



BRIEFING NOTE

Migrant Women, Women Migrant Workers

Crucial challenges for advocacy, services and action

for the NGO CSW FORUM

Women and Global Migration: Root Causes and Innovative Solutions

Geneva, 23 February 2018

Women and girls represent a growing proportion of international migration; 48% of all migrants today are female.¹ The total global international migrant stock is estimated at 258 million migrants in 2017, counting foreign-born residing for a year or more in countries worldwide.² This figure does not include millions more migrants in seasonal, short-term or temporary situations of less than a year.) In Eurasia, Europe and Latin America and some African countries, the proportion of women migrants is higher, 51 to 52%.³ In contrast to past decades, most adult migrant women today are economically active. They often migrate on their own rather than as dependents to take up work to sustain their families and communities. The labour force participation rate for migrant women is considerably higher than for native women worldwide: 67.0 per cent versus 50.8 per cent.⁴

Migration can be empowering for women

Whether in countries of origin or host countries, women migrants contribute to change, innovation and social integration.⁵ In migrant families, it is often the women who take the decision to migrate, to stay on in the host country or return to the country of origin. Women migrants become more independent financially and for many, migration is their first opportunity of working and earning a living. Migration changes gender relations, sense of identity and how social relations between the sexes influences womens' social-support networks, economic roles and civic participation. Immigrant women meet social needs of host countries and are part of new patterns of mobility resulting from accelerated globalization. In destination countries women migrants are important factors in family balance and social integration and contribute to social cohesion.

¹ United Nations, Department of Economic and Social Affairs, Population Division (2017). International Migration Report 2017: Highlights ST/ESA/SER.A/404. http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf

² Ibid UN DESA

³ OECD, "World Migration in Figures: A joint contribution by UN-DESA and the OECD to the United Nations High-Level Dialogue on Migration and Development," 3-4 October 2013.. See <http://www.oecd.org/els/mig/World-Migration-in-Figures.pdf>.

⁴ LO Global estimates of migrant workers and migrant domestic workers: results and methodology / International Labour Office, Geneva: ILO, 2015. http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_436343.pdf

⁵ See documentation and research papers on Global Migration Policy Associates (GMPA) website: <http://globalmigrationpolicy.org/gender.html>

Risks of exploitation

However, demand for women migrants in destination countries is defined by labour market segmentation in those markets: many opportunities are available for low-skilled jobs considered suitable for women. The increasing predominance of economically active migrant women (often referred to as the feminization of labour migration) together with the fact that most job opportunities for women migrants are in unregulated sectors such as agriculture, domestic work, services, and the sex industry—and the existence of gender-disaggregated labour markets all contribute to the increase of discriminative employment in countries of destination. Labour standards are usually weak or non-existent in these sectors, while labour inspection enforcement of decent work conditions is often absent altogether where migrant women are working.

Demand worldwide for migrant women in domestic employment is fuelled by the reduction of governmental provision or support for crucial public services such as child and elderly care services as well as increased labour force participation by women in both countries of origin and destination. Migrant women provide that domestic support that allows other women and men workers, especially those in higher skill occupations, to reconcile work with having children and maintaining family life.

The risks of discrimination, exploitation and abuse faced by many women migrant workers are compounded by absence of social security access and coverage or other social protection provisions such as health care and maternity protection. Women migrants' ability to address their situations and to defend their rights is suppressed in situations where freedom of association and collective bargaining rights guaranteed under international law are in fact denied in national legislation and policy or in practice. All member states of the International Labour Organization (ILO) are bound to implement ILO Convention 87 on Freedom of Association and ILO Convention 98 on rights to collective bargaining; their protections apply to all migrant workers.^{6,7}

Triple discrimination

As a consequence of these factors, female migrants often suffer 'triple discrimination' as women, as unprotected workers and as migrants. This threefold discrimination of gender, class and nationality -the latter often with overtones of race or ethnicity—has a particular impact on their well-being or lack of it. It also determines the extent to which they are integrated with or marginalized from labour market participation and indeed from any participation in society. Low status and dysfunctional work/life balance are pivotal problems for women immigrants, compounded by discrimination-induced difficulties.

Recruitment and deployment to destination countries, particularly in Asia and the Middle East but also in Europe and North America, often takes place under intergovernmental bilateral agreements that ignore applicable international norms, adding to the risks faced by women migrant workers.⁸ A considerable number of such agreements allow for restrictions of rights at work for migrant workers in destination countries and facilitate discriminatory treatment, including stipulations of different remuneration for the same work and explicit prohibitions on union organizing. Bilateral labour

⁶ *ILO Convention concerning Freedom of Association and Protection of the Right to Organise, C87*, adopted 09 July 1948, entry into force 04 July 1950, available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232.

⁷ *ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, C98*, adopted 01 July 1949, entry into force 18 July 1951, available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::no::P12100_Ilo_Code:C098.

⁸ Migrant Forum in Asia, Policy Brief No. 10: Bilateral Agreements and Memoranda of Understanding for the Promotion and Protection of the Rights of Migrant Workers and Members of Their Families, Winter 2014, 3.

agreements have been defined by some governments and international forums as instruments of trade, further commodifying migrant labour.

Women migrants often lack access to adequate and accurate information about the jobs they are recruited for as well as about their human and labour rights protections in countries of destination, and about access to redress and justice, should things go wrong. The absence of regulation of labour recruitment agencies contributes to situations in which migrants are provided false or misleading information about employment, pay huge fees, often end up in debt bondage and are obliged to stay in abusive employment. ILO Convention 181 on private employment agencies provides the normative basis applied today by a considerable number of countries to regulate private employment agencies recruiting for both domestic and foreign employment.⁹

Governance

ILO Convention 97 on migration for employment¹⁰ and ILO Convention 143 on migrant workers¹¹ together with the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their families¹² and the CEDAW General Recommendation No. 26 on women migrant workers¹³ provide the essential foundations for national migration law, policy and practice. The recently entered into force ILO Convention 189 on Decent Work for Domestic Workers¹⁴ provides for explicit protections of domestic workers, a majority of whom around the world are migrants.

These and other international labour standards and human rights instruments set out: equal treatment and non-discrimination for women and men regardless of migration status; decent work and occupational safety and health protection; freedom of association and collective bargaining rights; access to justice; and other protections. They provide a comprehensive normative framework for national governance as well as for international cooperation on migration.

However, despite the ILO estimate that some 90% of all contemporary migration results in labour and economic activity outcomes,¹⁵ national migration governance responsibilities are assigned to interior ministries in many countries, sometimes shifted in recent years from labour ministries to the control institutions of States. Administration of the foreign components of work forces (female and male) by policing institutions has consequences in shifting emphasis of law enforcement regarding work from labour standards to immigration control and in imposing policing solutions to labour conflicts at the expense of social dialogue and protection of labour rights.

Internationally, the consular services of home countries can provide information and support to 'migrant' citizens abroad as well as advocate for respect for their rights in host countries. However, this support (especially valuable for rights protection and welfare of women migrants) remains far too little provided.

⁹ *ILO Convention concerning Private Employment Agencies, C181*, adopted 19 June 1997, entry into force 10 May 2000, available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312326.

¹⁰ *ILO Migration for Employment Convention (Revised), C97*, adopted 1 July 1949, entry into force 22 January 1952, available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312242.

¹¹ *ILO Migrant Workers (Supplementary Provisions) Convention, C143*, adopted 24 June 1975, entry into force 09 December 1978, available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312288.

¹² *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, adopted 18 December 1990, entry into force 1 July 2003, available at: <http://www2.ohchr.org/english/bodies/cmw/cmw.htm>.

¹³ Committee on the Elimination of all Forms of Discrimination Against Women, *General recommendation No. 26 on women migrant workers*, CEDAW/C/2009/WP.1/R, 5 December 2008, available at: http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf.

¹⁴ *ILO Convention Concerning Decent Work for Domestic Workers, C189*, adopted 16 June 2011, entry into force 05 September 2013, available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C189.

¹⁵ ILO, *International Labour Migration: A Rights Based Approach* (Geneva: International Labour Organization, 2010), 1.

Recommendations for Advocacy and Action

1. Advocate for ratification by all States of *ILO Convention 97 on migration for employment*, *ILO Convention 143 on migrant workers*, the *1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, and *ILO Convention 189 on Decent Work for Domestic Workers* and their full implementation in national law, policy and practice –to ensure binding and enforceable protection of rights and equality of treatment of all women migrants.
2. Ensure *mainstreaming* of attention to and inclusion of migrant and refugee women in the implementation of all the *Sustainable Development Goals* and the specific targets relevant to migrants, refugees, migration governance and situations compelling human displacement.
3. Ensure that governments at all levels apply the *CEDAW General Recommendation No. 26* on women migrant workers.
4. Advocate for adoption and enforcement of labour standards on conditions of work and occupational safety, and health and provide for adequate labour inspection in workplaces and sectors where migrants, particularly women, are employed.
5. Support and assist migrant women to organize in associations and in unions to collectively define their own needs and agendas.
6. Ensure that women's organizations, unions, and other civil society organizations are welcoming and inclusive of women migrants.
7. Advocate for and participate in developing gender responsive policy and practice inclusive of and addressing migrant women and girls at all levels of government, particularly in cities and localities, in line with attention to migrants, refugees and Internally Displaced Persons (IDPs), regardless of status, in the New Urban Agenda.
8. Demand that all employers in private and public sectors institute policy, regulations and practice preventing harassment, abuse and exploitation of women, with particular attention to migrant women.
9. Insist on and support provision of all basic services to all migrants including refugees, with particular attention to women and girl migrants, by all levels of government, particularly local.
10. Beyond the specifics above: support political –not military- resolution of armed conflicts, stop arms supply to countries in conflict, and promote creation of *decent work* employment in refugee and migrant origin countries to make migration a choice rather than a necessity.

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