



Overview Paper

Migration, Gender Equality and Development

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**INTERNATIONAL CONFERENCE ON
GENDER, MIGRATION AND DEVELOPMENT:
SEIZING OPPORTUNITIES, UPHOLDING RIGHTS**

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Executive Summary

For many the migration experience seems to play a role in modifying gender roles and women's status and enhancing gender equality. Women who find employment abroad gain access to financial resources that permits them to influence how funds are used in the household. They can also experience more autonomy over household decisions.

Though migration may be empowering for many women migrants, such empowerment cannot be deemed automatic. A significant number of migrant women experience downward occupational mobility, de-skilling and a re-orientation away from paid work and towards the domestic sphere. Furthermore, too many women migrants still today experience extreme exploitation and abuse in situations of trafficking, bondage and slavery.

The 21st century has seen an impressive increase in the number of women migrating to work and study abroad. They also continue to represent a significant proportion in migration for family formation and reunification, and as asylum seekers. In traditional immigration countries with permanent migration schemes such as the U.S., Australia and New Zealand, there is even a gradual diminution in the number of women migrating under family formation and reunification streams in comparison to the number of women independently migrating in search of employment.

Women migrant workers play essential roles in the labour markets and make valuable contributions to the economies and societies of receiving countries. They provide human resources in the paid economy – in jobs that national women do not want but that are essential and that allow a country to maintain its global competitiveness. They also play key roles in the care economy – in terms of household chores and the care of dependent children, the elderly, the infirm and the disabled – freeing national women to take up higher status, better paying jobs in the national economy.

Efforts to maximise migrants' contribution to development as regards monetary remittances (increasing the use of formal transfer methods, reducing the transfer cost of remittances, promoting migrant savings, optimizing remittance utilisation for household and community welfare, and promoting entrepreneurship development schemes) are valid contributions and should continue to be encouraged. However there appears to be less preoccupation with factors affecting directly or indirectly the level of remittances such as: migration status, gender, working conditions and wages, and recognition of qualifications.

Undocumented migration Employment opportunities of migrant women and men depend to a great extent on their migration status. In addition, a documented or regular migration status (tied to the possession of a work permit, to conditions of family reunification or to marriage with a migrant worker possessing a work permit or with a citizen) has been recognized to be the most important means to guarantee the protection of men and women migrants against discrimination, exploitation and gain

access to social protection. Indeed, documented migrant workers have greater opportunities to obtain a decently remunerated job and can be in a better position to send back home larger amounts of remittances.

The demand for migrant workers to meet labour market shortages in various sectors is often larger than that recognized by governments in countries of destination. No reliable data on undocumented migrants broken down by sex can be found. Moreover, according to the report on *Gender and Migration* prepared by the *Global Commission on International Migration*, “the undervaluing of women’s labour (e.g. domestic labour) and restrictions on their right to work, and involvement in activities that are deemed to be criminal offences or against public order (e.g. prostitution) means that a higher proportion of women are statistically invisible and are, or become undocumented.

Working conditions In considering the strengthening of the positive linkages between migration, gender and development, it cannot be forgotten that women and men migrants often have to accept harsh working conditions and sacrifice living conditions, health care, nutrition and education in order to be able to remit funds back to their families. One factor that affects women migrant workers negatively is the fact that they are usually employed in jobs, not covered or inadequately covered by labour legislation or other social security or welfare provisions (even more so than those jobs occupied by their male counterparts). The typical example is domestic work. The majority of countries’ labour laws still refer to domestic workers either to exclude them completely from their scope or to grant them lower levels of protection by depriving them of the rights accorded to other categories of workers.

Wages Rising incomes of the migrant worker as a result of respect for minimum wage laws, decent working conditions and employment opportunities often translates into higher levels of remittances. These findings are important to review and act upon in light of the large number of migrant workers (mainly those undocumented) who receive very low wages, have their wages withheld or never receive them from their employers. Women more so than men migrant workers can experience either non-payment, withholding or unreasonable deductions of their wages without their consent.

Gender segregation of migrants by economic sector While men migrate into a variety of economic sectors, women migrant workers are mainly concentrated in the services sector. A limited number of women migrant workers are found working in the agricultural sector. However, the search for cheap and docile labour in agriculture has more recently encouraged the hiring of women migrant workers. They are replacing men migrants in labour intensive tasks in several industrialised countries. In the industrial sector, migrants’ insertion in manufacturing (mainly small-scale or sweatshops) includes as many women as men. In the case of mining and construction, the percentage of women migrant workers is very low.

Addressing labour market segmentation and discrimination of women migrant workers is critical since occupational segregation often limits their choices, concentrating them in market saturated, traditional ‘female’ activities with low visibility and sustainability.

According to the research consulted, support to upgrading women's skills capacities in demand-driven sectors together with eliminating discrimination in access to productive resources, including networks, information and technology, can maximise the micro-impact of migration for women and considerably contribute to the overall economic development of communities of origin as well as the countries of destination.

Permanent migration versus temporary migration schemes The proportion of documented women immigrants is higher than that of men in traditional immigrant countries such as Australia, Canada, New Zealand, the United States and the United Kingdom that provide possibilities of permanent migration through point systems. For example in 2002, 54% of documented immigrants to the United States were women.

On the contrary, most temporary migration schemes (with the exception of the migration of domestic workers to the Gulf States, the Middle East and some important Asian receiving countries such as Malaysia, Japan, and Singapore) seem to be providing more legal channels of migration to men than to women migrants. In most OECD industrialized countries, when legal, official recruitment efforts take place for temporary migration, they are frequently aimed at construction workers and farm labourers, jobs usually done by men.

Trafficking and Forced Labour ILO estimates indicate that women and girls make up the overwhelming majority of those trafficked for the purpose of commercial sexual exploitation (98%).¹ In forced economic exploitation, while women and girls represent 56 per cent of victims, men and boys nevertheless account for 44 per cent. Since a larger number of women than men resort to the services of would be traffickers and end up in abusive and exploitative situations, experts in the field have called for anti-trafficking interventions to be gender-responsive and to address trafficking as a development issue at national and local levels.

Labour exploitation In general, violence, abuses and labour exploitation in male-dominated sectors are well-documented and more exposed since men usually work in groups in construction and agriculture. On the other hand, violence, abuses and exploitation against women migrant workers are less known since they occur in more invisible labour market situations such as the domestic sector and the entertainment sector.

Brain drain Recent reports indicate that the share of skilled emigrant women from most third world countries to almost all industrialized destination countries increased between 1990 and 2000 with the growth rates of skilled women emigrants always higher than the growth rates for unskilled women or skilled men. Indeed, emigration rates to industrialised countries of highly-skilled women (with tertiary education) often exceed those of their male counterparts.

An even more worrying issue is the fact that most of these skilled and highly-skilled women migrants are leaving to find a better-paid job abroad, but end up in occupations below their

¹ ILO, *Action against Trafficking in Human Beings*, 2008, Geneva.

qualifications resulting in their “deskilling”.² Not only does this deskilling represent a loss to the workers themselves, but also a loss of valuable human resources to both countries of origin and destination, labeled as “brain waste”.³ While exact numbers are not available, the extent of this de-skilling or brain waste does not seem to be gender-neutral.

Ensuring that wider development goals such as PRSPs and MDGs are taken into account in migration agreements is one way to ensure that migration of skilled workers is not detrimental to wider poverty alleviation efforts. In addition, it is important to adopt gender sensitive measures to mitigate the loss of workers with critical skills, including by establishing and enforcing guidelines for ethical recruitment.

Right to portability/transferability of skills The more the migrant worker is provided with protection and recognition of qualifications, the higher the possibilities that his or her contribution to development will increase in significance and the higher the likelihood that the worker will return to the country of origin in a shorter period of time.

Safe and secure migration The provision of legal channels for safe and secure migration according to the qualifications of the worker is not and should not be considered as “promoting migration”, but as providing the necessary protective framework and opportunities for the migrant to maximize the benefits during his or her migration experience. For most migrant workers going abroad undocumented, a lack of provision of these opportunities represents risks for ending up in lower skilled and low paid jobs, often under harsher working conditions or in labour exploitation situations. Safe and secure migration contributes to minimizing the risks involved in the migration cycle.

Right to family reunification and the social cost of migration The enjoyment of the right to family reunification (mainly spouses and children) can have a decreasing impact on the amount of remittances sent abroad if the spouse does not work or does not have the right to work. Often documented migrant workers in temporary contracts do not enjoy the right to family reunification. And, in those countries where they do enjoy the right to family reunification, spouses of temporary workers can also be excluded from work. Such restrictions can most heavily fall on migrant women.

² De-skilling- A labour market term that describes skilled or highly-skilled workers who obtain jobs not commensurate with their qualifications and experience and considered to be “over-qualified” for jobs they are occupying. Their qualifications are not recognized and they end up working in lower-skilled jobs, often poorly paid. If they stay (which is often the case) in that same job, they never improve their occupational situation. The longer they stay in lower-skilled jobs, the harder it is for these foreign workers to obtain a better qualified and better paid job. So, the end result is that it involves a triple loss to origin country, destination country and migrant workers themselves since the workers never achieve their full potential.

³ **Brain waste-** A term commonly used in migration terminology in relation to other terms such as brain drain and brain gain. It determines the lack or bad utilization of potential foreign human resources available in the labour market. It relates to migrant workers’ skills, qualifications acquired and job experience acquired in the country of origin that are not properly utilised in the country of destination labour market.

The right to family reunification is provided mainly in traditional immigration countries, but not in most countries offering migrants temporary contract labour arrangements, thus resulting in difficult and long separations of family members.

Family reunification has a lot of advantages since it avoids painful separation of migrants with their children left behind and permits a rapid adaptation of migrants to their host society. Indeed, the most recognized and most painful social cost of migration is the separation of children from their parents, especially when it is the mother that has migrated.

Promoting Return migration Attracting back skilled migrants requires gender responsive economic growth. This includes addressing labour market discrimination, gender sensitive employment creation and human resource development strategies. It requires the rule of law, including legislative efforts to address equality and discrimination, property rights, labour standards. Good governance together with respect for human rights such as those on equality is also critical. Incentive schemes need to analyse existing structural inequalities between men and women and to recognise that different strategies may be needed to attract them back. They could also include sex disaggregated indicators to measure outcomes. Both a gender mainstreaming approach and an affirmative action approach may be appropriate in areas such as investment opportunities, business development support, training opportunities, assistance with housing, taxes, banking etc.

Upholding rights Migrant worker policies need to be accompanied and supported by measures to prevent abusive practices. In order to maximize positive results, such policies should recognize the similarities and differences in the migration experiences of different categories of women and men and aim at eradicating all forms of discrimination and gender inequality, as well as tackling other vulnerabilities, violations and their consequences.

Discriminatory emigration or immigration legislation at the national level that can have an impact on migrant women's protection by not including family reunification rights, not permitting the emigration of women without permission by a male family member and by establishing age limits on women's migration, should be repealed.

Remittances The level of remittances can vary depending if women migrants go abroad as dependents of their spouses or if they go abroad autonomously with the purpose of finding a job. Women who go abroad as dependents (family reunification and family formation) tend to send smaller amounts of remittances than those who go abroad autonomously with the express purpose of sustaining the family back home. Moreover, the level of remittances sent significantly depends on whether women migrants' participate in the labour market or not.

Most evidence suggests that migrant women tend to remit a larger proportion of their incomes than migrant men, even if their incomes may be lower and are thus able to remit less overall. It seems that the motivations of men and women to transfer also differ

since men prefer to remit funds for investment purposes, while most women tend to remit for the well-being of the family (health, education, nutrition and hygiene). Thus, it seems that the determinants of women migrants to remit are more driven by self sacrifice for the immediate welfare of their families. The determinants of men migrants seem to be more driven by longer term returns on their investments. In addition, women tend to remit for longer periods of time, thus becoming more reliable sources of remittances than men, as they focus more on the basic necessities for the family.

Recent research mentions that women remit more monies than men to distant family members including siblings and others, while men increase the amount of their remittances only when sending to the spouse. Lastly, both men and women remit more the longer they have been sending remittances, but women remit yet more than men over time. Lastly, women's remittances appear to be more counter-cyclical than those of men, becoming more critical after natural or human induced calamities. They also seem to generate less inequality between households in their home country communities.

Conclusions The strengthening of coherence of policies on migration, gender equality, and development policies demands strong cooperation between different actors (governments, local authorities, the private sector and employers' organizations, trade unions, migrant and Diaspora associations, and NGOs) at the global, regional, national and local level.

There is growing awareness that although monetary remittances have become one of the largest sources of foreign exchange for some countries of origin, this should not engender complacency about State responsibilities for development, employment creation and social protection. Addressing the root causes of the labour migration of women and men in countries of origin and their inter linkages to development has been recognised to be particularly essential: labour market discrimination, high unemployment, limited access to productive resources and poverty. For example, at the macro level, commitment towards pro-poor and job rich growth strategies and gender-sensitive employment creation can make migration a genuine option for both women and men migrants: migration by choice and not by necessity.

In order to enhance migrant women's participation in development, the differential and often discriminatory impact of legislation, policies and programmes on different groups of women and men migrant workers are to be addressed if countries aim at obtaining a win-win situation.

A very significant starting point is that policy-makers recognise the importance of integrating and mainstreaming labour migration issues in national employment, gender equality, labour market and development policies as key in maximizing opportunities and minimizing risks for the benefit of both origin and destination countries and for women and men migrants themselves.

As a response, a gender-sensitive, rights-based approach is being recognized as essential to all migration policies' discussions while efforts are being taken to mainstream

gender in migration practices. At the same time, policy-makers realize the need for employment policies to operate in joint arenas with migration policies reinforcing development efforts while respecting human and labour rights and permitting men and women to obtain employment opportunities, education, health care and other services in countries of origin as in countries of destination.

As a result, there is growing awareness that the migration-gender equality-development linkage should include work in countries of origin on such policies and measures as: facilitating orderly migration, but always ensuring migrant workers' protection abroad, as well as equal treatment and opportunities (signing and properly implementing labour bilateral agreements that include respect for fundamental human, labour and women's rights); signing and implementing bilateral agreements on recognition of diplomas, skills and competencies; signing and implementing gender sensitive social security agreements to ensure social security protection of men and women migrants abroad; and finally, monitoring recruitment to promote and enforce ethical recruitment practices.

At the same time, ensuring that migration policies and measures in countries of destination are gender responsive can ensure greater gender equality and benefits for development. These cover areas such as ensuring skills' and diplomas' recognition; ensuring rights' protection (especially concerning payment of wages and working conditions); preventing abusive practices through the strengthening and creation of institutional capacities; promoting social integration and social protection of migrants in host societies; strengthening the linkages with hometown or Diaspora communities of migrants abroad; offering compensation mechanisms in the case of main countries of origin suffering from brain drain such as orienting technical assistance to education and training fields, promoting integration practices and avoiding discrimination at the workplace, as well as providing protection of men and women migrant workers abroad through labour attachés or other type of government protective services.

1. Introduction

International migration has occurred all through history. Globalization, demographic shifts and the shortage of skills and labour in many countries is accelerating migration rates. What is new in recent years is that there has been a rapid feminization of all forms and stages of migration. Women now comprise nearly half of the migrant population worldwide and they are often faced with many challenges and opportunities. Their work and income contributes to their own well-being and that of their families as more and more families in the developing world depend on the remittances of migrant women.

For some women migration leads to career enhancement. For others, it can lead to de-skilling as they accept low skilled jobs for pay higher than in their own countries for skilled work. Labour migration of women for some categories of work such as domestic work and care giving can result in high levels of exploitation and abuse due to the invisible nature of their work. Women may even find themselves trafficked for sexual or labour exploitation or in organized migration for marriage.

Gender-responsive solutions in enhancing opportunities and upholding rights are still in short supply as each year millions of people women and men leave their homes and cross national borders in search of better standards of living and greater security. Combined, their numbers would equal the fifth most populous country on the planet. The number of migrants crossing borders in search of employment and human security is expected to increase rapidly due to widening income and wealth disparities across countries, the failure of globalization to provide sufficient jobs and economic opportunities where people live, environmental and natural disasters, political persecution and armed conflict. Demographic decline in many destination countries is fuelling the demand for migrant labour. Around half of the world's estimated 192 million migrants are migrant workers. While women traditionally accompanied men migrants, increasingly it is women, both skilled and unskilled who are migrating for work, often leaving families and children behind.

The complex relationship between migration and development has been recognized and is increasingly the subject of research as policy makers attempt to maximize the benefits of remittances for development. There is no doubt as to the potential long-term benefits of circular migration, cross-fertilization of skills and technology exchange, but the permanent loss of workers with critical skills, especially health and education workers, from many developing countries is of concern in the effort to attain the Millennium Development Goals (MDGs). It is clear that labour migration can contribute to employment, economic growth, development and the alleviation of poverty. Recognizing and maximizing this for the benefit of both origin and destination countries is the subject of many think tanks and conferences such as the Global Forum on Migration and Development, the second one being hosted by the Philippines in Manila from 27-30 October 2008.

Insufficient attention, however, has been paid to the inter-relationships between three key variables: gender equality, migration and development.

The holding of the International Conference on “*Gender, Migration and Development: Seizing Opportunities and Upholding Rights*” in Manila on 25-26 September 2008 aims to explore these linkages in more detail and contribute to a stronger perspective on and understanding of the gender dimensions of migration and development for policy makers and organizations working on these issues. This Overview Paper is designed to stimulate reflection and interaction on the gender, migration and development nexus, rather than provide an exhaustive review of the existing literature¹. The Conference also aims to highlight the roles of government, civil society organizations, trade unions, academe and the private sector in upholding women and men migrants’ rights while optimizing the social and economic development brought about by migration.

According to the 2004, UN *World Survey on the Role of Women in Development*, the migration-development nexus is composed of two main elements: 1) the ways in which development processes, including development assistance, can reduce pressures for unwanted migration, and 2) the ways in which migrants can be a resource for poverty reduction and sustainable development in their home countries.²

At the same time, the international community has recognised that in order for development policies to be effective, they need to include the aim of achieving gender equality. The eight MDGs included in the *Millenium Declaration* adopted in 2000 take the fight against poverty a step forward by linking gender equality and development outcomes. Indeed, gender equality and the empowerment of women were adopted as one of the MDGs. Moreover, greater gender equality is recognised as instrumental in attaining the other 7 MDGs. Thus, increased gender equality becomes a critical means for poverty reduction.

The Overview Paper aims to provide an overview of the themes on the conference agenda and raises issues that could be considered by the participants in their discussions and debates. The Overview Paper raises more questions than provides answers with a view to stimulating discussion on the positive and negative aspects of the nexus between gender, migration and development. While some of the issues will be addressed in the sections below, a series of questions appearing at the beginning of each section will require further discussion and inquiry.

Some of these questions have been raised in the Global Migration Group’s paper “*Questions and Issues of Relevance to the Interlinkages between International Migration, Gender and Development*”³. Others are examined in the World Bank report “*Gender-Specific Determinants of Remittances: Differences in Structure and Motivation*”⁴. An additional set of issues included appeared in INSTRAW’s working paper, *Crossing Borders: Remittances, Gender and Development*, and in the UN Population Division’s paper *Women, Gender and International migration Across and Beyond the Americas: Inequalities and Limited Empowerment*.⁵

The Overview Paper will be further developed with inputs from the Conference deliberations and outcomes and published accordingly.

2. Trends and patterns on the movement of women migrants

- ✓ To what extent do the types of employment migrant women and men find in countries of destination affect their ability to provide for families remaining in the country of origin?
- ✓ How does the labour market segregation influence employment opportunities for migrant women and men differently?
- ✓ How do the impacts of labour market gender segregation differ in higher and lower-skilled segments of the labour market?
- ✓ How does the labour market segmentation influence migrant women and men's conditions of employment?
- ✓ Are men and women subject to different types of vulnerability, especially in relation to the type of migration or employment they engage in?

The 21st century has seen an impressive increase in the number of women migrating abroad for work or study. They also continue to represent a significant proportion of those migrating for family formation and reunification, and as asylum seekers.

In traditional immigration countries with permanent migration schemes such as the U.S., Australia and New Zealand, there is even a gradual diminution in the number of women migrating under family formation and family reunification streams in comparison to the number of women independently migrating as highly-skilled and skilled workers. According to a recent study done by the *Women's Studies International Forum*, the entry of women as main applicants is based on the rising demand in feminized labor market niches, such as nursing and teaching.⁶

The level of remittances can vary depending if women migrants go abroad as dependents of their spouses or if they go abroad autonomously with the purpose of finding a job. From anecdotal evidence, women who go abroad as dependents (family reunification and family formation) tend to send smaller amounts of remittances than those who go abroad autonomously with the express purpose of sustaining the family back home. Moreover, the level of remittances sent significantly depends on whether women migrants' participate in the labour market or not.

While men migrate to a variety of economic sectors, women migrant workers are mainly concentrated in the **services sector**. A limited number of women migrant workers are found working in the **agricultural sector**. However, the search for cheap and docile labour in agriculture has lately encouraged the hiring of women migrant workers replacing men migrants in labour intensive tasks in several industrialised countries.

Table 1 Percentage of foreign women in OECD countries among the total immigrants of selected countries of origin, 2004

	China	India	Morocco	Philippines	Turkey
Austria	..	57.3	..	54.6	48.0
Switzerland	..	32.1	62.6	81.9	43.6
Germany	39.2	..	45.9
Spain	61.7	49.4	39.6	59.3	..
France	61.4	50.3	48.4	..	44.8
Greece	81.7	57.8
Italy	54.1	42.4	40.9	61.0	50.6
United Kingdom	46.1	53.7	..	67.8	53.0
United States	52.9	48.6	..	57.1	43.3

Sources: European Community Labour Force Survey (data provided by Eurostat); United States: *Current Population Survey March Supplement* quoted in Laura Oso Casas and Jean-Pierre Garson, *The Feminisation of Migration*. OECD "Migrant Women and the Labour Market: Diversity and Challenges", 2005. p.10.

In the **industrial sector**, migrants' insertion in manufacturing includes women as much as men. In the case of **mining and construction**, the percentage of women migrant workers is insignificant.

According to a recent OECD study, on the numbers of women immigrants by nationality in 2004, the proportion of foreign women of Indian origin largely exceeded that of men in the United Kingdom and Austria. The same is true of women of Moroccan origin in Switzerland, of women migrants from the Philippines in the United Kingdom, Switzerland, Greece, Italy, the United States and Austria. Among migrants from Turkish origin, women predominated in Greece, the United Kingdom and Italy. In Spain, in 2003, the share of women originating from several Latin American countries and the Philippines in the foreign population largely outnumbered that of men.⁷ (see table 1)

Table 2. Feminization rate of Latin American women migrants in Western Europe, 2001

Latin American women migrants in 12 Western European countries: year 2001	Percentage of women migrants out of total immigration rate Year 2001 (in percentages)
Total (in numbers): 1, 118 306	60%
Greece	75%
Italy	68%
Germany: 55, 900	65%
Spain: 570,000	61%
Belgium	61%

Source: Authors' own calculations based on EUROSTAT database (2001). Data mentioned in Diego Lopez Lera and Laura Oso Casas, *Latin American Immigration to European OECD countries*, 2004. In order of importance, the countries of origin are the following: Brazil, Colombia, Peru, Dominican Republic, Cuba, Jamaica, Argentina, Equator, Chile and Venezuela.

Considering only the numbers of Latin American women, their proportion in 12 Western European countries represented 60% or the total number of 1,118,306 in the year 2001. That same year and by order of importance, Greece was the country with the highest feminization rate (75%) among its Latin American population, followed by Italy, Germany, Spain and Belgium (see table 2).

Similarly, data from national statistical sources in developing countries of destination show that the percentage of women workers out of the total foreign labour force has doubled or tripled in all Gulf Cooperation countries if compared to the middle of the 1970's or the beginning of the 1980s. The largest number of women migrants (mainly from South-central and South-eastern Asian origin), but also from Egypt, the Palestinian Authority, Yemen, Ethiopia, Eritrea and Sudan are recorded in Gulf Cooperation Council (GCC) countries. The increase has been striking in Saudi Arabia and the United Arab Emirates where the number of women migrants has multiplied to represent two and a half to seven times the percentages they used to represent during the middle of the 1970's or the beginning of the 1980's (see table 3).

Table 3. Comparison of 1980's stock data on % of Women in Foreign Labour Force in GCC countries and latest data available

<i>(in thousands)</i>	<i>Foreign Labour Force</i>		<i>(in thousands)</i>	<i>Foreign Labour Force</i>		<i>in total workforce (1995-97)</i>		
	<i>Male %</i>	<i>Female %</i>		<i>Male %</i>	<i>Female %</i>			
Bahrain (1981)	81	91.2%	Bahrain (2001)	18	1	81.1%	18.9%	61.9%
Kuwait (1980)	546	87.2%	Kuwait (2000)	98	1	79.4%	20.6%	84.1%
Oman (1993)	432	89.6%	Oman (2001)	53	0	65.5%	34.5%	64.8%
Qatar (1986)	179	90.8%	Qatar (2000)	30	0	74.3%	25.7%	81.6%
Saudi Arabia (1974)	391	94.9%	Saudi Arabia (2000)	30	00	63.8%	36.2%	64.3%
UAE (1980)	505	94.8%	UAE (2000)	13	00	66.8%	33.2%	90.4%
Average %		91.4%	Average %			71.8%	28.2%	74.5%
TOTAL	205		TOTAL	61				
	3			11				

Source: International Labour Office, *International Labour Migration Database*; Bahrain - *Bahrain Census of Population and Housing* (Cabinet Affairs); Kuwait - *Annual Statistical Abstract* (Ministry of Planning, Central Statistical Office); Oman - *General Census of Population, Housing and Establishments* (Ministry of Development Estimates); Qatar - *Annual Statistical Abstract* (Central Statistical Organization); Saudi Arabia - Ministry of Labour and Social Affairs; UAE - *Population Census and Annual Statistical Abstract*, Ministry of Planning.

Data from countries of origin like Indonesia, Sri Lanka and the Philippines show that these countries are sending large numbers of women migrant workers to Arab League States. More than 90 per cent of Indonesian workers in Saudi Arabia and the United Arab Emirates were women workers in 1997/1998. By the year 2005, between 60 to 84 per cent of Sri Lankans in Jordan, Kuwait and Lebanon were largely made up of women workers. While the number of women Filipino emigrants is still very significant, there has

been a decrease since the beginning of this decade of female emigration to such countries as Saudi Arabia, Qatar and the United Arab Emirates where abuses have been reported. By the year 2004, women emigrants represented 28 to 89 per cent of total stocks of Filipino workers in Arab League States (see table 4).

Table 4. Estimated Indonesian, Sri Lankan and Filipino Workers in Arab League countries

		Indonesia (1997/98)	%	Sri Lanka (2005) contract workers	%	Philippines (2004)	%
Saudi Arabia	Male	24406	7.6	141085	37.1	172000	71.9
	Female	295038	92.4	239701	62.9	67000	28.1
United Arab Emirates	Male	626	3.2	68889	40.2	31000	50.8
	Female	19044	97.0	102669	59.8	30000	49.2
Kuwait	Male			35267	17.4	12000	25.5
	Female			166860	82.6	35000	74.5
Oman	Male			8333	16.4	*	
	Female			42594	83.6	1000	
Jordan	Male			15007	24.9	1000	11.1
	Female			45212	75.1	8000	88.9
Qatar	Male			6810	21.7	13000	59.1
	Female			24577	78.3	9000	40.9
Bahrain	Male			9025	22.5	2000	33.3
	Female			31001	77.5	4000	66.7
Lebanon	Male			96577	81.3	1000	9.1
	Female			22192	18.7	10000	90.9
Brunei	Male	1134	17.9			6000	40.0
	Female	5205	82.1			9000	60.0
TOTAL	MALE	26166	7.6	380993	36.1	238000	57.9
	FEMALE	319287	92.4	674806	63.9	173000	42.1
	TOTAL	345453	100	1055799	100	411000	100

Sources: Philippines National Statistics Office, *Scalabrini Migration Centre*, *Asian Migration Atlas 2000*; Sri Lanka Bureau of Foreign Employment.

A. Agriculture

The use of migrant labour (mainly men) in seasonal harvesting has increased and spread over time in most migrant workers' receiving countries until it has become a common feature: migrants replacing national workers. For example, in **Central America**, agricultural work done by migrant workers is concentrated in the exports production of sugar, citric fruits, coffee, bananas and horticulture. Migrant workers (usually men) are also increasingly found working in greenhouses, stock raising and even in intensive animal farming (beef cattle and pigs). In the **United States of America**, formal estimates record that 600,000 of the nation's farm workforce of 4 million do not possess any documents. According to the Cato Institute think-tank, the cost of fruit and vegetables would increase 6% if US fields were cleared of undocumented workers.⁸

According to the 1992 census, in **Chile**, 8.4% of the male foreign labour workforce and 2.6% of the female foreign labour force was found working in agricultural-related jobs. In **Paraguay**, the percentage of men foreign workers in agriculture was as high as 55% in 1992.⁹ The 1992 census in **Bolivia** also confirmed this trend: 39.3% of the male economically active population (older than 7) born in foreign countries was concentrated in the agricultural sector.¹⁰

In **Italy**, by the mid-1990s, migrants working in agriculture were estimated to account for over 8% of all agricultural labourers and about 10% of all migrant workers. Most migrant labourers work in the poorer Southern regions, where it is estimated that only one worker out of ten holds a registered labour contract. Usually they are hired on a day-to-day basis, according to the old fashioned "hands' market". They are recruited by illegal "straw bosses", often migrants themselves, who take them to the workplace and hire them out to landowners. They are paid by the piece (per box of grapes, tomatoes, etc.) and not only below trade-union rates, but sometimes less than half the rate of irregular Italian workers, who are employed in lighter tasks. Often, migrants work up to 12 hours a day and are lodged in old barracks without running water or electricity.

In **Spain**, migrant workers usually work in agriculture on a seasonal or daily basis. They have no contracts and they live in shacks, with neither electricity nor running water. Farm workers lead an itinerant life, forced to follow the rhythm of the various harvests, and most of them are recruited through illegal hirers. The situation in **Greece** is very similar: unauthorised migrants are estimated to supply almost half of the total dependent labour force in agriculture.

B. Construction

Construction is the main sector of employment of men migrants in **Greece** and is also significant in **Italy and Spain**. In Greece, unauthorized migrants are estimated to account for half of the total employment in the sector. Most of them are Albanians. Many migrant workers are hired on a day-to-day basis through the street corner labour market. In **Venezuela** (1990), 10.8% of all men foreign workers were concentrated in

the construction sector. By 1995, the **Malaysian** construction sector was among the main sectors relying on foreign workers: more than 80 % in major cities.¹¹

By the year 2000, undocumented Mexicans provided 18% of the Los Angeles area's construction workforce and accounted for more than 10% of the total labour pool.¹² According to a study by the **U.S.** Academy of Sciences, foreign-born Latino men in the construction industry by the year 2002 were nearly 2 ½ times more likely to be killed on the job than the average U.S. worker. At the same time, U.S. Government statistics revealed that Hispanic men were about 50% more likely to be injured than the average worker.¹³

In **Italy** many migrants, mostly from Morocco, Albania and Eastern Europe, work in construction in all regions: manual labourers and bricklayers on construction sites account for 5% to 8% of registered foreign wage earners. Migrant workers are hired on a day-to-day basis, often through a migrant "broker". The proportion of informal workers among migrants is larger than among nationals, who are mostly working as false self-employed artisans. The "grey market" of construction sub-contracting so-called "co-operatives", whose members are formally self-employed, also involves more and more migrants. In **Spain** most of the migrants working in the building industry are Moroccans. Their working conditions are harsh and very hazardous. Some of them live in makeshift housing adjacent to construction sites and their 'rent' is deducted from their wages. They normally have no labour contracts and they are paid less than the minimum wage. Those workers under contracts are always short-term and their working conditions are often abusive. Migrant workers usually earn less than Spaniards even when they are formally employed. They are at the lowest levels of a hierarchical occupational system based on sub-contracting.

C. Commerce and Services

Domestic work is one of the most important occupations in the services sector covered by women migrant workers. For example, domestic work is the single most important category of employment for women migrants in those countries that permit the temporary legal entry of workers into the domestic sector: Hong Kong, Malaysia, Singapore, Taiwan, as well as the Gulf States, Jordan and Lebanon.

In **Central America**, labour markets open to male unskilled immigrant workers (mainly undocumented) tend to be concentrated within the agricultural sector and construction, and to a less extent within retail trade. On the other hand, Central American women immigrant workers tend to be found in unskilled personal services (domestic work) and retail trade.¹⁴

The same trend is true in **Argentina**, for example, 33.9% of its male foreign labour force from neighbouring countries and Peru, were occupying construction jobs. In the domestic worker sector: only 16.5% of the national female workforce was concentrated in this sector, while 58.1% of its foreign female labour force from Peruvian and

Paraguayan origin, as well as well as 44.6% from Chilean and 32.7% from Bolivian origin were occupying unskilled domestic service jobs¹⁵ (see table 5).

Table 5. Argentina: Employed Population older than 14 by economic sector, place of origin and sex, 2001.

Sex	Economic sector	Country of origin							Total
		Argentina	Bolivia	Brazil	Chile	Paraguay	Peru	Uruguay Ns/nr	
Male	Agriculture	1.6%	1.5%	2.3%	5.3%	0.8%	0.6%	0.2%	1.6%
	Industry	17.7%	21.6%	20.3%	14.6%	14.7%	11.0%	10.8%	17.7%
	Construction	11.0%	44.0%	11.5%	27.2%	50.1%	19.9%	4.8%	12.0%
	Commerce and retail trade	25.0%	16.3%	34.3%	24.2%	20.5%	27.1%	37.8%	25.1%
	Transport	12.2%	6.5%	7.5%	12.4%	4.5%	13.3%	6.6%	11.9%
	Financial Services	9.5%	0.8%	5.7%	2.2%	3.2%	5.6%	6.6%	9.2%
	Other Services	12.8%	8.5%	13.2%	8.6%	5.1%	18.9%	30.0%	12.8%
	Domestic Service	1.1%		0.4%	1.2%	0.2%			1.0%
	Other	9.1%	0.8%	4.8%	4.3%	1.1%	3.6%	3.4%	8.8%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	Female	Agriculture	0.3%		0.3%	0.3%			
Industry		9.6%	19.1%	4.3%	10.5%	5.7%		21.5%	9.6%
Construction		0.2%						10.4%	0.3%
Commerce and retail trade		21.7%	33.5%	37.7%	20.2%	21.4%	24.2%	36.7%	22.2%
Transport		2.2%	3.2%	2.2%	1.2%			5.9%	2.1%
Financial Services		9.1%		7.9%	4.9%	1.9%	0.2%		8.7%
Other Services		32.0%	12.0%	24.9%	10.4%	10.8%	17.3%	22.6%	31.0%
Domestic Service		16.5%	32.1%	18.4%	44.2%	58.0%	58.1%	1.0%	17.9%
Other		8.4%	0.2%	4.5%	8.3%	2.2%	0.2%	1.8%	8.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Elaborated based on data from the EPH, October 2001.

In the case of most **OECD countries**, the number of women migrants out of total female employment increased significantly between 1994 and 2004 mainly in household services, and health and social services. In the case of hotel and restaurants, education and retail trade, a mixed picture was recorded: most countries registered a decrease in percentage points on the number of women migrants in these economic activities. Indeed, during this decade, the biggest increases were found in household services in Greece, followed by Spain and Italy. In the health and social services, Denmark was the only country that recorded a decrease in the number of foreign women workers, while for the other 4 OECD countries included, an increase of one to 5 percentage points were shown. In the case of hotel and restaurants, Spain, France and the United Kingdom saw a decrease in the percentage of women migrant workers, while only Germany and Belgium saw an increase. In the education sector, Spain, Italy and the United Kingdom saw an important decrease in percentage points of the presence of

women foreign workers. Lastly, in retail trade four of the five countries included in the data saw an important decrease in percentages of their women migrant workers out of total female employment¹⁶ (see table 6).

Table 6. Employment of Women by nationality in some economic activities. Percentages

Activity/Country	1994		2004	
	Foreigners	Nationals	Foreigners	Nationals
House Hold Services				
Spain	27.1	6.9	36	4.6
France	14.7	3.5	21.1	3.8
Greece	35	1.5	42.4	1.3
Italy	10.3	2.3	27.9	1.6
UK	3.7	1.1	3.1	0.6
Health And Social Services				
Belgium	14.5	19.3	15.9	22.4
Germany	11.9	11.7	15.7	16.9
Denmark	37.6	28.9	27.4	32.6
France	10.5	16.9	12.1	20.3
UK	21	18.8	25	20.6
Hotel and Restaurant				
Germany	10.8	3.2	11.5	3.8
Spain	24.4	7.1	19	7.5
France	8.5	3.6	6	3.4
Greece	12.2	6.4	16.3	7.4
UK	8.5	5.7	7.6	5.2
Education				
Belgium	6.8	15.3	7.5	14.8
Germany	3.4	7.9	5.7	19.6
Spain	9.5	9.8	3.8	10.2
France	4.8	11.3	6.8	10.5
Italy	16.1	14.8	4.2	14
UK	12.5	11.4	11.4	14.4
Retail Trade				
Belgium	15.8	13.2	12.6	11.8
France	7.7	9.7	6.5	10
Italy	12.6	13.8	6.2	12.3
Luxembourg	11.1	15.4	10.1	8.6
United Kingdom	10.1	14.2	10.9	14.4

Sources: European Community Labour Force Survey (data provided by Eurostat). quoted in Laura Oso Casas and Jean-Pierre Garson, *The Feminisation of Migration*. OECD "Migrant Women and the Labour Market: Diversity and Challenges", 2005, p.12

In **Spain**, by the year 2000 almost one third of women migrant workers were largely concentrated in the services sector with 27.2% in the domestic service sector and an additional 36% in other type of services, as well as 18.4 % in hotels. Their employment share in retail trade was also more important than that of men migrants. Women migrants' share of employment in the agricultural sector and industry was very small. Lastly, their employment participation in the construction sector was minimal (see table 7).

Table 7. Spain- Economically Active Foreign Workers Affiliated to the Social Security System by Sex (31st December, 2000)

By activity	Total	% Men	% Women
Sectors/branches			
Agriculture	60623	18.3	4.1
Industry	41555	11.3	5.2
Construction	56926	18.4	1.5
Retail trade	34975	7.6	7.8
Hotels	69366	13.6	18.4
Domestic service	48888	2	27.2
Rest of services	141619	28.7	35.8
Total	454571	99.8	99.9

Source: Anuario de Extranjería, Spain 2000

In Switzerland, according to the SIT (Interprofessional Workers' Union) in the year 2001, the 50,000 women migrant domestic workers in an irregular situation represented almost half (41.6%) of the total number of irregular workers in all sectors (120,000).¹⁷

In four South European countries studied (**France, Greece, Italy, and Spain**) domestic work or housekeeping is by far the most common occupation open to women immigrants, and in particular it is almost the only one which undocumented women are able to enter easily, although some men are also employed as household servants. This means, on the one hand, that migrant domestic workers generally work without a labour contract (just like their local counterparts), and on the other, that such a job is the easiest one to get in order to qualify for regularisation. In fact, living within a household, as most housekeepers do, is the best way to avoid any controls.¹⁸ In all four South European countries studied, the vast majority of women employed as housemaids are from the Philippines, but large numbers of Eastern European migrant women are also arriving. In Spain and Italy a sizeable proportion of migrant domestic workers and caregivers for elderly people come from Latin American countries.

By no means, all domestic workers are undocumented. Some domestic workers are legally employed and registered. Still, many others acquire legal status in the country

they find work in. In this regard, best practices have been identified in Greece, Italy and Spain, where a large number of women foreign workers concentrated in the domestic sector have been regularized. In Italy, the 2002 regularization scheme permitted to attain a total of 450,000 foreign workers registered as "collaboratori familiari" (84% of them women), and representing 35.2% of the total number of regularized workers. In addition, the Italian Labour Ministry published at the beginning of 2006 the quotas for foreign workers which represented for the domestic sector 45,000 foreign working permits, out of a total of 170,000. In Spain, the 2005 regularization scheme also favoured the regularization of a large number of migrant workers into this sector: 191,570 of working permits were issued to foreign migrant domestic workers (89% women), and representing 33,4% of the total number of regularized workers (see table 8).

Table 8. Women Migrant Domestic Workers in Several Countries of Destination

	Total	Regular	Irregular
Canada (Toronto only, 2001)			30'000
Hong Kong (2001)	240'000		
Italy (2002)	450'000		
Kuwait (1996)	147'000		
Malaysia (2001)		165'000	
Spain (2002)	105'000	80'000	25'000
Singapore (2002)	140'000		
Switzerland (2002)			50'000
United States of America (1996)	800'000		

Source: Author's own calculations based on ICFTU: Trade Union World Briefing, December 2002

Government of Singapore: *Immigration of Domestic Workers, Foreign Domestic Worker Scheme*

ILO: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers An Information Guide, Booklet 1, p.11

Data divided by sex from the year 2000 on occupational distribution of annual deployed new hires from **Sri Lanka** shows that while male workers could find a larger variety of jobs or had more options in different occupational groups, women workers were largely concentrated in domestic work: 81.1 per cent. Indeed, their numbers are even increasing in importance when compared to numbers of men migrants (see table 9).

Table 9. Sri Lanka, occupational distribution of annual deployed new hires, 2000

Occupational group	Male	%	Female	%	Total	%
Professional	846	1.4	42	0.0	889	0.5
Middle Level (Admin & managerial)	3887	6.5	514	0.4	4408	2.4
Clerical and other	4802	8.0	1000	0.8	5810	3.2
Skilled (Sales workers and other)	24272	40.7	12245	10.1	36558	20.1
Unskilled (Agriculture, Construction & Production)	25888	43.4	9207	7.6	35138	19.4
Housemaids	0	0.0	98636	81.1	98636	54.4
TOTAL	59695	100.0	121644	100.0	181439	100.0

Source: Sri Lanka Bureau of Foreign Employment

The same type of data from the **Philippines** comparing 1992 to 2000 shows that the Philippines has been successful in reducing the percentages of women going into what are considered “more vulnerable occupations” like domestic workers, choreographers and dancers and sending a larger number of women to other type of service jobs or professional and technical occupations such as nurses (see table 10).

Table 10. Philippines, occupational distribution of annual deployed new hires and percentages

Occupational group	1992						2000					
	Male	%	Female	%	Total	%	Male	%	Female	%	Total	%
Professional, Technical	13666	14.1	44308	41.2	57974	28.4	11230	16.6	67454	39.0	78701	32.7
<i>Choreographers, dancers</i>	1552	1.6	33979	31.6	35531	17.4	1063	1.6	34475	19.9	35540	14.8
<i>Composers, musicians, singers</i>	416	0.4	2572	2.4	2988	1.5	919	1.4	23048	13.3	23968	10.0
<i>Professional nurses</i>	536	0.6	4230	3.9	4766	2.3	1273	1.9	6410	3.7	7685	3.2
Administrative and managerial	179	0.2	43	0.0	222	0.1	208	0.3	76	0.0	284	0.1
Clerical and related	2770	2.9	1237	1.1	4007	2.0	1000	1.5	1367	0.8	2368	1.0
Sales	1260	1.3	903	0.8	2163	1.1	1134	1.7	949	0.5	2085	0.9
Service	9993	10.3	56929	52.9	66922	32.8	7412	11.0	83780	48.4	91203	37.9
<i>Domestic helpers</i>	1334	1.4	46243	43.0	47577	23.3	1367	2.0	66890	38.6	68259	28.4
Agricultural	1682	1.7	23	0.0	1705	0.8	520	0.8	6	0.0	527	0.2
Production and related	67043	69.4	4135	3.8	71178	34.9	41377	61.3	16430	9.5	57868	24.0
Others	40	0.0	7	0.0	47	0.0	4576	6.8	3086	1.8	7669	3.2
TOTAL	96633	100	107585	100	204218	100	67457	100.0	173148	100	240705	100

source: Philippines Overseas Employment Administration

In **Chile (1992)**, while the percentage of foreign women workers in the services sector does not specify if they are concentrated in the domestic sector or not, 44.9% of the female foreign labour force was concentrated in services. The same trend was confirmed in **Paraguay (1992)** and **Uruguay (1996)** where the majority of foreign women workers was concentrated in services: 38.5% and 38.6, respectively.¹⁹ The 1992 census in **Bolivia** and the 1990 census in **Venezuela** also confirmed this trend: 39.3% and 43.3%, respectively, of the female economically active population born in foreign countries was concentrated in the services sector.²⁰

i) Nursing and other Care Services

Citizenship and Immigration **Canada** has the *Live-in Caregiver Program* for employers and caregivers abroad that provides jobs to meet labour market shortages for live-in care work for children, elderly people or persons with disabilities. This is the first program of its kind in industrialized countries. Prior to this program, Canada was providing permanent resident status as housekeepers, servants and personal services to only 216 persons, and the same status to 1721 persons registered as child care specialists. The *Live-in Caregiver Program* even provides the possibility of applying for permanent residence in Canada after two years of employment. Caregivers must have completed these two years of employment within three years of their arrival to the country.

However, there are very few countries that recognize their need for caregivers. In 2002, while 15,628 agricultural workers (male-dominated sector) were admitted as temporary workers to the **United States**; only 1256 registered nurses (female dominated occupation) were admitted.

ii) Retail trade and low-skilled services

Retail trade in the informal economy has represented an important “niche” for the absorption of foreign workers in Central American countries such as Belize, Costa Rica, and Panama.²¹ The situation in Spain is similar: men and women migrant workers, mainly Latin Americans and Asians, work in the retail trade. Many of them do not hold a regular labour contract, but, even if they do, their working conditions are considerably worse than those of their local counterparts.

In South European countries (France, Greece, Italy and Spain) migrants hold a wide range of jobs in the least skilled services: dishwashers, waiters, cooks and other jobs in restaurants; gas-pump operators; guardians, concierges, night watchmen; painters; blue collar workers in repair workshops, garages and cleaning firms; porters and transport workers; home delivery workers; cleaners, low level workers in butcher shops and bakeries and so on. Employment in tourist-related activities further swells the number of those “bad jobs”, increasingly needed to meet the needs of modern Western societies, even of those that are not high-income ones.

In 2000, in the **United States of America**, 28.4% of all hotel workers are immigrants. Compared to U.S. workers, they are younger, have less formal education, are more likely to be women and are less likely to be white.²² In **Italy**, they account for the employment of 13-18% of the migrants who are hired yearly with a contract (bars, hotels and restaurants alone account for 7-9%). In metropolitan areas the proportion is even higher. Most jobs in these occupations are not registered. Both in Italy and in Spain, there exist a large number of undocumented Chinese workers in Chinese-owned restaurants.

D. Small scale manufacturing

In **Costa Rica**, men as well as women migrant workers start to occupy jobs in micro and small manufacturing industry, as well as medium-sized enterprises. In **Italy**, a sizeable and still growing proportion of women and men migrants are employed in manufacturing. The areas most concerned are the Central and North-eastern industrial districts, among the wealthiest zones in Europe, whose labour market is near full employment. The trades most concerned are plastics, ceramics, tanneries, garments, stonecutting, metal working and cement factories. Firms employing migrant workers are usually small or medium-sized. Only a few migrants are employed by artisan micro-firms, whose organisation is usually family-based. Almost no migrant workers are employed by big firms which are in any case not numerous in the areas where migrants are employed as factory workers. This does not at all mean that they are only employed in backward and marginal firms. Unskilled and physically demanding jobs are still available even in small firms engaged in technological innovations.

In **Greece**, manufacturing share is not important and unauthorised migrants work at the lowest positions and only in few very small firms, which operate in the underground economy. Migrants' insertion in manufacturing is a bit larger in **Spain**, but it is not increasing and it includes women as much as men. The main sector, in fact, is the textile and garment industry: small clandestine sweatshops employ Spanish and migrant women (mostly from Morocco), who are paid at the same rates (low, because of low productivity and stiff competition), although the latter get the worst jobs. Some migrant workers sub-contract work to do at home on a clandestine basis. Some employers are migrants themselves and employ people from the same areas of origin. As it is difficult for labour inspectors to even locate these sweatshops irregular employment remains significant.

3. The Benefits and Costs of Migration

Questions:

- ✓ In what way, if any, do the contributions to the development of their countries of origin differ between men t women?
- ✓ How does the growing feminization of migration affect the flow of remittances?
- ✓ When it is stated that remittances contribute to development of poor countries, what type of development is considered? Does it include meeting the different strategic needs and interests of men and women?
- ✓ How do gender roles influence the patterns of sending and using remittances?
- ✓ How do the sending and management of remittances influence gender relations?

Migrants' remittances represent the most important and visible contribution to development. According to the World Bank, a 10% increase in the percentage of remittances as a proportion of a country's GDP would result in a 1.6% reduction of the number of people living in poverty in that country.²³

Most recipient countries of remittances have recognized that monetary remittances have a positive effect in their economies and development prospects. Some of the following positive effects of remittances have been identified by most of them: a) generate a steady stream of foreign-exchange earnings that can improve a country's creditworthiness for external borrowing, and, can expand access to capital and lower borrowing costs, thus allowing for accumulation of positive assets; b) have a large positive effect on national income; c) contribute significantly to poverty reduction and income inequality; d) in case of macroeconomic shocks, they can facilitate consumption and contribute to the stability of recipient economies by compensating for foreign exchange losses; e) increase investment that may spur entrepreneurial activity; f) can create demand for local goods and services.

As a result, the most important recipient countries of remittances have implemented policy tools and strategies to enhance remittances' developmental impact that comprise the following: a) reduction of transaction costs of remittances' transfer and dissemination of information on types of transfer channels to use, as well as establishment of voluntary codes of conduct for fair transfers; b) strengthening of the formal financial infrastructure supporting remittances, mainly increasing competition and improving the technology of money transfers and its presence in smaller communities, etc., c) improvement of access to financial services in recipient economies as well as in sending economies for migrants and their families back home (ex: ID cards for migrants, allowing domestic banks to operate overseas).

Recent research work on migration is giving more emphasis to separating the monetary aspect of migration from the non-monetary role and broadening the scope of the studies

linking migration, gender equality and development. For this reason, in considering the nexus between migration, gender equality and development, international debate is increasingly expanding the definition of remittances into three or four different categories: a) **monetary remittances** (individual or collective through hometown or Diaspora associations); b) **human capital remittances** (improvement of migrants' children education and skills, of migrants' own skills, and the transfer of their skills and knowledge acquired abroad); and, c) **social remittances** (ideas, beliefs and new values on rights and opportunities); and d) **other non-monetary remittances** (development of new markets, creation of commercial ties between countries of origin and destination, transfer of technology, etc).

Generally, the national and international development community and organizations working on migration and gender equality concerns consider that each of the different types of remittances can have a positive or negative impact on the promotion of gender equality. However, there needs to be a greater understanding of the nexus between gender, migration and development, so that the right policies and practices can be put in place to ensure equal opportunities and outcomes for migrant men and women. The following sections explore these further.

A. Contribution to the National Economy of Countries of Origin of Migrants

i) Monetary remittances

- ✓ **Do women remit a larger share of their income than men?**
- ✓ **Is there a difference in the optimization of remittances if it is a woman or a man that is utilizing those remittances?**
- ✓ **Who tends to save a larger share of their income: women or men migrants?**
- ✓ **How can initiatives that mobilize remittances towards investments and activities that generate employment contribute to gender equality?**
- ✓ **Are there differences in access to formal channels of transfer and reduced transaction costs by male and female remitters?**

There is significant evidence of the phenomenal role that both women and men migrants play in poverty eradication, sustainable development and growth of their home communities through their **monetary remittances**.

The level of remittances vary significantly depending if migrants go abroad autonomously or as dependents of spouses. According to a number of national studies based on small sample surveys on the issue, despite often high transfer costs of remittances which reduce the socio-economic benefits for receiving families, women and men migrants are playing a crucial, but different role in the development processes of their countries and in fostering economic growth and poverty alleviation.

While sometimes these studies can point to contradictory findings, most evidence suggests that migrant women tend to remit a larger proportion of their incomes than migrant men, even if their incomes may be lower and are thus able to remit less overall. It seems that the motivations of men and women to transfer also differ since men prefer to remit funds for investment purposes, while most women tend to remit for the well-being of the family (health, education, nutrition and hygiene). Thus, it seems that the determinants of women migrants to remit are more driven by self sacrifice for the immediate welfare of their families. The determinants of men migrants seem to be more driven by longer term returns on their investments. In addition, women tend to remit for longer periods of time, thus becoming more reliable sources of remittances than men, as they focus more on the basic necessities for the family.

Most studies have also shown that women as receivers of remittances tend to use the funds focusing more than men on securing the basic necessities for the family and the household. They use remittances not only to reduce household poverty, but also search for ways to enable remittances to be used to invest in private housing (indirectly spurring consumption and job creation). However, a recent paper by UN-INSTRAW states that “understanding differential gender characteristics in remittance use, savings and investments becomes a major prerequisite for the success of local development programs. Women’s privileged status as remittance recipients does not automatically translate into increased personal or social empowerment since there is a need to carefully distinguish between who receives the remittance, who is in charge of managing them, and who decides how they will be used.”²⁴

At the same time some studies suggest that women tend to remit more for non-productive or consumption based goods, criticized for being “non-developmental”, while migrant men tend to invest remittances in businesses, thus generating additional household income and directly creating employment for the unskilled and poor. Male remittances can thus more easily be identified as an important source of capital for micro-entrepreneurship leading directly to job creation in their communities of origin.

One of the latest and most comprehensive reports on the issue covers data from migrants coming from 18 different countries in Latin America, the Caribbean and West Africa, and residing in the United States, Germany and the United Kingdom. The findings indicate that women remit lesser amounts of monies than men. Secondly, women remit more monies than men to distant family members including siblings and others, while men increase the amount of their remittances only when sending to the spouse. Thirdly, both men and women remit more the longer they have been sending remittances, but women remit yet more than men over time. Lastly, women’s remittances appear to be more counter-cyclical than those of men and become more critical after natural or human induced calamities. They also seem to generate less inequality between households in their home country communities.²⁵

ii) Social remittances

- ✓ **How does the nature of gender relations in countries of destination affect attitudes in countries of origin?**

On the issue of social remittances, there is generally little research that has been done and even less on the gender differences of social remittances. However, social remittances seem to be contributing to the promotion of gender equality. Women and men migrants often acquire knowledge about different rights and opportunities in countries of destination that can later be exported and can be influencing their countries of origin by disseminating information on existing ideas, behaviors, new values on rights and opportunities, identities and social capital in countries of destination. Diaspora associations, for example, have played an important role in informing women in patriarchal societies about women's rights in countries of destination where men and women's roles and responsibilities are considered more egalitarian. They have also helped some countries of origin move towards greater democratization and respect for human rights.

According to a report prepared by Harvard University, there are three types of social remittances -- normative structures, systems of practice, and social capital. Normative structures refer to ideas, values, and beliefs. They include norms for behavior, notions about family responsibility, principles of neighborliness and community participation, and aspirations for social mobility. They encompass ideas about gender, race, and class identity. Systems of practice are actions shaped by normative structures. These include how individuals delegate household tasks, the kinds of religious rituals they engage in, and how much they participate in political and civic groups. They also include organizational practices such as recruiting and socializing new members, goal setting and strategizing, establishing leadership roles, and forming interagency ties. Lastly, social capital is about how political leaders can sometimes harness the status they acquire in the host country to advance their cause in the homeland. Social remittance exchanges occur when migrants return to live in or visit their communities of origin, and when non-migrants visit those in the receiving country or through exchanges of letters, videos, cassettes, e-mails, and telephone calls.²⁶

The same report, found some linkages between social remittances and gender roles: "when married couples came back to visit, they seemed to make decisions together and that the husband seemed to treat his wife with more respect. In response to these social remittances, women migrants demanded a different kind of partnership. They did not want to marry a man who had never migrated and who continued to treat women in the "old" way. They wanted to be with someone who would treat them as equals."²⁷

On the linkages between social remittances and development, the author mentions that "Social remittances play a key role in bringing about social changes. Not all social remittances are positive, however. What some consider a force for greater democratization and accountability, others hold responsible for rising materialism and

individualism. Furthermore, culture does not flow only one way. Migrants introduce new ideas and practices to the countries that receive them which transform the host culture, in both positive and negative ways as well."²⁸

iii) Human capital remittances

- ✓ Are households with migrants more likely to use additional income for schooling?
- ✓ How can the benefit from human capital remittances be increased?

Human capital remittances or the linkages between migration and human development such as the improvement of migrants' own skills, the education and skills of the next generation, and the transfer of skills and knowledge, have not been researched enough, either.

However, available research indicating that women are more likely to spend remittances on family welfare such as education, health and nutrition of children, should be seen in a wider context. Such spending constitutes an important investment in future human capital and has been shown to be a major contributor to reducing poverty in the longer term.

There are few studies that examine the linkages between remittances and schooling. One study in the Philippines showed that remittances can lead to greater child schooling, reduced child labour and increased educational expenditure in origin households. A study done in El Salvador estimated that remittances reduce the probability of children leaving school by 10 times the effect of other sources of income in urban areas and by 2.6 times in rural areas. In Guatemala, remittance-receiving households were found to have a higher propensity to invest in education.²⁹

In addition, some countries of origin have promoted temporary return programmes that permit migrants abroad to share their acquired skills and knowledge with their compatriots. These temporary return programmes are often organized with the support of Diaspora communities.

Return migrants, in particular, bring back their skills and work experience from abroad, thus boosting productivity, and expatriates who remain abroad contribute funds via remittances while they also transfer knowledge, technology, and investments to countries of origin, which, in turn, boost productivity and economic development.

There needs to be more gender oriented research on the linkages between schooling and remittances in order to determine how to better enhance its human capital benefits.

iv) Other non-monetary remittances

Lastly, there is limited gender-sensitive research covering the issue of non-monetary remittances such as the development of new markets, creation of commercial ties between countries of origin and destination, transfer of technology, etc. Remittances are used for investment often with the support of Diaspora associations familiar with the business practices both in their countries of origin and of residence (marketing products and services).

B. Contribution to the Countries of Employment

✓ How do migrants contribute to their countries of employment?

Immigrants' contribution to the countries of employment has been recognized to be significant. However, the issue of how women differ from men migrants on their contribution to the countries of employment is unknown. The immediate effects of migrants in countries of employment are on rejuvenating populations and stimulating growth without inflation. At the economic level, studies which have used simulation models to assess the impact of migration on GDP indicate that it can be substantial if the skills of the migrants complement those of the native population³⁰.

Indeed, during times of economic expansion immigrants bring net benefits by meeting general labour shortages and helping prevent inflation. They also contribute in providing particular skills that are in great demand in countries of destination, as has happened in recent years with information technology specialists. In Europe, which has less mobile populations than the United States, these shortages can occur not just in different countries but also in different regions in the same country. Migration can also provide incentives for capital accumulation.³¹ Again, it is very difficult to find gender-segregated information on this particular issue.

Women migrant workers play essential roles in the labour markets and the development process of receiving countries. They make valuable contributions to the economies and societies of the receiving countries. They provide human resources in the paid economy – in jobs that national women do not want but that are essential and that allow a country to maintain its global competitiveness. They also play key roles in the care economy – in terms of household chores and the care of dependent children, the elderly, the infirm and the disabled – freeing national women to take up higher status, better paying jobs in the national economy.

C. Highly-Skilled Migration, the Brain Gain vs. the Brain Drain

- ✓ Do highly-skilled women or men migrant workers remit more than low-skilled workers?
- ✓ Are highly-skilled migration flows composed mainly of men or women and what are the underlying reasons?

Overall, the total number of highly-skilled³² migrants working in jobs mismatching their qualifications is much smaller than the total number of migrant workers in skilled, semi-skilled, and low-skilled occupations. While no reliable data can be found comparing the remittances between the highly-skilled and other skills of migrants, some available studies have concluded that lower skilled migrants tend to remit a larger share of their income than those who are highly-skilled. However, other authors argue that such studies do not take sufficiently into consideration the fact that the number of highly-skilled workers abroad is much smaller than that of lower-skilled workers. If this latter factor is considered, it seems that a different conclusion can be made: highly-skilled migrants have a higher propensity to invest at home and remit larger sums. However, it is true that the sums they remit represent a smaller share of their income.

Men migrants often make up most of the recognized highly skilled category of labour **immigrants**, particularly doctors, scientists, engineers and ICT experts in most OECD countries. However, in the case of skilled employed professional and technical migrants mainly in welfare and social professions including education and health care in OECD countries, women make up 47% of the total.³³ Similarly, in the case of Asia, only a small number of migrant women in the management and IT sectors tend to migrate within the region.

A recent OECD report shows that **emigration rates** to OECD countries of highly-skilled women often exceed those of their male counterparts. The report states that taking into account the fact that women still face unequal access to tertiary education in many less developed countries it appears that women are over-represented in the brain drain. The results from over 100 countries by emigration rates, educational attainments and gender show that the average emigration rate of tertiary educated women is 17.6% as compared to 13.1% for men. The report adds that emigration of the highly skilled women is higher the poorer is their country of origin. The report concludes that “the gender dimension of the brain drain should be at the core of the on-going efforts to improve the policy coherence for development, notably through migration policies and aid policies.”³⁴ The two countries with the highest emigration rates of the highly-skilled are Jamaica and the Philippines (see table no. 11).

Table 11. Main Origin Countries for Highly-skilled Migrants in OECD countries by gender, percentages, circa 2000

Country of Birth	Percentage of Women %	Percentage of Men %
Jamaica	64.4	35.6
Philippines	63.4	36.6
Japan	56.8	43.2
France	54.6	45.4
Former USSR	54.5	45.5
Chinese Taipei	53.5	46.5
Poland	52.7	47.3
United States	52.6	47.4
Germany	51.5	48.5
Canada	51.4	48.6
Cuba	50.4	49.5
Mexico	49.5	50.5
China	49	51
Romania	49	51
United Kingdom	47.4	52.6
Vietnam	44.7	55.3
Former Yugoslavia	44.2	55.8
India	43	57.0
Italy	41.9	58.7
Iran	39.2	60.8
Total	50.8	49.2

Source: OECD World Forum on Statistics, Knowledge and Policy, *Women on the Move: The Neglected Gender Dimension of the Brain Drain* published by the Institute of the Study of Labor (IZA), 2007, p.11

When OECD data is divided by region, the gender gap is large for the African region where the average emigration rate of tertiary-educated women is 27.7%, almost 11 percentage points higher than for tertiary-educated men. Asia and Latin America also show higher emigration rates of female highly-skilled than of male highly-skilled³⁵ (see table no. 12).

The World Bank also published recently a report with similar results. It reveals that the share of skilled emigrant women from most third world countries to almost all OECD destination countries increased between 1990 and 2000 with the growth rates of skilled women emigrants always bigger than the growth rates for unskilled women or skilled men. The report includes data on the largest skilled diasporas in OECD countries with the Philippines (1.1 million) and India (1.03 million), Mexico (0.9 million) at the top, followed by diasporas above 0.5 million from China, Korea, and Vietnam. The emigration share of skilled women from Jamaica, Philippines, Russia, Ukraine, Poland and Colombia is very significant.³⁶

Table 12. Average emigration rates, by region, sex and Education, circa 2000

	Women	Men
Africa		
Primary Education	0.9	1
Secondary Education	3.9	4.1
Tertiary education	27.7	17.1
Asia		
Primary Education	0.9	0.9
Secondary Education	1.9	1.6
Tertiary education	7.3	6.1
Europe		
Primary Education	6.5	6.4
Secondary Education	7.4	6.8
Tertiary education	10.4	9.9
Northern America		
Primary Education	2.1	1.6
Secondary Education	3.7	2.5
Tertiary education	3.5	4.1
Oceania		
Primary Education	8.5	7
Secondary Education	9.7	10.4
Tertiary education	23.8	16.5
Latin America		
Primary Education	6.6	6.5
Secondary Education	13.1	12.5
Tertiary education	21.1	17.9

Source: OECD World Forum on Statistics, Knowledge and Policy, Women on the Move: The Neglected Gender Dimension of the Brain Drain published by the Institute of the Study of Labor (IZA), 2007, p.13

This brain drain can represent a serious threat to development efforts in certain countries and regions within those countries with strong emigration flows. Indeed, the emigration of skilled migrants is a loss in human capital stock which can be critical to productivity and economic growth.

However, a number of other factors need to be considered before determining if productivity, economic growth and basic services are negatively affected in countries of origin of migrants, for example:

- If there exists an oversupply of workers in the country of origin of that particular occupational category of migrants abroad; and
- If there is a high level of mismatch of human resources in the labour markets of the countries of origin.

At the same time, in considering the brain drain, major feedback effects that can promote economic growth should also be considered, for example:

- Prospects of emigrating for employment, for example, can raise the expected returns from investments in education and could lead over time to an increase, instead of a decrease, in the supply of qualified persons;
- The migration of the skilled or highly-skilled can also involve a reverse flow of incomes in the form of monetary remittances to countries of origin that often raises investments in education.

Whether or not a country suffers a net economic loss from the emigration of the highly skilled is thus not evident in theory and would need to be confirmed through a careful collection of facts. In addition research is needed on the gender specific impact on development in countries of origin in light of the trend for highly skilled women to emigrate.

D. De-skilling and the Brain Waste vs. the Recognition of Diplomas and Portability of Skills

- ✓ Do women migrants have greater difficulty in gaining recognition of their skills and diplomas than men?
- ✓ How does this recognition affect women and men migrants' income and possibility to send larger remittances?

An even more worrying issue is the fact that most of these skilled and highly-skilled women migrants are leaving to find a better-paid job abroad, but end up in occupations below their qualifications resulting in their “deskilling”.³⁷ Not only does this deskilling represent a loss to the workers themselves, but also a loss of valuable human resources to both countries of origin and destination, called the brain waste.³⁸

The de-killing of the majority of these workers has been recognized to be a very serious problem faced by a large number of university-degree women migrants found working in

such low-skilled categories as domestic workers. For example, 70 percent of all Peruvian domestic workers in Chile had completed either high school or university education.³⁹

A number of sending countries are increasingly concerned about how to decrease the de-skilling of their workers and improve the recognition of their skills, qualifications and competencies in order to maximize the benefits of their migration experience and facilitate human resource complementation in global labour markets. While exact numbers are not available, the extent of this de-skilling or brain waste does not seem to be gender-neutral.

According to OECD's *International Migration Outlook 2007*, "There is a large mismatch between the jobs which immigrants hold in OECD countries and their qualifications, and they are more likely than their native-born counterparts to hold jobs for which they appear to be over-qualified. Foreign-born women seem to be at an even greater disadvantage than men". The OECD concludes that "Most OECD countries are trying to attract and retain highly-skilled immigrants, a strategy which makes sense only if their human capital is used effectively in the host country labour market".⁴⁰

One of the most important responses to reduce "brain waste" has been for countries to sign bilateral or multilateral agreements on recognition of diplomas and competencies that can ensure transferability/portability of skills. Some countries in Asia are cooperating on establishing transferability/portability of skills' programmes. This is based firstly on core skills to enable workers to apply knowledge and experience to new occupations or industries. Secondly, systems are being examined that codify, standardize, assess and certify skills so that levels of competence can be easily recognized across national, regional or international labour markets. Improved transferability/portability of skills helps migrant workers obtain employment commensurate with their qualifications and expertise. At the same time, recognition of diplomas' programmes needs to be accompanied by language skills' improvement programmes that can quickly permit the integration of migrants into labour markets of destination countries. These efforts are potentially particularly significant for gender equality promotion given that occupational segregation by sex remains high in the labour market. Attention to those occupations where women are concentrated could help stem the tide of deskilling with women accepting or being assigned to lower level jobs.

E. Re-skilling

- ✓ Is there a larger number of women than men temporarily migrating for education or training purposes?
- ✓ Is there a larger number of women than men staying over in the country of destination after the education or training period completed?

There is a large number of temporary migrants that benefit from re-skilling (further enhancement of their skills) in countries of destination. According to the OECD's

International Migration Outlook 2007, inflows of international students are increasing at an average rate of 9 percent per year since 2000. There are almost 2.3 million foreign students in OECD countries, mostly in the U.S., which account for one quarter of the total, followed by the U.K., Germany and France.⁴¹ While a large percentage of these foreign students stay in the countries of destination (around 60% in the U.S.), a significant number return and transfer acquired knowledge and skills to their countries of origin.

According to a study by the *Women's Studies International Forum*, student migration is seen as an important route to skilled migration and as such the importance of migration for re-skilling must also be recognized. The authors mention that the feminization of inflows of Asian students to the U.K. and to the U.S. is one of the largest growing categories of migration. The same study relates the issue of overcoming gender discrimination in Japan to the high number of Japanese girls going abroad to study to industrialized countries.⁴²

F. Impact of Migration and Remittances on Gender Roles

- ✓ What are the effects of international migration on gender relation, particularly the role of women and men in household and communities in countries of origin?
- ✓ What impact does international migration have on gender equality and the empowerment of women?
- ✓ How can the positive link between international migration and gender equality and the empowerment of women be reinforced?

The migration experience seems to be a significant element modifying gender roles and women's status and should be considered as one significant mean to achieve gender equality. Women that find employment abroad can gain access to financial resources that permits them to influence how funds are used in the household. They can also experience more autonomy over household decisions. However, though migration may be empowering for many women migrants, such empowerment cannot be deemed automatic. On the other hand, an important number of migrant women experience downward occupational mobility, de-skilling and a re-orientation away from paid work and towards the domestic sphere.

G. Impact on Families, Women and Children back home and the Social Cost of Migration vs. the Right to Family Reunification

- ✓ Does the impact of migration on family members, especially children, remaining in the country of origin depend on the migrant's gender?
- ✓ Does the migration of women affect social structures and family relationships in countries of origin differently from the migration of men?

- ✓ **How can the social and economic security of migrants' partners and children left behind be improved to mitigate long periods of separation?**

UNICEF has started work on the impact on children of parents' migration depending on who is migrating (the father or the mother) and on the impact of migration of children accompanied by adults that are not members of their families and/or unaccompanied children. According to UNICEF, "the increasing feminization of migration internationally and in many developing countries is a phenomenon that implies a redefinition of the economic role of women in the society and within their family as well as a redefinition of the traditional family. At the family level, fathers who are not traditionally geared for being house-bound, have to suddenly take over the role traditionally held by the wife and mother. The migration of a man or woman has different implications on the children left behind, because different were the roles that fathers and mothers played in their life and society expected from them. At the same time, children migrants who either migrated on their own (i.e. for education purposes or can be victims of trafficking); who came with their parents; or who are trying to seek job without proper documentation may suffer discrimination in the receiving countries. The situation in many societies is worse for girl children."⁴³

ILO's International Programme on the Elimination of Child Labour (IPEC) is also studying the impact of parents' migration on child labour (positive or negative impact depending on children's sex, age or origin). Some of the issues that IPEC is documenting are, for instance, are girls more likely or obliged to assume certain activities due to the migration of one of her parents, in contrast to boys, who have more options?

The enjoyment of the right to family reunification (mainly spouses and children) can have a decreasing impact on the amount of remittances sent abroad if the spouse does not work or does not have the right to work. However, the fact that most migrant women that have the possibility to remit continue sending to distant family members including siblings and others, while men increase the amount of their remittances only when sending to the spouse, can be an issue to be considered when linking the right to family reunification to monetary remittances.

Often documented migrant workers in temporary contracts do not enjoy the right to family reunification. And, in those countries where they do enjoy the right to family reunification, spouses of temporary workers can also be excluded from work. Such restrictions can most heavily fall on migrant women.

The right to family reunification is provided mainly in traditional immigration countries, but not in most countries offering migrants temporary contract labour arrangements, thus resulting in difficult and long separations of family members. In some instances, residence and work permits provided under regularization schemes benefiting a large number of women migrants do not provide the right to family reunification.

Family reunification is a right supported by human rights law through which States permit close family members of established migrants to join him/her. Most States permit the entrance of spouses and children. Other States provide an enlarged definition of the term by permitting the entrance of parents of the migrant.

Family reunification has a lot of advantages since it avoids painful separation of migrants with their children left behind and permits a rapid adaptation of migrants to their host society. Indeed, the most recognized and most painful social cost of migration is the separation of children from their parents, especially when it is the mother that has migrated.

Migrants entering under family reunification schemes are more likely to be women since they usually follow male-dominated labour migration. If parents of immigrants are allowed to join them, it can also permit both spouses to work and increase family earnings.

A lot of spouses of executives, managers and professionals do not have the right to work in many industrialized countries of destination. This has an impact on the number of highly-skilled that decide to work abroad. According to the World Bank, under many visa categories in the United States, for example, spouses of migrants are not given the work permit and are also prevented from attending school or university. This can represent a significant waste and erosion of human capital.⁴⁴

Policies imposing financial restrictions on migrants seeking to sponsor family members may also have a negative impact on women migrant sponsoring since their earnings are usually lower than those of men migrants. Application for family reunification to bring in spouses and children is difficult for women due to their labour market position (a large number of them in the domestic sector) and their greater difficulty in accumulating the necessary resources proving that they can support them (income and access to housing).⁴⁵

4. Current issues and challenges confronting migrant workers

Efforts to maximise migrants' contribution to development as regards monetary remittances (increasing the use of formal transfer methods, reducing the transfer cost of remittances, promoting migrant savings, optimizing remittance utilisation for household and community welfare, and promoting entrepreneurship development schemes) are valid contributions and should continue to be encouraged. However there appears to be less preoccupation with factors affecting directly or indirectly the level of remittances such as: migration status, working conditions and wages, recognition of their diplomas, etc.

A study by Sorensen states that the level of remittances significantly depends, among other factors, on: a) the migration status of the worker and his/her family; b) level of employment and occupational status; c) labour market availability; d) wage rates; and, e) economic activity in the country of destination.⁴⁶

A. Migration Status

- ✓ Is the number of undocumented women workers higher than that of men migrant workers?
- ✓ If so, what are the underlying reasons and what can be done to change these trends?
- ✓ How does this protection affect their income and possibility to send larger remittances?

Employment opportunities of migrant women and men depend to a great extent on their migration status. In addition, a documented or regular migration status (tied to the possession of a work permit, to the conditions of family reunification or to marriage with a migrant worker possessing a work permit or with a citizen) has been recognized to be the most important means to guarantee the protection of men and women migrants against discrimination, exploitation, and social protection. Indeed, documented migrant workers have greater opportunities to obtain a decently remunerated job and can be in a better position to send back home larger amounts of remittances.

Experts estimate the percentage of undocumented migrants as between 30 to 50% of all migrants abroad. The demand for migrant workers to meet labour market shortages in various sectors is often larger than that recognized by governments in countries of destination. No reliable data on undocumented migrants broken down by sex can be found. Moreover, according to the report on *Gender and Migration* prepared by the *Global Commission on International Migration*, "the undervaluing of women's labour (e.g. domestic labour) and restrictions on their right to work, and involvement in activities that are deemed to be criminal offences or against public order (e.g.

prostitution) means that a higher proportion of women are statistically invisible and are, or become undocumented.⁴⁷

On this issue, a distinction needs to be made between migrants benefiting from permanent migration opportunities and those going abroad under temporary schemes. The proportion of documented women immigrants is higher than that of men in traditional immigrant countries such as Australia, Canada, New Zealand, the United States and the United Kingdom that provide possibilities of permanent migration through point systems. For example in 2002, 54% of documented immigrants to the United States were women.

On the contrary, most temporary migration schemes (with the exception of the migration of domestic workers to the Gulf States, the Middle East and some important Asian receiving countries such as Malaysia, Japan, and Singapore) seem to be providing more legal channels of migration to men than to women migrants. In most OECD industrialized countries, when legal, official recruitment efforts take place for temporary migration, they are frequently aimed at construction workers and farm labourers, jobs usually done by men.

B. Conditions of work: weekly rest, daily hours of work, annual leave, holidays

- ✓ **Are women more than men migrant workers concentrated in invisible and unprotected jobs where they are more at risk of not receiving wages and of suffering –poor or unacceptable working conditions?**

In considering the strengthening of the positive linkages between migration, gender and development, it cannot be forgotten that women and men migrants often have to accept harsh working conditions and sacrifice living conditions, health care, nutrition and education in order to be able to remit funds back to their families. Indeed, the majority of women migrants are concentrated in less regulated economic occupations where they tend to work excessive hours without overtime pay and no weekly rest days, and can be exposed to psychological, physical and sexual abuse. Some of them can even suffer from virtual imprisonment with their travel and identity documents confiscated.

One factor that affects women migrant workers negatively is the fact that they are usually employed in jobs, not covered or inadequately covered by labour legislation or other social security or welfare provisions (even more so than those jobs occupied by their male counterparts). The typical example is domestic work. The majority of countries' labour laws still refer to domestic workers either to exclude them completely from their scope or to grant them lower levels of protection by depriving them of the rights accorded to other categories of workers

Domestic workers should be covered by national labour legislation, enforceable standard contracts and should be entitled to at least one paid day off per week, should be required to work only for the employer with whom they signed their contract, should be provided with freedom of movement, a room that they can lock, freedom to communicate outside the household, etc. Many of these issues will be addressed by the International Labour Conference of the ILO which has placed domestic work on its agenda for 2010, possibly leading to international labour standards regulating domestic work.

However, experience has shown that working and living conditions for many migrants are not ideal. It would seem that a larger number of women migrants would suffer from bad working conditions than their male counterparts.

C. Wages (non-payment and withholding), non-provision of benefits and welfare

- ✓ **Are women migrant workers more so than men migrant workers prone to non-payment of wages and withholding of wages?**

Some studies on remittances have examined how incomes and remittances interact. Findings suggests that transfers increase the higher the sender's income. The effect of rising incomes of the migrant sender thanks to respect for minimum wage laws, decent working conditions & employment opportunities normally shows up as an increase in remittances. These findings can be viewed in light of the large number of migrant workers (mainly those undocumented) that receive very low wages, have their wages withheld or never receive them from their employers.

These factors seem to acquire even more importance when studying migrant women who tend to be concentrated in gender-specific jobs that typically pay less than traditional male occupations or that often work as unpaid family workers. Not only do they not enjoy pay equity compared to men migrants, but they also usually earn less than native-born women.

Women more so than men migrant workers can experience either non-payment, withholding or unreasonable deductions of their wages without their consent. Domestic workers and women victims of trafficking are the best examples of women migrants found in situations completely deprived of their wages. Undocumented women migrant workers, even more so than documented are highly exposed to this type of practice.

D. Discrimination, Racism and Sexism

- ✓ **Are women migrants more than men migrants confronted with multiple problems of discrimination, racism and sexism in seeking employment in countries of destination?**

✓ **Are women migrants' earnings lower than men migrants' earnings?**

An OECD survey of 1,500 engineers aged 20-54 found that a quarter of foreign male engineers had found work as engineers, while only 18% of female migrant engineers were employed as engineers in the country of destination.⁴⁸

According to the German *Institute for the Study of Labor*, earnings of immigrant women (and men) are lower upon arrival than those of natives, particularly for foreigners born outside of the EU. Indeed, according to their findings, women born outside of the EU face larger wage gaps relative to native women. However, earnings differences between native women and immigrant women tend to decline with cultural and language proximity, and to converge after around 18 years of residence.⁴⁹

Addressing the labour market segmentation and discrimination of women migrant workers is critical since occupational segregation often limits their choices, concentrating them in market saturated, traditional 'female' activities with low viability and sustainability. According to the research consulted, support to upgrading women's skills capacities in demand-driven sectors together with eliminating discrimination in access to productive resources, including networks, information and technology, can maximise the micro-impact of migration for women and considerably contribute to the overall economic development of communities of origin as well as the countries of destination.

The case of women migrant domestic workers is worth mentioning. They are especially vulnerable to high risks since they can suffer numerous levels of discrimination:

- **Gender:** as women workers vis-à-vis men workers
- **Racial and ethnic:** in labour market situations where the principle of "equal treatment and opportunities" is not applied, mainly in the case of women migrant workers belonging to a certain ethnic or racial group vis-à-vis the racial or ethnic origin of the majority of the population.
- **Occupation:** as performing jobs where they are not considered workers.
- **Wages:** performing jobs where the principle of "equal pay for equal work" is not applied
- **Nationality:** as foreign workers vis-à-vis nationals
- **Migration status:** as undocumented vis-à-vis documented

One of the main reasons for this multiple discrimination is that domestic workers' employment situation is not considered to 'fit' the general framework of existing employment laws since most work done by domestic helpers is generally invisible, done in houses (not considered as workplaces) of private persons (not considered employers). As a consequence of all these factors, migrant domestic helpers are not normally considered employees themselves and their work is undervalued. The specificity of their employment relationship is not addressed in most legislative enactments, denying them their status as "real workers" entitled to legislative protection. Domestic workers' working conditions remain, in essence, unregulated. In fact, not only

do some countries not consider household helpers as workers and exclude them from protection under their national labour codes, but do not provide them with optional protection under any other national law. Many other countries include discriminatory provisions specifically concerning them, or deny them the right to organize in trade unions.

E. Labour exploitation, abuse and violation of human rights, including forced labour, trafficking and violence against women

i) Forced labour and Trafficking of Migrants

- ✓ How can the rights and security of immigrant and refugee women be best protected from labour abuses, sexual exploitation, and trafficking?
- ✓ Are women and men trafficked able to remit money back home?
- ✓ If they are able to remit back home, are monetary remittances sent by women victims of trafficking lower compared to those of men victims of trafficking?
- ✓ Is there a need for a more gender-balanced approach to combating trafficking in human beings, given the increasing recognition that men as well as women are victims of trafficking?

The UN *World Survey on the Role of women in Development (2004)* stated that “As long as gender inequality diminishes economic opportunities for women migrants, they will be vulnerable to the exploitation of traffickers” and that “prevention requires empowerment of women migrants through fundamental changes in their roles and recognition of their rights”.

Two of the most important indicators on how to identify a trafficked person are the following: a) the person does not have direct access to own earnings: generally earnings are withheld or never paid; b) the person thinks he/she is in a debt-bondage situation owing extremely large sums and that he/she should refund before being freed. Both of these indicators have an impact on the available earnings that a migrant can send back home.

In a survey done by the ILO’s *Special Action Programme on Forced Labour* covering 644 victims of trafficking from Albania, Moldova, Romania and the Ukraine the most important forms of coercion among those investigated in the study, were the lack of freedom of movement, debts to employer/intermediary and the withholding of wages. Among the respondents, 44.4% of trafficked victims considered the lack of freedom of movement as a very serious factor preventing them from leaving their abusive employment, and 46% of them felt the same about the withholding of their wages and the debts to their employer or intermediary.

ILO estimates indicate that women and girls make up the overwhelming majority of those trafficked for the purpose of commercial sexual exploitation (98%).⁵⁰ In forced economic exploitation, while women and girls represent 56 per cent of victims, men and boys nevertheless account for 44 per cent.⁵¹

Since a larger number of women than men request the services of traffickers and end up in abusive and exploitative situations, experts in the field have called for anti-trafficking interventions to be gender-responsive and to address trafficking as a development issue at national and local levels. A paper presented to the *Expert Group Meeting on Trafficking in Women and Girls* stated that a “gender-responsive orientation must necessarily be rights-based; that gender and rights responsiveness are integral to credible development and related anti-trafficking strategies; that such orientation demands an integrated multi-sectoral approach to prevention, protection and assistance (with an emphasis on prevention) at national, and local levels; and that coordinated actions must be undertaken at regional and international levels in source, transit and destination countries.”⁵²

ii) Violence Against Women Migrant Workers

- ✓ **What measures can be taken to reduce violence against women migrant workers?**
- ✓ **What remedies can be envisaged for migrants victims of violence?**

The UN Secretary-General’s report on *Violence against Women Migrant Workers* includes information on legislative changes to protect women from all forms of violence, promoting access to social security services and ensuring that women migrant workers do not suffer discrimination in employment-related matters. The report also refers to preventive strategies such as education and economic empowerment targeted at potential women migrant workers and regulation of the practices of recruitment agencies and awareness workshops for various officials dealing with migrants or victims of violence.⁵³

In general, violence and abuses and labour exploitation in male-dominated sectors are well-documented and more exposed since men usually work in groups in construction and agriculture. On the other hand, violence, abuses and exploitation against women migrant workers are less known since they occur in more invisible labour market situations such as the domestic sector and the entertainment sector. These abuses can include violations of physical integrity (punishments, intimidations, ridicule, humiliations) and sexual exploitation. Women migrant workers can suffer from violence at different levels: from smugglers or traffickers, from their migrant husbands, from their employers, from private recruiters, etc.

A significant number of industrialized countries have recognized the importance of permitting women accompanying their migrant husbands and suffering from domestic

violence to keep their legal immigration status, receive an independent residence permit and even present a petition for admission as permanent residents.

In the case of trafficking victims, some industrialized States have accepted that victims of trafficking may receive a special resident visa, if they: (i) comply with any reasonable request for assistance in the investigation or prosecution of the traffickers; and (ii) would suffer extreme hardships involving unusual and severe harm upon removal from that State.

5. Upholding Rights and Entitlements of Women Migrant Workers: actions required and the role of various stakeholders in ensuring safe and secure migration

As the discussion paper has reviewed, women and their families are benefiting from migration either as emigrants themselves or as receivers of remittances. They even experience empowerment with shifting gender roles as a result of migration. However, the sad reality is that women are more at risk of abuse of all kinds than men due to their occupational and gender status. Even highly skilled women experience multiple forms of discrimination and end up in lower level occupations. More international cooperation and action by countries of both origin and destination is needed to protect women and uphold their rights. The social cost to women and their families and children of migration needs also to be addressed through greater policy coherence on gender, migration and development paradigms.

A. Government Policies & Programs to Improve Protection and Ensure Equal Opportunities and Treatment for Men and Women Migrants

- ✓ What gender differentiated policies, strategies and practices are used to ensure that the labour and human rights of women and men migrants are enforced and protected depending on their particular needs in countries of origin and of destination?
- ✓ Should more emphasis be given to strengthening the linkages between migration and employment and vocational training policies in creating decent jobs in countries origin as well as in countries of destination?
- ✓ What instruments are in place at the national, regional and global levels to protect women migrants in particular?

The strengthening of coherence of policies on migration, gender equality, and development policies demands strong cooperation between different actors (governments, local authorities, the private sector and employers' organizations, trade unions, migrant and Diaspora associations, and NGOs) at the global, regional, national and local level. In addition, targeted employment and vocational training policies have been recognized to contribute to protecting migrants and ensuring safe and secure migration as well as making migration a genuine option for both women and men migrants: migration by choice and not by necessity.

Some countries of origin and destination governments are increasingly concerned about the treatment of migrant workers and point to the pressing need for greater respect for their fundamental human and labour rights and internationally recognised labour standards.

i) Opportunities for Safe and Secure Migration and Bilateral Agreements (Labour Exchange and Social Security Protection)

- ✓ Do bilateral labour agreements provide greater opportunities of legal channels of migration to men or to women migrant workers? If so, what are underlying the reasons?
- ✓ Do migrants abroad under bilateral labour schemes remit more than undocumented migrants?
- ✓ Does access to social security (e.g. transferability of benefits, portability of pensions) differ between women and men temporary and circular migrants?

In order to maximize migrant workers' full potential contribution to development, and their equal treatment and opportunities, some countries of origin have tried to resort to labour bilateral agreements to provide opportunities for safe migration through temporary schemes and ensure migrant workers' fundamental human and labour rights' abroad.

Bilateral agreements providing opportunities for temporary migration have been recognized as having a lot of positive effects. Notably, they permit greater circulation of migrants and improve the return temporarily or permanently of migrant workers to their home countries. Most temporary foreign workers programmes provide a one- or two-years renewable residence and work permits to migrant workers. A World Bank recent report stated that a larger share of temporary migrants is likely to lead to larger remittances.⁵⁴

However, countries of origin can often find themselves confronted with the unwillingness of some countries of destination to either enter into these agreements or to avoid including labour protection in the agreements or providing equal opportunities and treatment to migrant workers. As a result, bilateral agreements are not always a guarantee of protection against discrimination, exploitation and safety and health hazards. A number of migrant workers under bilateral agreement schemes can find themselves earning much less than nationals, and can be denied other entitlements such as minimum wage protection and holiday leave.⁵⁵

Notwithstanding, bilateral agreements provide temporary legal channels of migration for women who might otherwise need to use the services of traffickers and smugglers, thus contributing to their protection and to eventually, permitting migrant workers to retain more earnings. However, as mentioned before, with the exception of Gulf State countries, the Middle East and some other Asian countries such as Malaysia, Japan, and Singapore, women's opportunities to migrate under bilateral agreements for temporary employment have been more limited than men in most countries.

Social security agreements are also necessary to ensure labour protection of migrants abroad. If social security agreements are not negotiated between countries of origin and destination, women and men migrant workers alike can find themselves excluded from

long-term benefits even if they have contributed the required number of years for qualification, can encounter problems regarding the portability of social security benefits upon return to their own countries and can be impeded to continue to contribute to schemes in their own countries while they are working abroad.

ii) Monitoring of private recruitment agencies

- ✓ **Is there a larger number of men than women migrants going abroad through the services of private recruitment agencies?**
- ✓ **Are women more than men migrant workers exposed to abuses and malpractices from private recruitment agencies?**

ILO's *Guidelines on the protection of workers from one country recruited by private agents for employment in another country* state that in order to prevent or eliminate fraudulent or abusive malpractices on the part of private agencies, both migrant-sending and migrant-receiving countries should supervise the activities of private recruitment by means of appropriate national laws or regulations and in consultation with representative organizations of employers and workers. These laws or regulations should provide adequate sanctions against abuses or malpractices such as:

- (a) advertising and soliciting applicants for positions that, in reality, do not exist;
- (b) providing false information to the worker on the nature and terms and conditions of employment, and to the employer on the qualifications of the jobseekers;
- (c) charging workers fees for recruitment services which exceed limits set by national authorities;
- (d) making a profit out of selling offers of employment or work visas to other recruitment agencies or to the jobseekers without actually performing any recruitment service;
- (e) forcing the migrant worker, upon arrival in the receiving country, to accept a contract of employment with conditions inferior to those contained in the contract which he or she signed prior to departure ("contract substitution"); and
- (f) withholding from the migrant worker his or her travel documents.⁵⁶

There is no available information to determine if women migrants are more exposed than men migrants to abuses and malpractices by recruitment agencies. A large number of men migrant workers in the agriculture sector and in the construction industry have registered complaints against abusive private agents. At the same time, a large number of women migrant workers working in the domestic sector have returned complaining that a number of recruiters and agents in sending and receiving countries are important sources of exploitation. Unscrupulous private recruitment agencies are also often to blame for the labour exploitation of migrant women, and their leading into trafficking situations as well as into debt bondage. Domestic workers normally enter into

debt with them and have to work for a certain period of time without a salary to cover these fees. In some cases, recruitment agents have deceived university-level women offering them another type of job before departure, only to find on arrival that they have been recruited as domestic servants. There have been also cases reported of recruitment agents sexually abusing run-away domestic workers. Private recruitment agencies recognized as committing abuses should be prohibited from recruiting workers again.

Sending country governments encourage the activities of legitimate private recruitment agencies while protecting migrant workers from potential abuse through: a) licensing private recruitment agents/agencies; b) establishing limits on recruitment fees and requiring financial guarantees and; c) provide for supervision through labour inspections. At the same time, governments provide incentives to private agencies that meet the criteria for good performance. Laws and regulations on recruitment agencies also determine the conditions for the granting of a licence, certificate or similar authorization to private recruitment agencies as well as for its suspension, withdrawal or cancellation in the event of violation of relevant legislation.

In the Philippines, the Department of Labour and Employment (DOLE) and the Philippines Overseas Employment Administration (POEA) have set minimum contract requirements with several basic provisions. An applicant of a recruitment agency to hire workers is rejected if one or more of the basic provisions are not satisfactory met or if they are found to be below standard.

ILO's *Private Employment Agencies* Convention no. 181 (1997) recognizes that private employment agencies can contribute to the functioning of the labour market and sets general parameters for the regulation, placement and employment of workers recruited by private recruitment agencies and, in particular, temporary work agencies. At the same time, the Convention promotes cooperation between the public employment services (PES) and PrEA to ensure the most efficient functioning of the labour market, with the PES still maintaining the authority in formulating labour market policies.⁵⁷

iii) Labor Attachés and Standard Employment Contracts

- ✓ Are labour attachés mostly busy dealing with cases of abuse concerning women or men migrant workers?
- ✓ Are women more often than men migrant workers exposed to substitution of standard employment contracts in the countries of destination or to violation of these contracts?

One of the best ways to protect migrants abroad is through the deployment of labour attachés officers who verify their conditions of work. Labour attachés protection can play an important role in monitoring the living and working conditions of women migrants and in permitting them to escape labour exploitation. However, often countries do not have enough labour attachés or other consular officers relative to the high number of abusive

cases presented. If there is no diplomatic presence, other types of services or programs could be explored to assist migrant workers.

Another very often used means to provide protection to women migrants abroad is by providing the worker with a standard employment contract. This is a best practice in countries such as Jordan. Standard employment contracts should be skills-specific and country-specific based on a proper understanding and in-depth knowledge of the working and living conditions of migrant workers, as well as the culture, traditions and legislation of the destination country. ILO Conventions and Recommendations provide important guidelines for the standards to be adopted in such employment contracts.

The Sri Lanka Bureau of Foreign Employment has signed a series of Memoranda of Understanding with recruitment agents in the Middle East, Singapore and Hong Kong to make it compulsory for employers wishing to hire Sri Lankan housemaids to sign an employment contract endorsed by the Sri Lankan Embassy before a housemaid may leave Sri Lanka.

iv) Legal and Welfare Services

- ✓ **Is there a larger number of women more than men migrants resorting to legal support and complaint mechanisms?**
- ✓ **Do women more than men migrants benefit more from available welfare services?**

Yet an additional important means to protect migrants is to provide him/her with legal support and complaint mechanisms. Programmes that provide shelter and social services to migrant women who have experienced abuse are essential to protecting their rights. Migrant women subject to abuse require legal representation and other services to remedy violations of their rights. In Bahrain, for example, if a contract dispute involving a domestic worker cannot be resolved and goes to court, the court can appoint a lawyer for the migrant worker.

Providing welfare services to migrant women who have experienced labour exploitation is also absolutely necessary.

v) Pre-departure or pre-employment orientation

- ✓ **Does orientation and training need to be gender-specific?**
- ✓ **Is there a larger number of women than men migrant receiving pre-departure and pre-employment orientation?**

In addition, a large number of countries of origin (particularly in Asia) are recognizing the importance of contributing to maximizing the benefits of migration by informing migrants about their rights and obligations before their departure.

For migrant women, even more so than for migrant men, information on rights and obligations of workers, employers and sponsors, permits them to diminish their vulnerability to labour exploitation and abuse.

However, there seems to be a real need to provide targeted pre-departure information or orientation training including information about safe migration and gender-related risks. Some countries of origin provide country-targeted information on women's rights and responsibilities, legislation, language and socio-cultural aspects, and organizations to contact in case of difficulty.

vi) Migrants' Health and Social Protection of Women Migrant Workers

- ✓ **What are the specific issues that need to be dealt with when considering migrants' health?**
- ✓ **Are women and men migrants more vulnerable to certain sickness than nationals?**

According to the *International Centre for Migration and Health* (ICMH), migrants that suffer important diseases, tend to have more difficulty managing them and then shoulder higher socioeconomic burdens than others because they are often alone and unable to access and use local health and social services. Even in countries that provide universal coverage and access to healthcare, migrants often fail to benefit from what services are available." According to the ICMH, "language barriers and poor communication with health care personnel is probably one of the main reasons, another is that migrants (especially undocumented) easily fall outside the parameters of organized healthcare and insurance schemes. Others are simply not able to, or are afraid to take time off work. Lastly, there are some migrants that do not know where to go for healthcare, and even if they do, they do not always have the right to the services necessary."⁵⁸

In the case of women, the ICMH mentions that "their experience with pregnancy and gynecological health also tends to be more problematic; they tend to seek care late and when they do have problems, they have worse outcomes than women of the host population."⁵⁹

B. Workers' and Employers' Organizations' Role in the Protection of Migrant Workers, their Integration, Fight against Discrimination and Promotion of Diversity

- ✓ **What is the role of employers and workers' organisations in the protection of migrant workers?**

The ILO promotes the establishment of social dialogue between governments, employers and trade unions to ensure the respect of fundamental principles and rights at work of all migrant workers and members of their families. Many national and regional processes on labour migration are seeking the involvement of workers and employers' organizations in dialoguing on the formulation and implementation of migration policies and practices.

Tripartite frameworks to dialogue on issues concerning migration policy and measures have been established in receiving countries such as Costa Rica and Ireland.

During the past decade, the global trade unions have been increasingly advocating for migrant workers' rights. They are demanding that migrant workers be given the right to freedom of association and to collective bargaining and that migrant workers' trade unions have significant women representation. They have also advocated for countries of destination to recognize fundamental labour and human rights including trade union rights of migrants, regardless of their status.

The following are some examples of trade unions' work on the protection of women migrant workers. In **Belgium**, the FGTB, trade union federation, provides migrant women domestic workers with legal and administrative assistance. In **Italy**, the CGIL and UIL trade unions were similarly committed during the 2002 regularization campaign to provide legal and administrative assistance. The CGIL has even launched a programme entitled "Active Citizenship for Migrant Women". In **Portugal** since the law has recently been modified to simplify and assist the legalization of migrant women workers, the UGT-P (Portuguese trade union confederation) developed training courses to familiarize union leaders with legalization procedures and the support available to immigrants and organized various congresses on this theme. In **Spain**, the UGT (Unión General de Trabajadores) has been doing important work in extending protection to undocumented workers, in general and to women migrant domestic workers, in particular. In **Great Britain**, the Transport and General Workers Union (TGWU) has for many years been encouraging migrant domestic workers to join its ranks, whatever their status. The same scenario is repeated in **Greece**, where a domestic workers' trade union has been set up in liaison with the Athens Labour Centre.⁶⁰

In **Switzerland**, the SIT (Inter-professional Workers' Union), helps undocumented domestic workers with administrative hurdles, provide candidates with certificates proving that they are defending them, and protecting them from arrest while their procedure is undergoing. Domestic workers in Switzerland come mainly from Peru, Colombia, Brazil and the Philippines. The SIT was also involved in developing a system of employment "cheques", a formula that already exists in France, which allows each employer to declare cleaning women to the social insurance and tax authorities without administrative complications. The example of Western European trade unions in extending protection to documented as well as undocumented domestic workers who are often outside the scope of protection of national labour codes, would like to be reproduced in other regions where these trends are not as developed (ex. Latin America).⁶¹

In a seminar organized by the ILO with trade unions of MERCOSUR and ANDEAN countries in Montevideo Uruguay in December 2005 on the issue of women migrant domestic workers in South America, the following agreements were reached in a joint declaration between the Regional trade unions and the Latin American and Caribbean Association of Domestic Workers:

1. To recognize the value of the work provided by domestic workers and their contribution to the development of the countries where they work;
2. To fight jointly in the defence and implementation of ILO conventions and for the promotion of an International Convention that safeguards the rights of domestic workers;
3. To promise to work so that domestic workers' fair revindications are at the centre of their Trade Unions' agendas, as well as the agendas of governments to guarantee equality of rights, and better working and wage conditions for domestic workers.

Employers are increasingly recognizing the value of investing in the integration of their migrant workforce. A recent study from the *European Policy Centre* has studied the current and potential role of employers in promoting work on anti-discrimination, migrants' integration and diversity in the workplace. A good example of the new interest shown by employers on migrant workers is the association *Business for Social Responsibility* (BSR) that recently received a prize from the MacArthur Foundation for its two year global initiative to help protect the rights of international labour migrants along global supply chains in South and Southeast Asia, the Middle East, the Gulf States and Africa. "We will advance the rights of migrants along global supply chains by ensuring that companies have a voice and a platform to bring their influence to public policy and corporate practice," has said Chad Bolick, BSR's Director of Corporate Social Responsibility Strategy.⁶²

Annex 1 includes a list of trade unions working on the protection of the rights of migrant workers and **Annex 2** includes a list of relevant employers' organisations involved in anti-discrimination, integration and diversity work.

C. NGOs representing migrants' interests

- ✓ What role have NGO's played in representing, promoting and protecting women and men migrants?
- ✓ Is there a larger number of NGO's dealing with issues concerning men than women migrants?

A large number of NGO's are doing work promoting the human and labour rights of migrants, protecting them from abuse and labour exploitation and providing them a whole range of services in countries of destination.

Without providing an exhaustive list, the following are examples of some NGO's working with migrants.

- a) **Migrants Rights International (MRI)** is a non-governmental organization and federation of migrants' and migrants' rights organizations, trade unions and faith-based groups within the various regions promoting and defending the human rights of migrants;
- b) **The International Platform on the Migrant Workers Convention (IPMWC)** was launched in Geneva on 19th April 2005. It is a coalition of non-governmental organizations whose activities relate to the UN Committee on Migrant Workers (CMW). The Platform was created to facilitate and strengthen the participation of these NGO members in the sessions of the Committee, and especially to facilitate the participation of local and national NGOs that would normally have difficulties to take part in the activities of UN human rights mechanisms.
- c) **PICUM**- The Platform for International Cooperation on Undocumented Migrants aims at promoting respect for the human rights of undocumented migrants within Europe. The overall aim of PICUM is: To promote respect for the basic social rights of undocumented migrants, as well as the regularisation of undocumented migrants.
- d) **Human Rights Watch (HRW)** is dedicated to protecting the human rights of people around the world. They challenge governments and those who hold power to end abusive practices and respect international human rights law. HRW has documented abuses against migrants around the world, including labor exploitation, discrimination, and physical and sexual abuse, arbitrary arrest and detention, trafficking into forced labor, and denial of the right to seek asylum. HRW considers with especial attention the situation of Domestic workers due to its risk of abuse at every stage of the migration cycle.
- e) **The Congregation of the Missionaries of St. Charles - Scalabrinians** - is an international community of religious brothers and priests that provides different types of services to migrants. The Scalabrinians serve migrants spiritually and socially in 24 nations of Asia, Oceania, Europe, Africa and the Americas with reception centres, homes for sailors, migrant villages for the elderly, centres for study and research, dissemination of newspapers and radio and television programmes, conducting house training.
- f) **The International Catholic Migration Commission (ICMC)** serves and protects the needs of uprooted people, refugees, internally displaced persons and migrants, with operations in 30 countries of the world, including Indonesia, Jordan, Lebanon, Pakistan and Turkey. ICMC advocates for durable solutions and rights-based policies directly and through a worldwide network of 172 member organizations.
- g) **Caritas** is a global movement working in solidarity for a fairer world, inspired by the example of Christian faith and Catholic Social Teaching. Their work is divided in three main areas: emergencies, sustainable development, and peace building. A main branch of the Caritas' work is *Women and Migration*. For Caritas whether migrants are women or men, Caritas recognizes that there are gender-related effects in both departing and receiving countries.

- h) **December 18**- the mission of December 18 is to promote and protect the rights of migrants worldwide, with dignity and respect as basic values. Its goal is to ensure that the human rights of all migrants are recognized and protected effectively, and that an environment is created for migrants to be full participants in any society. December 18 places special emphasis on women migrant workers.
- i) **IRENE** is an international network on development education. Irene's actions among others are: to stimulate that international labour issues are taken up by NGOs and trade unions in their mainstream education and campaign programmes on migrant issues, particularly women migrant domestic workers. Also, to strengthen international workers solidarity, by organising international seminars and workshops it gives attention to new areas of work and provides new inputs in existing work. IRENE's activities stimulate the exchange between organisations in the South and the North and within Europe (also Eastern Europe).
- j) **Asian Migrant Forum (MFA)** - The MFA advocates for migrants' rights = human rights. The Asian Migrant Forum believes that documented or undocumented, irrespective of race, gender, class, age and religious belief, migrant workers' rights are guaranteed by the UN Declaration of Human Rights, the UN Convention on the Protection of Rights of All Migrant Workers and Members of their Families and other international conventions. MFA acts as a facilitator, and as a regional communication and coordination point between member-organizations and advocates, forging concerted action to address discriminatory laws and policies, violence against women migrants, unfair living conditions, unemployment in the homeland and other issues affecting migrant workers.
- k) **CARAM Asia** is an open network of NGOs. The CARAM Asia network is involved in action research, advocacy, coalition building and capacity building with the aim of creating an enabling environment to empower migrants and their communities to reduce all vulnerabilities including HIV and enhance their health rights globally.
- l) **CONLACTRAHO** is a joint initiative by trade union organizations and autonomous institutions of domestic workers in Latin America. Through its structure, between unions and associations at the national level. Its origin lies in leaders of organizations from Chile and Peru in 1983. The confederation emphasises that the common factor among organizations is advocacy for a Sunday-free for all domestic employees. The main objective of the initiative is to professionalize domestic work through promotion and visibility of the "work" done by domestic workers.
- m) **Unlad Kabayan Migrant Services Foundation** is a social entrepreneurship NGO linking migration to community development in the Philippines.

Annex 3 comprises a list of some of these NGO's and a detailed description of some of their work.

D. Diaspora associations

- ✓ Do men or women participate more in Diaspora or transnational communities?
- ✓ If so, is there a difference in their contribution and in terms of the types of Diaspora activities they engage in?
- ✓ Is there a need to factor gender into incentives designed to mobilize Diasporas for the development of the country of origin?
- ✓ How can the contribution of Diasporas to development be enhanced?

Two types of contributions from Diaspora associations have been highlighted: the monetary (mainly related to collective remittances supporting development projects in home communities, and others such as technology transfers, investments and trade), and the non-monetary role related to the transfer of skills, knowledge and experience.

Ensuring women migrants' participation in Diaspora associations may be contributing to ensure that women-headed businesses at home are included in local projects. However, there is evidence that women's participation in Diaspora associations may be limited due to social, cultural and economic reasons. Decision making about development projects may also be gendered, with many projects not benefiting women but oriented towards generating male employment in countries of origin.

Both countries of destination and origin can play important roles in unleashing the development potential of women in Diaspora movements. Countries of destination can encourage the formation of migrant associations and provide legal and social protection for vulnerable categories of work where women are often concentrated. Information dissemination and allowing greater mobility, visibility, representation and networking of women migrants can considerably empower women to play a greater role in Diaspora movements. Countries of origin can ensure that women are able to maintain stronger ties with home communities through technology, print and broadcast media and internet and using these channels to provide information about investment opportunities and development projects.

6. Seizing Opportunities for enhanced gender equality and benefits of migration for women and their families: expanding choices for improving the quality of their lives

A. Optimizing the benefits of migration through remittance utilization for the household and community welfare, and the promotion of entrepreneurship

- ✓ What measures can be put in place to enhance the development potential of remittances originating from women (e.g. business development services, entrepreneurship training)?

Harnessing women's economic potential through remittances requires ensuring that women are able to take advantage of income and employment opportunities. At the same time women need to be informed on how to increase the productive use of remittances. In addition, importance can be given to facilitating access to banking systems and control of own bank accounts, as well as providing easy access to inexpensive transfer systems.

Tax incentives, savings schemes, business advisory services, training opportunities, entrepreneurship programmes and simplified procedures for starting businesses can channel remittances into productive activities. Women compared to men often have limited access to these services or lack of knowledge about their availability. Both mainstreaming and affirmative action interventions for these incentives and services may be required.

B. Financial Literacy for Migrant Women Workers

- ✓ Is there a special need for financial literacy programmes targeting women in remittance-receiving areas in order to maximise their access to remittances and hence magnify the poverty-reducing impact of remittances at the household level?
- ✓ Is there a special need for financial literacy programmes targeting women to make use of lower-cost remittance channels?

Financial services providers have often been slow to recognise the economic potential of providing financial literacy training for senders and receivers of remittances. Indeed, among women migrants and their families, additional efforts need to focus on financial literacy, targeting specific financial products to women such as savings and credit facilities and enhancing women's access to information about potential investments. Such information is most effective if given prior to departure. Indeed, financial literacy

training and access to efficient, cost-effective remittance systems can be important incentives for the utilisation of formal remittance transfer systems.

Financial services need to ensure that their products are tailored to the needs of migrant women and their families and find ways to provide outreach to women in isolated areas. While IT and new technologies provide important opportunities for reducing transfer costs and increasing formalisation in general, gender gaps in IT access and abilities may reinforce marginalisation of women from formal methods of transfer.

Moreover, practices which discriminate against women such as the need for the approval of a male family member to open an account or apply for loans should be eliminated.

However, maximising the micro impact of remittances from women migrant senders goes beyond enhancing women's financial literacy, though this is clearly important. Women often have limited access to social security, insurance and pensions. Linking remittances with these products can considerably reduce social protection gaps for women.

C. Return Migration and Social and Economic Reintegration

- ✓ **Do gender issues affect migrants' return and reintegration into the home country society and reinsertion into the labour force of the country of origin?**
- ✓ **If yes, how and what implications do they have for the impact of migration on development?**
- ✓ **Is there a need for a gender-specific approach to reintegration?**
- ✓ **Are women or men returned migrants or men/women members of their families more involved in entrepreneurship development schemes?**
- ✓ **Who are more successful entrepreneurs, returned men or women migrant workers?**

Attracting back skilled migrants requires gender responsive economic growth - including addressing labour market discrimination, gender sensitive employment creation and human resource development strategies; rule of law - including legislative efforts to address equality and discrimination, property rights, labour standards; and good governance - including respect for human rights such as those on equality. Incentive schemes need to analyse existing structural inequalities between men and women and to recognise that different strategies may be needed to attract them back. They could also include sex disaggregated indicators to measure outcomes. Both a gender mainstreaming approach and an affirmative action approach may be appropriate in areas such as investment opportunities, business development support, training opportunities, assistance with housing, taxes, banking etc.

Human resource policies to harness the new skills of returned migrants can have multiplier effects, since it has been demonstrated that trade and foreign direct investment are particularly attracted to migrants' labour in countries of origin or destination. In addition, investing remittances into export-oriented growth and providing opportunities for returned migrant women can also enhance a country's competitive edge in the global economy.

7. Good practices and lessons learned on maximizing benefits and minimizing costs of migration

As mentioned in the previous sections migration results in winners and losers and the challenge to policy-makers is how to distribute the benefits equitably while minimizing possible adverse consequences especially on the most disadvantaged groups in society.

A. Upholding Rights and Ensuring Decent Work

Migrant worker policies need to be accompanied and supported by measures to prevent abusive practices and promote decent and productive work for women and men migrants, in conditions of freedom, equity, security and human dignity. In order to maximize their positive results, such policies should recognize the similarities and differences in the migration experiences of different categories of women and men and aim at eradicating all forms of discrimination, and gender inequality, as well as tackling other vulnerabilities, violations and their consequences.

Discriminatory emigration or immigration legislation at the national level that can have an impact on migrant women's protection by not including family reunification rights, not permitting the emigration of women without a male family member permission and by establishing age limits on women's migration, should be repealed.

B. Co-development Strategies

The 2006 United Nations' report *International Migration and Development* mentions that international migration constitutes an ideal means of promoting co-development, that is, the coordinated or concerted improvement of economic conditions in both areas of origin and areas of destination based on the complementarities between them, encouraging job-creation initiatives in countries of origin.⁶³

Policy-makers are exploring co-development strategies that offer opportunities for integrating gender responsive development into agreement-based migration regimes for highly skilled to better protect sectors at risk in developing countries. Ensuring that wider development goals such as PRSPs and MDGs are taken into account in migration agreements is one way to ensure that migration of skilled workers is not detrimental to wider poverty alleviation efforts. In addition, it is important to adopt measures to mitigate the loss of workers with critical skills, including by establishing and enforcing guidelines for ethical recruitment.

C. Qualification and Recognition Frameworks in order to enable Portability/ Transferability of Skills across national borders

The more protection and more recognition of his-her qualifications the migrant worker is provided with, the higher the possibilities that his/her contribution to development will increase in significance and the higher the possibilities that the worker will return to the country of origin in a shorter period of time.

The provision of legal channels of safe and secure migration according to the qualifications of the workers is not and should not be considered as "promoting migration", but as providing the necessary protective framework and opportunities for the migrant to maximize the benefits during his-her migration experience. A lack of provision of these opportunities represents for most migrant workers going abroad undocumented and to even lower skilled and lower wages jobs and often under harsher working conditions or labour exploitation situations. Safe and secure migration contributes to minimizing the risks involved in the migration cycle.

8. Overview of existing international instruments and agreements with states' commitments particularly as they relate to women migrant workers

The normative protective framework covering the rights of men and women migrant workers and members of their families comprise the following international instruments below described.

A. UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* applies to all migrant workers and members of their families without distinction as to sex or marital status (article 1). Pursuant to article 7, States Parties undertake not to discriminate on these, and other, grounds. Part III of the Convention sets out the human rights of all migrant workers and members of their families, whereas Part IV prescribes those rights that are applicable only to migrant workers and members of their family who are in documented or regular status. Both Parts provide a number of important economic, social, cultural, civil and political rights, though one commentator believes that the Convention does not adequately address the specific needs and vulnerabilities of women.⁶⁴

However, Part VI – which aims to promote sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families – contains certain provisions that could be of particular relevance to the protection of migrant women, especially in relation to trafficking. Article 66, for example, requests States Parties to regulate recruitment agencies for employment in another State, and article 65 addresses the provision of information to migrant workers and members of their families about all stages of the migration process. Further, the Convention explicitly aims to prevent and eliminate illegal and clandestine movements and employment of migrant workers in an irregular situation (articles 68 and 69).

B. ILO Conventions on Migrant Workers (C. 97. C. 143), the ILO Declaration on Fundamental Principles and Rights at Work and its follow-up and ILO's Multilateral Framework on Labour Migration

International labour standards are also important sources of protection for migrant women. The International Labour Organization has developed two Conventions that provide specific protection for migrant workers: the *Migration for Employment Convention* (Revised), 1949 (No. 97) and the *Migrant Workers (Supplementary Provisions) Convention*, 1975 (No. 143), along with their accompanying non-binding Recommendations.⁶⁵ However, these Conventions were adopted when women mostly

migrated in the context of family reunification, whereas today we are witnessing the ‘feminization’ of migration. The use of some gender-specific language in these Conventions, such as the reference to ‘women’s work’ in article 6 of Convention No. 97,⁶⁶ indicates that the typical migrant was male. However, these Conventions still apply, and offer protection, to migrant women.

Convention No. 97 is limited in scope to migrants who are legally entitled to enter the country of employment, and contains provisions to protect migrants’ rights and to assist States in the provision of migrant services. Article 6 sets out certain rights to be applied to migrants – without discrimination, including in respect of sex – on a par with nationals. These rights relate to remuneration, membership of trade unions, collective bargaining and accommodation (where these matters are regulated by laws or regulations, or subject to control of administrative authorities); social security, subject to some limitations; employment taxes, dues or contributions; and legal proceedings. Convention No. 97 also obligates States Parties to provide free and accurate information to migrants (article 2), to prevent misleading propaganda (article 3) and to facilitate the departure, journey and reception of migrants (article 4).

Convention No. 143 is divided into two parts: Part I applies to all migrant workers and is particularly designed to protect non-nationals in irregular status, whilst Part II applies only to regular migrant workers. Article 1 requires all States Parties to undertake to respect the basic human rights of all migrant workers; this includes women migrants. Part I provides for equal treatment for migrant workers in irregular status and their families in respect of rights arising out of past employment as regards remuneration, social security and other related benefits. Part I also requests States to adopt measures to suppress clandestine movements and illegal employment of migrant workers, including by taking measures against the employers and the organizers of such movements (article 3). This is of particular relevance to women who are vulnerable to, or victims of, trafficking. Part II provides for equality of opportunity and treatment for regular migrant workers with national workers, which also applies to women.

Two other ILO instruments are relevant to the protection of women migrants. Firstly, the ILO *Declaration on Fundamental Principles and Rights at Work* (1998) places an obligation on all members of ILO (irrespective of ratification of the relevant conventions) to respect, promote and realize, in good faith and in accordance with the ILO Constitution, the principles concerning fundamental labour rights. These rights are: freedom of association and the right to collective bargaining, non-discrimination in employment and occupation, effective abolition of child labour and elimination of all forms of forced or compulsory labour. Though not explicitly referring to women, the rights contained in this Declaration apply to all migrant women, irrespective of their legal status. Secondly, in 2006, the ILO published the *Multilateral Framework on Labour Migration*. This is a non-binding instrument that contains a number of principles and guidelines to assist member States to develop more effective labour migration policies. This Framework promotes the protection of women migrant workers in a number of ways, including by calling for gender-sensitive policies, sex-disaggregated data, the provision of opportunities for decent work for all women of working age, bilateral and

multilateral agreements addressing gender-specific trends and measures to address trafficking and assist and protect victims. It also acknowledges the special circumstances of women and children in the context of trafficking and other abusive migration conditions.

C. The CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), the CERD (Convention on the Elimination of All Forms of Racial Discrimination) the CRC (Convention on the Rights of the Child), and the ESCR (Covenant on Economic, Social and Cultural Rights), as well as the International Covenant on Civil and Political Rights

A number of rights that are particularly relevant to migrant women are enshrined in international human rights instruments. The human rights and fundamental freedoms of all persons are set out in the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. The rights contained in these instruments apply without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. These rights include the right to life, liberty and security; the right not to be held in slavery or servitude; the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; the right not to be subjected to arbitrary arrest, detention or exile; the right to freedom of movement and residence within the borders of each State; the right to marry and to found a family; and the right to work, to free choice of employment and to just and favourable conditions of work.⁶⁷ The *Universal Declaration of Human Rights* also provides that every person has the right to leave and re-enter his or her own country of origin.

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) address all forms of discrimination based on race, colour, descent, or national or ethnic origin against all individuals, including women migrant workers. Provisions of CEDAW that are particularly relevant to women migrants include: elimination of the idea of stereotyped roles for men and women (article 5); suppression of all forms of traffic in women and of exploitation of prostitution of women (article 6); equality of women's rights to acquire, change or retain nationality (article 9); equality of women's rights in relation to education (article 10), employment (article 11) and health (article 12); and recognition of the rights of women in rural areas (article 14). The provisions of ICERD are also of relevance, as some migrant women experience discrimination on grounds of both gender and race.

Several articles of the *Convention on the Rights of the Child* are also particularly applicable to the protection of migrant girls, including: family reunification (article 10); combating the illicit transfer and non-return of children abroad (article 11); protection

from economic exploitation and hazardous work (article 32); protection from sexual exploitation and sexual abuse (article 34); and prevention of the abduction of, sale of or traffic in children (article 35).

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000), which supplements the Convention against Transnational Crime, is also relevant to the protection of women migrant workers. It aims to prevent and combat trafficking in persons, paying particular attention to women and children, and also to protect and assist the victims of such trafficking, with full respect for their human rights.

9. Measures to Consider for Ensuring Coherence between Gender, Migration and Development Policies and Programmes

A. National level: both sending and receiving countries

Ensure that gender-sensitive migration policies reinforce development efforts and remain consistent with human and labour rights obligations by setting up or strengthening frameworks at the government level in both sending and receiving countries, to establish dialogue on migration and development of all relevant ministries (labour, economic planning, cooperation for development, interior, foreign affairs);

Set up or strengthen “tripartite plus” consultative frameworks, at the national level, involving the private sector, trade unions, organizations of migrants and other civil society actors in discussions to enhance coherence between gender-sensitive migration policies and development policies;

Ensure that gender dimensions are incorporated into migration policy and are linked to employment and development policies;

Recognize fundamental labour and human rights including trade union rights of migrants, regardless of their status;

Ensure that legislative frameworks make adequate provision for the protection of the rights of all migrants, and specifically of women, and ensure that enforcement mechanisms are in place to ensure compliance;

Recognize women migrants as “economic and social change agents” (not just as victims) by fully empowering them and according them space to participate in decision-making processes in trade unions, at the workplace, and in society.

Work towards ratification and full implementation of UN Covenants and Conventions and ILO Conventions covering human, economic, civil liberties and employment rights of migrants.

B. National level: Receiving countries

Strengthen labour inspectorates in order to improve employment and living conditions of migrants workers, employers’ compliance with non-discrimination, equal pay provisions in labour codes and address complaints of workplace abuses;

Promote Corporate Social Responsibility (CSR) and monitoring compliance of the private sector (employers and recruiters) with agreed ethical codes of practice that ensure the protection of migrant workers' rights;

Extend union membership and protection to migrant workers and use collective bargaining as an instrument to ensure equal rights and treatment of migrants with nationals;

Support the integration of migrants in the workplace and in their communities;

Provide decent work to migrants ensuring equal treatment, access to public services for them and their families, and elimination of all forms of discrimination;

Avoid recruiting skilled workers from some of the least developed countries enabling poor countries to meet their MDG commitments without the loss of qualified professionals, particularly in health and education fields.

C. National level: Sending countries

Address the push factors by strengthening employment and labour market policies to create decent work in countries of origin of migrant workers

Include ILO's Decent Work Agenda into PRSP's and other development frameworks at the national level mainly by supporting strengthening the linkages between migration policies and employment and labour market policies by implementing the Global Employment Agenda at the national level.

D. Global level

Strengthen dialogue and coordination on migration, employment and development linkages of all international organizations and other agencies with a mandate on migration related to economic, development, social, labour and human rights such as the ILO, ECOSOC, World Bank, OHCHR, HCR, UNDP, UNIFEM, UNFPA, Human Rights Council, IOM.

Strengthen consultative frameworks, at the international level, involving the private sector, trade unions, organizations of migrants and other civil society actors in discussions to enhance coherence between migration, employment and development policies.

Link migration work from a gender perspective to the Millennium Development Goals (MDGs)

10. Conclusions

The feminization of migration and the large numbers of women in more vulnerable situations in destination countries are giving added impetus and urgency to address the human rights of women migrants worldwide. Efforts to maximise women and men migrants' contribution to development have mainly included increasing the use of formal transfer methods and reducing the transfer cost of remittances. Other programmes have also included the promotion of migrant savings while optimizing remittance utilisation for household and community welfare as well as promoting skills training and entrepreneurship development schemes.

In addition, there is growing awareness that although monetary remittances have become one of the largest sources of foreign exchange for some countries of origin, this should not engender complacency about State responsibilities for development, employment creation and social protection. Addressing the root causes of the labour migration of women and men in countries of origin and their inter linkages to development has been recognised to be particularly essential: labour market discrimination, high unemployment, limited access to productive resources and poverty. For example, at the macro level, commitment towards pro-poor and job rich growth strategies and gender-sensitive employment creation can make migration a genuine option for both women and men migrants: migration by choice and not by necessity.

In order to enhance migrant women's participation in development, the differential and often discriminatory impact of legislation, policies and programmes on different groups of women and men migrant workers are to be addressed if countries aim at obtaining a win-win situation.

A very significant starting point is that policy-makers recognise the importance of integrating and mainstreaming labour migration in national employment, gender equality, labour market and development policies as key in maximizing opportunities and minimizing risks for the benefit of both origin and destination countries and for women and men migrants themselves.

A gender-sensitive, rights-based approach is gradually being recognized as essential to all migration policies' discussions while efforts are being made to mainstream gender in migration practices. At the same time, policy-makers realize the need for employment policies to operate in joint arenas with migration policies reinforcing development efforts while respecting human and labour rights and permitting men and women to obtain employment opportunities, education, health care and other services in countries of origin as in countries of destination.

As a result, there is growing awareness that the migration-gender equality-development linkage should include work in countries of origin on such policies and measures as: facilitating orderly migration, but always ensuring migrant workers' protection abroad, as well as equal treatment and opportunities (signing and properly implementing labour bilateral agreements that include respect for fundamental human, labour and women's

rights); signing and implementing bilateral agreements on the recognition of diplomas, skills and competencies; signing and implementing social security agreements to ensure gender sensitive social security protection of migrants abroad; and finally, monitoring recruitment to promote and enforce ethical recruitment practices.

At the same time, there needs to be gender sensitive policies and measures in countries of destination in areas such as: ensuring skills' and diplomas' recognition; ensuring rights' protection (especially concerning payment of wages and working conditions); preventing abusive practices through the strengthening and creation of institutional capacities; promoting social integration and social protection of migrants in host societies; strengthening the linkages with hometown or Diaspora communities of migrants abroad; offering compensation mechanisms in the case of the main countries of origin suffering from brain drain such as orienting technical assistance to education and training fields, promoting integration practices and avoiding discrimination at the workplace, as well as providing protection of migrant workers abroad through labour attachés or other types of government protective services.

The measures outlined above would benefit both men and women migrants and increase development benefits if systematically applied. These are especially relevant for the uplifting of those men and women migrants who toil long hours for little pay in those occupations (segregated by sex) and three D jobs (dirty, demeaning and dangerous), jobs that nationals of receiving countries do not want to do, but whose economies could not function without them. Addressing occupational segregation of the labour markets in both sending and receiving countries would also help reduce vulnerability particularly of women workers.

Migration trends and flows are being strongly impacted by globalization's tendency to create economic growth, development and labour market growth in some regions and areas of the world and not in others. It is necessary to ensure that migration, gender and development policies positively reinforce each other. In sum, migration policies should go hand in hand with employment and decent work policies in countries of origin, with a strong focus on decent jobs for men and women in countries of destination.

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ANNEX 1. Examples of Trade Unions Working on Promoting the Protection of Migrant Workers

International	International	http://www.ituc-csi.org/
ITUC - International Trade Union Confederation		
<p>ITUC works for the improvement of working and living conditions of migrant men and women and their families, and to strive for their labour and human rights, as well as social justice, gender equality, peace, freedom and democracy. The Confederation calls on national and migrant workers of the world to unite in its ranks, to make of it the instrument needed to call for a better future for them and for all humanity. ITUC ensures that gender perspectives are mainstreamed in all its work on migration, activities and programmes at all levels. The ITUC and ETUC campaign together on migrant workers' issues such as trade union rights, equal opportunities and discrimination, and the environment.</p>		

Europe	Regional	
European Trade Union Confederation (ETUC)		
<p>ETUC's prime objective is to promote the <i>European Social Model</i> among national and migrant workers and to work for the development of a united Europe of peace and stability where working people and their families can enjoy full human and civil rights and high living standards. The European Social Model embodies a society combining sustainable economic growth with ever-improving living and working standards for all, including full employment, social protection, equal opportunities, good quality jobs, social inclusion, and an open and democratic policy-making process that involves citizens fully in the decisions that affect them. ETUC advocates for gender awareness. Recognizes and protects the role of women labour migrants, working in public healthcare, nursing homes or private households, providing for care for children, the sick and the elderly.</p>		

National	Spain	http://www.ugt.es/inmigracion/
Unión General de Trabajadores (UGT)		
<p>UGT advocates against any kind of discrimination against migrant workers and leads the struggle for equal opportunities between men and women by designing and implementing union strategies.</p> <p>UGT's Office for Equality is in charge of giving support to Women Migrant workers. In addition, UGT publishes, on a periodical basis, comprehensive information related to</p>		

regulations, guides for foreigners, a catalogue of occupations in high demand, lists of interesting addresses, etc. UGT has participated in a project intended to establish mechanisms and structures to provide an effective management of labour migration, helping also to prevent and combat irregular labour migration, promote social and labour integration/inclusion of migrants and, finally, protect foreign workers' labour rights.

National	Spain	http://www.ccoo.es/
Confederación Sindical de Comisiones Obreras (CCOO)		
<p>CC.OO has among its main objectives to combat discrimination against migrant workers and, therefore, defend their interests and their social and labour rights through trade union action in the company and its legal services. To develop this support with immigrant worker, CCOO has established an Information Center for Workers Abroad which informs and advises on matters relating to foreigners' work permits and residence, family reunification, citizenship etc. CCOO is currently carrying out an important programme to increase the number of affiliates amongst migrant workers. CCOO advocates for a real change in the working conditions' situation of women migrant workers.</p>		

Network	International	http://www.world-psi.org/
Public Services International (PSI)		
<p>PSI has a global programme on international migration in the health sector. PSI has implemented a participatory action research programme in the health sector, involving affiliated unions in 14 countries. Through its research, PSI gathered information on the impact of migration in the health sector, raised awareness on the issue through worker participation in the campaign, conducted trade union education through discussion groups and presentation of research results, and held dialogues with government health and labour agencies, employers, training institutions, and civil society organizations.</p> <p>PSI is working in engaging public sector trade unions in sending and receiving countries in: campaigning for the ethical international recruitment of health personnel; developing union policies and activities on migration in the health sector; assisting women migrant health workers with information through the preparation and distribution of pre-decision and information kits; monitoring, denouncing and redressing violations of migrant health workers' rights; organizing migrant health workers into unions; dialoguing with government agencies, recruiters, and health sector employers; and implementing awareness-raising activities.</p>		

	International	http://www.ictu.ie/projects/gap/
Irish Congress of Trade Unions		
<p>Congress seeks to achieve a just society - one which recognises the rights of all workers and citizens to enjoy the prosperity and fulfilment which leads to a good quality of life. Quality of life embraces not just material well-being, but freedom of choice to engage in the arts, culture and all aspects of civic life. This vision applies in the context of Ireland, Europe and the wider world and challenges the existing economic order.</p>		

Network	International	http://www.ei-ie.org/
Education International (EI)		
<p>EI is a global union federation of organisations representing 30 million teachers and other education workers, through 394 member organisations in 171 countries and territories. EI has a programme on the migration of education workers.</p>		

ANNEX 2. Examples of Good Practices on the role of Employers in Promoting Integration, Anti-discrimination and Diversity in the Workplace

Employers (Gender Sensitive)	Denmark	www.hosp.dk
Corporation of Hospitals in Copenhagen		
<p>The Corporation of Hospitals in Copenhagen is an organization of employers implementing programs on diversity and gender sensibility. In 2002, the "Corporation of Hospitals in Copenhagen" launched a plan for "Ethnic equality for patients and staff" in order to meet the challenge of culturally heterogenic patient groups and to raise the number of employees with different cultural backgrounds and origins. It proved beneficial simultaneously to focus on recruiting staff of non-Danish background and to improve the interactions with migrant patients. Two programmes were planned, organized and implemented by the Education and development unit (HRD) at Hvidovre Hospital. The report concluded that many citizens with a foreign education have difficulties to get a job within their profession. At the same time statistics showed a lack of professionals in the health care sector (specialist doctors and nurses) and a raising number of patients from non-Danish background. Hvidovre Hospital launched a course to introduce and integrate migrant doctors, nurses, laboratory technicians, midwives and therapists in the hospital.</p>		

Employers (Gender Sensitive)	Thailand	www.ih-ra.com/
International Hotel & Restaurant Association (IH&RA)		
<p>Another good practice of employers is the International Hotel & Restaurant Association (IH&RA) which is the only global body representing the hotel and restaurant industry at the international level. Through its charitable arm, IH&RA Foundation for the Future, it supports the Youth Career Initiative, originally launched in Bangkok in 1995 to offer young people from different migrant backgrounds basic hotel training as a stepping stone to economic self-sufficiency. The programme has been extended to several countries in both South East Asia and elsewhere. This initiative is now supported by the International Business Leaders' Forum, based in London. The IR&HR has also produced a leaflet providing practical advice to hoteliers and national hotel associations on the role they can play to help combat the commercial sexual exploitation of women and children migrant. This leaflet was translated into a number of languages and widely distributed by national hotel and/or restaurant associations around the world.</p>		

Company	UK	http://www.firstgroup.com/corporate/our_company/
First Group		
<p>First Group is Britain's largest bus operator running more than one in five of all local bus services with a fleet of nearly 9,000 buses that carries 3 million passengers a day in more than 40 major towns and cities. First Group has been recruiting a large number of bus drivers directly from Poland due to shortages of local drivers. (EPC, 2008:30)</p>		

Partnership	Spain	http://www.empresaysociedad.org/feys/es/ingles
Spanish Local Social Capital		
<p>The European Social Fund (ESF) funded a business network, <i>Fundación Empresa y Sociedad</i>, which led to the launching of a project that promotes social inclusion of migrants through the development of employment, economic opportunities and the strengthening of social networks and local capacities in socio-economically disadvantaged districts of Madrid. ESF is planning to develop gender sensitive programs in the short future. (EPC, 2008:47)</p>		

Partnership	Europe	http://ec.europa.eu/employment_social/progress/index_en.html
PROGRESS		
<p>Progress aims at improving coherence and efficiency activities in the field of employment, social inclusion and protection of migrant workers and promoting gender equality and the principle of non-discrimination. Several associations have been grouped together in a single European Commission Framework Programme known as PROGRESS. This programme complements ESF activity in the fields of equality between men and women and combating discrimination of migrant workers. (EPC, 2008:49)</p>		

Partnership	Ireland	www.bitc.org.uk/
Voluntary Code of Practice on Employing Migrant Workers/Overseas Staff – Business in the Community Northern Ireland		
<p>The Voluntary Code of Practice on Employing Migrant Worker/Overseas Staff was developed by an employers' group <i>Business in the Community</i> (BITC), and is sustained by consultation with companies. Forty companies have signed the code of practice resulting in 230 members to date. The companies which have signed up</p>		

to the code of practice employ the vast majority of migrant workers in Northern Ireland. Their commitment stems from a belief that they have a social responsibility to treat people well. While not legally binding, the code is intended to reinforce best practices as well as providing a guide for employing migrant workers. (EPC, 2008:51)

Partnership	Germany	http://www.deutsch-am-arbeitsplatz.de/
Deutsch am Arbeitsplatz (Germans in the Work Place)		
<p>This association aims at encouraging the introduction of language classes in the workplace, with the cost of this replacement labour subsidised by the federal state. The programme emphasises the impact that language provision has on increasing productivity, improving the quality of work and reducing workplace accidents of migrant workers. (EPC1, 2008:25)</p>		

Employers' Organisations in Malaysia and Vietnam	Malaysia and Vietnam	
Promoting policy dialogue: Malaysia-Vietnam		
<p>Malaysia is the largest destination country for Vietnamese workers. The ILO has worked with Vietnamese and Malaysian Employers Organizations in identifying all relevant clauses in their legislation that affect the rights and responsibilities of migrant workers and in translating them into Vietnamese. Dialogue has been facilitated between 90 labour contract companies from both countries and Government officials on legislation, taxation issues, etc Information on rights and responsibilities of workers has been also disseminated in the two countries.</p>		

¹ COLLETT,C and SITEK, E (European Policy Center EPC) Making migration work: the role of employers in migrant integration EPC Working Papers Working Paper No.30 May 2008 EU INTEGRATION & CITIZENSHIP ISSN-1782-2424 PROGRAMME

ANNEX 3. Examples of Non-Governmental Organizations Advocating for the Protection of Migrants

NGO	International	http://www.migrantswatch.org/
Migrants Rights International		
<p>Migrants Rights International (MRI) is a non-governmental organization and federation of migrants' and migrants' rights organizations, trade unions and faith-based groups within the various regions promoting and defending the human rights of migrants. MRI assists in the development and connection of grassroots organizations working for migrants' rights through strategic support, information sharing, capacity building, networking, technical assistance, and international advocacy. MRI produced "Achieving Dignity: a Campaigner's Handbook" which is the first handbook to help governments, policymakers, NGOs, and activists to promote the UN Migrant Workers' Convention. It supports and coordinates migrants' NGOs participation in activities of the Commission on Human Rights (CHR) (now the Human Rights Council); the International Organization for Migration (IOM); the International Labour Organization (ILO); World Trade Organization; and the World Social Forum, etc.</p>		

NGO	International, with headquarters in the Philippines	http://www.unladkabayan.org/
Unlad Kabayan		
<p>'Unlad' means to develop, progress, or prosper. 'Kabayan' is the term used to describe the Philippine diaspora. Unlad Kabayan Migrant Services Foundation is a social entrepreneurship NGO linking migration to community development in the homeland. In order to achieve its goal, two strategies have been implemented: SEEDS (Social Entrepreneurship and Enterprise Development Services) and Business Incubation (BI). SEEDS is designed as community-based training and resource centres to promote entrepreneurship in the community by assisting entrepreneurs to build, manage and sustain their enterprises. The second strategy, Business Incubation assists small and medium entrepreneurs to obtain the necessary skills needed for business management and social responsibility. In 2008, Unlad Kabayan won the World Bank's Panibagong Paraan 2008 project grant competition. The project is called 'New Lives for Old - Peace, growth and good governance through social enterprise, and was supported by AusAID PACAP.</p>		

NGO	European Union	http://www.changeweb.org.uk/respect.htm
RESPECT for All		
<p>Respect is a UK membership association. Respect's key focus is on increasing the safety of those experiencing domestic violence through promoting effective interventions with perpetrators. Respect (National Association for Domestic Violence Perpetrator Programmes and Associated Support Services) was officially launched in the House of Commons on 7 March 2001. Respects' advocacy role is based on the following principles: to prevent domestic violence and abuse, to promote the increased safety and empowerment of women and children, to place the safety of women and children at the forefront of all Respect members' work; to promote the adequate provision of appropriate programmes for male perpetrators of domestic violence and associated support services for women and children; to promote anti-oppressive practice amongst Respect members, thus providing an egalitarian model on the work between genders, individuals and agencies.</p>		

NGO-Religious Association	International	http://www.caritas.org/
Caritas International		
<p>Caritas is a global movement working in solidarity for a fairer world, inspired by the example of Christian faith and Catholic Social Teaching. Their work is divided in three main areas: emergencies, sustainable development, and peace building. A main branch of the Caritas' work is <i>Women and Migration</i>. For Caritas whether migrants are women or men, Caritas recognizes that there are gender-related effects in both departing and receiving countries.</p>		

Religious Association	International	http://www.simn-cs.net/index.html
Scalabrini International Migration Network		
<p>The Congregation of the Missionaries of St. Charles - Scalabrinians - is an international community of religious brothers and priests that provides different types of services to migrants. The Scalabrinians serve migrants spiritually and socially in 24 nations of Asia, Oceania, Europe, Africa and the Americas with reception centres, homes for sailors, migrant villages for the elderly, centres for study and research, dissemination of newspapers and radio and television programmes, conducting house training.</p>		

NGO	Regional	http://www.mfasia.org/
Asian Migrant Forum (MFA)		
<p>The MFA advocates for migrants' rights = human rights. The Asian Migrant Forum believes that documented or undocumented, irrespective of race, gender, class, age and religious belief, migrant workers' rights are guaranteed by the UN Declaration of Human Rights, the UN Convention on the Protection of Rights of All Migrant Workers and Members of their Families and other international conventions. MFA acts as a facilitator, and as a regional communication and coordination point between member-organizations and advocates, forging concerted action to address discriminatory laws and policies, violence against women migrants, unfair living conditions, unemployment in the homeland and other issues affecting migrant workers. Annually, MFA observes and/or launches campaigns on International Women's Day (March 8), Labor Day (May 1) and Migrant Workers' Day (December 18). MFA recognizes that migration is a cross-sectoral issue which links up with various groups at the regional and international levels working on issues of education, environment, gender, human rights, labour, trade and development.</p>		

Network	International	http://www.december18.net
International NGO Platform on the Migrant Workers' Convention		
<p>The International Platform on the Migrant Workers Convention (IPMWC) was launched in Geneva on 19th April 2005. It is a coalition of non-governmental organizations whose activities relate to the UN Committee on Migrant Workers (CMW). The Platform was created to facilitate and strengthen the participation of these NGO members in the sessions of the Committee, and especially to facilitate the participation of local and national NGOs that would normally have difficulties to take part in the activities of UN human rights mechanisms. Currently, the IPMWC member organisations include, Action Canada for Population and Development, Amnesty International, Anti-Slavery International, December 18, <i>Fédération Internationale des Ligues des Droits de l'Homme</i>, Franciscans International, Human Rights Watch, International Catholic Migration Commission, International Movement Against All Forms of Discrimination and Racism, Jesuit Refugee Service, Kav LaOved (worker's hotline), Migrant CARE, Migrants Rights International, National Employment Law Project, Organisation Mondiale contre la Torture, Public Services International, The English International Association, WARBE Development Foundation and World Council of Churches. The main activities of the IPMWC relate to the work of the Committee on Migrant Workers: the Platform follows the sessions of the CMW and facilitate NGOs' input; and contributes to the CMW working methods and to other documents adopted by the CMW. The IPMWC also helps to raise awareness about the UN Migrant Workers' Convention and the Committee by organising meetings and events; providing analyses and sharing information about the CMW in the NGO community; and maintaining a webpage.</p>		

Religious Association	International	http://www.december18.net
International Catholic Migration Commission (ICMC)		
<p>The International Catholic Migration Commission serves and protects the needs of uprooted people, refugees, internally displaced persons and migrants, with operations in 30 countries of the world, including Indonesia, Jordan, Lebanon, Pakistan and Turkey. ICMC advocates for durable solutions and rights-based policies directly and through a worldwide network of 172 member organizations. ICMC's expertise and core programming consists of refugee resettlement, return and reintegration, local integration, work with extremely vulnerable individuals, counter-trafficking and rescue, NGO capacity-building, technical cooperation and government institution-building, emergency response and advocacy.</p>		

NGO	International	http://www.december18.net
December 18		
<p>The mission of December 18 is to promote and protect the rights of migrants worldwide, with dignity and respect as basic values. Its goal is to ensure that the human rights of all migrants are recognized and protected effectively, and that an environment is created for migrants to be full participants in any society. December 18 places special emphasis on women migrant workers. Many of them leave their country as project-tied workers or seasonal workers. December 18 produced a special set of thematic briefings dealing with such issues as gender and migration, migration and the MDGs, remittances, and undocumented migrants. They are available on Radio 1812 website: www.radio1812.net</p>		

Network	International	http://www.caramasia.org/
Caram Asia		
<p>CARAM Asia is an open network of NGOs. The CARAM Asia network is involved in action research, advocacy, coalition building and capacity building with the aim of creating an enabling environment to empower migrants and their communities to reduce all vulnerabilities including HIV and enhance their health rights globally. The Foreign Domestic Workers(FDW) programme area focuses on the recognition of domestic work as a socio-economic activity and to include it in national employment acts or labour laws in both origin and destination countries. Key activities include advocacy, utilising appropriate international instruments, public campaigns and awareness programmes. It also builds regional cooperation with other networks and organisations to strengthen the response towards protecting and promoting labour and health rights of foreign domestic workers.</p>		

Network	International	http://www.irene-network.nl/
IRENE		
<p>IRENE is an international network on development education. Irene's actions among others are: to stimulate that international labour issues are taken up by NGOs and trade unions in their mainstream education and campaign programmes. Also, to strengthen international workers solidarity, by organising international seminars and workshops it gives attention to new areas of work and provides new inputs in existing work. IRENE's activities stimulate the exchange between organisations in the South and the North and within Europe (also Eastern Europe).</p> <p>IRENE is compromised with a policy of gender inclusiveness; there is a strong agreement to elaborate all issues worked on specifically on "women/women workers". There are two main programs which are: Corporate Social Responsibility and Workers' rights, workers' ability to organise and to gain power over their lives are at the core of the work on workers in the informal economy. In IRENE there is a strong agreement to elaborate all issues specifically on women workers.</p>		

Network	Regional	
CONLACTRAHO		
<p>CONLACTRAHO is a joint initiative by trade union organizations and autonomous institutions of domestic workers in Latin America. Through its structure, between unions and associations at the national level. Its origin lies in leaders of organizations from Chile and Peru in 1983. The confederation emphasises that the common factor among organizations is advocacy for a Sunday-free for all domestic employees. The main objective of the initiative is the professionalisation of domestic work through promotion and visibility of the "work" done by domestic workers.</p>		

Network	International	http://www.picum.org/
PICUM		
<p>The Platform for International Cooperation on Undocumented Migrants aims at promoting respect for the human rights of undocumented migrants within Europe. The overall aim of PICUM is: To promote respect for the basic social rights of undocumented migrants, as well as the regularisation of undocumented migrants. PICUM seeks to achieve this aim by: gathering information on law and practice regarding social rights, detention and deportation of irregular immigrants, and the possibilities of regularisation of their residence, and developing a centre of expertise in these fields with a view to providing the members of PICUM and other interested parties with expertise, advice and support. Finally one of their goals is to formulate recommendations for improving the legal and social position of these immigrants, in accordance with national constitutions and international treaties.</p>		

Network	International	http://www.caramasia.org/
Human Rights Watch		
<p>Human Rights Watch (HRW) is dedicated to protecting the human rights of people around the world. They challenge governments and those who hold power to end abusive practices and respect international human rights law. HRW has documented abuses against migrants around the world, including labor exploitation, discrimination, and physical and sexual abuse, arbitrary arrest and detention, trafficking into forced labor, and denial of the right to seek asylum. HRW considers with especial attention the satiation of Domestic workers due to its risk of abuse at every stage of the migration cycle.</p>		

