



GENDER AND SOCIAL JUSTICE PRINCIPLES: THE GENDERED TERRAIN OF LABOUR MIGRATION POLICIES IN ASIA

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Overview

- Review of trends and current initiatives
- Elements of a gender and rights-based perspective
- Gender and rights concerns at all stages of migration
- Gendered Policies
- Strategic interventions, including the UNIFEM Asia-Pacific Program on Migration



Trends in Migration

- A growing magnitude and pace
- A significant and enduring structural feature in Asian countries
- Feminization since the mid 1980s
- Changing spatial pattern marked by economic, geographical and cultural considerations



- Migration management largely controlled by a well organized private sector with strong political links
- Official barriers to trans-national migration
- Labour migration for temporary periods
- Growth of irregular migration and trafficking
- Gross human rights violations of poor regular migrant workers and trafficked persons



Official Discourse and Interventions

- Not normally gender responsive
- Largely lacking in rights-based sustainable development orientation



A Gender Perspective on Migration

- Women and men, boys and girls migrate
- Addresses similarities and differences in experience of vulnerabilities, violations, consequences and policy/program impacts
- Recognizes that women and children's greater disadvantages are rooted in gender, age, class and ethnicity



Changed oriented:

- Introduces policies, laws, programs providing equal opportunities
- Transforms institutional norms, rules, procedures and mindsets of men and women, towards equality of access and benefits
- Short-term affirmative action to compensate historical disadvantage
- Empowers potential/actual migrants



Gender and Rights Concerns

Vulnerabilities: Demand

- The development of certain economic sectors with a more woman-specific demand
- The growth of a profitable immigration industry and informal social networks
- The marketing of countries of employment as sites of abundance and boundless opportunity



Vulnerabilities: Supply

- Gendered development processes exacerbated in the recent context of globalization that marginalize women from education and employment, enhance gender inequalities and feminized poverty
- Displacement due to natural and human-created catastrophes
- Gendered cultural practices, gender discrimination and violence in families and communities
- Labour export policies of host countries as an economic development and politically expedient strategy



Gender and Rights Concerns

During Transfer and in Host countries:

- Physical and sexual abuse during transfer
- Cultural prejudices
- Restrictive immigration policies, discriminatory bans on women's migration and fewer non-gendered jobs for women
- Gendered abuses in end institutions



- Isolation, tight control, moral disapproval, limit access to assistance
- Poor overall and reproductive health, including HIV/AIDS
- Exclusion from host country labour laws, gendered conditions of stay
- Lack/absence of assets to move, borrowing, pressure to accept acute abuse to repay debt

Return and Resettlement

- Compulsory HIV/AIDS testing
- “Moral rehabilitation” for young women returnees
- Increased personal & social costs
 - *Adverse impacts on children*
 - *Marital instability & discord*
 - *Lack of empathy by family and social stigmatization*



- Lack of control over remittance reinforces dependence
- Lack of protection against reprisals; inadequate reintegration facilities; premature return without debt recovery/saving leading to re migration and trafficking



Examples of Gendered Policies

Countries of Employment:

Regulations governing:

- Entry
- Admission and Stay
 - Restricted numbers
 - New Conditions of Stay Policy
 - Control over Reproduction and Sexuality
- Employment and Welfare Benefits
 - Exclusion from Protective Labour Legislation
 - Erosion of Rights when covered by Legislation



Countries of Origin

- Promoting Labour Export
- Protection and Empowerment
- Maximizing the Development Impact of Remittances and Skills of Returned Migrants



UNIFEM Programme on Empowering Women Migrant Workers in Asia

- Background
- Goals
- Strategies
- Focus Group and Countries Covered
- Activities
- Programme Outcomes
- Strength of the Programme



Background

- Increasing migration for work under globalization
- Feminization of migration
- Women primarily in exploitative informal sector jobs
- Qualitative difference in migration experience of men and women



Goals

To **empower** and **protect** the rights of women migrant workers from a **gender and rights** based development perspective



Strategies

- Promoting gender responsive policies, legislation and programmes at global, regional and national levels
- Promoting sustained dialogue between countries of origin and employment
- Strengthened the capacity of women migrant workers and their organizations
- Piloting innovative re-integration projects



Focus Group and Countries Covered

- Focusing on Rights holders and Duty Bearers:
 - *Women migrant workers, especially domestic workers*
 - *Policy makers and gender equality advocates*
 - *Recruitment agencies*

- Countries covered include:
 - *Nepal, Indonesia, Philippines initially and then Bangladesh, Laos, Cambodia as countries of origin*
 - *Jordan initially and then Thailand as countries of employment*
 - *Sri Lanka for learning resources and Hong Kong*



Activities

Global and Regional:

- Mainstreaming gender concerns in migration into the CEDAW process
- Networking, brokering linkages across countries and sub-regions
- Facilitating cross country and regional learnings
- Information dissemination, education and communication
- Building up a substantive knowledge base



Activities

National:

- Mapping migration trends and institutional services
- Policy scans from a gender and rights perspective
- Development of engendered migration databases
- Catalyzing policy, legislative and procedural reforms
- Mainstreaming migration concerns into National Development Policies, Plans and Programmes and Human Rights Mechanism
- Public awareness programmes
- Capacity building and advocacy with targeted stakeholders



Outcomes

Global:

- Increased awareness amongst Governments and NGOs on the use of the CEDAW process
- Facilitated workshops and trainings to different stakeholders and providing information of CEDAW from UNIFEM publication on “Claim and Celebrate Women Migrants Human Rights through CEDAW.
- Finalization of draft GR on CEDAW by the CEDAW Committee Task Force on Migration in 2005



- Gender mainstreamed into the report of Expert Group Meeting (2005), on Gender and Migration organized by Global Commission on International Migration (GCIM) and Secretary General's Report on Violence Against Women Migrants
- An increase number of countries in the region such as Cambodia, Indonesia, Laos, Philippines, Thailand and Vietnam have submitted government and shadow reports to the CEDAW Committee emphasizing migration issues, especially violence against women migrants



Regional:

- UNIFEM provided technical assistance to the Ministry of Labour, Royal Thai Government to develop draft amendments to working contract for foreign domestic workers.
- A Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers has been developed by recruitment agencies in the region



- Public service announcements (PSA) has been aired on CNN, BBC and national media channels across Asia and the Arab States
- Four countries from the Arab States namely Bahrain, United Emirates, Lebanon and Kuwait have stated their commitment to adopt a Standard Employment Contract for Migrant Domestic Workers



National:

Bangladesh

- The Ministry of Expatriates Welfare and Overseas Employment has officially invited UNIFEM-Bangladesh to sit in the national committee, constituted for overseeing the official migration of female domestic workers
- Proposal from Foreign Service Academy of Foreign Ministry, to develop training manual for WMW
- Increased awareness of the issues on gender and migration by the government through co-sponsoring a Second Sub-Regional Parliamentary Seminar on HIV/AIDS



Cambodia

- MOU signed with the Ministry of Labour on the protection of WMW
- Migrant NGOs network established
- Women's migration has been placed as one of the main agenda for the Technical Working Group on Gender of the Ministry of Women's Affairs for policy and development of database
- Supported the establishment of a Recruiting Agency Network under the responsibility of the Ministry of Labour and Vocational Training



Indonesia

- Strengthening network of community-based organizations in 6 districts resulting in Institutional Gender Advocates for:
 - *implementation of village law to protect women migrants*
 - *pre departure training on protection and community awareness raising on the costs/benefits of migration*
 - *development of village level database on outgoing migrants*
 - *handling redress cases*
 - *undergoing skills training*



Jordan

- Standard contracts for migrant domestic workers adopted by the Royal Jordanian Government
- Introduction of regulations for recruitment agencies in Jordan
- Registration and establishment of the Executive Board of a new NGO – the first Jordanian NGO to work with women migrant workers
- The establishment of a specialized Department for Migrant Domestic in Ministry of Labour



- Support for study to review and suggest amendments to Labor Law and current rules and regulations governing women migrant workers
- Support for study to document cases of abuse amongst Migrant Workers
- Support for the production of booklet for migrant workers both in Arabic and English, and its circulation amongst all concerned parties



Laos

- MOU signed with the Ministry of Labour on the protection of women migrant workers
- A mapping study on gender trends and migration policy and action has been conducted
- Ministry of Labour and UNIFEM will work together to revise the labour law on protection of women migrant workers.
- Gender and CEDAW Training for MoLSW , recruitment agencies and national machineries



Nepal

- Rapid social investigation on policies, service mechanisms, profiles and issues of Nepali women migrant workers and publication of the same
- WMW concerns incorporated into the Tenth National Development Plan for Nepal (2002-2007) with budget allocations into the National Plan of Action on CEDAW and into CEDAW NGO Report (*Jan 2004*)



- A cabinet decision in February 2003 to protect and promote the rights of Nepali women migrant workers abroad with proposals, including lifting ban on women going to organized sector in Gulf countries
- Development of preliminary pre-departure orientation manual
- Eastern Nepal media network has been formed to disseminate information and to monitor on the issues of safe migration



- Pourakhi , an NGO of returnee women migrant workers supported, resulted in increased visibility and advocacy for the rights of WM
- Media campaign held in three different districts to sensitize stakeholders about WM issues
- Technical assistance provided in drafting and dissemination of investigation manual by the Department of Labour and Employment Promotion, to handle cases of fraud in Foreign Employment



Strengths of UNIFEM –Migration Programme

- Women's migration issues placed on national and regional policy agendas
- Mainstreaming gender and rights perspective on migration into national development plans and Human Rights instruments
- Creative application of CEDAW to Migration, through drafting of a specific GR on WM
- Engendering data on migration for relevant policy and programme formulation



- Promoting a shift in focus from a victim-centered approach to an empowerment approach
- Addressing the demand side of the issue in destination sites with an emphasis on:
 - *Rights-based special working contracts*
 - *Recognition of domestic labour as work and amending labour law to cover and protect rights of domestic workers*
 - *Regulating recruitment agencies and employers and awareness raising among them*



- Forging integrated, multi-stakeholder collaboration between source and destination sites at macro, institutional and grassroots level
- Promoting programme linkages with countries across regions and sub regions from national to global levels and between programme
- Ownership and Sustainability
- Replication



Strategic Interventions:

- Implement sustainable socio-economic development policies/programmes that reduce migration for survival
- Ratify International Human Rights Instruments
- Ensure that governments and NGOs report on women migrant workers concerns under CEDAW
- Engender data production, research and analysis, and indicators



- Introduce gender and right-based domestic policies, legislation and programmes consistent with international human rights standards in both sending and destination countries and protecting women migrant workers throughout the migration cycle
- Regulate and accredit recruitment agencies and employers
- Register migrant workers through an incentive system relevant to their needs and concerns
- Ensure the right to mobility and to safe migration conditions for women migrant workers, to prevent trafficking and other abuse



- Ensure gender sensitivity and efficacy in the delivery of pre departure trainings
- Guarantee the right to participate in democratic political processes in the country of origin, including the right to vote
- Review and harmonize immigration policies and laws in destination sites in accordance with international human rights standards, and an assessment of sectoral labour market demand for migrant women
- Protect the rights of both legal and undocumented migrants in source and destination countries



- Enforce minimum labour standards for the protection of national and foreign migrant workers, especially women, in countries of employment
- Cover domestic workers, including foreign domestic workers under labour laws
- Ensure that legally valid contracts for domestic workers in destination sites have gender responsive monitoring and dispute resolution mechanisms, and evidence requirements
- Provide adequate support to workers who press charges in destination sites



- Ensure the right to associate and organize in countries of employment
- Forge gender sensitive and rights based bilateral and multi lateral agreements/collaborations between source and destination sites and establish mechanisms to implement these.
- Provide on site socio-economic, legal and emotional support services to women migrant workers
- Improve service delivery of diplomatic missions in countries of employment



- Develop comprehensive reintegration programmes that provides economic, social, psychological and legal services in an integrated multi-sectoral manner
- Run nation wide media campaigns in source and destination sites that promote positive images of women migrant workers, highlighting specific ways in which governments and civil society can empower them
- Ensure that women migrant workers are represented on policy and decision-making bodies in source and destination countries