**Background Note**

**Expert Meeting, 21-22 November, Geneva**

# **Introduction**

This background paper is produced in preparation for a meeting of experts that will be convened by UN Women and OHCHR to identify key issues and develop recommendations for addressing gender perspectives in the development of a global compact for safe, orderly and regular migration[[1]](#footnote-1) and its subsequent implementation. A primary aim of these recommendations will be to ensure that the achievement of gender equality and the empowerment and human and labour rights of all migrant women and girls - irrespective of age, sexuality, race, disability, migration status, or other identity markers - are central to the global compact.

This paper will briefly set out the existing international legal and normative framework as it responds to the realities of migrant women. The paper then provides an overview of the situation of migrant women. Draft recommendations on addressing gender in the global compact for safe, orderly and regular migration of women are then set out briefly through the lens of five thematic areas: (1) Developing evidence-based, gender-responsive migration policy; (2) migrant women and girls’ access to human rights-based and gender-responsive services; (3) migrant women’s labour rights, access to decent work and social protection; (4) women’s human rights throughout the migration process (including at borders, in detention, residency status rights, and return and repatriation); and (5) improving migrant women’s access to empowering, safe, orderly and regular migration pathways. Drawing on evidence from global as well as regional contexts, this paper seeks to illustrate best practices, or successful approaches which recognize gender, and strengthen gender-responsive governance.

# **Context**

During the Summit for Refugees and Migrants, Member States adopted the New York Declaration for Refugees and Migrants (A/RES/71/59), which expresses the political will of world leaders to protect the rights of refugees and migrants, to save lives and share responsibility for large population movements. The New York Declaration recognizes the specific vulnerabilities of women on the move (para 23) and makes commitments to ensure that responses mainstream a gender perspective, promote gender equality and the empowerment of all women and girls, and respect and protect their rights (para 31). The New York Declaration also recognizes the significant contributions and leadership of women, committing to ensuring women’s full and meaningful participation in the development of local solutions (para 31). The New York Declaration refers to the existing international normative framework on the protection of migrant worker rights, calling upon States to ratify or accede to the ICRMW (para 48).

Annex two of the New York Declaration, “Towards a global compact for safe, orderly and regular migration” (see annex) sets out a commitment to a process that will lead to the adoption of a new “Global compact for safe, orderly and regular migration”. The Global Compact is expected to stipulate a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions, enhancing international coordination and cooperation on migrants and human mobility. The Global Compact is expected to address a number of key elements, including among other issues, protection of labour rights and a safe environment for migrant workers and those in precarious employment; protection of women migrant workers in all sectors; promotion of labour mobility, including circular migration (para8. q). The Global Compact will be elaborated through a process of intergovernmental negotiations, culminating in an intergovernmental conference on international migration in 2018 where the Global Compact will be presented for adoption. Preparations for this process have started, with the appointment by the President of the General Assembly in October of two co-facilitators who are tasked with finalizing a modalities resolution or the Summit by the end of January 2017 and negotiations on the Global Compact beginning thereafter.

Member States reaffirmed their commitment to implementing the Declaration and its annexes in accordance with international law (para. 21).[[2]](#footnote-2) They also committed to develop a global compact on safe, orderly and regular migration (Global Compact) that promotes gender equality and the empowerment of women by agreeing that the Global Compact would be guided and informed by:

* **The 2030 Agenda for Sustainable Development**, which is grounded in international human rights treaties and recognises that the systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial[[3]](#footnote-3); and includes in Goal 5.c the commitment to adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls in employment, leadership and decision-making at all levels;
* **The Addis Ababa Action Agenda of the Third International Conference on Financing for Development**, which reiterates the need for gender mainstreaming, including targeted actions and investments in the formulation and implementation of all financial, economic, environmental and social policies. It also includes a commitment to adopt and strengthen sound policies and enforceable legislation and transformative actions for the promotion of gender equality and women’s and girls’ empowerment at all levels, to ensure women’s equal rights, access and opportunities for participation and leadership in the economy and to eliminate gender-based violence and discrimination in all its forms (par 6);[[4]](#footnote-4) and
* **The Declaration of the High-level Dialogue on International Migration and Development adopted in October 2013**, which recognizes that women and girls account for almost half of all international migrants at the global level, and the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence (GBV), including trafficking in persons and discrimination against them.[[5]](#footnote-5)

# **Existing global legal and normative framework**

Equality between women and men is a fundamental component of human rights law, and non-discrimination on the basis of sex is a key principle underscored throughout legal and normative instruments. Both the International Covenant on Civil and Political Rights[[6]](#footnote-6) and the International Covenant on Economic, Social and Cultural Rights[[7]](#footnote-7) prohibit discrimination based on sex for the enjoyment of all rights secured within their provisions. Legal and normative instruments have subsequently been developed that provide more detail on the particular needs and realities of women and migrants, an overview of which is provided below. The rights contained in the international human rights conventions are universal and inalienable, and are not dependent on citizenship or migration status.[[8]](#footnote-8) As such, states of origin, transit and destination are obligated to protect the rights of migrant women and girls within their territories, regardless of nationality, origin, religion, race, or immigration status.[[9]](#footnote-9)

*Existing legal and normative instruments:*

*International Convention on the Elimination of All forms of Discrimination against Women (CEDAW):* With 189 states parties, the convention includes obligations to suppress trafficking in women (Article 6); provide equal rights with men to acquire, change or retain nationality (Article 9); eliminate discrimination against women in the field of employment (Article 11); eliminate discrimination against women in the field of health care and ensure access to health care including that related to family planning and specifically maternal care (Article 12); accord the same rights to women with regards to the law in relation to the movement of persons and the freedom to choose residence and domicile (Article 15.4).

*CEDAW General Recommendations:* The CEDAW Committee’sGeneral Recommendation 26 addresses women migrant workers in vulnerable situations, as well as those who migrate for work, those who migrate as spousal dependents, and those who find themselves in undocumented situations. General Recommendation 26 outlines responsibilities specific to States of origin, transit and destination and provides: migration policy be gender responsive (para. 23. (a)); that women migrant workers be involved in policy formulation (para. 23. (b)); data reflect the situation of women migrant workers (23. (c)); right to retain travel and ID documents (26. (d) and 24. (e)); remittances are safeguarded (24. (g)); that women in detention do not suffer discrimination (para. 25. (j)); states should lift discriminatory bans on the movement of women (para. 24. (a)); access to appropriate training pre-departure (para. 24. (b)); labour rights (para. 26. (b)); access to health and social services (para. 26. (i)); access to legal and administrative assistance (para. 24. (f)); better cooperation between states (para. 27. (a) and (b)). General Recommendation 9 highlights the importance of sex-disaggregated data to the promotion and protection of women’s rights. General Recommendation 24 on women and health provides that measures to eliminate discrimination in health care are inappropriate if services do not prevent, detect and treat illnesses specific to women. General Recommendation 33 on women’s access to justice recognises that women migrants may find it harder to access justice, are more likely to be criminalised for their migration status, and provides that migrant women should have equal access to justice mechanisms.

*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW):* ICRMW provides for the rights of migrant workers and their families without distinction on the grounds of sex (Article 1); that no migrant worker be held in slavery or be required to perform compulsory labour (Article 11); the right to receive urgent medical care on the basis of equality with nationals (Article 28); the right to equality of treatment in accessing educational services, vocational services, housing, social and health services and participation in cultural life (Article 43); the unity of the family be protected (Article 44 and 50); cooperation between states to promote sound, equitable and humane conditions for migrant workers, in relation to labour, social, economic and cultural needs (Article 64); and that states collaborate to prevent illegal or clandestine movements and employment of migrant workers in an irregular situation (article 68 and 69).

*ICRMW General Comments:* The ICRMW Committee’s General Comment No. 1 notes the omission of express references to either domestic work or domestic workers in a broad range of national and international frameworks of law and provides guidance on how States can implement their obligations under the ICRMW with respect to migrant domestic workers. The General Comment No. 1 provides that: States provide information on rights and prepare nationals looking to migrate for domestic work (para. 28 to 30); States of origin, transit and employment share the responsibility for regulating and monitoring recruitment and placement of domestic workers (para. 31); that States regulate and monitor recruitment agencies (para. 33); the rights of migrant domestic workers be properly regulated by national legislation (para. 37); migrant domestic workers be granted access to social security benefits on the basis of equal treatment with nationals (para. 42); and that domestic workers have access to complaint and justice mechanisms (para. 49). General Comment No. 2 addresses the rights of migrant workers in an irregular situation and members of their families and in particular provides that States should ensure that occupations dominated by women migrant workers, such as domestic work and some forms of entertainment, be protected by labour laws and subject to inspections (para. 60). It also provides that migrant women have access to appropriate prenatal and postnatal health care, safe reproductive health services and to emergency obstetric care (para. 72).

*International Convention on the Elimination of All Forms of Racial Discrimination (CERD) General Recommendation 25 on gendered-related dimensions of racial discrimination:* The Committee on the Elimination of Racial Discrimination sought to elaborate States’ obligations to address prevailing gender relations and the persistence of gender-based stereotypes that affect women, not only through individual acts by individuals, but also in law, and legal and societal structures and institutions (para. 7).

*ILO Conventions:* All international labour standards apply to all workers, irrespective of their nationality and migration status, unless otherwise specified. As such, the widely ratified ILO conventions of general application – such as those dealing with labour inspection, protection of wages, and safety and health at work – apply to migrant women workers. Also, a number of these (such as those addressing social security[[10]](#footnote-10) and the regulation of private employment agencies) also contain specific provisions on migrant workers. Some ILO conventions specifi­cally focus on migrant workers. For instance, the Migration for Employment Convention, 1949 (No. 97) protects regular migrant workers from discrimination and exploitation, and establishes the principle of equality of treatment in respect of social security (Article 6). The Migrant Workers Convention, 1975 (No. 143) includes explicit provisions on equality of treatment for migrant workers in an irregular situation and members of their families. The Domestic Workers Convention No. 189 and its accompanying recommendation 201 address the protection of all domestic workers and generally do not distinguish between nationals and non-nationals employed as domestic workers. It outlines the need for written contracts, or a written job offer, prior to migration (Article 8.1); terms for repatriation (Article 8.4); entitlement to weekly rest (Article 10) and a minimum wage (Article 11); the right to safe and healthy working conditions (Article 13); and equal conditions to workers generally, in relation to social protection and maternity (Article 14). It also contains a specific provision on the regulation of private recruitment agencies and investigation of complaints (Article 15).

*ILO Multilateral Framework on Labour Migration: The* 2006 ILO Multilateral Framework on Labour Migration is a set of non-binding principles and guidelines for a rights-based approach to labour migration. It promotes the protection of female migrant workers 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. The Framework calls for the conclusion of social security agreements for the benefit of migrant workers (Guideline 9.9. p. 18).

*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*: provides that states shall take into account the gender of victims of trafficking (Article 6).

*The Beijing Declaration and Platform for Action:* The Beijing Declaration reaffirmed the commitment of Member States to the empowerment and advancement of women (Article 12) and outlined the importance of recognising the multiple barriers that women face to their empowerment and advancement, including such factors as race, age, language, ethnicity, culture, religion, disability or indigenous status (Article 32). The Platform for Action specifically recognized the barriers to full equality and advancement that exist for migrant women (Article 46), providing that governments ensure the full realization of the human rights of all women migrants, and their protection against violence and exploitation; introduce measures for the empowerment of documented women migrants, including women migrant workers; facilitate the productive employment of document migrant women through greater recognition of their skills, foreign education and credentials; and facilitate their full integration into the labour force (Article 58 (k)).

*The Sustainable Development Goals (SDGs):* The SDGs address the urgent environmental, political and economic challenges facing the world. In Goal 5, the SDGs emphasise the importance of gender equality and the empowerment of all women and girls. Goal 8.8 seeks to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. The goals and targets most pertinent to the advancement of women migrants can be found in Annex A of this paper.

**Facts, figures and trends**

Women make up approximately half of the 244 million international migrants worldwide, and contribute to economic growth and human development.[[11]](#footnote-11) Migration is not a gender neutral phenomenon. Gender influences the specific experiences and risks of women and men at all stages of migration, including pre-departure, transit, entry, in destination and return.

The experiences of migrant women can inform and change social, cultural, political and gender norms and can influence positive social change across households and communities in sending and destination countries. For instance, when a woman’s new earning capacity has the effect of elevating her status in her family and/or community, she may have more influence on how that money is spent, as well as on other significant decisions that she might previously have been excluded from influencing.[[12]](#footnote-12)

Migrant women are responsible for half of the world’s estimated $601 billion in global remittances.[[13]](#footnote-13) Women can exercise considerable individual and collective agency through their remitting practices, both by being central to household decision-making processes back home and by choosing to whom remittances are sent. Further, women’s remittance sending behaviour can provide a substitute for poor social security in countries of origin. When women are in charge of remittances, funds are more likely to be spent on health, education, family and community development.[[14]](#footnote-14) Women are more likely to send home a higher proportion of their lower earnings more frequently,[[15]](#footnote-15) but barriers to accessing formal remittance channels and lack of financial literacy mean that women migrants commonly use unregulated channels that are seen as cheaper, more flexible and easier to access. Economic remittances are often lauded for the benefits they can bring through productive investments in property and business, but this focus often fails to take into account the social benefit of women’s remittances or the economic and social costs borne by migrants. Migration may also provide significant social remittances for origin countries, such as the transfer of knowledge, ideas, practices, skills and technologies.[[16]](#footnote-16)

Despite the contributions that migrant women make and the agency that they demonstrate, migrant women are commonly subject to multiple and intersecting forms of discrimination. Such gender-based discrimination may limit migrant women’s decision-making and agency in the household and labour market, as well as their mobility within and outside their countries of origin.

Individuals move for different reasons, in response to a number of factors, including being forced to migrate due to conflict and persecution. The root causes influencing the movement of migrants include poverty, lack of opportunities, economic inequalities, poor governance, environmental factors and climate change, multiple and intersecting forms of discrimination, gender inequalities, gender-based violence, and women’s and girl’s limited access to educational, economic and other opportunities. Individuals may choose to migrate in search of career opportunities and skills development, to seek a better quality of life, or family reunification.

Frequently, women migrant workers are subject to restrictive gendered immigration and emigration policies, such as: skill level or financial requirements for permanent entry; sector-specific programs which channel women into gendered streams of entry via temporary work permits; bans on women’s emigration applied to specific sectors (most commonly domestic work) or age restrictions on women’s migration. Such restrictions do not typically mitigate the costs associated with women’s labour migration and frequently lead women to pursue migration through irregular, unregulated and unprotected channels, often with the assistance of unregulated recruiters, brokers or smugglers.[[17]](#footnote-17) Women’s lack of access to full and reliable information about legal channels and terms and conditions of work make them vulnerable to unscrupulous recruiting agents and traffickers and puts them at risk of physical, emotional and sexual violence.[[18]](#footnote-18) Further, irregular migration or falling into an irregular status can result in detention. Detention violates migrant women’s rights, and exposes them to sexual violence, separation from family, integration in mixed-sex detention situations, and limited or lack of access to reproductive or maternity care.[[19]](#footnote-19)

Whether migrating through regular or irregular channels, women migrants often face the risk of economic exploitation as well as sexual and gender-based violence (SGBV) from intermediaries and employers, with little access to legal protection or justice and SGBV protection services.[[20]](#footnote-20) Migrant women also face high risks of psychosocial stress and trauma, health complications, physical harm, and injury and exploitation,[[21]](#footnote-21) which in turn create obstacles to the achievement of equality, development and peace.[[22]](#footnote-22) Moreover, women migrants face a number of barriers to protection, including: exclusionary policies which limit access to gender-responsive services, health care, or legal support; power imbalances between employers and migrant workers, often enhanced by migration status tied to employment; isolation and lack of access to information on rights and protections; family separation and dependence on remittances; as well as sector specific risks and language barriers.

While forced labour is a risk for many individuals using irregular migration channels,[[23]](#footnote-23) women migrants are more susceptible than men to being trafficked, and account for 70 per cent of all trafficking victims detected globally and 97 per cent of all victims of trafficking for sexual exploitation.[[24]](#footnote-24) A lack of regular status in countries of transit and destination means that those who are victims of abuse, exploitation and violence face greater challenges to prosecuting their abusers.[[25]](#footnote-25)

Migrant women also face gendered vulnerabilities that are specific to their sector of labour market insertion. A key example is the high prevalence of migrant women in the domestic and care sectors, which are typically undervalued and un/undercompensated. [[26]](#footnote-26) The low status of domestic and care work contributes to its invisible, informal and unregulated nature, and often leaves women migrants vulnerable to labour or human rights violations, including poor working conditions, with no limitations on working hours, limited freedom of movement and poor wages. In the care sector, for example, workers are often isolated in private homes and/or with restricted movement, and without access to legal or social protection. The ILO Convention concerning decent work for domestic workers (No. 189) addresses the situation of migrant care workers, but currently only 23 States have ratified the Convention

According to ILO data, there are currently 67 million domestic workers worldwide, of which 11.5 million are migrant domestic workers.[[27]](#footnote-27) Domestic workers are rarely protected by labour laws and their migration status is often tied to a single employer.[[28]](#footnote-28) These gaps in protection for domestic workers are common across all countries, even those known for better working conditions. For example, the UK recently abolished the domestic worker visa, replacing it with a “tied visa” that prohibits workers from changing employers within six months.[[29]](#footnote-29) The “tied visa” identifies a single employer on work permits and migrants are in contravention of immigration laws if they engage in work for any employer other than the ‘named’ employer. Similar systems are used in Canada..[[30]](#footnote-30) In Middle Eastern countries, the Kafalah system requires all unskilled labourers to have an in-country sponsor, usually their employer, who is responsible for their visa and legal status. Programs such as these that link visa status with employers make it difficult for migrant workers to leave exploitative working conditions.

The movement of migrant women results in their own caregiving roles being assigned to someone else, often another female migrant or female family member, which contributes to the growth of global care chains and reinforces long-standing gender roles and the undervaluation of female labour.[[31]](#footnote-31) However, growing numbers of women globally are achieving economic independence through gainful employment. In most cases, women on the move display strength, endurance and resourcefulness, and can offer positive contributions to countries of origin, destination and return.

Policy and legislation addressing migration continue to be largely gender-blind. For example, women’s labour, such as in the care sector, is more likely to substitute public services, infrastructure or social protection policies than be recognised or supported by them. This is compounded by the lack of standardised and sex-disaggregated data on migration, which creates a challenge to the development of evidence-based gender-responsive policy on migration. Similarly, the lack of data and evidence on the contributions that women make to development has resulted in development policies that are not responsive to the specific rights, experiences, and needs of women.

**Draft recommendations for addressing gender in the global compact for safe, orderly and regular migration of women**

Key recommendations for ensuring gender-responsive approaches to migration are as follows:

1. **Developing evidence-based, gender-responsive migration policy**
   1. Ensure that national migration governance accounts for the multiple and intersecting forms of discrimination that migrant women and girls face, including on the interrelated grounds of gender, sexuality, pregnancy, parenthood, nationality, ethnicity, religion or belief, age or disability.
   2. Develop and strengthen social protection policies that support safe, orderly and regular migration and contribute to achieving gender equality; addressing the difficulties migrant women face in accessing social protection policies due to eligibility requirements, cost and time constraints, limitations in portability of pensions, as well as due to lack of information and language barriers. Recognise that failure to provide social protection not only infringes on the fulfilment of the rights of migrant women, but further constrains progress towards gender equality and women’s empowerment. Note the examples in Azerbaijan, Jamaica, and Peru, where migrants are provided equal access to social protections, such as health care and pension schemes.[[32]](#footnote-32)
   3. Recognise the valuable contributions to economic growth and human development that migrant women and girls make, including through care and reproductive labour, taxes and remittances. Ensure that development policies mainstream migration from a gender perspective and recognize the contributions of migrant women, including to social protection.
   4. Implement robust gender-responsive research, data acquisition, analysis and auditing and accountability measures in order to highlight the contributions made by migrant women, as well as the gendered drivers of migration, the situation and realities of women migrants more broadly, and to inform the design, implementation and monitoring of evidence-based and gender-responsive migration policies.
   5. Note efforts to protect the rights of migrant women workers and other vulnerable populations, for example the adoption by Bosnia and Herzegovina of guidelines on methods of data acquisition, including reporting on gender discrimination and violence against women, in conjunction with a database to increase information on women migrant workers. Other member states, including Jamaica, Italy, Malta, Peru and the Philippines, also adopted data collection methodologies that intend to highlight information on women migrant workers.[[33]](#footnote-33)
   6. Highlight measures by states, including Azerbaijan, Cambodia, Greece, Jamaica, Namibia and the United Arab Emirates, to develop the capacity of government officials to formulate gender-responsive legislation in order to better provide for the distinct needs of women migrant workers.[[34]](#footnote-34)
   7. Ensure that migrant women’s organisations and support groups are included in the development, implementation and monitoring of policy, legislation and other measures that ensure women’s access to services, including appropriate education and awareness-raising programmes related to the protection of women migrants’ rights, as well as efforts to prevent gender-based violence.
   8. Undertake measures to ensure that gender responsive policies and programmes are adequately funded, as in Italy, where financial resources have been allocated to implement the state’s gender-sensitive migration and trafficking policies, which promote the respect of the human rights of migrants.[[35]](#footnote-35)
2. **Migrant women and girls’ access to human rights-based, gender-responsive services** 
   1. Recognise that the opportunities that migration offers women and girls hinge on the provision and access to human rights-based, gender-responsive services.
   2. Take measures to ensure that access to health services is not restricted on the basis of migration status, in particular in relation to reproductive and sexual health care, including safe and effective methods of modern contraception, emergency contraception, safe and accessible abortion care, maternal health care, pre- and post-natal care, services for sexually transmitted infections, and specialised care for sexual violence survivors. In particular, recognise that women with irregular migration status in countries of transit and destination often struggle to access these services without cost and may face physical harm and risk of deportation as a direct consequence.
   3. Ensure the provision of and access to gender-responsive and culturally-appropriate legal representation, information, and other material assistance, including interpretation services.
   4. Develop and implement service interventions that work specifically to integrate migrant women into the society in countries of transit or destination, particularly in the political, social, economic and cultural fields. Ensuring at all times that policies and programmes are respectful of the cultural identity of migrant woman and protective of their human rights, and recognising that the outcomes can include greater peace and prosperity for the community and country. See Spain’s social inclusion plan, which promotes migrant women’s social and economic inclusion, as well as provides specific employment opportunities for survivors of human trafficking and other forms of violence.[[36]](#footnote-36)
3. **Migrant women’s labour rights, access to decent work and social protection**
   1. Ensure that national labour laws provide women migrant workers, in particular domestic workers, with the same rights and protections that are extended to all workers in the country of destination, in respect to the terms and conditions of employment, including wages, rights in the workplace, health and safety, social dialogue including trade union rights, recognition of skills and qualifications, and social protection. Note that in many countries, specific laws that aim to protect migrant domestic workers are being introduced, including in Qatar and the United Arab Emirates.[[37]](#footnote-37)
   2. Recognise that gender-neutral and gender-discriminatory labour policies and practices limit migrant women’s access to the labour market in countries of transit and destination, resulting in limited opportunities to formal employment and restricted pathways for safe, orderly and regular migration. As a result, women often migrate irregularly and into informal sectors, which perpetuates the unrecognized, undervalued and informal nature of women migrant workers’ labour. Promote the regularization and professionalization of the sectors in which migrant women are employed.
   3. Recognise that the interaction of gender and migration creates particular disadvantages for women migrant workers. The sectors in which migrant women work commonly support social welfare in countries of destination. Similarly, their remittances may supplement poor social protection in countries of origin. At the same time, women’s reproductive care role creates a larger need for social protection. Take measures to ensure that the contributions and benefits of social protection are transferable between countries and provide access to social welfare in countries of employment and destination. Good practice can be drawn from Sweden’s labour migration legislation, which provides equal opportunities to social welfare for migrant women in Sweden, as well as those with yearlong work permits.
   4. Ensure that the unpaid care and domestic work of migrant women in the global care chain is recognised and valued through the provision of public services, infrastructure and social protection policies, as well as recognising the contribution that human capital makes to countries of origin.
   5. Ensure that women who decide to work abroad are able to access accurate information on legal channels of migration, and/or provide pre-departure orientation which including on terms and conditions of work.
   6. Note the example of Germany, Peru, the Philippines, Singapore and the United Arab Emirates who provide pre-departure trainings and information programmes to migrants during recruitment, in particular to domestic workers. Also Azerbaijan, Cambodia, Germany, Jamaica, Peru, Philippines, Singapore and the United Arab Emirates have gone further by adopting legislation that governs recruitment processes and the contracting of migrants, as well as enacting regulations that govern recruitment agencies and employers.[[38]](#footnote-38)
   7. Take measures to implement firewallsbetween labour inspection services and immigration enforcement authorities to ensure women migrant workers have access to labour rights regardless of their migration status.
   8. See the case of Namibia, where the state has taken steps to enhance the identification of rights violations in the employment of migrant workers by linking labour inspectorates with social workers. Singapore provides migrant workers with information and support during employment disputes, and offers alternative employment to trafficked victims during the investigation.[[39]](#footnote-39) Singapore has also put forward a penalty for abuse to respond to the distinct vulnerabilities faced by migrant domestic workers.[[40]](#footnote-40) In Jamaica, occupational safety and health legislation is being drafted, which aims to address violence and abuse of migrant domestic workers through workplace inspections.[[41]](#footnote-41)
4. **Women’s human rights throughout the migration process (including at borders, in detention, residency status rights, and return and repatriation)**
   1. . Provide training to public and private actors including relevant public and private recruitment agencies, employers and relevant state employees, such as criminal justice officers, border police, immigration authorities, border police and social service and health-care providers, consulates or embassies, on the gendered nature of rights abuses and adequately equip public service staff to identify and address the distinct needs of women migrants in order to ensure the fulfilment of their human rights across all stages of migration.
   2. Ensure safe, culturally-appropriate and gender-responsive spaces and processes at borders including the provision of childcare and trained caseworkers, interviewers and independent interpreters of both sexes.
   3. Review, reform and eliminate laws, regulations, and policies that result in the disproportionate detention of women migrants. Adopt measures to ensure that, while in detention, women migrants do not suffer discrimination or gender-based violence. Commit to ending the detention of migrants with special protection needs**,** including but not limited to pregnant or nursing women, children, survivors of sexual and gender-based violence and trafficked persons.
   4. Ensure that independent residency status for women is secured, in particular to allow for the legal stay of women who flee from an abusive employer or spouse, or who are fired for complaining about abuse. Ensuring that the immigration status of migrant women workers, in particular domestic workers, is not conditional on the sponsorship or guardianship of a specific employer, since any such arrangement may unduly restrict the liberty of movement of migrant domestic workers and increases their vulnerability to exploitation and abuse, including in conditions of forced labour or servitude.
   5. Ensure equal and independent access to travel documentsfor migrant women, and protect against the confiscation and destruction of identify documents by employers and recruiters.
   6. Recognise the importance of family reunification schemes for migrants that are not directly or indirectly discriminatory on the basis of sex. Facilitate the reunification of migrants with their spouses or persons who, according to applicable law, have a relationship with the migrant worker that produces effects equivalent to marriage, as well as with their minor dependent unmarried children.
   7. Ensure that return to countries of origin is free of coercion and abuse, and is not based on an actual or assumed involuntary family separation, indefinite detention or detention in inadequate conditions. Provide comprehensive socio-economic, psychological and legal services, aimed at facilitating the rights of returning women and their reintegration, as well as complaints/reporting mechanisms that protect women against reprisals, identify and address coercion and abuse, and ensure safe and sustainable reintegration.
   8. Establish comprehensive gender based violence prevention and response strategies and services that are universally applicable and accessible notwithstanding migration status.
5. **Improving migrant women’s access to empowering, safe, orderly and regular migration pathways**
   1. Undertake gender analysis in the development of policies and programmes in order to address the gendered drivers of migration, including in measures to achieve policy coherence in migration and other relevant policies. For example, gender-based discrimination and gender inequality are drivers of migration as well as risk factors that increase the vulnerability of women and girls to trafficking. Moreover, the vulnerability of women and girl migrants to trafficking increases during conflicts and disasters. Gender must be mainstreamed in initiatives designed to respond to movements of people as a result of disasters and conflicts, as well as in anti-trafficking measures in disaster risk management plans and recovery/post-conflict strategy, with the aim of preventing trafficking.
   2. Take necessary measures to counter the challenges faced by women in accessing formal remittance transfer systems. Ensure that access is not limited on the basis of irregular migration status, informal employment status, or due to poor financial literacy. Incorporate a gender perspective in financial inclusion policies and strategies in the context of new remittance platforms in order to address these challenges.
   3. Develop and implement bilateral and regional agreements or memorandums of understanding that are adequately equipped to promote the full protection of the rights of women migrants throughout the migration cycle. Promote greater cooperation and sharing of information and best practices amongst States, including in the identification of perpetrators of violations, abuse and exploitation.
   4. Address xenophobic and racist discourse and actions against migrants as they have far reaching effects for safe, orderly and regular migration. Actively combat challenges resulting from discrimination against migrants, including those which lead to challenges for policy makers, that create barriers to inclusion of migrants in transit and in destination countries, and those which hinder the ability of migrants to contribute towards sustainable development. Recognise the intersection of gender discrimination can have compounding effects for women migrants. Take measures to implement the Secretary General’s multi-stakeholder rights-based campaign to counter xenophobic and racist discourse and actions committed against migrants by highlighting the positive contributions of migrants and through appealing to our shared and common humanity as individuals deserving of dignity and respect.

**Annex A: Gender responsive migration and the SDGs**

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| **SDG** | **Goal Description** | **Opportunity for safe, orderly, regular migration of women migrants** |
| **Goal 1: End poverty in all its forms everywhere** | | |
| 1.5 | By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters | Increased resilience and reduced vulnerability of the poor will reduce situations of precarious migration and increase opportunity to access safe, orderly and regular migration options. |
| **Goal 3: Ensure healthy lives and promote well-being for all at all ages** | | |
| 3.7 | By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes | Women migrants with irregular migration status struggle to access sexual and reproductive healthcare in countries of transit and destination and are at risk. |
| 3.8 | Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all | Access to universal healthcare for women migrants will increase their health and safety. Increased access for their family will reduce pressure on women migrants to remit money for healthcare. |
| 3.c | Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States | The migration of women healthcare workers can leave deficits in countries of origin. A programme of retention will provide employment opportunities as an alternative to migration whilst increasing healthcare in countries of origin. |
| **Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all** | | |
| 4.3 | Ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university. | Quality education increases employment opportunities and reduces women’s dependency on informal, irregular and unprotected migration options. |
| 4.4 | Substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship. | Many sectors in which migrant women work do not benefit from a recognized skills or training frameworks, including domestic work. |
| **Goal 5. Achieve gender equality and empower all women and girls** | | |
| 5.2 | Eliminate all forms of violence against all women and girls in the public and private sphere, including trafficking and sexual and other types of exploitation. | Violence against migrant women takes many forms, including economic and sexual. The risk of violence is heightened in informal and irregular sectors in which many women migrants work. |
| 5.4 | Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate. | Domestic and care work continues to be a highly feminized sector of work. Women migrant workers often fulfil the reproductive role within the household of a woman being employed outside the household. At the same time, women migrant workers in domestic work may employ a woman to fulfil their role at home. This has created global care chains and transnational mothering, both phenomena of development that are particular to women migrant work. |
| 5.5 | Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life. | Women’s full and effective participation and leadership affects the laws and norms that may be barriers to women’s mobility and gender equality.  Where women migrant workers migrate to countries with more progressive values on women’s leadership, they may be more likely to return with and replicate those values. |
| 5.6 | Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences. | Health and social services often preclude women migrants with an irregular status, meaning irregular migrant women do not have universal access to reproductive and sexual health care. |
| 5.C | Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels. | Mainstreaming gender into labour, migration and trafficking frameworks is necessary to ensure that the particular realities and needs of women migrant workers are addressed. |
| **Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all** | | |
| 8.5 | Achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value. | Women migrant workers largely migrate irregularly into informal sectors, do not work in sectors that attract labour protection, and as such are unlikely to have conditions for decent work. Some feminized sectors that demand female labour (including domestic work and entertainment/sex work) are not recognised formally as labour and thus remain as informal employment. |
| 8.7 | To take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. | Increasing regular and formal migration options for women will reduce vulnerability to trafficking and forced labour. In some circumstances, this will involve addressing the approach to the formalisation of some feminized sectors, to increase empowerment through labour rights and reduce victimhood and criminalisation. |
| 8.8 | To protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. | Addressing the formalisation of feminized sectors and the methods of effective labour inspection within them will be necessary to promote safe and secure working environments. |
| **Goal 10. Reduce inequality within and among countries** | | |
| 10.2 | Empower and promote the social, economic and political inclusion of all, irrespective or age, sex, disability, race, ethnicity, origin, religion or economic or other status. | Providing regular and formal migration options promotes economic inclusion. It also impacts social and political inclusion, through the social elevation of the women migrant workers and the exposure to wider political discourse and engagement. |
| 10.4 | Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve gender equality. | The interaction of gender and migration create particular disadvantages for women migrant workers. The sectors in which migrant women work commonly support social welfare in countries of destination. Similarly, their remittances may supplement poor social protection in countries of origin. At the same time, women’s reproductive care role creates a larger need for social protection. Because the contributions and benefits of social protection are rarely transferable between countries, however, migration may reduce women’s access to benefits when they are needed. |
| 10.7 | To facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies | Policies for safe, orderly and regular migration will need to respond to the situation of women migrants to be able to ensure they benefit all migrants. |
| 10.c | To reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent | This goal interacts with issues of financial inclusion and regular migration more broadly – the goal of reducing remittance costs for women will likely be an outcome of the regularisation of their migration. |
| **Goal 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development** | | |
| 17.18 | By 2020, to enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts | Sex disaggregated data and research that captures the situation of women migrants can inform evidence based policy that responds to women migrants. |

1. See Annex II of the UN General Assembly, New York Declaration for Refugees and Migrants, outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/71/L.1, 13 September 2016. [↑](#footnote-ref-1)
2. Including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular General Recommendation 26 on women migrant workers (GR26), General Recommendation 32 on the gender-related dimensions of refugee status (GR32), the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (ICRMW), including General Comment No. 1 on migrant domestic workers and the ILO Convention concerning Decent Work for Domestic Workers, 2011 (No. 189) and the attending Domestic Workers Recommendation, 2011 (No. 201). [↑](#footnote-ref-2)
3. UN General Assembly (2015) Transforming our World: the 2030 Agenda for Sustainable Development, A/Res/70/1, para. 20 [↑](#footnote-ref-3)
4. UN (2015) Addis Ababa Action Agenda of the Third International Conference on Financing for Development, para. 6 [↑](#footnote-ref-4)
5. UN General Assembly (2013) Declaration of the High-level Dialogue on International Migration and Development, A/68/L.5, para. 11 [↑](#footnote-ref-5)
6. Which guarantees, freedom from slavery, right to liberty, equality before the law and freedom of movement [↑](#footnote-ref-6)
7. Which guarantees the right to work, to form trade unions, to an adequate standard of living, the right to health and the right to education [↑](#footnote-ref-7)
8. With the exception of voting rights (for example in the ICCPR), which are limited to citizens. [↑](#footnote-ref-8)
9. See, e.g., Human Rights Committee, general comment No. 31 (2004), para. 10; Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on discrimination against non-citizens, para. 7 Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009), para. 30. [↑](#footnote-ref-9)
10. Relevant ILo standards in the rea of social security are: Convention on Social Security (Minimum Standards), 1952 (No. 102), sets global minimum standards for all nine branches of social security. Part XII of Convention No. 102 (Article 68) is devoted to equality of treatment of non-national residents. Equality of Treatment (Social Security) Convention, 1962 (No. 118), sets forth the equality of treatment principle between national and non-national workers and their families. Maintenance of Social Security Rights Convention, 1982 (No. 157), calls for the maintenance of rights in the course of acquisition by providing for the totalization of qualifying periods completed in different countries. Maintenance of Social Security Rights Recommendation, 1983 (No. 167), sets out in its Annex a Model Agreement for the Coordination of Bilateral or Multilateral Social Security Instruments. Social Protection Floors Recommendation, 2012 (No. 202), sets four basic social security guarantees to all residents and children: (i) access to a nationally defined set of goods and services constituting essential health care, including maternity care; (ii) basic income security for children, at least at a nationally defined minimum level; (iii) basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income; and (iv) basic income security, at least at a nationally defined minimum level, for older persons. Migrants and their families should have access to these basic social security guarantees in the State where they reside, as well as in their home country [↑](#footnote-ref-10)
11. UN General Assembly (2013) Declaration of the High-level Dialogue on International Migration and Development, A/68/L.5 para. 11 [↑](#footnote-ref-11)
12. Temin, M. et al. (2013) “Adolescent Girls and Migration in the Developing World Policy Brief.” New York*:* Population Council, p. 8. [↑](#footnote-ref-12)
13. See, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/4549025-1450455807487/Factbookpart1.pdf> [↑](#footnote-ref-13)
14. UN Women (2013) “Managing labour migration in ASEAN: Concerns for women migrant workers.” Bangkok: UN Women, p.8; Orozco, M; Lowell, L., Schneider, J. (2006) “Gender-Specific Determinants of Remittances: Differences in Structure and Motivation.” Washington DC: The World Bank. [↑](#footnote-ref-14)
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16. UN Women (2013) “Contributions of migrant domestic workers to sustainable development.” Bangkok: UN Women, p.23 [↑](#footnote-ref-16)
17. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205 , para. 9 [↑](#footnote-ref-17)
18. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205 , para. 6; UN General Assembly (2016) Report of the Secretary General “Trafficking in women and girls” A/71/223, para. 67 [↑](#footnote-ref-18)
19. UN General Assembly (2012) Report of the Special Rapporteur on the Human Rights of Migrants, A/HRC/20/24 [↑](#footnote-ref-19)
20. UN Women (2016) “Progress of the world’s women: transforming economies, realizing rights.” New York: UN Women, p.92 [↑](#footnote-ref-20)
21. UN General Assembly (2015) Report of the Secretary-General, "In safety and dignity: addressing large movements of refugees and migrants" A/71/59 [↑](#footnote-ref-21)
22. Beijing Declaration and Platform for Action, Article D.112 [↑](#footnote-ref-22)
23. According to the ILO, globally, almost 21 million people are victims of forced labour, and 14.2 million are victims of forced labour exploitation. About 11.4 million are women and girls and 29% of all victims of forced labour are migrants. Available at: <http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf> [↑](#footnote-ref-23)
24. UN General Assembly (2016) Report of the Secretary General “Trafficking in women and girls” A/71/223 [↑](#footnote-ref-24)
25. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205 , para. 10 [↑](#footnote-ref-25)
26. The demand for women migrant workers in the domestic and care sectors is a product of aging populations, declining fertility rates and increasing female labour participation, which has resulted in a care deficit in many wealthier economies, often made worse due to lack of affordable public care services. [↑](#footnote-ref-26)
27. see: <http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf> [↑](#footnote-ref-27)
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32. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205, para. 34 [↑](#footnote-ref-32)
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34. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205, para. 36 [↑](#footnote-ref-34)
35. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205, para. 29. [↑](#footnote-ref-35)
36. UN General Assembly (2015) Report of the Secretary-General “Women in Development” A/70/256 , para. 27 [↑](#footnote-ref-36)
37. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205 , para. 34. [↑](#footnote-ref-37)
38. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205, para. 35 [↑](#footnote-ref-38)
39. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205, para. 50. [↑](#footnote-ref-39)
40. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205, para. 32. [↑](#footnote-ref-40)
41. UN General Assembly (2015) Report of the Secretary-General “Violence against women migrant workers” A/70/205, para. 34. [↑](#footnote-ref-41)