

EMPOWERING WOMEN MIGRANT WORKERS

Labour and other forms of migration can advance gender equality and women's empowerment through opportunities it opens for greater independence, self-confidence and status. Migrant remittances and investments and newly acquired skills of returnees can potentially contribute to poverty reduction, thereby attracting growing interest among governments and development partners with regard to the Millennium Development Goals. Yet, migrant workers are also vulnerable to gender-specific discrimination and abuse at different points throughout the migration process, making it important to strengthen support for rights of both male and female migrant workers.

WOMEN & LABOUR MIGRATION: KEY FACTS

- The UN Population Division estimates that worldwide there were over 190 million persons residing outside their countries of origin in 2005.¹ Some 86 million migrants were migrant workers and their families as of 2000.²
- The number of women migrating on their own as primary economic providers or heads of households has increased dramatically in recent years, with the result that women are migrating in greater numbers than men in many if not most regions. Globally, women constitute 50 per cent of the total international migrant population, but in sending countries, such as Indonesia, the Philippines and Sri Lanka, women accounted for some 60 to 80 per cent of migrant workers abroad between 2000 and 2003.³
- While many women migrate for economic opportunities, other reasons may include family reunification or to escape gender discrimination, gender-specific cultural constraints or domestic violence. Women migrant workers typically migrate for periods of one to three years, often re-migrating multiple times, to work in the service and manufacturing sectors and in unskilled jobs. The greatest number of female migrants work as domestic workers and entertainers, areas that often are unregulated and do not fall under national labour laws. As such they generally lack access to social services and are subject to abuses including harsh working and living conditions, low wages, illegal withholding or garnishing of wages, illegal and premature termination of employment.
- Migrant women workers contribute to the development of both sending and receiving countries through their labour and skills, remittances and productive investments upon their return home. Remittances constitute the second largest capital flow to developing countries, with formal transfers nearly triple the value of official development assistance⁴ and accounting for as much as 10% of the GDP in some countries.⁵ Some studies indicate that women tend to prioritize remittances for family needs, such as food, clothing, housing, education and health, while men use a portion for savings and investment in addition to family needs.⁶

¹ United Nations (2006). *Trends in Total Migrant Stock: The 2005 Revision* (United Nations, POP/DB/MIG/REV.2005), data in digital form.

² International Labour Organisation. *Facts on Migrant Labour*. See <http://www.ilo.org/public/english/bureau/inf/download/factsheets/pdf/migrants.pdf>.

³ International Organization for Migration (2005). *World Migration 2005: Costs and Benefits*.

⁴ Global Commission on International Migration (2005). *Migration in an Interconnected World: New Directions for Action*.

⁵ United Nations Development Programme (2005). *The Potential Role of Remittances in Achieving the Millennium Development Goals – An Exploration*. Background Note, Roundtable on Remittances and the MDGs, 17 September 2005.

⁶ Ibid.

- Women, especially unskilled workers (who constitute the majority of women migrant workers), are subject to rights violations and discrimination at the hands of brokers, recruiters, employers, and migration officials. They find themselves vulnerable as women, as foreigners and as unskilled labourers, exposing them to abuse and exploitation such as physical and social isolation, sexual harassment, and sexual and physical violence. Often what starts out as labour migration can end in trafficking. Such abuses jeopardize women's safety, dignity, well-being and overall empowerment.
- Violations of migrant worker rights can also entail costs to receiving countries, in terms of medical or legal services required and in reduced productivity and absenteeism resulting from psychological and physical stress.
- Bans and restrictions on labour migration, which contravene Article 15 of CEDAW on equality before the law and Article 13 of the Universal Declaration of Human Rights, can leave migrant workers still more vulnerable, as they resort to irregular migration, or are recruited into smuggling and trafficking operations.

PRIORITIES FOR EMPOWERING WOMEN MIGRANT WORKERS

Drawing upon international human rights standards, UNIFEM promotes efforts to facilitate safe migration for women, eliminate trafficking in human beings, especially women and children, and help make migration an empowering experience. Working in Bangladesh, Cambodia, Indonesia, Jordan, Lao PDR, Nepal, the Philippines, and Thailand, and applying lessons from Sri Lanka and Hong Kong SAR, UNIFEM promotes enabling policy, institutional and socio-economic environments that ensure women's equal opportunities and access to resources and benefits throughout the migration process. Based upon this work, UNIFEM has prioritized several areas for policy action by governments, civil society and the private sector.

Reforming laws and policies. Standards for protecting women migrant workers' rights are found in the Beijing Declaration and Platform for Action, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and General Assembly Resolution 58/143 on Violence against Women Migrant Workers, among others.

Regulating recruitment. Regulatory mechanisms for recruitment agencies along with incentives to use legal migration channels can help protect migrant workers' rights and reduce trafficking, especially in women and children. Regulations should stipulate the responsibilities of recruitment agencies, the fees charged to workers, and redress mechanisms for workers in cases of violations by agents or employers. In some cases, recruitment agencies themselves have signed onto a code of conduct to safeguard migrant workers' rights by adhering to regulations, adopting social

Laws and Policies for Women Migrant Workers' Rights

There are a wide range of laws and policies that can protect and promote women migrant workers' rights. Some examples include:

- **Standard labour contracts.** In 2003, the Jordanian Ministry of Labour endorsed a standard working contract for non-Jordanian domestic workers defining rights and responsibilities for workers and employers.
- **Labour rights of unskilled workers.** Hong Kong SAR officially recognizes migrants' unions, including unions of women domestic workers, and protects the rights of union members.
- **Welfare and social protection.** Sri Lanka's migrant registration system includes monitoring mechanisms as well as incentives such as life and accident insurance and pre-departure interest-free loans.
- **Illegal migration and trafficking.** Legislation in the Philippines includes a comprehensive definition of irregular migration that includes rights violations against migrant workers and also includes trafficking (as defined in the UN Protocol on Trafficking) as an aggravating circumstance in illegal recruitment meriting serious penalties.
- **Bilateral agreements.** Thailand has instituted bilateral agreements with Cambodia, Lao PDR and Myanmar to introduce procedures for employment and return of workers and to apply national labour laws to protect migrant workers' rights.

protection measures, instituting training programmes, cooperating across borders to effectively redress rights violations, and sharing of lessons and good practices.

Providing multisectoral training and services. Gender-responsive training should be in place to help potential migrants navigate the migration process by informing them of risks and their rights at home and abroad, legal channels of migration, what to ask of recruiters, and sources of assistance at each stage. Government and non-governmental organizations should be equipped to provide socio-economic, legal and counseling services in transit and destination countries while police, lawyers and judges should be trained to handle rights violations in a gender-sensitive way.

We commit to support, cooperate and give assistance to any or all efforts... against illegal recruitment, human trafficking, or... any policy that will ... violate the human rights of migrant workers, particularly women migrant workers.

Overseas employment service providers and their national associations shall protect women migrant workers by sharing information, lessons learned... and help monitor, investigate, facilitate and resolve cases arising from foreign employment.

– Excerpts from the Covenant of Ethical Conduct and Good Practices of Overseas Employment Services Providers, adopted 15 November 2005, by participating representatives of recruitment & placement agencies from Asia and Arab States at the UNIFEM Regional Consultation on Good Practices to Protect Women Migrant Workers.

Enabling productive investment of savings and remittances. Governments should ensure that women can access financial systems to save and remit earnings safely. Remittances can play an important role in local development. For example, migrants in receiving countries may pool their savings to support community development projects back home. The Asian Migration Centre in Hong Kong SAR organizes and trains migrant workers to participate in group savings and collective decision-making and to create sustainable investments in their home countries. Such programmes should ensure that women have a role in deciding how remittances are used.

Supporting reintegration. Governments should work with private sector and civil society

organizations to establish reintegration programmes that combine economic, psycho-social, and legal services ranging from access to credit to counseling for survivors of violence and sexual exploitation to skills training for those who were domestic or sex workers. Family and community counseling is important not only to prevent stigma and alienation experienced by some returning women, but also to assist them in helping migrants readjust.

Raising awareness. Both the general public and policy makers should be informed of rights of migrant women and men, the potential exploitation and human rights violations they may encounter, and their contributions to development to generate support for laws that safeguard their rights. Awareness campaigns should target communities in areas that are the greatest source areas providing information to potential migrants and their families even before a decision to migrate is made.

Gaining knowledge. Both sending and receiving countries need more comprehensive and timely data on the number of both female and male migrants and on the violence and discrimination they often suffer. Such information can facilitate the formulation of appropriate policies and provide hard data to advocate for women migrant workers' rights. Characteristics of women's migration for work and their economic and social contributions to both sending and receiving countries need to be better understood, including the scale, use and impact of remittances and savings and expenditure patterns by women migrants.

To learn more about UNIFEM's Regional Programme on Empowering Women Migrant Workers in Asia, see <http://www.unifem-eseasia.org/projects/migrant/migrant.htm> or contact Ms. Socorro Reyes, socorro.reyes@unifem.org, or Ms. Fareeha Ibrahim, Fareeha.Ibrahim@unifem.org.