**Promoting and Protecting Women Migrant Workers’ Labour and Human Rights**

21 & 22 November 2016

Room IV | Palais des Nations| Geneva

**Concept Note**

**Expert Meeting**

**Introduction**

Women make up approximately half of the 244 million international migrants worldwide, contributing to economic growth and human development. At the same time, refugee and migrant women face high risks of sexual and gender-based violence, psychosocial stress and trauma, health complications, physical harm, injury and exploitation.[[1]](#footnote-1) Migrant women are commonly subject to multiple and intersecting forms of discrimination, as women, as migrants, and often on additional grounds such as race, ethnicity or belonging to a minority group. Such gender-based discrimination limits migrant women’s decision-making and agency in the household and in the labour market, as well as their mobility – within and outside their countries of origin.

UN Women’s project "Promoting and protecting women migrant workers’ labour and human rights: Engaging with international and national human rights mechanisms to enhance accountability" promotes women migrant workers’ (WMWs) rights and protection against exclusion and exploitation at all stages of migration. Piloted in the Philippines, Mexico and Moldova, this global project is funded by the European Union (EU), and aims to:

1. strengthen strategic international human rights mechanisms, national oversight institutions and governments to ensure accountability to women migrant workers at all stages;
2. strengthen women migrant workers’ organizations and their support groups to effectively engage with the above stakeholders to ensure greater accountability to them.

Since 2014, the project has generated original research, building capacity among a variety of stakeholders, and strengthening advocacy at the national level, focusing on the promotion and protection of WMWs within the framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular the Committee’s General Recommendation 26 (GR26), the Convention on the Protection of Migrant Workers and Members of their Families (ICRMW), and the ILO Convention concerning Decent Work for Domestic Workers (C189). As part of these efforts, the project has provided advice on strengthening the gender dimensions of two key outputs of the Committee on Migrant Workers (CMW), namely the List of Issues Prior to the submission of the initial periodic Report of countries (LOIPR), and the Committee’s Concluding Observations (COBs), that are delivered to State Parties. It has also provided direct briefings to the CMW Committee, highlighting the linkages between gender equality and migration and the importance of addressing WMWs’ rights through CEDAW and ICRMW. As part of the project, UN Women co-organised a side event to the 64th CEDAW Session on 21 July 2016 with OHCHR with panellists from the CMW and CEDAW Committees, international organisations and civil society exchanging on the importance of addressing the needs of WMW through the CEDAW and CMW review processes. A side event was also co-organized by the Permanent Missions of Mexico, Moldova and the Philippines together with UN Women on 4 November at UPR 26th Session to highlight the role of international human rights mechanisms, including the UPR in protecting and promoting the rights of WMW.

The project also coordinated a joint statement by the CEDAW and CMW Committees, OHCHR and UN Women on addressing gender dimensions in large-scale movements of refugees and migrants, which was released on 19 September 2016 to coincide with the UN Summit for Refugees and Migrants (see, http://www.unwomen.org/en/news/stories/2016/9/statement-addressing-gender-dimensions-in-large-scale-movements-of-refugees-and-migrants). In addition, the project also hosted a related event prior to the Summit on 16 September 2016, which featured a representative of the CMW on the panel together with representatives of Member States, UN agencies and civil society.

**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.

**Expert meeting**

UN Women and OHCHR will host a meeting of experts that will bring together members from the CEDAW and CMW committees, as well as representatives of select UN agencies and civil society, to identify key issues and develop recommendations for addressing gender perspectives proactively and effectively in the development of the global framework to respond to migration and its subsequent implementation. The expert meeting will build on the gains achieved through the initiatives recently undertaken with the CMW and CEDAW Committees, and further contribute to their stated interest in working more closely together for the benefit of women migrant workers.

A primary aim of these recommendations will be to support the process of developing the new Global Compact to ensure that gender equality and the empowerment of migrant women and girls are central to the work and are given priority in the Global Compact. The meeting will also provide an opportunity for representatives of both committees to discuss how they can effect greater collaboration in strengthening the accountability of States for the promotion and protection of women migrant workers’ rights through the existing normative framework and how compliance with treaty obligations can be reinforced and enhanced as part of the Global Compact.

This expert meeting will be held following the 65th CEDAW Session in Geneva. The two-day meeting will be jointly hosted by UN Women and OHCHR. The working language will be English.

UN Women will prepare a background paper to support the discussion. Committee experts, representatives of invited UN entities and civil society are invited if they are inclined to do so to prepare short notes (2-3 pages) on their work, together with key recommendations for presentation to the expert meeting.

**Objectives**

The expert meeting has three objectives:

1. *Knowledge sharing on strategies:* present cutting edge thinking and experiences on the linkages between gender equality and migration, including the rights, contributions, needs and vulnerabilities of migrant women;
2. *Building Consensus:* identify key areas for action and develop recommendations for a gender-responsive approach to migration, including in the work towards the Global Compact on migration;
3. *Strengthening Cooperation:* identify steps to greater collaboration between CMW and the CEDAW Committee to increase accountability of States for the protection and promotion of women migrant workers’ rights.

**Outcomes**

The expert meeting is expected to adopt a report containing a set of key areas for action to ensure a gender-responsive approach to migration, as well as recommendations for action by different stakeholders.

**Annex:**

**A/RES/71/1**

**Annex II**

**Towards a global compact for safe, orderly and regular migration**

**I. Introduction**

1. This year, we will launch a process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration.

2. The global compact would set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions. It would make an important contribution to global governance and enhance coordination on international migration. It would present a framework for comprehensive international cooperation on migrants and human mobility. It would deal with all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects of migration. It would be guided by the 2030 Agenda for Sustainable Development[[2]](#footnote-2) and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[[3]](#footnote-3) and informed by the Declaration of the High-level Dialogue on International Migration and Development adopted in October 2013.[[4]](#footnote-4)

**II. Context**

3. We acknowledge the important contribution made by migrants and migration to development in countries of origin, transit and destination, as well as the complex interrelationship between migration and development.

4. We recognize the positive contribution of migrants to sustainable and inclusive development. We also recognize that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses.

5. We will cooperate internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants, regardless of migration status. We underline the need to ensure respect for the dignity of migrants and the protection of their rights under applicable international law, including the principle of non-discrimination under international law.

6. We emphasize the multidimensional character of international migration, the importance of international, regional and bilateral cooperation and dialogue in this regard, and the need to protect the human rights of all migrants, regardless of status, particularly at a time when migration flows have increased.

7. We bear in mind that policies and initiatives on the issue of migration should promote holistic approaches that take into account the causes and consequences of the phenomenon. We acknowledge that poverty, underdevelopment, lack of opportunities, poor governance and environmental factors are among the drivers of migration. In turn, pro-poor policies relating to trade, employment and productive investments can stimulate growth and create enormous development potential. We note that international economic imbalances, poverty and environmental degradation, combined with the absence of peace and security and lack of respect for human rights, are all factors affecting international migration.

**III. Content**

8. The global compact could include, but would not be limited to, the following elements:

(a) International migration as a multidimensional reality of major relevance for the development of countries of origin, transit and destination, as recognized in the 2030 Agenda for Sustainable Development;

(b) International migration as a potential opportunity for migrants and their families;

(c) The need to address the drivers of migration, including through strengthened efforts in development, poverty eradication and conflict prevention and resolution;

(d) The contribution made by migrants to sustainable development and the complex interrelationship between migration and development;

(e) The facilitation of safe, orderly, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies; this may include the creation and expansion of safe, regular pathways for migration;

(f) The scope for greater international cooperation, with a view to improving migration governance;

(g) The impact of migration on human capital in countries of origin;

(h) Remittances as an important source of private capital and their contribution to development and promotion of faster, cheaper and safer transfers of remittances through legal channels, in both source and recipient countries, including through a reduction in transaction costs;

(i) Effective protection of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status, and the specific needs of migrants in vulnerable situations;

(j) International cooperation for border control, with full respect for the human rights of migrants;

(k) Combating trafficking in persons, smuggling of migrants and contemporary forms of slavery;

(l) Identifying those who have been trafficked and considering providing assistance, including temporary or permanent residency, and work permits, as appropriate;

(m) Reduction of the incidence and impact of irregular migration;

(n) Addressing the situations of migrants in countries in crisis;

(o) Promotion, as appropriate, of the inclusion of migrants in host societies, access to basic services for migrants and gender-responsive services;

(p) Consideration of policies to regularize the status of migrants;

(q) Protection of labour rights and a safe environment for migrant workers and those in precarious employment, protection of women migrant workers in all sectors and promotion of labour mobility, including circular migration;

(r) The responsibilities and obligations of migrants towards host countries;

(s) Return and readmission, and improving cooperation in this regard between countries of origin and destination;

(t) Harnessing the contribution of diasporas and strengthening links with countries of origin;

(u) Combating racism, xenophobia, discrimination and intolerance towards all migrants;

(v) Disaggregated data on international migration;

(w) Recognition of foreign qualifications, education and skills and cooperation in access to and portability of earned benefits;

(x) Cooperation at the national, regional and international levels on all aspects of migration.

**IV. The way forward**

9. The global compact would be elaborated through a process of intergovernmental negotiations, for which preparations will begin immediately. The negotiations, which will begin in early 2017, are to culminate in an intergovernmental conference on international migration in 2018 at which the global compact will be presented for adoption.

10. As the Third High-level Dialogue on International Migration and Development is to be held in New York no later than 2019,[[5]](#footnote-5) a role should be envisaged for the High-level Dialogue in the process.

11. The President of the General Assembly is invited to make early arrangements for the appointment of two co-facilitators to lead open, transparent and inclusive consultations with States, with a view to the determination of modalities, a timeline, the possible holding of preparatory conferences and other practicalities relating to the intergovernmental negotiations, including the integration of Geneva-based migration expertise.

12. The Secretary-General is requested to provide appropriate support for the negotiations. We envisage that the Secretariat of the United Nations and the International Organization for Migration would jointly service the negotiations, the former providing capacity and support and the latter extending the technical and policy expertise required.

13. We envisage also that the Special Representative of the Secretary-General for International Migration and Development, Mr. Peter Sutherland, would coordinate the contributions to be made to the negotiation process by the Global Forum on Migration and Development and the Global Migration Group. We envisage that the International Labour Organization, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and other entities with significant mandates and expertise related to migration would contribute to the process.

14. Regional consultations in support of the negotiations would be desirable, including through existing consultative processes and mechanisms, where appropriate.

15. Civil society, the private sector, diaspora communities and migrant organizations would be invited to contribute to the process for the preparation of the global compact.

1. Report of the Secretary-General, A/71/59, "In safety and dignity: addressing large movements of refugees and migrants" [↑](#footnote-ref-1)
2. Resolution 70/1. [↑](#footnote-ref-2)
3. Resolution 69/313, annex. [↑](#footnote-ref-3)
4. Resolution 68/4. [↑](#footnote-ref-4)
5. See resolution 69/229, para. 32. [↑](#footnote-ref-5)