




At the Intersections of Women's Rights

Examining the Rights of Marginalised Women



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Introduction

Since the 19th century, the women's rights movement has championed the rights and entitlements of women and girls all over the world. The movement has advocated for a number of rights, such as the right to vote and to hold public office, freedom from sexual violence, equal pay, bodily and reproductive autonomy, access to education and property ownership, and overall gender equality. Great advances have been made for women and girls in the decades since.

However, the women's rights movement has historically failed to acknowledge the intersectionalities of so many women, such as race, sexuality, gender identity, age, migration status, and so on. As such, it is imperative to move away from the mainstream, middle class and white-dominated feminist movement which has often excluded women of colour and those of a less advantaged socioeconomic status, and to instead broaden the scope of inclusion to all women, regardless of their background. The path forward must include the experiences of all women, and ensure that rights are guaranteed for all, not just a select, privileged few. As the American writer and activist Audre Lorde stated, "I am not free while any woman is unfree, even when her shackles are very different from my own."

The need to shed light on the grievances of those groups of women who have historically been, and continue to be, underrepresented by the traditional feminist movements, is unquestionable. This is especially true for women belonging to the more vulnerable subsets of society, whose demands for change are often unheard. As such, the purpose of this report is to illuminate the experiences of those women: migrant women, women with disabilities, transgender women, and sex workers, for instance.

While women around the world have many of the same qualms against sexism, misogyny and the patriarchy, the specific and sometimes distinct needs of different groups of individuals must be addressed. It must always be remembered that, for the women's rights movement to truly achieve equality for all, it is important to be intentional about inclusion and look at women's rights through an intersectional lens in order to advance the rights of all women.

Migrant women

Migrant women constitute a particularly vulnerable group, as migration is a gendered process that impacts men and women differently. Women, in particular, face double discrimination insofar both as women and as migrants. If undocumented, they will encounter even more challenges, finding themselves targeted by further discrimination and violence based on their sex, race, and legal status. A variety of factors contribute to women's decisions to migrate, ranging from escaping poverty, conflict, and climate-related disasters, to gender inequality, including gender-based violence and a lack of opportunities. Many women migrate to pursue better education or livelihood for themselves and their families. They also often bring talent and expertise and send remittances back to their families and home countries. The discrimination and exploitation experienced by all migrants is exacerbated by gender inequality, making migrant women more vulnerable to violence of all kinds, forced and early marriage, as well as sex trafficking.

Regrettably, migration laws, policies, and practices all continue to reinforce gender inequalities and create situations that put migrant women in danger and at risk of human rights violations during the migration process. Currently, international policy documents that address the rights of migrant women include the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the 1995 Beijing Platform for Action, and the 1951 Convention relating to the Status of Refugees. As mentioned above, female migrants face major risks and threats, including but not limited to sexual exploitation, trafficking and violence. According to a 2016 report by the United Nations Office on Drugs and Crime, women and girls account for 71 per cent of all human trafficking victims (UNODC, 2016, p. 40). During humanitarian crises, a lack of shelter, overcrowding in camps, and poorly regulated public spaces all increase the risk of abuse and violence for migrant women. Often, after their occurrence, many migrant women lack the resources, knowledge, and support to seek help. This is particularly alarming given the harrowing accounts of abuse and violence inflicted by the humanitarian workers and immigration authorities who are meant to help them, such as the US border authorities' mistreatment of migrants.

Another area of concern for migrant women is human rights violations related to healthcare access, especially as many women continue to face barriers to health care. This is of great importance with regards to the violence many migrant women encounter during their journeys. Women who experience sexual violence or pregnant migrant women are also in need of sexual and reproductive health services that are often unavailable at various stages of the migration process, be it in refugee camps or in the host country.

Upon arrival in a new country, migrant women continue to face discrimination as a result of their status as a migrant and as a woman. Due to both gendered and xenophobic prejudices and stereotypes, migrant women are less likely to participate in society and are often relegated to the margins. Too often, migrant women and girls have limited access to education, sexual and reproductive health services, and safe living conditions. Once employed, migrant women are frequently the victims of fraudulent practices and work exploitation with excessive working hours, extortion, indecent work, and even illegal confinement by employers. Sexual harassment, threats, and intimidation against them are rampant. In addition, the majority of refugee or asylum seeking women do not have equal access to legal services and justice. In many countries, undocumented migrant women are legally prevented from accessing public welfare benefits such as domestic violence shelters, maternity services, housing

and protection, and compensation in cases of domestic abuse (European Parliament, 2013). They are also more likely to be exploited in domestic and care work, prostitution, and sex trafficking.

According to the International Labour Organisation (ILO), 53 million women and girls around the world are employed as domestic workers in private households (ILO, 2013, p. v). Despite their important caregiving role, they are among the most exploited and abused workers in the world. Outdated beliefs about women's suitability for certain roles continue to limit migrant women's opportunities, thereby forcing them into the invisible sector of services which further endanger them. By trapping women in low-paying precarious work, they are further marginalised socially and politically. The association with domestic and care work, or, at times, prostitution, reinforces a negative image of migrant women as uneducated and as victims 'in need of rescue'. In their new host countries, especially in Europe, female migrants face stigmatisation and victimisation based on their visual appearance and clothing, completely disregarding the fact that many migrant women are often overqualified in their positions. Such narrative biases then form the basis of immigration and integration laws and policies which pay little attention to the specific needs of migrant women. As a result of the demand for female migrant labour in domestic and care work, as well as in the service and sex industries, migration is deepening the sexual division of labour.

The integration challenges facing migrant women are therefore greater than those faced by their male counterparts, also because of household and childcare attributed duties. However, the narrative of migration for female migrants is not wholly negative, as women are increasingly migrating on their own or as heads of the household (Migration Data Portal, 2023). This trend reveals an increased empowerment, agency, and economic independence. Migrant women also contribute to the economic development of their countries of destination by bringing their competencies and skills, and they help their countries of origin through their remittances and their increased experience once they return. Despite the difficulties and constraints, migration may offer women new opportunities and more financial independence, in addition to an enhancement of their status within their homes and communities.

Nevertheless, more must be done to protect migrant women. Legal barriers preventing migrant women from fully participating in the labour market, as well as in public and civic life, must be removed. A women's rights approach to migration and asylum laws and policies, in countries of origin, transit and destination, must be implemented to appropriately account for the specific hardships migrant women face. The same must be done with labour immigration laws and policies, in line with the core human rights treaties, particularly the Convention on the Elimination of all Forms of Discrimination Against Women, the Committee on Migrant Workers (CMW), and all relevant ILO labour standards. The fight against the trafficking of women, their sexual exploitation and abuse must be sustained, as the CEDAW General Recommendation No. 26 identifies migrant women's particular vulnerability to such crimes as both a cause and a consequence of the violation of their human rights. The Recommendation also maintains that it is essential to incorporate a gender perspective in the analysis of female migration and in the elaboration of public policies to eradicate discrimination and violence against them, and promote their rights as well as their social and economic inclusion (CEDAW, 2008). The specific case of migrant women reveals the precarious nature of women's rights, as for them, the freedom from discrimination and violence, the right to healthcare, especially sexual and reproductive, and the right to equal pay and participation, are incredibly limited.

Often, by examining the most vulnerable groups in society, we see what is lacking in terms of social

justice and human rights safeguards. The experiences of migrant women highlight many of the flaws in our current societies in regards to women's rights and how far we must go.

Women with disabilities

Another group of women often ignored and excluded from the women's rights movement is that of women with disabilities. According to the UN, people with disabilities are the world's largest minority (UN, n.d.), especially given that the chances of developing a disability increase with age. In addition, women are more likely to become disabled compared to men (WHO, 2011, p. 142). However, disability only became an international human rights issue with the Convention on the Rights of Persons with Disabilities (UNCRPD), which came into force in May 2008. It is the first international legal instrument recognising the specific challenges of women and girls with disabilities. Additionally, the General Assembly Resolution S23/3 noted that "girls and women of all ages with any form of disability are generally among the more vulnerable and marginalised of society" (paragraph 63). Unfortunately, the mainstream rights movement has typically excluded women with disabilities, and their gains have not reached those of their disabled counterparts. Women and girls with disabilities face the same human rights abuses that non-disabled women face, but their social isolation and dependence exacerbates these abuses and their consequences. As such, this category of women fare less well in economic and social status, access to education and healthcare, information, justice, civic and political participation, and overall public services.

In the labour market, there is a massive employment gap between women with and those without disabilities. According to the European Disability Forum, only 48.3% of women with disabilities are in employment, with figures being even lower for full-time employment (European Disability Forum, n.d.). The labour market does not adequately accommodate women with disabilities, and laws to prevent and punish harassment – either sexual or on the basis of disability – are insufficient. In the US, people with disabilities are one of the only groups that employers are allowed to compensate less than the federal minimum wage (Sainato, 2023). Women with disabilities are also at greater risk of poverty because of the discrimination they face in education and access to livelihoods.

Michelle Fine and Adrienne Asch point out that women with disabilities experience "sexism without the pedestal" (Fine and Asch, 1988, p.1), as women with disabilities not only experience ableist discrimination, but also overall sexism without the perceived compensation non-disabled women claim as wives and mothers. Non-disabled women are affected differently by sexism and patriarchy due to the different roles imposed on them that often exclude disabled women. Furthermore, Fine and Asch state that the "popular view of women with disabilities has been one mixed with repugnance. Perceiving disabled women as childlike, helpless, and victimised, non-disabled feminists have severed them from the sisterhood in an effort to advance more powerful, competent and appealing female icons" (Fine and Asch, 1988, p. 4). Being female and being disabled are both associated with being weak, passive and dependent. As women with disabilities are often in need of care themselves, characteristics typically associated with femininity and womanhood, such as being nurturing and caring, are no longer seen as applicable to them, thereby supposedly reducing their femininity.

Commonly, this framing of women and girls with disabilities undermines their agency and opportunities. According to the World Report on Disability, "a growing body of empirical evidence from across the world indicates that people with disabilities and their families are more likely to experience economic and social disadvantage than those without disability" (WHO, 2011, p. 10). Moreover, the UNCRPD points out the intersectional and multifaceted discrimination that women with disabilities experience as gender and disability also interact with age, type of impairment, income and so on. Yet again, it is precisely this complexity of diversity that presents a challenge in guaranteeing the rights and freedoms

for all. The above-mentioned sticky structural barriers to the full protection of the rights of women with disabilities persist, and it will take an enduring, synergic effort to remove them.

Given the current global assault on women's sexual and reproductive rights, it comes as no surprise that the reproductive rights of disabled women and girls are also violated, and certain countries have yet to ban their forced sterilisation. Women with disabilities are at times given forced abortions due to prejudices concerning their parenting abilities, while also being denied abortions which are sometimes a matter of life-or-death for disabled women. As a result, the availability of abortion is vital, just as contraception methods should be, and must remain coercion-free. Moreover, women with disabilities frequently face abusive treatment by physicians meant to care for them, as they are not aware of their particular conditions or circumstances. This demonstrates how reproductive justice intersects with disability justice, as they both prioritise the right to bodily autonomy and self-determination, as well as the right to adequate healthcare.

Women with disabilities demand and deserve equal access to healthcare, including sexual and reproductive health services. Forced sterilisation must be permanently eradicated. Additionally, further policies must be implemented to foster personal autonomy for people with disabilities. The issues of bodily autonomy, self-determination, and reproductive health are issues at the core of women's rights issues and it is no surprise that the severity is graver for disabled women. Obtaining certain rights for women is insufficient if not all women have the same rights.

Transgender women

It is evident that there is no such thing as a universal women's experience. As shown above, womanhood has infinite forms, and trans women are another facet of female diversity. In almost every single issue negatively affecting cisgender women, you will find that it affects transgender women as well, often to a higher degree. Cis women and trans women face many of the same threats, all of which are rooted in patriarchal violence. A 2018 report from Stonewall shows that 7.5 percent of women experienced domestic violence between March 2017 and March 2018, with that figure rising to 16 percent for trans women (Stonewall, 2018, p.6). The same report states that trans survivors are one of the most hidden groups of domestic abuse survivors. Despite what anti-gender movements attempt to argue, misogyny is part of the reason why trans women are discriminated in society, whether through workplace harassment, sexual abuse, or domestic inequality. Instead of allowing us to unite around the same enemies, cis people are encouraged to view trans people as the enemy rather than recognising it in the patriarchy. Trans women are portrayed as threatening cisgender women's safety in public spaces. However, rights are not a fixed space, where one group's gains are another's losses. When one oppressed group achieves certain rights, this benefits other oppressed groups. This is especially clear in the relationship between trans rights and women's rights.

Limiting the freedom of transgender people impacts the conditions of all women by re-entrenching the very gender stereotypes that have underpinned centuries of women's oppression. These gender stereotypes dictate how women should behave, and what their bodies should look like, perpetuating the idea that there is a specific way in which women should express themselves. "The overarching goal of feminism since its ideological inception has been that biology is not destiny," trans activist Mia Mulder stated, and "women should not be [...] defined by their biology as dictated to them by a patriarchal society. Trans women ask for the exact same thing. This makes us allies, not enemies" (Hansford, 2023). Women have fought against prejudice and discrimination on grounds of their sex status for generations, this is no different. Feminism should work to deconstruct gender roles, and the abolishment of the gender binary is a step towards that goal.

Debates on trans rights are debates on a person's very right to self-determination and bodily autonomy: we are debating the right to make medical decisions around one's own body and one's right to determine what to do for oneself, regardless of certain parts of society's views on gender or sex. In the same way that the right to abortion is about bodily autonomy, so is access to gender-affirming services and care for (consenting) trans people. At the end of the day, trans rights do not conflict with women's rights; they are simply human rights. By addressing violence against women and the harmful ideologies behind it, we examine our cultural understandings of gender, power, and violence, and we can then eliminate them, helping not only the victims, but also the perpetrators; everyone will benefit from a renewed, more inclusive understanding of the structure of our society.

The key to this is to acknowledge the real evil: a misogynistic, patriarchal and sexist outlook on society. By helping trans women against violence, we help all women fight gendered violence. By supporting trans women against restrictive gender norms and ideas, we support all women in freeing themselves from external dictates of what womanhood is about. By empowering trans women with their self-determination in terms of gender, we empower all women to strengthen their own identities.

Sex workers

Lastly, sex workers are among the most marginalised and stigmatised people in our societies. It goes without saying that not all sex workers are women, but most of them are. Women engage in sex work for a variety of reasons, and regardless of their motivation or circumstance, they deserve to be safe and to have access to the same rights and protections as any other type of worker. Sex work in itself is not a form of violence, but workers in this industry are especially vulnerable to sexual abuse due to the criminalisation of the profession and consequent lack of safeguards, as well as, unsurprisingly, due to sexism, whorephobia, homophobia and transphobia, racism and classism. Such factors make sex workers particularly vulnerable to violence and exploitation from social services, police, or immigration officials.

Under capitalism and the patriarchy, women's work, such as domestic work, care work, and emotional labour, have typically been undervalued, underpaid, or completely unwaged. Sex work is similar to these other forms of work in that it is associated with women, often migrant women and women of colour; and like care workers, sex workers do not receive the same labour rights as professionals employed in jobs associated with men. The intersectional nature of sex work, which involves gender identity, race, class, homelessness, migration status and parenting, also adds to the complexity of the situation and frequency of terrible human rights abuses. Once again, it is the case that many laws fail to protect, and rather endanger, stigmatise, and marginalise sex workers.

The latter's rights relate to overall women's rights in regards to protection from trafficking and exploitation, protection from gendered violence and femicide, protection of female health and safety, and gender equality in education and work. Just like that of all other human beings, the human dignity of sex workers requires that their rights be enforced, including their right to life, liberty and security of the person, to equality before and under the law, and to equal protection and benefit of the law. Given the centrality of women's agency and self-determination to feminism, sex workers should be viewed as no different. Regardless of personal opinions on sex work as a profession, we, as societies, must recognise and promote these workers' freedom, safety and autonomy, and acknowledge their labour as one. We must challenge the ways in which sex work is viewed through a narrow, superficial lens of moral judgment and realise that female sex worker's rights are also women's rights. A woman should always have the choice of what to do with her body.

The issues facing female sex workers illustrate the strong hold of deep contradictions and prejudices built by the patriarchy, even within feminism, which manage to take women's decision-making power away from them. Instead of being free to make decisions about their own bodies and choices, they are attacked. Recognising these biases and their nature as the by-product of discourse and social interaction, is the first step to ultimately overcome them. Until our ideology changes, women will never have complete freedom to do as they wish and be granted all their rights.

Conclusion

To conclude, the vulnerable groups of women mentioned throughout this report highlight some of the core demands of the women's rights movement: the right to bodily autonomy and self-determination, the right to sexual and reproductive healthcare, the right to be free from violence and discrimination, and the right to equal opportunity in all aspects of life. In the end, women advocate for plenty of the same things, despite not being a homogeneous monolith. Their basic demand is to be treated as humans with dignity, and to recognise that women's rights really are just human rights.

Too often, even within discriminated groups, further discrimination is directed towards its more vulnerable and marginalised members, for simply being different to the 'norm'. Currently, sexual and reproductive health rights remain limited and easily violated, a reality that affects all women, but particularly those, whose identity intersects with other factors and discriminations such as race, class, ability, profession, legal status, and so on. These intersecting oppressions also impede women's rights to self-determination and autonomy as they are deemed incapable of taking care of themselves. The case remains that society, in more or less evident ways, dictates women's lives; this must change if all women are to re-take ownership of their rights, lives and destinies. The key is to acknowledge that the liberation of marginalised communities is collective, and none of us are truly free until we all are.

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