

POLICY AND PROGRAMME WORK ON INTERNATIONAL MIGRATION BY THE
UNITED NATIONS DEVELOPMENT FUND FOR WOMEN

United Nations Development Fund for Women (UNIFEM)

This paper is divided into three parts. The first provides an overview of the work of the United Nations Development Fund for Women (UNIFEM), the second highlights its body of policy and programme work on international migration in Asia, and the third situates the work of UNIFEM in the context of the High-level Dialogue on International Migration and Development held in New York in 2006, the Global Forum on Migration and Development held in Brussels, Belgium in 2007 and in Manila, the Philippines in 2008.

A. OVERVIEW OF THE ORGANIZATION

The United Nations Development Fund for Women is the women's fund at the United Nations. It is mandated to promote gender equality and women's empowerment in the national, regional and international agendas and in the work of the United Nations system. The goal of UNIFEM in its strategic plan for 2008-2011 is to facilitate the implementation and accountability on national commitments to gender equality and women's empowerment in three core areas: (a) promoting women's economic rights and security; (b) eliminating violence against women, including halting the spread of HIV/AIDS among women and girls, and (c) promoting gender-responsive democratic governance in stable and politically fragile countries.

B. THE PROGRAMME ON EMPOWERING WOMEN MIGRANT WORKERS IN ASIA

1. Background

Given its mission and mandate, and in response to the feminization of migration flows in Asia, UNIFEM has been implementing the UNIFEM Asia Pacific and Arab States Regional Programme on Empowering Women Migrant Workers in Asia since 2001. The programme seeks to empower women migrant workers by strengthening policies and institutional and social environments in favour of women migrant workers—especially female domestic workers—to claim their rights and entitlements. Currently in its second phase, the programme works in partnership with national governments, regional intergovernmental mechanisms, civil society, the private sector and other international organizations in nine countries in the region—Bangladesh and Nepal in Southern Asia, Cambodia, Indonesia, Lao People's Democratic Republic, the Philippines and Thailand in South-Eastern Asia, Hong Kong Special Administrative Region of China in Eastern Asia, and Jordan in Western Asia.

2. Key results of the programme

At the global level, UNIFEM advanced the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and various other non-CEDAW mechanisms which address women migrants' rights. In particular, CEDAW adopted general recommendations on migration due to advocacy work by UNIFEM, such as convening regional and global multi-stakeholder meetings, including the involvement of the then Special Rapporteur on Migration, Ms. Gabriella Rodriguez, and providing technical assistance to the drafting of the recommendations. UNIFEM also made sure that concern for women was integrated into the CEDAW review process. Seven of the nine programme

on Migration for the Asia Pacific and the Arab region and the Expert Group Meeting on Gender and Migration organized by the Secretariat of GCIM in Geneva.

At the national level, UNIFEM was involved in the following projects:

- (a) UNIFEM analysed trends in female migration, including policy reviews and published its findings for five of the eight programme countries (Cambodia, Indonesia, Jordan, Lao People's Democratic Republic and Nepal);
- (b) Based on the before mentioned studies, gender-sensitive national legislation promoting and protecting the rights of women migrant workers passed in two countries (Indonesia and Nepal), gender-sensitive provincial bills and draft village ordinances were passed in one country (Indonesia) and government consensus on the need for legislation to protect women emigrant workers was reached in two countries (Cambodia and Lao People's Democratic Republic);
- (c) UNIFEM assisted the Jordanian Government to amend its labour laws to recognize domestic labour as work and incorporate the protection for migrant domestic workers into the new law;
- (d) Jordan introduced a Special Unified Working Contract for Migrant Domestic Workers with substantive rights provisions, and efforts are under way to develop appropriate monitoring mechanisms regarding these new working contracts;
- (e) Jordan also introduced regulations for recruiting agencies to protect female labour migrants from abuses;
- (f) Resulting from a multi-media campaign and other advocacy activities organized by UNIFEM on behalf of women migrant workers, the Government of Nepal partially lifted its ban on women

C. PARTICIPATION OF UNIFEM IN PREPARATION FOR THE HIGH-LEVEL DIALOGUE ON INTERNATIONAL MIGRATION AND DEVELOPMENT IN NEW YORK IN 2006

As part of the regional preparations for the High-level Dialogue, UNIFEM made a presentation on Asia's Perspectives on the Gender Dimensions of International Migration at the sixty-second Commission meeting of the Economic and Social Commission for Asia and the Pacific held in Bangkok, Thailand, from 6 to 12 April 2006.

UNIFEM also participated in the informal interactive hearings of the General Assembly with non-governmental organizations, civil society and the private sector on international migration and development, held in New York on 12 July 2006 as part of the preparatory process of the High-level Dialogue. The interventions by UNIFEM during the General Assembly hearing focused on promoting a comprehensive rights-based approach to international migration, particularly for women, highlighting challenges at the policy level. Good practice policy and programme initiatives by UNIFEM and other actors in this field were presented and their replication in other contexts was promoted.

UNIFEM further organized a side event at the informal interactive hearings of the General Assembly on Building Partnerships for Decent Work: Advancing the Rights of Women Migrant Workers. Bringing together partners under its Asia Pacific Programme on Migration, the panel event: (a) highlighted trends in women's migration; (b) showed examples of collaboration between non-governmental organizations and migrant women's associations with recruitment agencies ensuring engendered rights-based migration practices, and (c) demonstrated the application of the Covenant of Ethical Conduct and Good Practices adopted by national associations of recruitment and placement agencies at their regional consultation meeting in Bangkok, Thailand, in November 2005.

Public service announcements on migration were aired during the High-level Dialogue on Migration and Development in 2006

As a prelude to the Second Global Forum in Manila, the Philippines, in 2008 UNIFEM co-organized an International Conference on Gender, Migration and Development: Seizing Opportunities and Upholding Rights in Manila, the Philippines, from 25 to 26 September 2008. The meeting was co-organized with the National Commission on the Role of Filipino Women, the Government of the Philippines and other organizations, such as the International Labour Organization (ILO), the Lola Grande Foundation, the Migrant Forum Asia, the United Nations Children's Fund (UNICEF), the United

like domestic work were not defined as work and domestic workers were denied labour protection. Large numbers of women were recruited into sectors providing intimate services which invaded a woman's privacy and well-being in ways different from men working at construction or manufacturing sites. Convergence of living and work sites, the privatized nature of work and work linked to criminal networks enhanced surveillance of women, curtailed rights to privacy and liberty, lengthened the workday and reduced access to external assistance in comparison to men. Lower-paying jobs, debt bondage, lack of rest days are some of the other violations female migrant workers often endured. Many of these women had limited access to health services or reproductive health care and suffered injuries resulting from physical and sexual violence, domestic accidents and trauma from abuse; some even had to undergo compulsory pregnancy and HIV/AIDS testing. The statement further said that upon return to their countries of origin, their relationship with their husbands or family had often suffered as a result of migration and they were at times stigmatized within their communities. Many lacked access to and control over savings and remittances, spent their savings on conspicuous consumption or invested in productive assets in the name of male family members.

In light of the above, the statement urged governments to take immediate action in the following areas:

- (a) Pre-departure: build capacity of women migrants to cope with potential exploitation through awareness-raising on migration realities for women and pre-departure orientation programmes;

- (c) One-page summary of ICGMD issues and key recommendations prepared by UNIFEM for incorporation into the speech of the Filipino President and Vice-President at the GFMD;
- (d) Advocacy with governments to ensure that gender concerns were addressed in statements, round table discussions and recommendations;
- (e) Advocacy with and support to specific civil society events on gender.

2. Participation in the GFMD

UNIFEM participated in the Global Forum in Manila, the Philippines, in 2008. The strategy for participation developed by the ICGMD in consultation with the Filipino DFA and DOLE a month prior to the Global Forum, yielded the following recommendations:

- (a) The speech of the President and Vice-President of the Philippines should include strong references to the ICGMD and the key recommendations of the Manila Call to Action;
- (b) The key note statements and the official paper of the Filipino Government at Round table 1.1 should call attention to gender issues and should make gender-sensitive recommendations;
- (c) Official government statements and interventions from France, Greece, Mexico, Nepal, the Netherlands, Norway and the Philippines should include references to the protection of women migrant workers;
- (d) The statement of the civil society at the Global Forum should focus on gender-sensitive policies, especially legal protection to migrant domestic workers;
- (e) The Manila Call to Action should be distributed at the Global Forum.

NOTE

¹ For the Covenant, see <http://www.unifem-eseasia.org/projects/migrant/Docs/Covenant%20of%20Ethical%20Conduct.pdf> (accessed 26 February 2009).

REFERENCE

United Nations Development Fund for Women (2005). *Claim & Celebrate Women Migrants' Human Rights through CEDAW*. Bangkok: East and South-East Asia Regional Office.

MANILA CALL TO ACTION

International Conference on Gender, Migration and Development:
Seizing Opportunities and Upholding Rights
Organized by the National Commission on the Role of Filipino Women
in partnership with UNIFEM, ILO, UNICEF, UNFPA, Migrant Forum Asia,
Women and Gender Institute and the Lola Grande Foundation
Manila, 25-26 September 2008

PREAMBLE

Recalling the United Nations Conventions and ILO Conventions to which numerous countries are state parties concerning the rights and protection of migrant workers, the promotion of gender equality and women's empowerment and the social, economic, political and cultural rights of all citizens in development;

Recognizing the importance of the UN Declaration on the Right to Development and that the achievement of the eight Millennium Development Goals (MDGs) requires not only the promotion of gender equality and women's empowerment as a specific goal, but the mainstreaming of gender equality issues in all seven other goals;

Noting that while the migration experience can have a positive impact on gender roles and can contribute to the economic and social empowerment of many women and to the overall economic development of the countries where they work as well as to their countries of origin through remittances, still for too many it is a route to exploitation, abuse and denial of human, labour and women's rights;

Recognizing that trade policies play a key role in the gender, migration, development nexus;

Noting the importance of the Global Compact as an instrument for corporate social responsibility in relation to the realization of migrants' human, labour and women's rights;

Recalling that the first Global Forum on Migration and Development held in Brussels in 2007 recognized that gender, migration and development issues needed to be more adequately addressed;

Affirming that migration policies and practices, including their impact on gender equality, are a shared responsibility of sending and destination countries;

Representatives from governments, trade unions, employers' organizations, private sector, civil society organizations including women's and religious associations, academe and international organizations covering 36 countries in 5 continents gathered in Manila for the International Conference on Gender, Migration and Development, call on governments of sending and receiving countries of migrant workers, as well as the private sector, employers, trade union organizations and civil society organizations to commit to the following actions to ensure that national and international commitments to gender equality and women's empowerment are adhered to and enhanced by coherent, fair and gender sensitive migration and development policies and practices:

SEIZING OPPORTUNITIES

1. Support women migrants as key contributors to social and economic development by recognizing their role, placing greater importance on the value and dignity of their labour, especially the labour of domestic workers, and providing them with opportunities to participate in developing policies and programmes related to migration and development;
2. Pursue decent and sustainable work and pro-poor economic growth strategies, especially in agriculture. Provide an enabling environment for market driven enterprise and private sector development

5. Strengthen capacity of governments, in particular ministries such as labour, immigration, foreign affairs, the interior and labour inspectorates to screen and monitor employer/employee contracts and to address gender issues specific to migrant workers bearing in mind the multiple discrimination

12. Increase efforts by governments in destination countries to create mechanisms that regularize undocumented migrants, consistent with human rights protection and gender-sensitive standards, and which address the particular situation of women migrants, domestic workers, women workers in services, and the children and families of migrants, so as to better defend their rights and improve their access to public services for themselves and their families;

13. Improve services of diplomatic and consular missions to ensure protection and respect for human, women's and trade union rights of migrant workers from their countries. Include gender sensitive counseling and psychological services for abused and trafficked migrants in their own language. Ensure that women are also appointed to key positions in the missions and that the staff are trained on applying a gender lens in regard to migran

psycho-social support programmes for children of absent parents and raise awareness and capacities of fathers to effectively engage on domestic work and child care;

21. Reduce restrictions on migrant workers in destination countries to socialize, associate, organize and join trade unions and migrant organizations. Support partnerships between trade unions, migrant and Diaspora associations of sending and receiving countries and ensure they are gender responsive;

22. Examine laws and policies to ensure that there is a balance of both reward to good practice and cost to bad practice, with the end goal of enabling good CSR practice. Develop policies that hold corporations accountable for their supply chains – especially in respect to forced labor and trafficking – such as annual reporting on labor conditions in the supply chain and oversight to ensure accurate reporting. Address the relationship between trade, women and migration issues in order to develop further policy. Promote multi stakeholder partnerships between governments, NGOs, corporations, trade unions and academia to further the research agenda related to corporate social responsibility and its relationship to migrant women, forced labor and human trafficking and engage more strategically with corporations to address these issues;

23. Strengthen organizations of migrants and trade unions of migrant workers. Provide for their legal registration and recognition and ensure freedom by migrants', workers' and civil society organizations to operate, represent and promote the rights of migrants.