Regional Guidelines, for the Assistance and Protection of Women in the Context of Migration

Contents

[ACRONYMS 5](#_Toc498437176)

[INTRODUCTION 6](#_Toc498437177)

[**OBJECTIVES** 8](#_Toc498437178)

[General Objective 8](#_Toc498437179)

[Specific Objectives 8](#_Toc498437180)

[**CONCEPTUAL FRAMEWORK AND DEFINITIONS** 9](#_Toc498437181)

[Adolescent 9](#_Toc498437182)

[Identification 9](#_Toc498437183)

[Empowerment 9](#_Toc498437184)

[Migrant 10](#_Toc498437185)

[Migrant Woman in irregular situation 10](#_Toc498437186)

[Child 10](#_Toc498437187)

[Accompanied migrant children and adolescents 11](#_Toc498437188)

[Children who travel with a parent or other relative or adult who, by law or custom, is deemed responsible for caring for them. 11](#_Toc498437189)

[Unaccompanied migrant children and adolescents 11](#_Toc498437190)

[Separated migrant child and adolescents 11](#_Toc498437191)

[Children and adolescents, victims of trafficking 11](#_Toc498437192)

[Refugee children and adolescents 11](#_Toc498437193)

[Country of Origin 11](#_Toc498437194)

[Country of Transit 11](#_Toc498437195)

[Country of Destination 11](#_Toc498437196)

[Country of Return 12](#_Toc498437197)

[Reception 12](#_Toc498437198)

[Reintegration 12](#_Toc498437199)

[The Critical Route of Protection and Assistance 12](#_Toc498437200)

[Gender-based violence 13](#_Toc498437201)

[Human Rights Based Approach 14](#_Toc498437202)

[Gender Equality Approach 15](#_Toc498437203)

[Gender Equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women’s issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development. 15](#_Toc498437204)

[The gender equality approach to these guidelines refers to the care and protection of women (which includes girls and adolescent women). The gender approach should be noted both when substantiating the document and when proposing actions to overcome the gender gaps in migration. 15](#_Toc498437205)

[Starting from the definition of gender from a human rights approach, it is also important to highlight the specialty that requires the protection and assistance of migrant women and girls. 15](#_Toc498437206)

[Social patterns around gender and distinctions by sex mark, explain and justify inequalities and unequal power relations that limit or impede the opportunities and living conditions of girls and women. The application of this approach promotes the matching of people's conditions so that specific needs can be identified, both in their social context and in their immediate activities to ensure the deployment of affirmative actions and the existence of effective protection mechanisms between the responsible institutions. 15](#_Toc498437207)

[Intergenerational Approach 15](#_Toc498437208)

[The intergenerational approach recognizes that all public policy actions or actions carried out by different actors, as well as institutional practices and dispositions, should offer indications to develop capacities that strengthen the establishment of discriminatory relationships and optimize the present potential of the relations of collaboration and intergenerational complementarity. In itself it allows us to see and analyze the social reality, making visible the inequalities and discriminations within the generational groups and between generations. 15](#_Toc498437209)

[Intersectionality Approach 15](#_Toc498437210)

[Contextual Approach 16](#_Toc498437211)

[GUIDING PRINCIPLES 18](#_Toc498437212)

[No Re-victimization or secondary victimization 18](#_Toc498437213)

[Differentiated assistance 19](#_Toc498437214)

[*Non-refoulment* 19](#_Toc498437215)

[Co-responsibility 19](#_Toc498437216)

[Multiculturalism and diversity 19](#_Toc498437217)

[Best Interest of the Child 20](#_Toc498437218)

[Principle of the absolute priority of the rights of children 21](#_Toc498437219)

[Family Unity 21](#_Toc498437220)

[Presumption of under-age status 22](#_Toc498437221)

[Non-Detention 22](#_Toc498437222)

[**REGIONAL CONTEXT** 23](#_Toc498437223)

[**Policies and existing programs** 28](#_Toc498437224)

[Policies 29](#_Toc498437225)

[*Programs* 41](#_Toc498437226)

[The programs described below show initiatives and actions currently carried out by Ministries, Secretariats of State or public institutions in the different countries that make up the RCM. 41](#_Toc498437227)

[*Canada* 41](#_Toc498437228)

[A long-standing program was identified, aimed at accompanying the refugee application process to women victims of violence . 41](#_Toc498437229)

[Below are recommendations made by the Member Countries of the RCM during the validation workshop of this document focused on protection and assistance of migrant women, carried out in September 2017 in El Salvador and the Regional Study on the subject of legislation and assistance programs for women and migrant women developed by the IOM, in addition to the actions recommended by the International Organizations and Civil Society Organizations through the Regional Network of Civil Organizations for Migration (RNCOM). 47](#_Toc498437230)

[RECOMMENDATIONS FOR ASSISTANCE AND PRTECTION IN COUNTRIES OF TRANSIT AND DESTINATION: 50](#_Toc498437231)

[RECOMMENDATIONS FOR ASSISTANCE AND PROTECTION IN THE INTEGRATION PROCESS 53](#_Toc498437232)

[RECOMMENDATIONS for ASSISTANCE AND PROTECTION IN THE RETURN PROCESS 54](#_Toc498437233)

[RECOMMENDATIONS FOR ASSISTANCE AND PROTECTION IN THE PROCESS OF RECEPTION AND REINTEGRATION (IN THE COUNTRY OF ORIGIN) 55](#_Toc498437234)

[**BIBLIOGRAPHIC REFERENCES** 56](#_Toc498437235)

ACRONYMS

|  |  |
| --- | --- |
| ACNUR | Alto Comisionado de Naciones Unidas para los Refugiados |
| CEPAL-CELADE | Comisión Económica para América Latina y el Caribe de las Naciones |
| CONMIGRANTES | Consejo Nacional para la Protección y Desarrollo de la Persona Migrante y su Familia |
| CDH | Relatoría Especial de la Comisión de Derechos Humanos de Naciones Unidas para los Derechos Humanos de las personas Migrantes |
| CIDH | Comisión Interamericana de Derechos Humanos |
| CICR | Comité Internacional de la Cruz Roja |
| COMMCA | Consejo de Ministras de la Mujer del Sistema de Integración Centroamericana y República Dominicana |
| CRM | Conferencia Regional sobre Migración |
| GRCM | Grupo Regional de Consulta sobre Migraciones |
| CANAF | Centro de Atención a la Niñez, Adolescencia y Familia |
| CONNA | Consejo Nacional de la Niñez y de la Adolescencia |
| CONACMI | Comisión Nacional contra el Maltrato Infantil en México |
| DGME | Dirección General de Migración y Extranjería |
| DINAF | Dirección de Niñez, Adolescencia y Familia |
| IDEMI | Instituto para el Desarrollo de la Mujer y la Infancia |
| INMUJERES | Instituto Nacional de las Mujeres |
| INAMU | Instituto Nacional de la Mujer-Costa Rica |
| ISDEMU | Instituto Salvadoreño para el Desarrollo de la Mujer El Salvador |
| ISNA | Instituto Salvadoreño para el Desarrollo Integral de la Niñez y Adolescencia |
| LEPINA | Ley de Protección Integral del a Niñez y Adolescencia-El Salvador |
| MIFAMILIA | Ministerio de la Familia –Nicaragua |
| MINED | Ministerio de Educación |
| MINIM | Ministerio de la Mujer |
| MINSAL | Ministerio de Salud |
| MINGO | Ministerio de Gobernación y Desarrollo Territorial |
| MRREE | Ministerio de Relaciones Exteriores |
| OIM | Organización Internacional para las Migraciones |
| OIT | Organización Internacional de Trabajo |
| ONAM | Oficina Nacional de la Mujer en Guatemala |
| ONG | Organizaciones no Gubernamentales |
| PANI | Patronato Nacional de la Infancia –Costa Rica |
| SENNIAF | Secretaria Nacional de Niñez, Adolescencia y Mujer- Panamá |

INTRODUCTION

Around 250 million people are crossing international borders. In this region, 52% of these international migrants are girls and women, according to data from the International Organization for Migration (IOM). In line with current global trends, Latin American countries have seen increasing feminization of migration flows. This is a global change that has affected the living conditions of various sectors of the population, mainly in developing countries.

Every day more women are pressured to leave their homes, and to migrate in search of better opportunities. The reasons are diverse, including demographic characteristics, labor supply and demand, economic and social disparities, natural disasters or simply to survive. The phenomena of women migrating internationally, and the tendency to do so autonomously, is linked to the repercussions of structural changes in both sending and receiving societies (DNP 2010).

One of the main scourges of women's migration is that it is invisible. Scientifically, this concept has been used to explain a set of cultural mechanisms that lead to hide or obfuscate the presence of a particular social group. In this context, migration-related policies tend to ignore gender dynamics, thereby disregarding situations of vulnerability that affect many migrant women or prevent their recognition as social actors and agents of their own development, and that of their families and communities.

The Member States of the Regional Conference on Migration (Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States) have focused their efforts on "Migrant Women" under the leadership of El Salvador in its role as Presidency Pro-Témpore 2017. The efforts to position the topic at the regional level respond to the characteristics of the migration dynamics of the region and efforts to position the RCM as the regional process of reference in regard to the protection and assistance of migrant women throughout the migration cycle.

In November 2016, the Vice-Ministers of the region approved the Plan of Action of the Presidency Pro-Tempore 2017, El Salvador, whose main objective is;

"To position the issue of Women migrants at the regional level and, thus, enable the generation of initiatives for the full respect of the human rights of migrant women and the best use of the migration dynamics of this population segment in favor of the development of their families, communities and countries of origin and destination."

The present document responds to the commitment of the 11 Member States to work to ensure the rights of Migrant Women in the region. Countries of origin, transit and destination are combining their efforts in support of migrant women through this document, which will serve as a reference for implementation at the national level in each of the 11 countries.

In addition to the support received from IOM, UNHCR, ILO and ICRC; as Observer Organizations of the RCM; the Member States of this Conference have set a precedent to ensure that women's migration takes place in optimal conditions, with respect for their rights and empowering them as agents of change for themselves, their families and their communities.

This document includes content from other guidelines that have been adopted by the Member Countries of the conference including:

"Regional Guidelines for Special Protection in Cases of Repatriation of Child Victims of Trafficking" (April, 2007).

"Regional Guidelines for the Care of Unaccompanied Migrant Children and Adolescents in Cases of Repatriation" (July, 2009).

"Regional Guidelines for the Preliminary Identification of Profiles and Reference Mechanisms of Vulnerable Migrant Populations" (June, 2013).

# **OBJECTIVES**

General Objective

* Provide recommendations to assist migrant women from a comprehensive perspective throughout the migration cycle, through effective measures to overcome the gender gap in migration. [[1]](#footnote-1)

Specific Objectives

* Identify the conditions of vulnerability faced by migrant women throughout the migration cycle.
* Provide tools to the Member Countries of the Regional Conference on Migration on assistance and protection of migrant women.

# **CONCEPTUAL FRAMEWORK AND DEFINITIONS**

Below are the key definitions and concepts included in this document. It should be noted that many have already been approved within the framework of the Regional Conference on Migration (RCM) or have been taken from glossaries on migration developed by the International Organization for Migration (IOM).

Adolescent

For the purposes of the present document, an adolescent shall be understood as every human being over the age of twelve years and below the age of 18 years and shall only be used to differentiate in order to provide appropriate protection. Adolescence is recognized as a stage separate from early childhood and adulthood and therefore, adolescents require special assistance and protection**[[2]](#footnote-2)**.

**Immediate Assistance**

Immediately respond to the wellbeing or safety of a migrant girl, adolescent and woman, where their rights are respected and the satisfaction of their basic, special or specific needs is sought.

**Integral Assistance**

It is understood the set of actions coordinated in order to meet the basic needs to preserve life and those related to human development, according to their characteristics, needs and interests.[[3]](#footnote-3)

Identification

Act of discovering or noticing signs or evidence of the protection needs and situation of vulnerability of migrant women and girls**[[4]](#footnote-4)**.

Empowerment

First used at the Fourth World Conference on Women in Beijing (Beijing, 1995) to refer to increasing women's participation in decision-making processes and access to power. Empowerment is directly linked to human rights, and sexual and reproductive health and education, all of which are fundamental to the advancement of women in society, and lead to women's equal participation in economic and political life and in decision-making at all levels.

**Sustainable Livelihoods**

Livelihoods encompass the potential, the capital and the activities that are required to earn a living. A livelihood is sustainable when it is able to cope with and recover from external impacts and stress, and maintain or improve its potential and assets in the present and future. In these media, five main categories of assets are usually distinguished: human, social, physical, natural and financial.[[5]](#footnote-5)

**Return Migration**

Refers to the process by which a person returns to their country of origin or habitual residence generally after staying some time in another country. It includes the processes of return, reception and reintegration.

**Forced Migration**

Generic term used to describe a movement of people in which coercion is observed, including the threat to life and its subsistence, whether by natural or human causes. (For example, movements of refugees and internally displaced persons, as well as people displaced by natural or environmental disasters, nuclear or chemical disasters, famine or development projects).[[6]](#footnote-6)

Migrant

Any person who is moving or has moved across an international border or within a State, away from his or her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. [[7]](#footnote-7)

Migrant Woman in irregular situation

A woman who having entered irregularly or stayed past the expiration of her visa, and does not have regular migration status in the receiving or transit country. The term applies to migrants who violate the country's admission rules or any other person not authorized to remain in the receiving country.

Child

The Convention on the Rights of the Child (CRC) states that “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” (Article 1).

Accompanied migrant children and adolescents

Children who travel with a parent or other relative or adult who, by law or custom, is deemed responsible for caring for them.

Unaccompanied migrant children and adolescents

A child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so**[[8]](#footnote-8)**.

Separated migrant child and adolescents

A child who has become separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members**[[9]](#footnote-9).**

Children and adolescents, victims of trafficking

A child who is a victim of trafficking, as defined in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, and in accordance with the internal legislation of each State.**[[10]](#footnote-10)**

Refugee children and adolescents

A child that meets the criteria to be recognized as a refugee, in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and/or the relevant internal legislation of each State.

**Returned children and adolescents**

Girls, and adolescents who are migrants, or born in the country of destination of migrant parents, who return to their country of origin alone or accompanied, either voluntarily or as a consequence of a deportation procedure.

Country of Origin

A country that is a source of migratory flows (IOM, 2016).

Country of Transit

A country through which migratory flows move (IOM, 2016).

Country of Destination

A country that is a destination for migratory flows (OIM, 2016).

Country of Return

The country to which the person returns, whether the country of origin or of previous habitual residence.

**Protection**

All activities whose purpose it is to obtain respect for the individual rights of a person in accordance with the letter and spirit of the legal order (particularly international human rights law, international humanitarian law, international migration law or international human rights law for refugees).

Reception

Process of the reception of returning migrants in which the specific needs of each individual are determined, and their status of entry to the country is evaluated. Its objective is to assure conditions appropriate to their arrival, access to legal counselling, freedom of movement, accommodation, and adequate means of subsistence to access to education, medical care and employment.

Reintegration

It is understood as the "re-incorporation of a person into a group or a process, for example, that of a migrant in their community of origin or habitual residence. It is also a process that allows the returnee to participate again in the social, cultural, economic and political life of their community” (RCM 2014, 11).

From an integral perspective, reintegration has several dimensions: family, community, psychosocial, economic and political. In a broad sense, it is the act or process of returning. The return may be within the territorial limits of a country such as internally displaced persons who return; demobilized combatants; or, from the receiving country (transit or destination) to the country of origin, such as refugees, asylum seekers and qualified nationals. There are subcategories of return that describe the way it is organized: voluntary, forced, assisted and spontaneous; and other subcategories that describe the person’s subject to return, such as repatriation (of refugees).

The Critical Route of Protection and Assistance

A process which includes identification, immediate assistance, preliminary identification of profiles, referral and comprehensive assistance and protection, including long-term solutions (RCM 2013, 7).

**Situations of Vulnerability**

It refers to "those social, cultural, economic, political and personal situations that put a person at a higher risk of their human rights being violated." (CRM 2013, 8). Among the people considered vulnerable are "migrant victims of violence and crimes committed during the migration process, such as women victims of sexual or gender-based violence, pregnant women traveling alone, especially adolescents, women with disability, older unaccompanied adults, lesbians and trans women, indigenous women or others who have suffered some type of violation of their rights or who have experienced a crime being committed against throughout their migratory transit "(CRM, 2013, 9).

**Illicit smuggling**

Facilitation of the illegal entry of a person into a State Party (of the Convention) of which said person is not a national or permanent resident in order to obtain, directly or indirectly, a financial benefit or any other benefit of a material nature (Art. 3 (a) of the Additional Protocol against the smuggling of migrants by land, sea and air, which complements the United Nations Convention against Transnational Organized Crime, 2002).[[11]](#footnote-11)

**Violence against Women**

Any action or conduct, based on her gender, that causes death, damage or physical, sexual or psychological suffering to women, both in the public and the private sphere.[[12]](#footnote-12)

Gender-based violence

GBV is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (gender) differences between females and males. The nature and extent of specific types of GBV vary across cultures, countries and regions. Examples include sexual violence, including sexual exploitation/abuse and forced prostitution; domestic violence; trafficking; forced/early marriage; harmful traditional practices such as female genital mutilation; honor killings; and widow inheritance.[[13]](#footnote-13)

APPROACHES

As regards the actions, the following approaches are recommended:

Human Rights Based Approach[[14]](#footnote-14)

The central axis of this approach is the recognition of all persons as holders of human rights, which are universal and inalienable, interdependent and indivisible, equal and non-discriminatory.[[15]](#footnote-15) It involves protecting the human rights of women involved in the migration processes, understanding that well-being and human development are important elements of public policies and social actions.

For the purposes of these guidelines, recognizing women as holders of human rights and actors of change in society is particularly relevant. As such, women must participate in those decisions that affect them, and not merely be passive recipients of institutional decisions and the help that they can provide. Therefore, it is necessary to inform, educate and empower women in mobility and potential migrants. Migrant women, as holders of rights under the international legal framework of human rights, may require special consideration because they may find themselves in situations of vulnerability due to discrimination and violence framed by their gender identity. In this sense, women hold rights, and there are guarantors of rights, which included States. The relations between these actors, women and guarantors of rights must be established.

This is a two-way street: Individuals and communities need to be fully informed about their rights and to participate in decisions that affect them. Governments and other duty bearers often need assistance to develop the capacity, the resources and the political will to fulfil their commitments to human rights.[[16]](#footnote-16)

Gender Equality Approach

Gender Equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women’s issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development [[17]](#footnote-17).

The gender equality approach to these guidelines refers to the care and protection of women (which includes girls and adolescent women). The gender approach should be noted both when substantiating the document and when proposing actions to overcome the gender gaps in migration.

Starting from the definition of gender from a human rights approach, it is also important to highlight the specialty that requires the protection and assistance of migrant women and girls.

Social patterns around gender and distinctions by sex mark, explain and justify inequalities and unequal power relations that limit or impede the opportunities and living conditions of girls and women. The application of this approach promotes the matching of people's conditions so that specific needs can be identified, both in their social context and in their immediate activities to ensure the deployment of affirmative actions and the existence of effective protection mechanisms between the responsible institutions.

Intergenerational Approach

The intergenerational approach recognizes that all public policy actions or actions carried out by different actors, as well as institutional practices and dispositions, should offer indications to develop capacities that strengthen the establishment of discriminatory relationships and optimize the present potential of the relations of collaboration and intergenerational complementarity. In itself it allows us to see and analyze the social reality, making visible the inequalities and discriminations within the generational groups and between generations. [[18]](#footnote-18)

Intersectionality Approach

This approach allows addressing the different types of discrimination and disadvantages that occur as a result of the combination of identities. It helps to understand and establish the impact of such convergence in situations of opportunities and access to rights, and to see how the policies, programs, services and laws that affect one aspect of our lives are inextricably linked to other people. When taking the intersectionality approach, there are various factors that mix and that determine the condition or situation of women. In addition to gender, there are other identities that cross and that allow to discover significant differences and similarities that help to overcome discrimination and establish the necessary conditions for women to enjoy their human rights.[[19]](#footnote-19)

Contextual Approach[[20]](#footnote-20)

This approach proposes that any institutional and social intervention must take into account the historical conditions of the society in particular and the family, communal, institutional, economic-political and socio-cultural context in which these migrant women are, including those in crisis situations related to natural disasters or conflict.

**Intercultural Focus**

The intercultural approach tries to reflect the relationships between the different cultural groups that coexist in the same social space. In addition, it not only recognizes the existence of cultural diversity, but also celebrates the encounter between cultures and promotes dialogue among them, which does not mean ignoring the unequal power relations on which many of the alleged cultural differences are built. In this sense, interventions based on an intercultural approach involve not only recognizing differences and promoting the encounter and coexistence between cultures, but also questioning the conditions through which many of these differences are constructed and ordered in a hierarchical manner, to through a monocultural paradigm that in western society is strongly characterized by a white, masculine and heteronormative identity. [[21]](#footnote-21)

**Transnational Approach**

The Transnational Approach focuses on the new interregional social spaces that are part of the transnational social spaces, which are constituted as an effect of migration. This is crucial because these interregional social spaces, in which the networks are structured, make it possible to connect. Not only through the means of communication and transport, but also through intermediate territories to transnational social spaces that do not they are linked by geographical proximity. We must take into account migrant networks, social practices, channels and links between the places of destination of the migrant population.[[22]](#footnote-22)

**Intersectorial approach**

It refers in the first instance to the relationship between different governmental sectors based on the specialties of knowledge that are expressed in government through the functional organization by sectors, such as education, health, work, etc. Improvement of performance in the provision of public services is sought, as well as the solution of problems that must be faced, if the problem is multicausal, through sectoral integration and an integral approach. This means that it is the search for integrality in the approach to a given problem or social situation, which places at the center the question of the relationship between different governmental sectors.[[23]](#footnote-23)

**Inclusive Approach**

Social inclusion is related to the concepts of citizenship, status and rights. It recognizes discrimination and social exclusion as a denial of citizenship, that is, as an impediment to enjoy civil, political and social rights; in contrast to this, social inclusion is constituted in the process through which it is guaranteed that those who are discriminated against, excluded or at risk of being, for various situations or conditions, have the opportunities to participate fully in economic, political, social life and cultural of the society in which they live. In this sense, social inclusion has to do with the recognition and respect for difference, and in particular with equity and social justice.

GUIDING PRINCIPLES

The principles of action that guide the work of the institutions will be the following:

**Equality and Non-discrimination**

"Discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.[[24]](#footnote-24)

Therefore, States have the obligation to introduce in their legal system prohibitions against discriminatory practices and to eliminate discriminatory regulations from said legislation.

"They do not only refer to the non-interference of States (negative obligations); that is, that the States do not adopt measures of a discriminatory nature or measures that generate inequality, but necessarily imply that the States adopt all the necessary measures (positive obligations) to make the rights effective, so as not to generate discrimination in the enjoyment of the same for those subjected to situations of vulnerability. Following the OHCHR Committee: the need to place people or groups of disadvantaged or marginalized people at the same substantive level as others may sometimes require temporary special measures that look, not only at the realization of formal or de jure equality, but also to de facto or substantive equality between men and women ... "[[25]](#footnote-25)

**Confidentiality**

All information and administrative or jurisdictional activity related to the scope of protection of migrants or victims of crime, will be confidential, so its use should be reserved exclusively for the purposes of the investigation or the respective process. This obligation extends to all judicial and administrative bodies, both public and private, as well as to all means of collective communication and social networks.

States must protect information regarding migrant women in conditions of vulnerability by taking reasonable measures to ensure the confidential nature of the information and that it is used appropriately. The exchange of information will be done with the sole purpose of protecting and caring for these women.

No Re-victimization or secondary victimization

Revictimization or secondary victimization is the unintentional further harm of a victim by actions or situations which generate further trauma or exacerbate the previous experience. The principle of no re-victimization aims to avoid situations and actions which further victimize a person. In order to prevent secondary victimization, States aims to develop and apply tools and approaches which do not expose migrant women victims to tedious processes, repeated or unnecessary requests for information, or the lack of information including related to access to justice.

In this regard, the revictimization of migrant women could take place when, *inter alia*, an authority in charge of providing assistance and protection repeatedly asks the migrant women unnecessarily or repeatedly to state why she decided to migrate and what happened during the migration process (departure, transit, stay, return, etc.), thus increasing the psychological stress suffered.

Therefore, the principle of no-revictimization means that States should develop and apply institutional, inter-institutional and bilateral tools to avoid unnecessary and repeated requests for testimonies by migrant women, revictimizing them during return and reintegration.

Differentiated assistance

Differentiated assistance starts by having specialized assistance, according to the specific needs and circumstances of the women, and especially those who are in conditions of vulnerability or at risk as migrant women. To provide comprehensive assistance, it is necessary to have specialized service providers in diverse areas.

*Non-refoulment*[[26]](#footnote-26)

The principle of *non-refoulment* is the cornerstone of the international protection of refugees and asylum seekers. Article 33.1 of the 1951 Convention relating to the Status of Refugees prohibits the expulsion or return of a refugee to a country “where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”, barring certain exceptions which should be interpreted in a limited and restrictive manner.[[27]](#footnote-27)

Co-responsibility[[28]](#footnote-28)

Co-responsibility begins with considering that migration management is a responsibility that must be shared between countries of origin, transit and destination to guarantee the rights of migrant women and girls.

Multiculturalism and diversity

It is the recognition of the coexistence of different cultural groups, within the same country. It also refers to the ideology and policy of respect for cultural diversity. This approach allows an analysis of the relations between cultural groups that share the same space, from two dimensions: a) Distribution of power in decision-making regarding their own priorities for development and for controlling their lives; and b) The level of recognition of their cultural differences, without this being grounds for exclusion or discrimination. This makes visible the power relations and recognition that have been given among cultures throughout the history of humanity. It allows analyzing the relations between the cultural groups that cohabit a same space, from two dimensions: a) Distribution of the power in the decision making on its own priorities of development and control of their lives; and b) The level of recognition of their cultural differences, without this being grounds for exclusion or discrimination. The relations of power and recognition that have been given among cultures throughout the history of humanity are made visible. Human diversity is a concept that refers to the quality of being different but not inferior or superior. Diversity thus alludes to the wide range of visible and non-visible differences that characterize human beings. Some of these qualities include age, race, color, nationality, ethnic or national origin, sex, disability, sexual orientation, marital or parental status, religion, political belief or socioeconomic class.

Best Interest of the Child [[29]](#footnote-29)

The Committee on the Rights of the Child (CRC) has stated that the best interest of the child is “a substantive right”, “a fundamental, interpretative legal principle” and “a rule of procedure”[[30]](#footnote-30) and it is regulated in article 3.1 of the CRC which stipulates the following for States Parties: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. The Inter-American Court of Human Rights states that “the highest interest of the child [is] based on the very dignity of the human being, on the characteristics of children [that is, boys, girls and adolescents] themselves, and on the need to foster their development, making full use of their potential.”[[31]](#footnote-31) The best interests of the child should be a primary consideration in all decisions and/or actions concerning boys, girls and adolescents and should be respected throughout every phase of the migration process. In these phases, the Best Interest Determination (BID)should be documented in preparation of any decision.[[32]](#footnote-32)

The procedure to determine the best interests of the child involves two phases. The first one is the Assessment, where the specific circumstances are assessed that make the boy, girl or adolescent unique. Preliminary enquiries are made and the elements are assessed which are necessary to make a decision regarding a boy, girl or adolescent or a group of boys, girls and/or adolescents. The aspects that are considered during an assessment are: the opinion and identity of the boy, girl or adolescent; preserving the family environment and maintaining family ties; care, protection and security; situations of vulnerability. The International Covenant on Economic, Social and Cultural Rights establishes another aspect to be evaluated “the right to the enjoyment of the highest attainable standard or physical and mental health and the right to education.”[[33]](#footnote-33) The assessment can be jointly carried out by one or more persons and one or more institutions.

The second phase is the Determination, which is a structured process with safeguards to determine the best interests based on the previous assessment. The aspects to consider are: the ability of the boy, girl or adolescent to express an opinion of their own[[34]](#footnote-34); identifying the facts; and the perception of time. Additionally, this process should be carried out by trained professionals, with legal representation where available[[35]](#footnote-35), legal reasoning[[36]](#footnote-36), mechanisms to review or revise decisions[[37]](#footnote-37) and an assessment of the impact on the rights of the boy, girl or adolescent[[38]](#footnote-38). All institutions involved in protecting the rights of migrant boys, girls and adolescents should participate as appropriate, including civil society organizations to the extent possible. Moreover, it is essential to complete the process before suggesting long-term solutions for the boy, girl or adolescent. Any suggestion should be based on the results of the BID process.

Principle of the absolute priority of the rights of children

This principle is based primarily on addressing the basic needs and rights of children. Simply, the child is first. Thus, they will have priority in receiving attention and relief in any circumstance, precedence in the attention of public services, priority in receiving benefit from public resources, etc.

In the framework of the right of the child, this principle emerges as an absolute priority because of its intrinsic value, since it is about a human being in special conditions of development, which makes the child a complete human being in each phase of its growth and prospective value, because each child is the continuity of his family, his people and the human species.

It is important to keep in mind respect for the right of girls to express their opinion, to be taken into account and to be properly informed about the state of legal proceedings, in a language that is understandable to them, according to their age and their degree of maturity.

Family Unity

It is that guiding principle that is aimed at protecting family ties, parental affiliates, marital or those arising from non-marital union and relationship, characterized by maintaining the strict integration of the family. Article 9 of the CRC states that care must be taken to ensure that children "are not separated from their parents against their will, except where, subject to judicial review, the competent authorities determine, in accordance with applicable law and procedures, that such separation is necessary in the best interests of the child." As international standards indicate, "every child has the right to live with his or her family, which is called to satisfy their material, emotional and psychological needs. The right of everyone to receive protection against arbitrary or illegal interference within their family is an implicit part of the right to protection of the family and the child and is expressly recognized by Article 12.1 of the Universal Declaration of Human Rights.

Presumption of under-age status [[39]](#footnote-39)

This principle encourages States to presume that a person is under eighteen years of age in cases where there is doubt whether he or she is a minor or not, unless the contrary is proven. The above with the objective of providing the protection and assistance required by the child during his or her migration process.

Non-Detention[[40]](#footnote-40)

This principle means that detention of a child (whether a migrant, or asylum seeker or stateless) should be considered as a measure of last resort which only is applied when it has been determined that it is necessary. [[41]](#footnote-41) The Advisory Opinion OC-21/14 of the Inter-American Court of Human Rights has held that “States may not resort to the deprivation of liberty of children who are with their parents, or those who are unaccompanied or separated from their parents, as a precautionary measure in immigration proceedings; nor may States base this measure on failure to comply with the requirements to enter and to remain in a country, on the fact that the child is alone or separated from her or his family, or on the objective of ensuring family unity, because States can and should have other less harmful alternatives and, at the same time, protect the rights of the child integrally and as a priority.”[[42]](#footnote-42)

The Convention Relating to the Status of Refugees establishes as an exception, in Article 33.2, those persons whom there are reasonable grounds for regarding as a danger to the security of the country in which they are. However, these exceptions should be interpreted in a limited and restrictive manner and in relation to the obligations derived from nonrevocable rights such as the prohibition of torture.

# **REGIONAL CONTEXT[[43]](#footnote-43)**

The following data is based on a Study of existing legislation, policies and programs related to the empowerment and protection of migrant women in the countries that make up the Regional Conference on Migration, developed by IOM (2017). This study compiles existing programs and policies related to the protection of human rights and the empowerment of migrant women, in order to facilitate the identification of gaps and points of convergence for the development of regional guidelines.

**Brief socio-economic and cultural context of each country**

This section presents a general overview of each of the countries that make up the Regional Conference on Migration. The following table prioritizes the presentation of information on the general population, poverty, education and migration of women.

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| **BELIZE** | **CANADA** | **COSTA RICA** |
| General Population | | |
| For the year 2017, according to data from the Statistical Institute of Belize, the total population of the country was estimated at 387,786 people, of which 196,460 (50.66%) corresponded to women. | According to the Bureau of Statistics of Canada for the year 2017, the estimated population of this nation was 36,345,430 people, of which 49.6% corresponds to men and 50.4% to women. | According to data from the National Institute of Statistics and Census (INEC, 2016), Costa Rica has a population of 4,857,000 inhabitants with 51% of women |
| **Women in conditions of poverty** | | |
|  | According to Picot and Lu (2017), the incidence of poverty among migrants living in Canada affects more severely women (13.8%), compared to men (10.6%). | According to the data from the National Household Survey (NHS), for the year 2016, there were a total of 307,270 households in poverty, (25.83% of all households), however poverty affected households more severely with a female head with 44.5%. |
| **Level of education of women** | | |
| The population group of 2 to 4 years of age has an education coverage of 26.3% for men and 27.7% for women. From 5 to 12 years have the best indicators, with 96% and 95.9% for men and women respectively. In the group of 13 to 16 years 76.4% of women attend school, compared to 75.5% of men. According to data from the Population Census of 2010, of the total number of people attending the formal education system in Belize, 50.73% are women[[44]](#footnote-44). | There is ample access to education in this country. At the university level, women between 25 and 34 years old who had achieved a university degree (as a higher educational level) increased from 24% in 2005 to 29% in 2016. For men of that same age range, the increase was from 18% in 2005 to 21% in 2016. In the same period, the proportion of women who had a master's or doctorate degree increased by four percentage points, from 8% to 12%. For men, the increase was lower, and went from 7% to 8%. | According to data from the 2016 National Household Survey, levels of education between men and women are similar. However, there are two indicators showing positive differences in favor of women. The percentage of men without education is 14.46%, while that of women is 12.86%; On the other hand, the percentage of men with full university education is 13.21%, while that of women is 15.54%. |
| Migrant Population | | |
| The 2010 census showed that 14.2% of the population residing in the country had been born abroad, with Guatemala being the main country of origin. | According to the 2011 National Household Survey, it estimated 3,544,400 immigrant women and girls in Canada, representing 21.2% of the country's total female population. This represents the highest proportion of immigrants among the female population of Canada in 100 years. | According to data recorded by the XI National Census, the migrant population in Costa Rica represents 9% of the total population of the country. Approximately 75% of the migrants who live in the country are of Nicaraguan nationality. Women represent 51% of the total of migrants in the country. |

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| **EL SALVADOR** | **UNITED STATES** | **GUATEMALA** |
| General Population | | |
| According to data from the General Directorate of Statistics and Census, as of 2015 it had just over 6,460,000 inhabitants, of which 52.48% were women. | In 2016, the total population of the country was 323,127,513, of which it was calculated that 163,250,000 were women, or 50.52%. | According to the National Institute of Statistics, for the year 2015, the population was 16,176,133 inhabitants, of which 51.1% are women (2015, 6). 40% of the total population is indigenous. |
| Women in conditions of poverty | | |
| Of the total number of households registered in the country (1,761,772), 35.64% are headed by women. There are asymmetries between men and women in participation in the labor market: at the national level, the participation of men reaches 80.23%, while that of women is only 46.71%. | By 2015, there were 14.8% of women living in poverty. This figure was higher than the 12.2% reported for men. As will be seen later, poverty in this country affects migrant women more. | For 2015, it was estimated that poverty due to insufficient income world affect 40.38% of the country's population, however, disaggregated data by gender shows that it affects more women (50.7%) and in particular to indigenous women (54.7%). |
| Level of Education of Women | | |
| The illiteracy rate during 2015 was higher for women (12.4%) than for men (9.01%). |  | The literacy rate is 76.5% in people over 15 years of age, while for women in general it is 81.1% and for indigenous women it is 51.9%. The above data suggest that Guatemalan women, especially indigenous women, are more exposed to poverty and illiteracy. |
| Migrant Population | | |
| It is estimated that 95% of Salvadoran migrants live in the United States (Ministry of Foreign Affairs 2014, 19). Cervantes (2014), shows that for the year 2012, in the United States there were a total of 621,939 Salvadoran women in that country (48.9% of the Salvadoran people living in that country). Recently, the number of Salvadoran women who have migrated to Mexico and Costa Rica has increased | In 2015, the United States had around 47 million migrants. Of the total of migrants, it was estimated that 11.3 million were in irregular migration status in 2014 (IACHR, 2015, 23). According to Cervantes (2014), in 2012, the migrant women from Central America, Panama and Mexico residing in that country were 7,450,297, the most numerous being Mexican nationals (5,477,755). | It is estimated that in 2016 there were approximately a total of 2,301,175 Guatemalan migrants. Although female migration increased, male population flows prevailed (IOM, 2017, 36). On the other hand, Cervantes (2014) estimated that 40.8% of Guatemalan migrants were women. |

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| **HONDURAS** | **MEXICO** | **NICARAGUA** |
| **General Population** | | |
| In 2016, the total population amounted to 8,714,641 people, of which 52.6% were women. 55.5% lived in the urban area, while 44.5% lived in the rural area. This country has a significant number of young people: 6 out of 10 women are under 29 years old (INE Honduras, 2106, 6). | According to data from the National Institute of Statistics and Geography (INEGI), in 2015 Mexico had a population of 119,530,753 people. According to this institution, the male-female ratio, established by the number of men per 100 women, was 94.4. | According to data from the National Institute for Development Information (INIDE 2016), in 2015 the number of inhabitants was 6,327,927, of which 50.66% were women. |
| Women in conditions of poverty | | |
| Poverty, measured by the method of insufficient income, affected 60.9% of households in 2016, affecting more than 62.9% of those who live in rural areas. According to ECLAC, in 2013, women who lacked their own income represented 39.7%, while in men the percentage reached 15.8%. | For 2014, it was estimated that 33.44% of every 100 female heads of households were living in poverty due to insufficient income. In the state of Colima, this percentage increased to 48.65%. | According to official data, between 2014 and 2016 there was a decrease in poverty (measured by insufficient income) and it decreased from affecting 29.6% of households to 24.9%. |
| Level of Education of Women | | |
| The illiteracy rate among women affects more women living in rural areas (16.8%), compared to women in the urban area (8.7%). The data also shows that illiteracy affects more unemployed women much more, which suggests that this factor directly affects the insertion into the socio-labor structure. | The literacy rate among women between 15 to 24 years, for the year 2015 was 98.28%; slightly higher than that registered by their male counterparts. In spite of the above, the economic participation of Mexican women 15 or older was 44.33% compared to 78.19% of men, which shows a strong labor and economic gap. | The General Secretariat of SICA (2016) estimated the number of Nicaraguan migrant women living in Canada, the United States and Mexico at 143,633. Another important destination for the migration of Nicaraguan women is Costa Rica. The 2011 Population Census of the country registered a total of 199,788 women born in Nicaragua. This was equivalent to 51.77% of the total number of Nicaraguans living in Costa Rica. |
| Migrant Population | | |
| The General Secretariat of SICA (2016) estimated that by 2015 there were approximately 317,009 Honduran migrant women (2016, 46). For his part, Cervantes (2014), estimated that 47% of Honduran migrants who lived in the United States were women. | Mexico is a country of origin, transit, destination and return for migrants. It has one of the largest flows of migrants in the world (mainly to the United States), with around 12 million (of which an estimated 47% are women). |  |

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| **Panama** | **Dominican Republic** |
| **General Population** | |
| In 2015, the Panamanian population reached a total of 3,975,404 inhabitants, of which 49.8% are women; Of these, 35.54% are under 19 years old (Comptroller General of the Republic-INEC 2017, 49) | According to the 2010 Census, the population in the Dominican Republic reached a total of 9,445,281, with 4,706,243 women. 35.54% of all women are younger than 19. |
| **Women in conditions of poverty** | |
| It is estimated that poverty affected 23% of households in 2015. For the year 2014, according to the Gender Equality Observatory of the Economic Commission for Latin America (ECLAC), 25.3% of women living in urban areas did not have economic autonomy, while in rural areas this percentage reached 34.9% | According to the Monitoring Report of the Millennium Development Goals (2010), 34% of the Dominican population in 2009 lived in poverty, this equals 3.298 million people living in poverty. |
| **Migrant Population** | |
| The General Secretariat of SICA (2016) estimated the number of Panamanian migrant women living in Canada, the United States and Mexico was at 57,369 (2016, 46). During the coffee harvesting season in Costa Rica, some 6,000 indigenous Panamanian Ngäbe Buglé women usually arrive in this country. | The Dominican Republic receives a significant number of migrants. It is estimated that the migrant population amounts to 524,632 people, of which 458,233 (87.3%) are of Haitian origin. It is highlighted that among the total of immigrants, men are the majority, constituting 64.4% of the total, while women make up the remaining 35.6%. |

**Policies and existing programs**

This section describes the policies and programs identified in the countries that make up the RCM that contribute to the protection and empowerment of migrant women. Policies are described first, followed by the programs. For the presentation, a template is used that facilitates reading and includes the following information: name of the policy or program; date of entry into force; brief description of how this policy or program contributes to the protection and empowerment of migrant women; institutions involved and; other information that may be relevant.

The information presented below was obtained from two sources: first, based upon information provided by the focal points of the RCM in each country; and second, based upon a desk review and Internet search in the portals of the different institutions linked to migration, Women’s Ministries or other relevant secretariats and institutions.

Policies

*Canada*

In terms of policies aimed at the empowerment and protection of the rights of migrant women, Canada has specific guidelines that address the reality and specific protection needs of this population these include: Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution[[45]](#footnote-45) and Procedures to be followed With Respect to Vulnerable Persons Appearing Before the IRB[[46]](#footnote-46).

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| Name of policy | Guidelines: Women Refugee Claimants Fearing Gender-Related Persecution |
| Date of entering into force | November 1996. |
| How it relates to the empowerment and protection of the human rights of migrant women | This guideline establishes that although gender is not listed as one of the reasons established by the 1951 Convention, the definition established by this instrument can be interpreted as a protection for women who have well-founded fears of persecution because of their gender. The guideline says that women can be persecuted for what they believe, but also because they are women; for their political participation and to which the State of origin does not have or cannot give due protection or, because they transgress laws or practices that usually put them at a disadvantage or in a vulnerable condition because of gender. |
| Institutions or mechanisms involved to comply with the policy | Canadian Immigration and Refugee Commission (Immigration and Refugee Board of Canada). |
| Other relevant information | This guideline offers interpretation criteria that allow a better analysis in granting protection of the refuge institute for women applicants, specifically attending to their special protection needs. |

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| Name of policy | Procedures with Respect to Vulnerable Persons Appearing Before the IRB |
| Date of entering into force | December 2006 and reformed in December 2012. |
| How it relates to the empowerment and protection of the human rights of migrant women | This Procedure takes into consideration all cases of women seeking refuge in Canada because of their gender. It also establishes exhaustively the considerations pertinent to the reality of women seeking refuge and explicitly recognizes the special problems faced by women and fears persecution on the basis of gender. |
| Institutions or mechanisms involved to comply with the policy | Canadian Immigration and Refugee Commission (Immigration and Refugee Board of Canada). |
| Other relevant information | This Procedure is based on the recognition that some groups, such as women, face particular difficulties in the refugee application process, so specific actions must be defined to reduce vulnerability in order to improve the protection of the Government of Canada. |

*Costa Rica*

Costa Rica has a set of public policies that contribute to the protection of the human rights of migrant women in the country, such as: the Integral Migration Policy for Costa Rica (2013), the National Gender Equality and Equality Policy, the National Policy for a Free Society of Racism, Discrimination and Xenophobia 2014-2025 and its Plan of Action and more recently, the National Plan for Attention and Prevention of Domestic Violence and the National Policy for the Care and Prevention of Violence against Women of all ages 2017-2032.

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| **Name of the policy** | Integral Migration Policy for Costa Rica. |
| **Date of entering into force** | Executive Decree No. 38099-G (Published in Gazette No. 245 December 19, 2013). |
| **How it relates to the empowerment and protection of the human rights of migrant women** | This policy focuses on human rights, gender and diversity. Under this approach, it is understood that the responsibility of the State is aimed at creating conditions for the welfare and development of all people, regardless of sex, gender, ethnic origin, religion, political opinion, national or social origin, economic position, birth, gender identity, sexual orientation, migratory status or any other condition. The gender approach assumes that gender differences by themselves do not generate inequalities. These occur when a social group assigns a value to those differences. Women and men can and must learn to relate to each other in a different way, building relationships of equality that respect diversity and human rights. The gender equality approach implies the revision of public policies that are not gender neutral. This approach recognizes diversity as inherent in the human condition and as a characteristic that contributes to the human development of countries. In addition, it recognizes, that there are certain socially disadvantaged groups due to constructions and stereotypes. The actions derived from this policy have to ensure the rights of those who suffer any type of discrimination because they belong to a group recognized as diverse, whether in terms of sex, gender, culture, society, nationality, ethnicity, political opinion, age, gender identity or sexual orientation (National Policy 2013, 46). |
| **Institutions or mechanisms involved to comply with the policy** | General Directorate of Migration, Ministry of Labor and Social Security, National Institute for Women, among others. |

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| **Name of policy** | National Policy for the Care and Prevention of Violence against Women of all ages. |
| **Date of entering into force** | July 2017. |
| **How it relates to the empowerment and protection of the human rights of migrant women** | The policy recognizes that migrant women face the risk of losing their lives at the hands of a known or unknown femicide, who chose it as the object of their absolute control. This Policy requires actions for the situations that women live to protect them more effectively against the risk of femicide. In addition, it proposes to decentralize and regionalize services on violence against women. |
| **Institutions or mechanisms involved to comply with the policy** | National Institute for Women, amongst others |
| Other relevant information | This policy incorporates results of consultations carried out with migrant women, they identified the following manifestations of discrimination and violence:   * Abuse by their partners. Men shout at them, they are offended, they are told that they are worthless because of their immigration status and that they have many children. * Patrimonial violence by the couple. * Discrimination in public services due to their migratory status, especially in health services. Discrimination, aggression and labor exploitation of women due to their migratory status |

*El Salvador*

El Salvador, like other countries of the region, has a set of national policies aimed at promoting equality, gender equity and the prevention of discrimination against women. Among these policies can be cited: The National Policy for Women (ISDEMU 2011, updated to 2014); the National Policy for the Access of Women to a Life Free of Violence (ISDEMU 2013) or; the National Equality and Equity Plan for Salvadoran Women (ISDEMU 2012). Although these policies carry out an analysis of the advances, setbacks and challenges to promote gender equity, they do not incorporate the specificity of migrant women (who may arrive, be in transit or return to the country), thereby invisibilizing this reality. It is important to note that the mentions made by these policies and plans on migration are general and do not make reference to the reality of migrant women in the country.

For its part, the Five-Year Development Plan "El Salvador, productive, educated and safe" (2014-2019) within objective 9, which refers to Salvadoran migrants abroad, establishes a general of its two strategies the "Promotion of respect and protection of the human rights of Salvadoran migrants and their families." Outside of this, the Five-Year Plan does not establish any direct action directed towards migrant women.

More recently, El Salvador has the National Policy for the Protection and Development of the Salvadoran Migrant Person and his Family in July of 2017. This Policy has the general objective of "protecting and defending the rights of the Salvadoran migrant person and their family. In the different stages of the migratory process, as well as promoting the development and deployment of their capacities through a system of inter-institutional coordination on the part of the Salvadoran State "(2017, 54). It has eight specific objectives, but none explicitly refers to helping to promote respect for the human rights of migrant women.

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| **Name of policy** | National Policy for the Protection and Development of the Salvadoran Migrant Person and his Family |
| **Date of entering into force** | July 2017 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | When addressing the moments of the migration process (origin, transit, destination, return and reintegration), identify actions related to the exit stage. On the A1 Axis. Addressing the causes of irregular migration, a specific action is established for migrant women:  "4. Promote the design and execution of programs to care for the families of migrants who stay in the country, especially women ... "(2017, 57).  During the transit time, it is indicated:  Axis B1. Protection and attention of the migrant Salvadoran population in transit:  "2. Guarantee and strengthen the protection and consular assistance of the migrant population victim of crimes, as well as of migrant women, girls, boys and adolescents in conditions of vulnerability.  3. Develop a special program of care for all migrant victims of sexual violence and trafficking in persons, particularly girls, boys, adolescents and women "(2017, 59).  About the moment of return and reinsertion it is indicated:  D1 axis. Integral attention of the Salvadoran returnee:  "4. Create and expand programs with a focus on human rights and gender for comprehensive care in the process of return and incorporation into the family "(2017, 62).  Within the strategic axis: "E1: Institutional strengthening for the integral attention of the Salvadoran migrant person and his family", establishes:  "6. Train and sensitize staff of institutions of CONMIGRANTES on the issue of migration and the importance of providing specialized comprehensive care of cases of children, adolescents and women "(2017, 64). |
| **Institutions or mechanisms involved to comply with the policy** | Among others, they participate:  Salvadoran Institute for the Development of Women (ISDEMU)  Secretariat of Social Inclusion (SIS)  CONMIGRANTS  Municipal Governments (2017, 70,71). |
| **Other important information** | This policy recognizes that: "The people deported are mostly young men (between 18 and 25 years of age), although there has been an increase in women, girls, boys and adolescents during the last two years" (2017, 37). According to the available data and included in the Policy, for the year 2015, 24.1% of the total returnees were female migrants. |

*Guatemala*

The General Government Policy 2016-2020 establishes the "i. Formulation of a migratory policy for the protection of the Human Rights of Migrants and their promotion through diplomatic channels for the United States of America to implement Temporary Protected Status "(2016, 23). This is the only reference to migration within the main public policy document of the country.

The National Policy for the Promotion and Integral Development of Women and the Opportunity Equity Plan (2008-2023) was reviewed. The way in which migrant women’s rights are included in this policy is by ensuring their labor rights, which stands out as Guatemala is not a recipient country of migrant women, on the contrary it is a country of origin of migrants. The approach established in this policy is far from comprehensive and leaves out migrant women in transit and Guatemalan migrant women returning to the country.

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| **Name of the Policy** | National Policy for the Promotion and Integral Development of Women and Equal Opportunity Plan (2008-2023) |
| **Date of entering into force** | November 2009 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | Within the axis: Labor Equity, the following was stated: "Guarantee access to information, training and advice to Mayan women, Garífuna, Xinca and Mestizo migrant workers, in the defense of labor rights and the demand for effective compliance, before authorities and corresponding instances ". This axis established five projects and activities aimed at women migrant workers. These are:  to. Establish measures that guarantee the application of current international standards on the protection of migrant workers.  b. Review and establish mechanisms to monitor the working conditions of migrant women in order to effectively punish the offenders.  c. Create and implement communication campaigns on the labor rights of migrant women.  d. Promote the creation and strengthening of the integral centers to provide the services of: legal, psychological, and social counseling, as well as technological and scientific training aimed at migrant women  e. Create and promote programs and projects for the organization of migrant women in order to strengthen their actions for the defense, verification and punishment of the violation of their rights as migrant workers. |
| **Institutions or mechanisms involved to comply with the policy** | Ministry of Labor and Social Security, Ministry of Foreign Affairs, Presidential Secretariat for Women, General Directorate of Migration |
| **Other important information** | In the absence of a national Migration Policy, this is the policy that establishes specific actions aimed at the population of interest. |

*Honduras*

The Law for the Protection of Honduran Migrants and their Families (Decree 106-2013) formulates, in Title III, the Comprehensive Policy on Protection and Return. Article 19, paragraph 3, establishes one of the purposes of the return policy: "The State of Honduras will take particular care to avoid discrimination against women who return without their own resources so that they can access the aid even if it does not prove periods of work abroad ".

The aforementioned Law establishes the creation of instances to favor the protection of migrants. Among these it creates: The National Council for the Protection of the Honduran Migrant (article 20); the General Directorate for the Protection of Honduran Migrants (article 24); the Office for the Protection of Honduran Migrants (article 25) and; the Office of Assistance for Returned Migrants (article 26). It also creates the Solidarity Fund with the Honduran Migrant (FOSMIH). The purpose of this fund is to financially support Honduran people in a situation of calamity, for their voluntary repatriation to Honduras; to repatriate the bodies of Hondurans who have died abroad, as well as to cover the expenses of the Centers for Attention to the Returned Migrant and the programs of social and labor reintegration of those who return (article 29). This is undoubtedly a valuable effort. For the interests of this diagnosis, it may be indicated as a limitation the fact that migrant women who return or arrive in the country are not directly identified as the beneficiary population.

As of 2016, the National Council for the Protection of Honduran Migrants and their Families is promoting the socioeconomic reintegration of Honduran migrants who have returned to the country. For this, it has a line aimed at granting financing of productive enterprises of people who have returned.

In previous years, Honduras had the National Plan against Violence against Women (2006-2010), which incorporated within its guiding principles the approach to violence suffered by women of ethnic groups, older adults, young people, girls, disabled, migrants, deprived of liberty and others (No. 3 paragraph e). Also, one of the lines of action sought the "1.2. Promotion of detection actions that modify the sociocultural models that justify and encourage violence against women in its different manifestations ", included as one of its activities:" Take actions to detect violence against women in ethnic groups, refugees, migrants, those who live in rural or remote communities ".

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| **Name of policy** | II Equality and Gender Equity Plan of Honduras (2010-2022) |
| **Date of entering into force** | 2010 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | There are at least two axes in which migrant women are included. The axis 2, "Promotion, protection and guarantee of the right of women, girls and adolescents to peace and a life free of violence", includes within policy 3, a strategic objective that includes women migrants from the following way:  O. E 3.4. "Promote legal and institutional mechanisms for protection against the different forms of violence and exploitation to which migrants are subjected and services for the reinsertion of returnees" (2010, 71).  For its part, Axis 5, "Promotion, protection and guarantee of economic rights, work, employment, access, use and control of resources", includes within policy 1, the following strategic objective:  OE 1.5 "Promote comprehensive policies, from the Human Rights approach, for the protection of the rights of women of emigrant families, promoting services for migrant population of consulates abroad, as well as programs aimed at strengthening the investment, education and training to increase productivity, the income generated by remittances "(2010, 129) |
| **Institutions or mechanisms involved to comply with the policy** | National Institute for Women, Judiciary, Public Ministry, Municipal Offices for Women, Ministry of Labor and Social Security. |
| **Other relevant information** | The aforementioned objectives established in the National Policy, are those that more clearly and directly address the specificity of Honduran migrant women or of those who are in the territory of that country. |

*Mexico*  
The National Development Plan 2013-2018, published in the Official Gazette of the Federation on May 20, 2013, establishes in the national goal Mexico with Global Responsibility as line of action in strategy 5.4.4 the design and execution of programs of special attention to vulnerable groups of migrants, such as children and adolescents, pregnant women, victims of serious crimes committed in national territory, persons with disabilities and older adults.

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| **Name of the policy** | Special Migration Program 2014-2018 |
| **Date of entering into force** | 2014 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | Chapter II of the Special Migration Program establishes several lines of action that contribute directly to the promotion of the rights of migrant women. The lines that are directed to the population of interest are transcribed:  "1.2.2 Strengthen the active participation of the Legislative Power for the construction of migration policy with a gender perspective and human rights" (2014, 27).  "1.3.4 Expand dissemination of the rights of women, of migrant children and adolescents" (2014, 27).  "1.4.7 Develop and disseminate campaigns to prevent violence against migrant women" (2014, 28).  "1.5.4 Generate specific information on the planning and exercise of budgets in migration matters, considering the gender perspective" (2014, 28).  "3.2.9 Promote affirmative actions that guarantee migrant women obtain immigration documents independently of their partner" (2014, 30).  "3.4.4 Implement a specific protocol for the safe and orderly repatriation of unaccompanied Mexican women, girls, boys and adolescents" (2014, 31).  "4.3.4 Ensure medical care for migrant women who are victims of sexual violence and pregnant migrants during their transit through Mexico" (2014, 32).  "4.3.6 Provide physical and mental health services to women and their children in communities impacted by emigration" (2014, 33).  "4.4.8 Promote the access of migrant women to paid work, decent employment and productive resources, in a framework of equality" (2014, 33).  "4.6.9 Implement intersectoral strategies for the care and protection of migrant women and girls who are victims of trafficking, trafficking, sexual abuse and kidnapping" (2014, 34). |
| **Institutions or mechanisms involved to comply with the policy** | Deputy General Directorate of Immigration Policy of the Immigration Policy Unit; IMMUJERES; SEDESOL, Foreign Relations Secretariat, among others. |
| **Other important information** | Besides establishing lines of action, this program also defines indicators as well as points out the measurement parameters. These methodological aspects allow an adequate monitoring and evaluation system. |

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| **Name of policy** | Guidelines on protection of migrants from the National Institute of Migration (INM) |
| **Date of entering into force** | November 2012 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | Dedicates Chapter III to establish general protection measures for migrant women (Articles 19-22).  Article 20 states that: "when in the performance of their duties, migrant protection groups detect migrant women, they will be informed about their rights, benefits and programs to which they can access. If they are pregnant, they will be given priority attention in first aid and food that they need to cover their immediate needs and they will be channeled to specialized institutions where they can be given the care they require. "  Likewise, criteria are offered to deal with cases of pregnant migrant women, migrant girls, or women in conditions of vulnerability who need to initiate processes of migratory regularization or wish to be repatriated (Articles 21-22). |
| **Institutions or mechanisms involved to comply with the policy** | National Institute for Migration |
| **Other relevant information** | These Guidelines offer a set of criteria to be followed by officials of the National Institute of Migration for the care of migrants in transit through Mexico who are in vulnerable conditions. It also offers guidance for the care of Mexican migrants who return to the country. |

One initiative that stands out is the preparation by the Supreme Court of Justice of the Nation of a "Protocol of action for those who provide justice in cases involving migrants and subject to international protection" (2015).

This protocol assigns a central place to the pro persona principle in all areas in which a person seeks the justiciability of a right. Although it does not establish a specific way to promote access to justice for migrant women, it does recognize the conditions in which these women find themselves throughout Mexican territory. It points out that they "face greater situations of vulnerability; they are exposed to all types of gender-based violence and abuse, including sexual, physical or verbal attacks, poor employment conditions and human trafficking. Analyzing judicial issues and migration policies with a gender perspective is essential to ensure that the right to equality is complied with and that women can therefore defend their rights in an effective manner, without discrimination and with appropriate measures for their protection in case of having suffered abuse or gender based violence during their journey "(2015, 60).

*Nicaragua*

The National Human Development Plan 2012-2016 of the Government of the Republic establishes a Policy for the Development of Women (2013, Nos. 422-441). It incorporates a general reference to the subject of migration under the title "Protection of Nicaraguans abroad" (2013, Nos. 217-218). In both sections, there is no reference to the reality of migrant women who leave, transit, arrive or return to Nicaragua. A search was made of policies, programs or projects aimed at the empowerment and promotion of the rights of migrant women in the Ministry of Foreign Affairs, Ministry of Women, Ministry of Family, Adolescence and Children, as well as in the General Directorate of Migration. and Immigration and no government initiative was found for this population of interest.

*Programs*

The programs described below show initiatives and actions currently carried out by Ministries, Secretariats of State or public institutions in the different countries that make up the RCM.

*Canada*

A long-standing program was identified, aimed at accompanying the refugee application process to women victims of violence [[47]](#footnote-47).

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| **Name of the program** | Women at Risk program |
| **Date of entering into force** | 1988. |
| **How it relates to the empowerment and protection of the human rights of migrant women** | It is aimed at migrant women or asylum seekers in vulnerable conditions in their countries of origin. It may include potential refugee petitioners who have experienced threats to their lives, who have been persecuted or harassed for various reasons. The program seeks to offer protection to women who move. Includes members of the family group of women who have been persecuted. |
| **Institutions or mechanisms involved to comply with the policy** | Canadian Immigration and Refugee Commission. |
| **Other relevant information** | This program allows to identify women victims of violence in their countries of origin and those who can be protected with the refuge institute in Canada. |

*El Salvador*

A review of initiatives and programs developed by the Secretariat of Social Inclusion of the Presidency of the Republic was carried out through the Women's City Program; as well as in the in the Vice Ministry for Salvadorans Abroad; the National Commission for Micro and Small Enterprises of the Ministry of Economy; the Social Investment Fund for Local Development (FISDL); the Salvadoran Institute for the Development of Women (ISDEMU) and; the General Directorate of Migration and Immigration. An initiative aimed at the protection of rights and another towards the economic empowerment of migrant women was identified.

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| **Name of the program** | Diploma in gender, migration and development: migrant women. |
| **Date of entering into force** | July 2017. |
| **How it relates to the empowerment and protection of the human rights of migrant women** | The purpose of this diploma is "to contribute to the analysis and design of public policies aimed at strengthening the nexus between migration and development from a gender perspective". From the contents that have been developed, it is favored that the people who participate (civil servants linked to migratory management in the RCM) apply the gender perspective in the context of work in migration and development issues. In a complementary manner, it contributes to the appropriation of the tools for the design and analysis of public policies aimed at migrant women. |
| **Institutions or mechanisms involved to comply with the policy** | Specialized Institute of Higher Education for Diplomatic Training of the Ministry of Foreign Affairs of El Salvador. |
| **Other relevant information** | El Salvador, as the country in charge of the Pro Tempore Presidency of the Regional Conference on Migration, proposed to position and promote various initiatives around "Migrant Women", with the objective of knowing and responding to the most felt needs of migrant women in origin, transit, destination and return. |

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| **Name of the program** | Inter-institutional cooperation agreement between the General Directorate of Migration and Immigration and the Salvadoran Institute for the Development of Women (ISDEMU) |
| **Date of entering into force** | May 25th 2016 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | Este Convenio tiene como propósito establecer mecanismos de coordinación y cooperación institucional en el marco de las facultades de cada institución para la atención de víctimas de violencia basada en género, salvadoreñas retornadas y mujeres extranjeras. |
| **Institutions or mechanisms involved to comply with the policy** | General Directorate of Migration and Immigration, Salvadoran Institute for the Development of Women (ISDEMU) and Ciudad Mujer. The agreement allows mutual cooperation, registration, monitoring and control of cases; develop preventive actions in the target population; have people to link and reference. |
| **Other relevant information** | Since the signing of the Convention, 55 women have been treated who have been victims of different forms of violence. They have been given care through first aid, psychosocial care, legal assistance and temporary shelter. Its target population is girls, adolescents and migrant women who are victims of gender-based violence. Its purpose is to establish guidelines, processes and routes of care and protection for the target population. At the same time it favors the exchange of training between institutions. |

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| **Name of the program** | Pilot Intervention Productive Insertion of Migrants Returned to El Salvador |
| **Date of entering into force** | July 2016 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | Directly improves the income of migrant women who have returned and their families. It also helps to create roots in their communities and a sense of belonging as a way of discouraging them from migrating again in conditions of vulnerability. It strengthens the self-esteem and the value of each one as a woman. |
| **Institutions or mechanisms involved to comply with the policy** | Ministry of Foreign Affairs, Social Investment Fund for Local Development (FISDL); local governments-municipalities of Ozatlán, Santa Elena, Usulután and Jiquilisco of the department of Usulután; City Woman, Local Health Units and World Food Program. |
| **Other relevant information** | A total of 48 migrant women have returned who are between 16 and 65 years old.  In a comprehensive intervention strategy aimed at migrants who return to El Salvador. Emphasis is placed on the accompaniment of women who return, for this purpose their capacities, skills and knowledge are strengthened for the development of entrepreneurial initiatives that generate income for the support of families, from a self-managed approach.  Areas of attention: training, process of developing skills oriented through technical and psychosocial training.  Seed capital in kind (equipment and supplies): refers to the transfer of equipment, tools and basic inputs for the strengthening of the enterprise. A total of $ 224,600 has been invested during the execution of the pilot intervention.  Sustainability: it is guaranteed to the extent that intersectoral coordination is strengthened. |

*Guatemala*

In order to identify ongoing programs carried out by Guatemalan public institutions that promote the empowerment and protection of the rights of migrant women, a review of the information offered was carried out: The Secretariat of Planning and Programming (SEGEPLAN) of the Presidency of the Republic; of the Ministry of Social Development (MIDES), the Ministry of Health and the General Directorate of Migration. The Ministry of Social Development implements at least ten social programs (seven of them with conditional cash transfer strategies), however, none of them has migrant women as beneficiaries.

*Honduras*

According to the available data and offered by the National Center for Information of the Social Sector (CENISS), currently the Secretariat of Development and Social Inclusion (SEDIS), executes about twenty-seven social programs[[48]](#footnote-48).   
Of these, only two have a target population of women. One of them included a project aimed at children, adolescents and migrant women during 2015, as indicated below.

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| **Name of the program** | Attention to Women, Youth, Children, Girls in Situation of Violence and Social Risk. |
| **Date of entering into force** | January 2015 |
| **How it relates to the empowerment and protection of the human rights of migrant women** | This project had three components, two of which were aimed at migrant women:  Component 2: "comprehensive care for young people and women in situations of extreme vulnerability due to intrafamily violence, social risk or the status of returned migrant".  Component 3: "awareness and psychosocial support for girls, boys, adolescents and women in situations of vulnerability due to intrafamily violence, social risk or in the condition of returned migrants". |
| **Institutions or mechanisms involved to comply with the policy** | Ministry of Development and Social Inclusion (SEDIS) |
| **Other relevant information** | The project had a coverage of ten municipalities in different departments of the country. These municipalities were prioritized based on three criteria: incidence of violence, being part of the dry corridor of Honduras and having high levels of migration. The execution of this project could be complemented with the project "Opportunities for mothers and young people as exit strategy of the Better Life Bond", implemented by the Ministry of Development and Social Inclusion, during that same year. This project aimed to promote capacities in vulnerable people, indirectly intended to reach potential migrant women. |

The Mexican government institutions have deployed a series of specific support programs for returning Mexican migrant women, as well as for migrant women in transit. The portal [www.mujermigrante.mx](http://www.mujermigrante.mx) is especially interesting as it offers a lot of information on the rights of migrant women, immigration procedures in general, remittance transfers, tax payments and extensive information on support programs for women. On the other hand, it offers information on the migration of women to the United States, as well as migrant women in transit through Mexico.

*Mexico*

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| **Name of the program** | Migrant Portal : [www.mujermigrante.mx](http://www.mujermigrante.mx/) |
| **Date of entering into force** | May 2014. |
| **How it relates to the empowerment and protection of the human rights of migrant women** | It is an initiative that develops a technology-based model for the management of information and communication in favor of women and families affected by the migration phenomenon, in order to avoid their social distancing for geographical, educational, economic or cultural reasons. The program is aimed at migrant women in transit through Mexico, Mexican migrants in the United States of America, and women and families of migrants in areas of migratory mobility in Mexico. It offers extensive information and support on key issues such as work, health and employment. |
| **Institutions or mechanisms involved to comply with the policy** | Secretariat of Communications and Transportation of Mexico. |
| **Other relevant information** | It offers extensive information on women's human rights, remittances and taxes, minutes and records, support programs, information about medical support programs, about employment support programs and self-employment, about formal and non-formal education programs. The page offers diverse and interesting information for migrant women. One limitation is that some links on the page are broken.  The contest, "Woman tell me your story" is disseminated in this space. |

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| **Country** | Mexico |
| **Name of the program** | Missing Women and Girls Program “Dar contigo” |
| **Date of entering into force** | This information was not obtained. |
| **How it relates to the empowerment and protection of the human rights of migrant women** | The purpose of this program is to participate in the search processes of missing women and girls, in collaboration with specialized agencies in the field, civil society and family members. This program seeks the rapid localization of women and girls of all ages disappeared in the national territory. |
| **Institutions or mechanisms involved to comply with the policy** | Secretaría de Gobernación y la Dirección General de Estrategias para la Atención de Derechos Humanos. |

It is also important to note that since 2010, INMUJERES compiles and publishes the Directory of institutional programs aimed at the migrant population in order to facilitate access to information about programs and services aimed at migrant women and those involved in the phenomenon. migration, as well as public and private institutions that provide them with attention. The 2012 edition had information on 82 programs, 2013 of 77, 2014 of 93, 2015 of 100 and the most recent edition, 2016, with 115 programs and services. Other relevant actions led by INMUJERES are:

* Since 2014, the workshop Construction of gender-sensitive attention to migrant women, children and adolescents has been given on six occasions. Its objective is to provide tools to migrant personnel to incorporate the gender perspective and the gender perspective in their work promotion of affirmative actions for migrant women and girls.
* UN Women and the Ministry of Foreign Affairs of the Government of Mexico jointly developed the project "Consular Assistance Protocol for Women Victims of Violence", in order to have an instrument to strengthen the actions of consular staff, ensure the rights of the target population and comply with the national and international obligations of the Mexican State regarding equal and non-discrimination.

**Checkbox 3**

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| **Mexico**  **Project: "Migrant woman: tell me your story"**  **(“Mujer migrante: cuéntame tu historia”)**  The National Institute for Women, the National Migration Institute of the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of Labor and Social Welfare, the Ministry of Communications and Transportation and the Attorney General's Office of the Republic, carry out the annual project "Migrant woman: tell me your story". This contest is aimed at Mexican and foreign migrant women over eighteen years of age who narrate their testimony as a migrant woman. They are invited to include proposals that, in their opinion, translate into measures or actions that could be implemented to eliminate the difficulties they faced. Mexican women may participate who currently reside in a different federated entity than the one they were born in, those who currently reside in another country, or those who returned to the country after having lived in another, as well as foreign women who currently reside in Mexico.  The information is available online at the following link:  <https://aplicaciones.inmujeres.gob.mx/mujermigrante/index.php?convocatoria> |

REGIONAL RECOMMENDATIONS DURING THE MIGRATION PROCESS

Below are recommendations made by the Member Countries of the RCM during the validation workshop of this document focused on protection and assistance of migrant women, carried out in September 2017 in El Salvador and the Regional Study on the subject of legislation and assistance programs for women and migrant women developed by the IOM, in addition to the actions recommended by the International Organizations and Civil Society Organizations through the Regional Network of Civil Organizations for Migration (RNCOM).

**RECOMMENDATIONS FOR PREVENTION IN COUNTRIES OF ORIGIN**

Previous documents developed within the framework of RCM focus on the development of indicators that help identify those situations of vulnerability that can lead to irregular migration of certain groups, putting their lives at risk. The Conference consists of cooperative networks, which have concluded that the indicators are structural and therefore their elaboration and application is suitable for government institutions.

There is an opportunity to detect situations of vulnerability that women are facing which may makes it more likely for them to undergo dangerous migration. That is why a list of the conditions faced by women potential migrants has been developed. This document hopes to contribute to finding answers to these challenges[[49]](#footnote-49):

* Pregnant women and pregnant teenagers.
* Women who live alone with their children.
* Women who live in areas of social risk or who are threatened by criminal groups.
* Women who have had little or no educational and / or training opportunities and unemployed women.
* Women who have been victims of gender-based violence in its multiple manifestations.
* Women who are suffering or have suffered other violations or abuses of their rights (including those involving theft, kidnapping, mistreatment), among others.
* Women with any type of disability
* Indigenous women
* Women with a diverse gender identity or diverse sexual orientation

The following recommended pre-departure actions for countries of origin are proposed to minimize irregular migration under dangerous and unsafe conditions, including those based on gender. They try to offer possibilities for the well-being of the groups at risk, access to basic services, work, healthcare or justice, among others.

These include the following actions:

**Prevention in Countries of Origin**

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| **RECOMENDATIONS** |
| Carry out a regional assessment that integrates at least: zones with high indexes of poverty, violence, and vulnerability. Additionally, gather information on programs and services accessible to women. |
| Identify and elaborate a process to ensure access to those institutions that support women and provide basic services (education, housing, social programs, healthcare, access to justice etc.). |
| Create spaces for interinstitutional coordination in each country where entrepreneurship of women is fostered. |
| Promote information campaigns on social media, TV, radio, and print media about:   * Human Rights of girls, adolescents and women * Prevention and attention on domestic violence (domestic) and gender violence * Prevention and risks of irregular migration * Access to health services * Access to sexual and reproductive health guidance services * Education opportunities * Access to justice, programs and services to which they can access (housing, credit facilities for businesses, others) |
| Strengthen justice and protection institutions to implement social and economic policies that prevent situations of vulnerability and that promote the best possible access for women to the services that such institutions offer |
| Implement social and economic policies with a gender focus |
| Develop formal and informal education programs as a part of national strategies that focus on gender equality to enhance women’s participation in development |
| Develop and implement technological programs that allow access to ICT, with a view to reducing the access to information gap, establish training, educational, productive skills and promote family ties through this means. |
| Establish plans for scholarships, educational credits, subsidies, etc. that guarantee the education of those young women who for various reasons have left school |
| Design programs that offer child care and other similar services that help mothers or young women who have to take care of children to continue with school or to find work |
| Create educational programs that are adapted to the situations faced by women in migratory contexts with a disability (physical or mental) |
| Implement sex education campaigns that focus on young people and on the prevention of early pregnancies, sexually transmitted diseases, methods of contraception and reproductive rights. |
| Include gender and new masculinities in educational curricula. |
| Train the personnel of the institutions that intervene in the attention to migrant population in topics of gender perspective, human rights, discrimination, situations of vulnerability, for a proper integral attention for migrant women. |
| Generate records and statistics on the provision of services associated with the health of migrant women |
| Promote rights and strengthen existing complaint mechanisms and of protection for women who have been victims of rights abuses (e.g. victims of gender based or other forms of violence) |
| Collection of statistical data on access to justice, crimes committed against women, resolutions and others that allow measuring access to justice, as well as taking positive actions to guarantee their rights. |
| Promote the design and execution of national and local development programs with a gender focus. |
| Create job opportunities that directly respond to women’s economic conditions |
| Promote integration into the educational system and the labor market, as well as the elimination of discrimination that impedes on a women’s ability to development skills and knowledge. |
| Integrate the issue of gender, and of migrant women, in national agendas |
| Generate public policies that promote comprehensive assistance to migrant women |
| Establish strategies that guarantee effective access to the justice system for all women so that they can fully exercise their rights within the justice system. This must include indigenous women and/or afro-descendants. These strategies must keep the main principles of this document in mind. |
| Implement existing protocols, regulations and procedures that include the principles of this document to guarantee the protection of women’s rights. Those Member States who do not have such mechanisms should install them. |
| Promote cooperation among key actors, such as international organizations, civil society, among others. |
| Encourage intra-regional agreements in order to guarantee comprehensive assistance and protection for women victims of any type of violence, as well as statistical data on the prevalence of violence against women and on the response of the institutions responsible for their care. |
| Promote transnational agreements that guarantee comprehensive assistance and protection for women victim of any type of violence |

RECOMMENDATIONS FOR ASSISTANCE AND PRTECTION IN COUNTRIES OF TRANSIT AND DESTINATION:

The identification of migrants in situations of vulnerability can happen at any time during the migration cycle: before they leave their country of origin, in the country of transit or in the country of destination. This is why the importance of adequate identification of those who find themselves in vulnerable positions is stressed, in order to develop actions to provide comprehensive assistance targeted at the needs of these populations. The following section details actions that enhance the protection of migrant women who are in countries of transit or destination.

Member states of the RCM have approved regional guidelines about identification and attention for vulnerable populations such as: “Regional Guidelines for the Preliminary Identification and Referral Mechanisms for Migrant Populations in Vulnerable Situations”, which was approved during the XVII RCM in 2014, and the “Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration[[50]](#footnote-50)”, approved during the XXI RCM in 2016. These documents support preliminary identification of such profiles. The following section compiles the inputs of the named documents, as well as the inputs made by the member states of RCM that participated in the validation of this document.

Below a list of considerations that should be taken into account during first contact with a migrant woman to support identification of possible protection and assistance needs[[51]](#footnote-51):

* She has been a victim of abuse or a violation of her rights; this could be gender-based violence or other violations (such as theft, physical or sexual abuse, abuse, exploitation, kidnapping, etc.)
* She does not speak the local language or know the customs and has trouble communicating fluidly
* She suffers from a health condition, sickness or other manifestations that show problems with her physical health (dehydration, burns, malnutrition, wounds, amputations, extreme weakness, etc.)
* Evidence of emotional discomfort (disoriented, fear extreme anxiety, weeping), or suspicion that she is under the influence of a drug or another substance
* She was forced to leave her country of origin because she was persecuted because of her race, religion, nationality, belonging to a certain social group or political opinion
* She is afraid of returning to her country of origin or of being persecuted
* She left her country of origin because of pervasive violence, recruitment by gangs or other delinquent groups, armed conflict, persecution or her life or integrity being threatened
* She was displaced because of a natural or industrial disaster or other environmental factors
* She has had contact with a network of migrant smuggling and or human trafficking
* She appears to be controlled or watched by the person accompanying her, including situations where communication is mediated through a third person
* She shows signs or expresses that she does not know which country she is currently in
* She explicitly asks for help or protection
* She does not have identification documents

Below a list of possible actions:

**Assistance and Protection in Countries of Transit or Destination**

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| **RECOMMENDATIONS** |
| Provide language interpretation services, taking cultural and language diversity into account to address the needs of migrant women |
| Identify points of referral and counter referral in cases of violence against women |
| Cover immediate needs such as: nutrition, medical attention (both physical and psychological), and clothing |
| Inform women at all times throughout the procedures about what is happening and how they will be assisted, in a language they understand |
| Provide information and legal counseling. Guarantee access to the legal system and due process in cases of violence or the violation of her rights. Include inclusive, gender sensitive strategies that promote the necessary conditions to guarantee access to all services also for indigenous women and/or afro descendants. |
| Guarantee that families are not separated when women are travelling with their children. |
| Train the personnel of the different institutions on gender issues to ensure comprehensive attention. |
| Ensure access to health services according to their physical and emotional needs |
| Strengthen capacities to identify and assist migrant women who have fallen victim to gender-based violence, especially to sexual violence, in countries of transit or origin. Psychosocial and preventive emergency medical attention must be included as well. This includes normative revisions of policies and protocols, as well as the training of the people working in HIV and unwanted pregnancy prevention, as well as formal forensic procedures. |
| Sensitize and train institutional personnel (especially migration officials, police officers, shelter staff, and those responsible for processing asylum applications) on discrimination based on diverse sexual orientation, gender identity, the specific human rights and needs of women migrants who are part of LGBTI populations |
| Create protocols for the attention of women migrants who are also part of LGBTI populations, including the respect for diverse gender identities in shelters and appropriate protection measures (e.g., confidentiality, use of preferred name, etc.) |
| Ensure participation of other actors with experience in the attention of women who are victims of any kind of violence in assistance of migrant women, to ensure that they are getting the appropriate assistance and support |
| Spread information about services which are accessible to migrant women, including those without documents, who speak other languages, etc. |
| Sensitize and train personnel working in the justice sector on gender and assistance and protection needs during judicial procedures |
| Provide free legal assistance to migrant women who have suffered violations of their rights in order to guarantee their access to justice |
| Generate records and statistics on the provision of health services to migrant women, as well as on the various types of gender-based violence they experience in transit. |
| Promote rights and strengthen existing complaint mechanisms and protection systems for women who have been victim of rights abuses (e.g. victims of gender based violence or pervasive violence), and ensure access for migrant women to the same |
| Establish mechanisms for the communication of girls and adolescent women migrants with their families. |
| Garantizar los derechos de niñas, adolescentes, mujeres migrantes embarazadas u otras condiciones adicionales de vulnerabilidad, asegurando que los espacios de albergue o resguardo no aparenten ser espacios de reclusión o castigo. |
| Activate protection mechanisms during the transfer and exit processes, of some shelter spaces, and evaluate the security of the facilities. |
| Collaborate in the identification of international protection needs assuring the evaluation and determination of the Higher Interest, in interviews prior to leaving the country or in the return process. |

RECOMMENDATIONS FOR ASSISTANCE AND PROTECTION IN THE INTEGRATION PROCESS

At this phase of the migration cycle any situation of vulnerability of migrant women has already been identified (from origin, transit and destination). Therefore, this section does not include indicators but focuses on actions targeted at the integration of these women.

**Assistance and Protection in the Integration Process (countries of destination)**

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| **RECOMMENDATIONS** |
| Issue identification documents (corresponding to the country of destination), as well as documentation of nationality and other documents needed for integration (in accordance with the host country). Implement mechanisms to formally regularize migrants. |
| Implement regularization mechanisms or programs aimed at the migrant population. |
| Facilitate exemptions, reduce costs or promote programs to pay fees for formalization and documentation of migrants in installments. |
| Incentivize emergency plans that include migrant women in vulnerable situations in social protection programs. Physical spaces should be improved and personnel should be sensitized about the characteristics of this group and assistance protocols should be produced to ensure their well-being and safety |
| Guarantee that migrant women have legal and psychosocial counseling if needed |
| Crate an interinstitutional and unified data base on assistance to this population. |
| If needed, guarantee the access to livelihoods and comprehensive development programs and services depending on the specific conditions, ages or other personal factors, such as the effective access to basic services (childcare, education, technical training, and healthcare). |
| Take steps to protect migrant women against any type of discrimination and install effective ways to prevent discrimination |
| Encourage affirmative actions that promote access to the country's economic and banking system, housing, and other services that allow the entrepreneurship of migrant women and access to economic opportunities on equal terms with men. |
| Develop communication strategies that explain and encourage people to regularize their migration status. |
| Create strategic alliances with civil society in countries of origin as well as the countries of destination and diaspora leaders |
| When necessary, ensure complementary protection for humanitarian reasons |
| Create care networks so the women can comfortably access educational and job opportunities |
| Create programs to empower women to be part of the economy and increase personal development |
| Install programs for educational growth. Provide scholarships that help train migrant women so that their working conditions improve |

RECOMMENDATIONS for ASSISTANCE AND PROTECTION IN THE RETURN PROCESS

Similar to integration, indicators are not necessary for the issue of return. Concrete actions should be implemented to respond to the vulnerable situation that has developed over the course of the migration route, in line with the aim of this document.

Nevertheless, it is crucial to establish adequate conditions for a safe return, in line with previous documents developed within the framework of RCM. In this sense, conditions of vulnerability and risk in case of return have already been assessed, including family resources or support networks in the country of origin, and having previously assessed whether the person qualifies for international protection.

Within the RCM, regional documents have been elaborated that include protection actions for return, specifically the "Regional Guidelines for Special Protection in Cases of Repatriation of Children and Adolescents Victims of Trafficking in Persons" (2007), "Regional Guidelines for the Care of Unaccompanied Children in Cases of Repatriation"(2009), "Regional Guidelines for the Preliminary Identification of Profiles and Reference Mechanisms for Migrant Populations in Vulnerable Conditions" (2014) and the “Regional Guidelines of Action for the Integral Protection of Children and Adolescents in the Context of Migration” (2016).

The actions that are detailed below are taken from the above-mentioned documents.

**Assistance and Protection in the Return Process (Countries of Destination)**

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| **RECOMMENDATIONS** |
| Provide migrant women with all the information about the return process (voluntary and assisted) and reintegration, informing them about their rights and available support resources.[[52]](#footnote-52) |
| Strengthen the technical capabilities of consular networks. Ensure that embassy and consulate personnel are trained to provide information, assistance and specialized protection to women who have been victims of violence or any violation of their human rights. |
| Install instruments to assess the needs of those cases of migrant women who have experienced violence in any of its manifestations. |
| Establish regional assistance and coordination mechanisms to report on cases of women with vulnerable profiles as priority cases. |
| Define a model of psychosocial attention to approach cases, associated with the processes of return of people. |
| Establish cooperation agreements between countries in the region, to strengthen care services and protection mechanisms for migrant women |
| Identify local entities that can facilitate access to legal counsel and accompany returning women, to guarantee their access to justice, particularly in the case of asylum seekers and victims of violence. |
| Establish consular protection networks that include joint mobile consulates in addition to mutual protection. |
| Accelerate the actions related to the obtaining of documents in matters of consular attention. |
| Create a regional platform for the exchange of information between consular authorities of the member countries of the RCM. |
| Ensure that girls and adolescent women have legal representation, access to due process, and all the information, as well as necessary tools for the understanding of their rights, based on the evolutionary development of their faculties. |

RECOMMENDATIONS FOR ASSISTANCE AND PROTECTION IN THE PROCESS OF RECEPTION AND REINTEGRATION (IN THE COUNTRY OF ORIGIN)

In the case of reception and reintegration, the proposed protection actions to be carried out by the authorities of the countries of origin are the following:

**Assistance and Protection in the Process of Reception and Reintegration (Country of Origin)**

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| **RECOMMENDATIONS** |
| Create adequate physical spaces for the reception of women who have suffered rights violations, including all the necessary elements to cover their basic needs (e.g., food, medical and psychological care, communication with their families). |
| Create a standardized, coordinated interview procedure (and tool) with the countries and the institutions involved to avoid re-victimization of women |
| Establish and strengthen mechanisms for the exchange of information between the authorities of the countries of transit and destination, as well as with the corresponding consular authorities. This is to prevent re-victimization of migrant women who have suffered any kind of rights violation at reception. Confidentiality with such information must be a priority. |
| Ensure that a human right based approach and a differentiated, age-appropriate approach are used to provide comprehensive care for returning migrant women. |
| Ensure there are measures of security and protection in place, to protect the integrity of women who have been victims of violence in transit or destination, as a prerequisite for an adequate reintegration process. |
| Create, strengthen and implement inter-institutional protocols for the reception and care of migrant women who have suffered any type of rights violations. |
| Create initiatives to combat the stigmatization and discrimination of returned women. |
| Develop programs where the assessment, orientation and use of the acquired skills of returned women are carried out. |
| Establish processes for the accreditation of studies and capacities of women returning to their country of origin. |
| Develop a map of key actors at the regional, national and local level that will follow up on the agreements on the protection of migrant women and on the implementation of the documents developed within the framework of this issue. |
| Guarantee the civil rights of women returning to their countries of origin, encouraging their entrepreneurship. |
| Guarantee their access to economic opportunities on equal terms with men. |
| Develop sustainable reintegration programs that involve communities, families, and state and local institutions. |
| Carry out a needs assessment of cases of violence in all its manifestations. |

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1. The term “women migrants” is meant to include girls as well as adult women throughout this document. [↑](#footnote-ref-1)
2. There is no internationally accepted definition of “adolescent”; the present document will use the definition included in previous documents developed in the context of the CRM (e.g, Towards a Regional Protection Mechanism for child and adolescent migrants and refugees” [↑](#footnote-ref-2)
3. Taken from Comprehensive Care Plan at http://www.mineducacion.gov.co/primerainfancia/1739/article-178036.html [↑](#footnote-ref-3)
4. RCM, Regional guidelines for the preliminary identification of profiles and reference mechanisms of vulnerable migrant populations. [↑](#footnote-ref-4)
5. Taken from Integrate the adaptation to climate change in projects, Care. ehttp://www.careclimatechange.org/tk/integration/en/key\_concepts/sustainable\_vida\_means.html [↑](#footnote-ref-5)
6. idem [↑](#footnote-ref-6)
7. Adapted from RCM, Regional guidelines for the preliminary identification of profiles and reference mechanisms of vulnerable migrant populations" [↑](#footnote-ref-7)
8. Committee on the Rights of the Child, General Comment No. 6, Treatment of unaccompanied and separated children outside their country of origin, Thirty-ninth session (2005), U.N. Doc. CRC/GC/2005/6 (2005), Paragraph 7. [↑](#footnote-ref-8)
9. Ibid, Paragraph 8. [↑](#footnote-ref-9)
10. Article 3 of the Protocol establishes that trafficking in persons is the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation. Exploitation of boys, girls and adolescents includes child labour, sexual exploitation, abduction or sale or trafficking of under-age person [↑](#footnote-ref-10)
11. idem [↑](#footnote-ref-11)
12. Taken Article 1 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belem Do Para" [↑](#footnote-ref-12)
13. Taken from the UN Women Gender Equality Glossary https://trainingcentre.unwomen.org/mod/glossary/view.php [↑](#footnote-ref-13)
14. Taken from the Regional Guidelines for Action for the Integral Protection of Children and Adolescents in the Context of Migration, 2016. [↑](#footnote-ref-14)
15. Office of the United Nations High Commissioner for Human Rights  [↑](#footnote-ref-15)
16. Taken from http://www.unfpa.org/human-rights-based-approach [↑](#footnote-ref-16)
17. Taken from the UN Women Gender Equality Glossary https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=letter&hook=G&sortkey=&sortorder= [↑](#footnote-ref-17)
18. See National Council for Intergenerational Equality, Conceptual Document on the Generational and Intergenerational Equality Approach, Quito, 2015, p. 42-43. [↑](#footnote-ref-18)
19. Taken from Intersectionality: A Tool for Gender and Economic Justice No. 9, August 2004 [↑](#footnote-ref-19)
20. Taken and adapted from the Regional Guidelines of Action for the Integral Protection of Children and Adolescents in the Context of Migration, 2016. [↑](#footnote-ref-20)
21. Taken from migrations and interculturality, guide for the development and strengthening of skills in intercultural communication, OIM Argentina 2017 [↑](#footnote-ref-21)
22. Chapter I Capítulo I El enfoque transnacional de la migración mexicana: su ... aproximación teórica y otros conceptos - catarina.udlap.mx/u\_dl\_a/tales/documentos/lri/perez\_m\_a/capitulo1.pdf [↑](#footnote-ref-22)
23. Taken from Nuria Cunill-Grau, The intersectoriality in the new social policies: An analytic-conceptual approach, Gest. policy public vol.23 no.1 Mexico Jan 2014 and the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women "Convention of Belem Do Para" [↑](#footnote-ref-23)
24. Art. 1 CEDAW [↑](#footnote-ref-24)
25. Taken from (IIDH, 2008, 37-38). [↑](#footnote-ref-25)
26. Taken from the Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration, 2016 [↑](#footnote-ref-26)
27. *The Convention Relating to the Status of Refugees establishes as an exception, in Article 33.2, those persons whom there are reasonable grounds for regarding as a danger to the security of the country in which they are. However, these exceptions should be interpreted in a limited and restrictive manner and in relation to the obligations derived from nonrevocable rights such as the prohibition of torture.* [↑](#footnote-ref-27)
28. Taken and adjusted for the purposes of this document from the Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration, 2016 [↑](#footnote-ref-28)
29. *Taken from the Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration, 2016* [↑](#footnote-ref-29)
30. Committee on the Rights of the Child, Comment No. 14, Paragraph 6. [↑](#footnote-ref-30)
31. Inter-American Court of Human Rights. The case of Bulacio vs. Argentina. Merits, Reparations and Costs. Judgment of September 18, 2003. Series C, No. 100. Paragraph 134 [↑](#footnote-ref-31)
32. Committee on the Rights of the Child, Articles 18, 19 & 20. [↑](#footnote-ref-32)
33. International Covenant on Economic, Social and Cultural Rights, Art. 12 [↑](#footnote-ref-33)
34. Committee on the Rights of the Child, Comment No. 14: Right of the child to express his or her own views (Paragraph 89). [↑](#footnote-ref-34)
35. Committee on the Rights of the Child, Comment No. 14: Legal representation (Paragraph 96). [↑](#footnote-ref-35)
36. Committee on the Rights of the Child, Comment No. 14: Legal reasoning (Paragraph 97). [↑](#footnote-ref-36)
37. Committee on the Rights of the Child, Comment No. 14: Mechanisms to review or revise decisions (Paragraph 98). [↑](#footnote-ref-37)
38. Committee on the Rights of the Child, Comment No. 14: Child-rights impact assessment (CRIA) (Paragraph 99). [↑](#footnote-ref-38)
39. Taken from the Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration, 2016 [↑](#footnote-ref-39)
40. Taken from the Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration, 2016 [↑](#footnote-ref-40)
41. *In the case of those States that have accepted the jurisdiction of the Inter-American Court of Human Rights, the obligation under this principle is broader. This Tribunal has indicated that “deprivation of liberty is inappropriate when children are unaccompanied or separated from their family, because in this situation, the State is obliged to give priority to facilitating the measures of special protection based on the principle of the best interest of the child, assuming its position as guarantor with the greatest care and responsibility”. Even when the child is with his or her parents, “the child’s best interest requires keeping the family together, the imperative requirement not to deprive the child of liberty extends to her or his parents and obliges the authorities to choose alternative measures to detention for the family, which are appropriate to the needs of the children”. Inter-American Court of Human Rights, Advisory Opinion OC-21/14, Paragraphs 157-158.* [↑](#footnote-ref-41)
42. Inter-American Court of Human Rights, Advisory Opinion OC-21/14, Paragraph 160. [↑](#footnote-ref-42)
43. Regional Document for the Attention and Protection of Women in the Context of Migration [↑](#footnote-ref-43)
44. Information about Belize can be found on the page of the Statistical Institute of Belize: <http://sib.org.bz/> [↑](#footnote-ref-44)
45. These guidelines are available here:

    <http://www.irb-cisr.gc.ca/Eng/BoaCom/references/pol/GuiDir/Pages/GuideDir04.aspx> [↑](#footnote-ref-45)
46. These guidelines are available here:

    <http://www.irb-cisr.gc.ca/Eng/BoaCom/references/pol/GuiDir/Pages/GuideDir08.aspx> [↑](#footnote-ref-46)
47. Information can be found here: <http://www.cic.gc.ca/english/resources/publications/ref-sponsor/section-3.asp?_ga=2.72801299.1494980596.1510670718-1290967371.1510670718> [↑](#footnote-ref-47)
48. You can find the information here: <http://www.ceniss.gob.hn/programasMO/mosedis.html> [↑](#footnote-ref-48)
49. These conditions are not exclusive. Women may face various conditions of vulnerability and therefore have multiple needs. [↑](#footnote-ref-49)
50. To learn more about specific cases please refer to this document [↑](#footnote-ref-50)
51. Taken and adapted from the Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration [↑](#footnote-ref-51)
52. Search in mentioned documents for childhood and adolescence [↑](#footnote-ref-52)