues to these groups. In 2020, approximately 135 million women and girls were on the move, representing just under half of the number of migrants on the move globally. See "[Gender and Migration](#)". Last updated 28 September 2021. Migration Data Portal.
2. For the United Nations definition of racial discrimination see Article 1(1) of the International Convention on the Elimination of Racial Discrimination (1965).
3. Center for Constitutional Rights. 2021. "[Cameroonian Immigration Detention In Crisis](#)", 12 October. Anti-Blackness is the dehumanization and systematic marginalization of Black people.
4. European Union Agency for Fundamental Rights. 2014. [Discrimination against and living conditions of Roma women in 11 EU Member States](#).
5. Afrophobia is a form of structural racism, discrimination and dehumanization that targets people of African descent. See, Oliver, G. 2020. "[Briefing: South Africa's 'Afrophobia' problem](#)." 11 March. *The New Humanitarian*. See also a detailed definition at [European Network Against Racism \(ENAR\)](#).
6. Many countries are comprised of dominant racial and/or ethnic majority populations. Thus, although not wholly indicative, on occasion, nationality and country of origin can also reflect the racial and ethnic identities of migrants.
7. KNOMAD. 2016. [Understanding Women and Migration: A Literature Review. Working Paper 8](#). See also Global Alliance Against Trafficking in Women. 2020. [Reclaiming Migrant Women's Narratives: A Feminist Participatory Action Research project on 'Safe and Fair' Migration in Asia](#).
8. UN Women. 2017. [Policy Brief: Women migrant workers' contributions to development](#).
9. There are also significant gaps in international asylum protections available to LGBTQ+ people. For more details, see the forthcoming UN Women policy brief.
10. World Bank Group. 2022. Women, Business and the Law 2022 Annual Report.
11. Lee, M. et al. 2018. "Race, Gender and Surveillance of Migrant Domestic Workers in Asia" in *Race, Criminal Justice and Migration Control*. Oxford University Press.
12. Definition of marriage migration: "migration within countries or across borders due to marriage." See EIGE, <https://eige.europa.eu/thesaurus/terms/1284>.
13. Crosas Remón, I. 2016. [Opportunities and Risks for Migrant Brides in the Matchmaking Industry: The Case of Taiwan](#). UNU-GCM.
14. Achiume, T. 2019. "Migration as Decolonization". *Stanford Law Review*, 71(6): 1509; see also Achiume, T. 2022. "Racial Borders". *Georgetown Law Journal*, 110(3): 445.
15. Quaker United Nations Office. 2022. [Migration Justice: Delivering on the promise of the Global Compact for Migration. Paper 5: Dismantling systemic racism in migration](#); see also Sirleaf, M. 2020. *Entry Denied: COVID-19, Race, Migration, and Global Health*, *Frontiers in Human Dynamics*. U of Maryland Legal Studies Research Paper No. 2020-21.
16. United Nations. 2021. [Press Conference by Secretary-General António Guterres at United Nations Headquarters](#), December.
17. UNODC. 2021. [Abused and neglected - A gender perspective on aggravated migrant smuggling and response, Jun 24](#).
18. Milivojevic, S. 2018. "Race, Gender and Border Control in the Western Balkans" in *Race, Criminal Justice and Migration Control*. Oxford University Press.
19. Ibid.
20. United Nations Human Rights Council. 2021. Racial and Xenophobic discrimination and the use of digital technologies in border and immigration enforcement. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance. 22 September. A/HRC/48/76.
21. Israel, T. 2020. *Facial Recognition at a Crossroads: Transformation at our Borders & Beyond*. Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC).
22. See UNDOC. 2021. [Abused and Neglected: A Gender Perspective on Aggravated Migrant Smuggling Offences and Response](#); and see also Dearden, K. and Dionis, M.S. 2018. "[How a lack of data is perpetuating the invisibility of migrant women's deaths](#)", 24 August. Migration Data Portal.
23. Achiume, T. 2022. Racial Borders; see also De Genova, N. 2018. "Europe's Racial Borders", January. <http://monitorracism.eu/europes-racial-borders/>.
24. Oxfam. 2019. [Yes, But Not Here: Perceptions of Xenophobia and Discrimination Towards Venezuelan Migrants in Colombia, Ecuador and Peru](#). October.
25. "Birth tourism" describes a related practice, but this is used for affluent women seeking a secondary passport for their children, not for the purposes of gaining citizenship themselves. Canzater, S. L. 2018. "[Anchor Babies](#)", "[Birth Tourism](#)", and [Most Americans' COMPLETE Ignorance of Immigration Law, 22 January](#), O'Neill Institute for National and Global Health Law, Georgetown Law School.
26. UN HRC Communication No. 2747/2016. *Yaker v. France* (2018), UN Doc, CCPR/C/123/D/2747/2016; see also Achiume, T. 2020. Visit to the Netherlands: Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2 July. A/HRC/44/57/1.
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28. Oliver, G. 2020. "[Briefing: South Africa's 'Afrophobia' problem](#)."
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30. Harmony Alliance. 2021. [Migrant and Refugee Women in the Covid-19 Pandemic: Impact, Resilience, and the Way Forward](#), National Consultation Report, February.
31. Burman, M. 2012. "[Immigrant women facing male partner violence gender, race and power in Swedish alien and criminal law](#)", *feminists@law* 2(1).
32. Olukotun, O. et. al. 2019. *The Mental Health Implications of Living in the Shadows: The Lived Experience and Coping Strategies of Undocumented African Migrant Women*. Behavioral Sciences.
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34. Smith, A. et al. 2016. [Migrant Women's Health Issues: Addressing Barriers to Access to Health Care For Migrant Women with Irregular Status](#). WHO, Europe.
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60. A public data trust is a means of sharing data to enable private and public sources to access it openly. See recommendation in UN General Assembly. 2019. [Report of the Working Group of Experts on People of African Descent on its twenty-third and twenty-fourth sessions](#). 15 August. A/HRC/42/59.

Box 1

Intersectionality:

Hankivsky, O. (Ed.), (2014). Intersectionality 101. Vancouver: Institute for Intersectionality Research and Policy, Simon Fraser University.

Race and Ethnicity:

WHO, Frontier Dialogue consultations on addressing structural racial and ethnicity-based discrimination and COVID-19. <https://cdn.who.int/media/docs/default-source/documents/gender/frontier-dialogue-unsdg-9-sept.2021.pdf>.

Systemic Racism:

Report to the UN General Assembly. 2021. [Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers](#). Report by UN High Commissioner for Human Rights. 1 June. A/HRC/47/53.

Box 2

Note on CEDAW:

R.S.A.A. et al v. Denmark, No. 86/2015, UN Committee on the Elimination of Discrimination Against Women (CEDAW), 15 July 2019. But note the committee's approach to this has not been consistent—see for example the committee's different approach just a few months later in *K.I.A v. Denmark*, No. 82/2015, UN Committee on the Elimination of Discrimination Against Women (CEDAW), 4 November 2019, where the committee failed to use this approach and failed to support the female applicant.

Note on recent calls to end systematic racism:

For example, see 2021 report of the High Commissioner for Human Rights. And see the recent call from Special procedures to end racism against migrants in the Ukraine. See for example, UN Special Procedures. 2022. ["Ukraine: UN experts concerned by reports of discrimination against people of African descent at border"](#). 3 March 2022. Press release.

This policy brief was produced by Sarah Hamilton-Jiang, with contributions from Inkeri von Hase and Michael Stewart-Evans (Economic Empowerment Section, UN Women) and E. Tendayi Achiume (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance).

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