

ASYLUM AND MIGRATION

Introduction

This briefing examines the intersections of feminist foreign policy (FFP) and migration and asylum through the lens of a detailed UK analysis. Even though FFP is not codified, standardised nor requires any specific action, the number of countries using this approach – or which are interested in using it – is growing. [As of 2022](#), Sweden, Canada, France, Spain, Germany, Chile, Libya, Mongolia, the Netherlands, Mexico and Luxembourg were using this label to define aspects of their foreign policy. All these countries, as well as the UK, are party to the Refugee Convention and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which are legally binding agreements.

The UK is party to important commitments to tackle the root causes of forced migration and displacement as well as to protect the rights of people on the move. In practice though, the government has enacted increasingly draconian laws¹ that, amongst other things, repudiate its responsibilities under the Refugee Convention. This impacts people seeking asylum as well as others and undermines the principle of shared responsibility across states. Migration continues to be widely portrayed as a threat to national security and the economy and people who migrate, whether for work, study, family unity, seeking asylum or other reasons, are dehumanised and scapegoated. Any FFP that does not fundamentally change the approach to migrant people, respecting them and their rights, will entrench current harms and enable further human rights violations.

As there is no shared understanding of FFP, aspirations and usefulness vary greatly. Existing models have the ambition to tackle structural issues such as climate change, poverty and conflict, but fail to recognise how these are drivers of migration and displacement and what to do as a result.

While not presented as explicitly feminist, the UK's new [International Women and Girls Strategy](#) acknowledges that conflict can displace women and girls or force them to migrate. However, it lacks any commitments or practical actions to mitigate these impacts. There is no connection between the approach to conflict in the Women and Girls Strategy and the UK's domestic policies, not to mention legal obligations. The new [National Action Plan \(NAP\) on Women, Peace and Security \(WPS\)](#) also fails in this regard, despite mentioning for the first time the importance of domestic implementation and policy coherence between domestic and foreign policy, listing migration as an area for improved cross-government action. This is positive but there are [no specific objectives](#) or activities to tackle the issue or its root causes in the delivery plan.

International frameworks on women, forced migration and displacement

The 1951 Refugee Convention is a primary international legal instrument in this area. It defines the term 'refugee' and outlines refugees' rights. It recognises that individuals may fear persecution, including based on [membership of a particular social group](#), which offers protection to many women, LGBTI+ people and other marginalised groups experiencing structural discrimination from state and non-state actors.

1. The 2023 Illegal Migration Act has created a legal duty to remove those arriving in the UK through 'illegal' routes. The legal duty to remove is, in the intention of the Act, to prevent and deter asylum-seeking people from travelling to the UK. Essentially the Act disqualifies people's asylum claims en masse regardless of the strength of their case. An analysis of how the Act will work can be accessed [here](#).

In addition, CEDAW sets out states' obligations to respect, protect and fulfil women's rights without discrimination. [General Recommendation 32](#) is dedicated to the gendered dimensions of refugee status, asylum, nationality, and statelessness, articulating in detail states' obligations. Other notable instruments are the International Labour Organization's conventions on migrant workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but the UK has yet to ratify these.

The [UN Global Compact for Safe, Orderly and Regular Migration](#), developed in 2018, is based on international human rights law but is not binding and does not come with an accountability mechanism. However, it could offer an opportunity to inform a meaningful FFP approach to migration as it aims to tackle the structural causes of irregular migration, reduce the risks and vulnerability of migrants, and promote shared responsibility between countries. It also calls for a gendered approach to implementation including a shift from considering migrant women as victims. Migration also has strong linkages with several of the Sustainable Development Goals (SDGs), including SDG 5 on gender equality.

Despite these commitments, migration continues to be treated as an emergency and a national security issue rather than a structural phenomenon. Migrants, including people seeking asylum, continue to be dehumanised and face state violence and neglect. The role of the UK in creating and exacerbating global crises – through its arms trade policy, broader trade and investment policies, and its failure to tackle climate change – is yet to be acknowledged in its migration policy.

Case study: The Preventing Sexual Violence in Conflict Initiative

In the UK there is an entrenched gap between international commitments to women and girls and gender equality and domestic policy on asylum and migration. Foreign policy and international development initiatives for women and girls are silent on asylum and migration while domestic legislation has actively eroded the right to asylum as well as restricted the rights of migrant people in the UK. These policies have a gendered impact: for example, migrant victims of domestic and gender-based violence are not afforded adequate protection and immigration enforcement is prioritised over their safety.

A key example of this disconnect is the Preventing Sexual Violence Initiative (PSVI) – a flagship programme of the UK government, established in 2014 with a global summit held in London. Following an [evaluation](#) by the Independent Commission on Aid Impact in 2020 which noted the programme's lack of a strategic approach, the government developed a renewed strategy based on [four pillars](#); the first pillar aims to strengthen the global response to conflict-related sexual violence (CRSV). The strategy acknowledges that CRSV can take place along migration routes but is silent on the UK's international obligation to people seeking asylum. This glaring inconsistency emerged during the most recent PSVI summit held in November 2022, a few months after the government passed the Nationality and Borders Act 2022 (now superseded by the Illegal Migration Act), which created a two-tier system between refugees entering the UK via 'regular' routes and those entering by 'illegal' routes. Domestic organisations supporting migrant, refugee, and asylum-seeking survivors of sexual violence in conflict and other forms of gender-based violence hijacked the conference hashtag #ForSurvivorsWithSurvivors stating [#WeAreSurvivorsToo](#), to denounce how the asylum system harms survivors as well as excludes them from the conversation on CRSV.

Other governments are attempting to resolve tensions between commitments made on gender equality globally and domestic asylum systems. In Norway's WPS [NAP](#), launched in September 2023, the government commits to taking a gender-sensitive approach at all stages of asylum processing. This includes providing safe accommodation and specialist assistance to survivors of sexual violence and ensuring all reception centre staff are trained to adopt an intersectional and gender-responsive approach. Monitoring and evaluation of this new NAP will be essential to see if the training provided is sufficient to ensure staff uphold human rights. The [Jordanian NAP](#) highlights the need for psycho-social support for refugees as part of general gender-sensitive humanitarian aid delivery, and it also looks at the central role that tackling gender inequality plays in confronting the root causes of and risks associated with migration. The NAPs of Norway and Jordan, while imperfect, provide tangible examples of how existing policy architecture can adopt feminist approaches, including responding to asylum as a core component of the WPS agenda.

Conclusion

The UK's focus on women and girls and gender equality provides some opportunities for civil society to advance progressive changes. Yet this focus is narrow and binary, and feeds the narrative that women and girls are victims – which serves the racist logic of portraying men and boys who seek asylum in the UK as a threat that needs to be contained and, ultimately, repressed. Broader power dynamics and gendered choices made by families travelling to the UK are ignored. The gendered experience of women and girls and other marginalised groups within the asylum system in the UK is also neglected. In addition, as a consequence of the Illegal Migration Act, asylum claims will not be assessed on an individual basis, essentially demolishing the asylum system. The ongoing scapegoating and dehumanising of asylum seekers is further deteriorating in public discourse. In September 2023, the [Home Secretary](#) expressed her opinion that simply being a woman or an LGBTI+ person should not be enough to be granted protection and that we have moved from taking into account persecution to 'simple' discrimination. However, there is no available evidence that the [parameters](#) for considering the claims of women and LGBTI+ people have changed. It is impossible to ignore that a UK FFP would be developed within this context.

An FFP approach could provide some opportunity to at least open a space to recognise and address policy incoherence by recognising the UK's role in producing and fostering the root causes of forced migration and displacement. It would permit the UK to build on the commitment to domestic application of the fifth WPS NAP, and provide avenues to concretely harmonise currently contradictory domestic and foreign policies.

However, unless the government meaningfully commits to restoring a rights-respecting approach to asylum and migration as a prerequisite to develop any FFP, it is challenging to envision how such a framework could be credible, not to mention transformative. If things stay the same, an FFP approach could become a smokescreen to cover human rights violations.

Key recommendations

The government should make policy coherence between domestic and foreign policy a key principle of any FFP approach.

- The government should review its existing Women and Girls Strategy and NAP on WPS to include a specific commitment to harmonise foreign and domestic policies on displacement and forced migration, to fully protect the rights of women and girls.
- The government should recognise and address the harms caused by current and historic immigration and asylum policies as a prerequisite to develop any FFP.
- Once these harms are addressed, the government should design an FFP framework to holistically cover foreign policy, rather than one that is limited to actions for women and girls and gender equality that are already set out in existing strategies.

Any FFP must support the implementation of existing international obligations rather than creating parallel, non-binding commitments.

- The government should review its current legal and policy framework to meet CEDAW's requirements and in particular General Recommendation 32.
- The domestic responsibilities to implement UN Security Council Resolution 1325 and the UK's current National Action Plan must include repealing the Illegal Migration Act and establishing a gender-sensitive approach to asylum at all stages of processing – including providing accessible and safe routes to the UK.
- The government should implement the recommendations set out by the CEDAW committee in its latest [Concluding Observation](#) (2019) to reduce discrimination against migrant, asylum-seeking and refugee women and other marginalised groups, including:
 - immediately ending the detention of pregnant women and nursing mothers and implementing alternatives to detention
 - improving access to justice, protection from gender-based violence, work, healthcare, and social security without fear of immigration enforcement