

**NINTH COORDINATION MEETING ON
INTERNATIONAL MIGRATION**

Population Division

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**EMPOWERING WOMEN MIGRANT WORKERS TO CLAIM THEIR RIGHTS AND
CELEBRATE THEIR CONTRIBUTION TO DEVELOPMENT¹**

United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)

¹ The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.

A. THE CONTEXT

Gender equality and women's empowerment, including that of women migrants, is critical to the mission and mandate of UN Women. In her first statement to the Executive Board of UN Women, Undersecretary-General and Executive Director Michelle Bachelet stated that:ⁱ

“[w]omen’s strength, women’s industry, women’s wisdom are humankind’s greatest untapped resource...Tapping this potential involves bringing women into decision making and creating space for their leadership; it involves freeing women from gender-based violence and providing the avenues and opportunities for them to be recognized as economic actors and included in economic policymaking; it involves showing policymakers that where women fully contribute to their economies and societies, the gains for everyone are greatly increased” (emphasis added).

UN Women brings a gender-sensitive and women's empowerment approach to international migration and human development via its work on: *Empowering Women Migrant Workers to Claim their Rights and Celebrate their Contribution*. The entity's work on women migrant workers is grounded in the significance of international migration to development; its emerging feminization globally –50.1% of the overseas migration population are women;ⁱⁱ and the lack of a gender-sensitive women's empowerment orientation in official discourse and practice. Women are increasingly migrating on their own for work, sometimes as the sole income earners for their families. They are overrepresented in jobs traditionally considered “women's work”. Large numbers of them are especially concentrated in the lowest unprotected ends of the informal manufacturing and service sectors, in domestic work and hospitality where they suffer gross abuse.

However, women migrant workers are not just victims– they are important development actors and creative survivors. They make crucial contributions to development via economic and social remittances to countries of origin and contribute their labour, skills, consumption expenditures, ideas and cultures to countries of destination. The contributions of women remain underutilized because the historically low value attached to “women's work” (especially unpaid domestic and care work) results in exclusion from legal and social protections.

B. HIGHLIGHTS OF THE WORK OF UN WOMEN ON *EMPOWERING WOMEN MIGRANT WORKERS TO CLAIM THEIR RIGHTS AND CELEBRATE THEIR CONTRIBUTION*

The work of UN Women on migration builds on the success of the Regional Programme on Empowering Women Migrant Workers in Asia & the Arab States (elaborated later).ⁱⁱⁱ

The entity's work focuses on: gender-responsive migration governance in line with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) General Recommendation No. 26 on Women Migrant Workers and other sources of international law.^{iv} This includes:

- Knowledge generation and management.
- Providing technical and financial assistance to the formulation, implementation, monitoring and evaluation of gender-responsive policies, plans, programmes and budgets on migration.
- Facilitating gender-sensitive environments for service delivery.
- Linking with practitioners on women's economic rights, gender and disasters and climate change to identify convergence areas for policy advocacy and reform.
- Capacity-strengthening for women migrant workers and their associations to participate in a sustained manner at all stages of policy processes, and claim their entitlements.
- Engage with mainstream accountability mechanisms and processes to respond to women migrant workers' concerns.

C. WHAT UN WOMEN HAS DONE ON GENDER AND MIGRATION

1. *At the Global Level*

a. *The Global Forum on Migration and Development*

UN Women has been participating in the Global Forum on Migration and Development (GFMD) since 2007, by providing structured interventions at Round Tables and supporting civil society participation in all GFMD forums. In 2008 UN Women organised a 600-participant pre-GFMD international conference on gender and migration in Manila in the Philippines to influence the gender-related outcomes of GFMD II 2008.

Prior to the GFMD IV 2010, held in Puerto Vallarta, Mexico, UN Women co-organized with Government of Mexico a Pre-GFMD IV High Level Consultation, “Promoting and Protecting the Rights of Women Migrant Workers” in Mexico City from 7-8 September 2010. The Consultation was attended by: Ministries of Labour, Interior and Women of participating governments; international organizations; and civil society organizations (CSOs), from over 20 countries across all regions. A set of engendered policy recommendations from this consultation contributed to shaping the outcomes of Roundtable 2.2 on Gender, Family and Migration (RT 2.2).

At the GFMD IV 2010, UN Women contributed substantively on the gender and women’s empowerment dimensions of labour migration. UN Women was an officially designated partner to RT 2.2 with other agencies, and co-wrote the Annex, “Uncovering the Interfaces between Gender, Family, Migration and Development: The Global Care Economy and Chains” with the International Organization for Migration (IOM). This Annex accompanied the official paper by the Government of Mexico, “Human Mobility and Human Development: Migration, Gender and Family”. UN Women also co-presented, with the Government of Portugal, a paper on women migrant workers’ labour rights and actively supported civil society participation.

Key outcomes of RT 2.2 include:

- The Chair of GFMD V 2011, the Government of Switzerland, identifying “Global Care Workers at the Interface of Migration and Development” as a sub-theme under the cluster on Labour Mobility for dialogue and concrete action.^v
- A proposal by governments to establish an Ad Hoc Working Group on Gender to implement key gender-related outcomes of the GFMD.
- Mainstreaming of gender and migration-related concerns into the African Union Decade on Gender Equality and Women’s Empowerment.

GFMD V 2011:

UN Women will support the Government of Switzerland, the GFMD 2011 Chair in Session, and interested governments, to run consultations on gender-related themes in Asia, Africa, the Americas and Europe.

b. *The Global Migration Group*

UN Women is committed to leading and coordinating the development, with others, on:

- A training module on mainstreaming gender concerns into international migration and development strategies (including plans, Poverty Reduction Strategy Papers (PRSPs) and Common Country Assessment (CCA) and UN Development Assistance Framework (UNDAF) processes; and
- Gender-sensitive guidelines and a checklist to mainstream gender concerns into migration and international development strategies (including plans PRSPs, CCA and UNDAF processes).

These products on mainstreaming gender and migration into development planning will supplement the Global Migration Group (GMG) publication, *Mainstreaming Migration into Development Planning: a handbook for policy-makers and practitioners*. Both will include gender-sensitive development indicators to measure international migration's impact on development.

UN Women will also contribute to engendering:

- An upcoming GMG publication on youth and adolescents;
- The high level informal thematic debate on migration and development, 19 May 2011; and
- The GMG symposium preceding the high level informal thematic debate on 17-18 May 2011.

c. Technical support to the development of international women's human rights standards

UN Women provided technical support to the General Comment No. 1 on Migrant Domestic Workers, adopted by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) in December 2010.^{vi}

2. At the Regional and National Levels

As mentioned earlier, the organizational-wide work of UN Women on women migrant workers builds on the results of its Regional Programme on Empowering Women Migrant Workers in the Asia and Arab States. This Programme, implemented since 2001, covers ten countries of origin and employment and has delivered robust results. The Programme's successes include:

- Technical and financial support to the CEDAW General Recommendation No. 26 on Women Migrant Workers, adopted by the CEDAW Committee in November 2008.^{vii}
- Technical and financial support to engendering the Association of Southeast Asian Nations (ASEAN) regional instrument on protecting migrant workers and their families.^{viii}
- Technical and financial support to the development and implementation of gender-sensitive migration legislation at national and local levels in Nepal (2007) and Indonesia (national – 2004, local - Blitar district, 2008).^{ix}
- Technical support to reform labour legislation in Jordan to include domestic workers (2008).
- Technical support to the introduction of standard unified employment contracts for migrant domestic workers in Jordan (2003).
- Development of ethical codes of conduct for recruiting agencies.^x
- Capacity-strengthening for governments and civil society to effectively use the CEDAW process to address women migrant workers' concerns.
- Capacity-strengthening for women migrants' associations to participate in policy processes and claim their rights and entitlements.
- Multi-media public awareness programmes including capacity-strengthening for media organizations and other stakeholders to advocate for women migrant workers' rights.
- Development and dissemination of knowledge products that have informed policy at global, regional and national levels, and have been used in training and advocacy to protect women migrant workers' rights.

Major publications of UN Women on women migrant workers include:

- *Migration, Remittances and Gender-Responsive Local Development: Case Studies of: Albania, the Dominican Republic, Lesotho, Morocco, the Philippines and Senegal* (UN Women-UN Development Programme (UNDP) 2010). This series focuses on the sending, transfer, and utilization of remittances, and affirms that gender influences the movement and experiences of migrants and their communities in origin and destination countries.
- *Gender, Migration and Development: Emerging Trends in East and Southeast Asia* (2009). This report emphasizes the need to: (a) invoke a gender sensitive rights-based development paradigm; (b) look at all costs, including the social costs, of migration; and (c) take account of

the economic, social and political dimensions of development. Finally, it highlights good practices that maximize migrants' contributions to development for all stakeholders.

- *Legal Protection for Migrant Domestic Workers* (2009). This publication documents and analyzes existing mechanisms for domestic workers, from international treaties to national labour laws and legally enforceable contracts. It highlights critical elements of gender-sensitive “model” laws and contracts for domestic workers. It highlights how international human rights and labour instruments can be invoked at two levels. First, the principle of non-discrimination, which underlies all human rights instruments, should protect migrant domestic workers who face multiple discriminations on account of their gender, nationality, ethnicity and occupation. Second, the instruments guarantee certain minimum conditions with respect to their employment and treatment, such as fair wages; rest and leisure, healthy and safe working conditions and social security.
- *Gender Dimensions of Remittances: A Study of Indonesian Domestic Workers in East and Southeast Asia* (2009). This study examines the gender-differentiated patterns in the earning, saving and remitting practices of Indonesian migrant domestic workers, as well as in receiving and using remittances in Indonesia. It also examines the role of remittances in internal household dynamics, and solutions for maximizing the development potential of remittances for the women migrants, their families and communities of origin.
- *Claim and Celebrate Women Migrants' Human Rights through CEDAW* (2005). This publication takes women's migration for work as an illustration to demonstrate how CEDAW's methodological framework can be used effectively to address the immediate and long-term concerns of women migrants, at all stages of the migration process. It further shows how the existing potential of CEDAW to address migration can be significantly strengthened through the adoption of a General Recommendation on migration.
- *World Survey of the Role of Women in Development: International Migration and Women* (2004). This report sets out recommendations that, if adopted, will improve the situation of migrant, refugee and trafficked women. The recommendations include: ratification and implementation of all international legal instruments that promote and protect the rights of migrating women and girls; review of national emigration and immigration laws and policies in order to identify discriminatory provisions that undermine the rights of migrant women; and the development of policies that enhance migrant, refugee and trafficked women's employment opportunities and access to health care, education and other services.

D. UN WOMEN ACTIVITIES ON WOMEN'S MIGRATION IN THE IMMEDIATE PIPELINE

1. At the Global Level

a. The Fourth UN Conference on Least Developed Countries in Istanbul, Turkey (LDC IV)

The *Programme of Action for the Least Developed Countries for the Decade 2001-2010* states that “[m]easures should be taken to ensure respect for and protection of the human rights of migrants, migrant workers and their families...” to promote social integration.^{xi} UN Women will organize a special event at LDC IV on implementing legal and social protections for domestic and other care workers. UN Women and the UN Conference on Trade and Development (UNCTAD) are co-organizing a special event on trade and development in the LDCs that will include a focus on the UN Women Africa-based program on Women in Informal Cross Border Trade. The IOM and UN Women will also co-organise a special event, “High Level Ministerial Roundtable on Integrating Migration and Remittances in LDC National and Regional Development Planning”.

b. Parallel Events at the Commission on the Status of Women (CSW) 2011

The entity is engaged in two parallel events at the fifty-fifth session of the CSW on migrant domestic workers. Building on the 2011 CSW theme of “Access and participation of women and girls in education, training, science and technology, including for the promotion of women’s equal access to full employment and decent work”, UN Women is co-organizing two side events. They are: “Dignity for Domestic Workers: the ILO Convention and Beyond” (on 24 February 2011) with the NGO Committee on Migration, Migrant Rights International, the International Trade Union Confederation (ITUC) and others; and “Good Practices on Legal and Social Protections for Domestic Workers: The Role of Education and Training” (on 3 March 2011) co-sponsored by the Government of the Philippines, the Government of Switzerland (TBC) and Human Rights Watch.

c. UN Women and European Commission-UN Joint Migration and Development Initiative

UN Women, together with the EC-UN Joint Migration and Development Initiative (EC-UN JMDI) and others, will be launching an e-discussion on good practices on building domestic workers’ capacity to claim legal and social protections. The e-discussion will be launched on 8 March 2011 (International Women’s Day) and will run for three weeks, finishing on 30 March 2011 (Domestic Workers’ Day in the Americas). It will be action-oriented and focussed on sharing, replicating and up-scaling good practices. A tracking system will monitor implementation of the shared practices.

d. Policy Product with the International Trade Union Confederation (ITUC)

The ITUC and UN Women are creating a policy product based on existing and proposed human rights standards for domestic workers (the CEDAW General Recommendation No. 26, the General Comment No. 1 of the CMW and International Labour Organization (ILO) standards and others). This product will function as an advocacy tool for the introduction and implementation of legal and social protections for domestic workers.

2. At the Regional and National Levels

The Regional Programme on Empowering Women Migrant Workers in Asia is now in Phase III of its implementation (2010-2013). This phase will build on good practices and lessons learned from the first two phases as well as the recommendations from an evaluation of the second phase. Key focus areas include: generating a greater knowledge pool on women migrant workers’ contributions to economic and social development; providing technical assistance to and advocating for gender-sensitive policies and laws in line with CEDAW and other international law obligations; developing women migrant workers’ capacity to implement legal and social protections; and building the capacity of public authorities, employers, employment agencies and communities to implement policies and programmes to protect women migrant workers.

Similar initiatives are currently being developed for other regions. The African and CEE/CIS regions already have existing programmes involving women migrant workers including the Women in Informal Cross-Border Trade initiative in Africa, and a UN Women-IOM Joint Central Asia Regional Migration Programme that works to protect the economic and social rights and benefits of migrant men, women and their families.

Regional programmes are also planned for: Latin America and the Caribbean; Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS); and three sub-regions in Africa. The entity will implement a four-year Regional Programme on Strengthening Women Migrant Workers’ Rights in Latin America and the Caribbean, involving 14 countries of origin and destination.^{xiii}

NOTES

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- ⁱ UN Women. First Statement to the Executive Board of UN Women by Undersecretary-General and UN Women Executive Director Michelle Bachelet (24 January 2011). Available at: <http://www.unwomen.org/2011/01/statement-to-the-first-regular-session-of-the-executive-board-united-nations-entity-for-gender-equality-and-the-empowerment-of-women> (accessed 1 February 2011).
- ⁱⁱ UN DESA 2009, noted in International Organization for Migration (2010). *World Migration Report 2010: the Future of Migration – Building Capacities for Change*. p. 154. **Please note the correction.**
- ⁱⁱⁱ The Programme is now in its third phase (2010-2013) and includes: Jordan, Cambodia, Indonesia, Lao PDR, Philippines, Thailand, Vietnam, Bangladesh, India and Nepal.
- ^{iv} This includes the General Comment No. 1 on Migrant Domestic Workers of the CMW (CMW/C/GC/1), the International Convention on the Rights of all Migrant Workers and their Families (ICRMW), and all International Labour Organization (ILO) Conventions affecting women migrant workers and domestic workers.
- ^v Government of Switzerland (2011). Draft Concept Paper: *Taking Action on Migration and Development - Coherence, Capacity and Cooperation* (GFMD Draft Concept Paper) p.2. Available at: <http://www.un.org/esa/population/meetings/ninthcoord2011/conceptpaper.pdf> (accessed 1 February 2011).
- ^{vi} The CMW adopted its first General Comment on 3 December 2010. Available at: http://www2.ohchr.org/english/bodies/cmw/cmw_migrant_domestic_workers.htm (accessed 1 February 2011). Note that this document is an advanced unedited version dated 12 January 2011.
- ^{vii} UN Women (2008). *Legal Protection for Migrant Domestic Workers in Asia and the Arab States*. Bangkok. p. 6. See also UN Women (2005). *Claim and Celebrate Women Migrants' Human Rights through CEDAW: the Case of Women Migrant Workers*. Bangkok.
- ^{viii} Association of Southeast Asian Nations (2007). *Declaration on the Protection and Promotion of the Rights of Migrant Workers*. Available at: <http://www.aseansec.org/19264.htm> (accessed 1 February 2011).
- ^{ix} For example, UN Women's Regional Programme on Empowering Women Migrant Workers in Asia had a critical role in advocating for: Nepal's Foreign Employment Act (2007) and Indonesia's Blitar District's law protecting women migrant workers' rights (2008).
- ^x These codes include a Covenant of Ethnical Conduct and Good Practices of Overseas Employment Service Providers, cited in Noeleen Heyzer, "Labour Migration and Trafficking: A Human Rights Approach" (speech transcript) Asian Development Bank, Manila, Philippines, 29 May 2007. Available at: <http://www.adb.org/knowledge-management/documents/heyzer-speech.pdf> (accessed 1 February 2011).
- ^{xi} United Nations (2001). *Report of the Third United Nations Conference on the Least Developed Countries* p. 28 (A/CONF.191/13).
- ^{xii} The Regional Programme in the Latin America and Caribbean region will involve the following countries: Dominican Republic, El Salvador, Guatemala, Mexico, Bolivia, Peru, Ecuador, Argentina, Brazil, Chile, Paraguay, Haiti, Jamaica, Spain and the United States of America (as at 14 February 2011, note that this is subject to change as the Programme develops).

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