



# **Migrant Women, Women Migrant Workers**

## ***Crucial challenges for Rights-based Action and Advocacy***

**Presentation by Patrick Taran, President  
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at the

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through CEDAW and CMW”***

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Women and girls represent almost half of international migration; 48% of all migrants today are female.<sup>1</sup> In Eurasia, Europe and Latin America, this proportion is higher, 51 to 52%.<sup>2;3</sup> 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.

### **Migration can be empowering for women**

I reiterate the wisdom expressed here. Whether in countries of origin or host countries, women migrants contribute to change, innovation and social integration. Immigrant women meet economic, labour, skills and social needs of host countries; they are part of the increasing international mobility driven by globalization. In destination countries women migrants are sustaining economic development.

### **Risks of exploitation**

The growing prevalence of economically active migrant women is often characterized as the *feminization* of migration. However, demand for women migrant workers in destination countries is defined by labour market segmentation in those markets: opportunities are primarily available in low-skilled jobs considered “suitable for women.”

These job opportunities for women migrants are predominantly in unregulated sectors: agriculture, domestic work, services, and the sex industry. Labour standards are usually weak or non-existent in these sectors, while labour inspection enforcement is often absent where migrant women are working. The existence of gender-disaggregated labour markets undergirds discriminative employment.

The risks of discrimination, exploitation and abuse are compounded by absence of social security access, health coverage and other social protection provisions such as maternity protection.

Women migrants' ability to address their situations and to defend their rights is further suppressed in situations where freedom of association and collective bargaining rights guaranteed under international law are denied in national legislation and policy or in practice. All member states of the ILO are bound

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<sup>1</sup> 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, 2, available at: <http://www.oecd.org/els/mig/World-Migration-in-Figures.pdf>.

<sup>2</sup> United Nations Department of Economic and Social Affairs Population Division, *International Migration 2013* (New York: United Nations, 2013).

<sup>3</sup> OECD, “World Migration in Figures,” 2.

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.<sup>4,5</sup>

### Triple discrimination

Female migrants often suffer 'triple discrimination' -- as women, as unprotected workers, and as migrants. This threefold discrimination of gender, class and nationality often compounded by race or ethnicity, has a major impact on women migrants well-being—or lack of it. It also determines their marginalization from labour market participation, indeed from any participation in society.

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 international norms, adding to the risks faced by women migrant workers.<sup>6</sup> A 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 agreements have been defined by some governments and in certain international forums as *instruments of trade*, further commodifying migrant labour.

### Governance

ILO Convention 97 on migration for employment<sup>7</sup> and ILO Convention 143 on migrant workers<sup>8</sup> together with the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their families<sup>9</sup> and the CEDAW General Recommendation No. 26 on women migrant workers<sup>10</sup> provide the essential foundations for migration governance. I remind, migration governance is mainly exercised through and by national –and local—law, policy and practice.

And please, lets stop the downsizing. 99 States have now ratified at least one of these three migration conventions. The ICRMW alone counts 66 ratifications and signatures. 48 ratifications -a considerable number by States that today are primarily destination countries—plus 18 signatory countries. Signature is the preliminary step to ratification and commits States to respect the provisions of the Convention.

ILO Convention 189 on Decent Work for Domestic Workers<sup>11</sup> provides further explicit protections of domestic workers, a majority of whom are migrants.

These international standards 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.

It's time to get it right. We are 150 million migrant workers, half of them women, by the latest ILO count. 10-20% of workforces in many developed countries are migrants. And we ain't seen nothin' yet.

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<sup>4</sup> *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](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232)

<sup>5</sup> *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:C098n](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::no::P12100_Ilo_Code:C098n).

<sup>6</sup> 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.

<sup>7</sup> *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](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312242).

<sup>8</sup> *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](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312288).

<sup>9</sup> *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>.

<sup>10</sup> 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](http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf).

<sup>11</sup> *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](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C189).

122 countries are at or well below ZPG fertility rate. Germany loses 6 million members of its work force in next 15 years. Italy 3 million. Russia has lost more than 10 million since 2000. And there's the big one. China's work force declines by 100 million in the next thirty years.

Despite more than 90% of all contemporary migration –including refugees—resulting in economic activity outcomes, national migration governance responsibilities are now assigned to interior ministries in many countries, in some cases shifted from labour ministries. Administration of the foreign components of work forces –female and male—by policing institutions has consequences in shifting emphasis of law enforcement at 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.

In the bigger picture, globally, we are on the eve of major *regime change*. The proposal on the table is to shift the global framework for migration governance from the normative foundation we discuss here, and the UN institutional architecture, to an explicitly states-owned compact based on terms that have no meaning, monitoring or accountability in international law nor any well-founded multilateral discipline. States owned means the advantage to the rich and powerful and an allegorical privatization of, or from, the established UN system.

**So what to do?** I wind up with our 12 point 'programme of action' recommendations:

1. Ratification by all States of ILO Conventions 97 and 143 and the ICRMW with full implementation in national and local law, policy and practice.
2. Ratification and implementation of ILO Convention 189 on Decent Work for Domestic Workers,
3. Apply CEDAW General Recommendation No. 26 in law, policy and practice.
4. Implement international labour standards and provide for labour inspection in workplaces and sectors where migrants, particularly women migrants, are employed.
5. Establish adequate channels for regular labour mobility and provide mechanisms for regularization of migrants in irregular situations.
6. Ensure that government at all levels provides health, social and other services to all migrants regardless of status, with particular attention to women and girls.
7. Full implementation of free movement regimes in regional economic communities.
8. Ensure that all temporary or seasonal migrant work regimes comply fully with labour standards and human rights protections.
9. Subject all labour recruitment agencies and services to regulation and monitoring, under terms of ILO Convention 181.
10. Support full expression by all migrants of freedom of association and collective bargaining rights.
11. Provide for labour attaché and consular support services by origin country representations for emigrant and migrant populations in destination countries.
12. (And finally but especially importantly) 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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