



ILO tools for gender-responsive migration laws, policies and practices

Nelien Haspels,
Senior Gender Specialist
International Labour Office, Bangkok





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Outline

1. Women migrating: Statistics
2. ILO, definitions and principles
3. International labour standards
4. Gender-responsive migration policies and practices



1. STATS: Women migrants' shares of total migrants

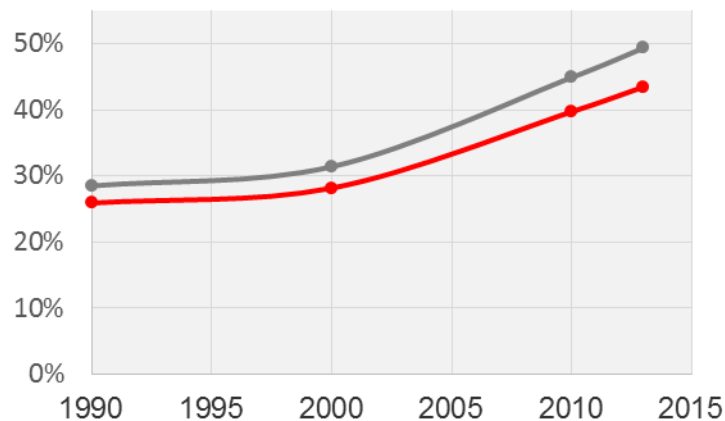
Estimated women migrants' shares of international migrant stock, world regions and ASEAN Member States, 2013 (per cent)

WORLD REGIONS	2013	ASEAN MEMBER STATES	2013
World	48.0	<i>Brunei Darussalam</i>	43.5
<i>More developed regions</i>	51.6	<i>Cambodia</i>	46.3
<i>Less developed regions</i>	43.0	<i>Indonesia</i>	38.1
		<i>Lao PDR</i>	45.7
Africa	45.9	<i>Malaysia</i>	41.3
Asia	41.6	<i>Myanmar</i>	46.8
Europe	51.9	<i>Philippines</i>	48.2
Latin America	51.6	<i>Singapore</i>	55.8
Northern America	51.2	<i>Thailand</i>	49.6
Oceania	50.2	<i>Viet Nam</i>	42.0

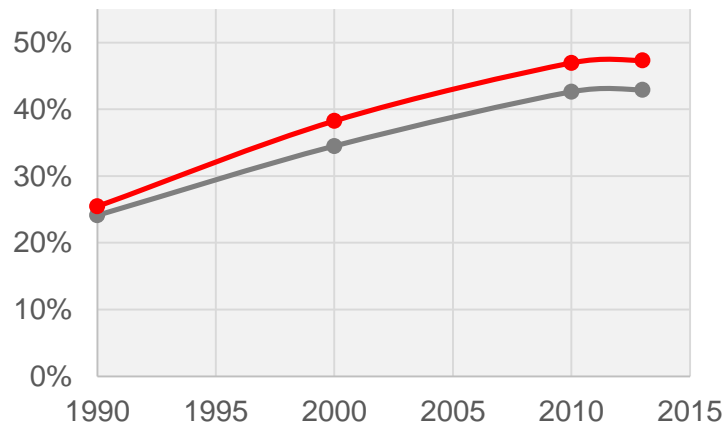
Source: UNDESA (2013) *Trends in International Migrant Stock: The 2013 revision*, 'Table 4. Female migrants as a percentage of the international migrant stock by major area, region, country or area, 1990-2013'.

Women migrants' shares of female population

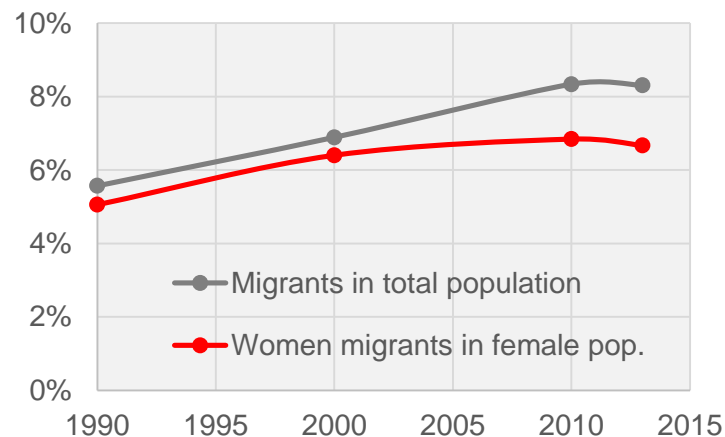
Brunei Darussalam



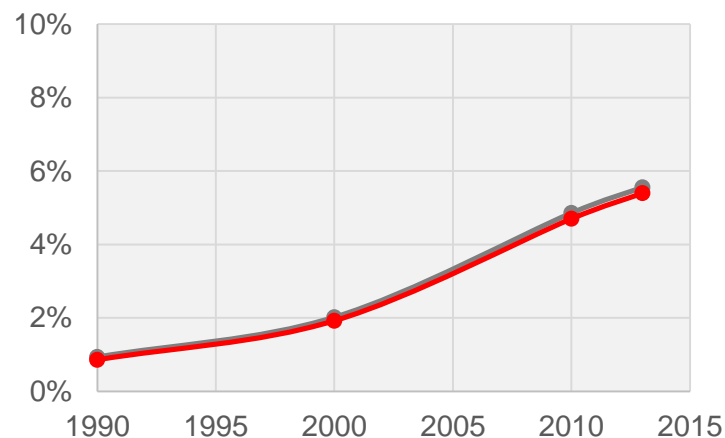
Singapore



Malaysia



Thailand



Source: UNDESA
(2013) *Trends in
International
Migrant Stock:
The 2013
revision.*

2. ILO, definitions & principles

- UN organization of governments, employers and workers organizations from 185 countries
- Mandate to promote **social justice** & **fair globalization** through **decent work** for all, including male and female **migrant workers** and their families – 4 pillars:
 - Productive and freely chosen employment
 - Respect for human freedom and dignity at work
 - Protection against unsafe work & income uncertainty
 - Participation in labour market decisions through social dialogue and organization



Women migrating for work: Benefits ...

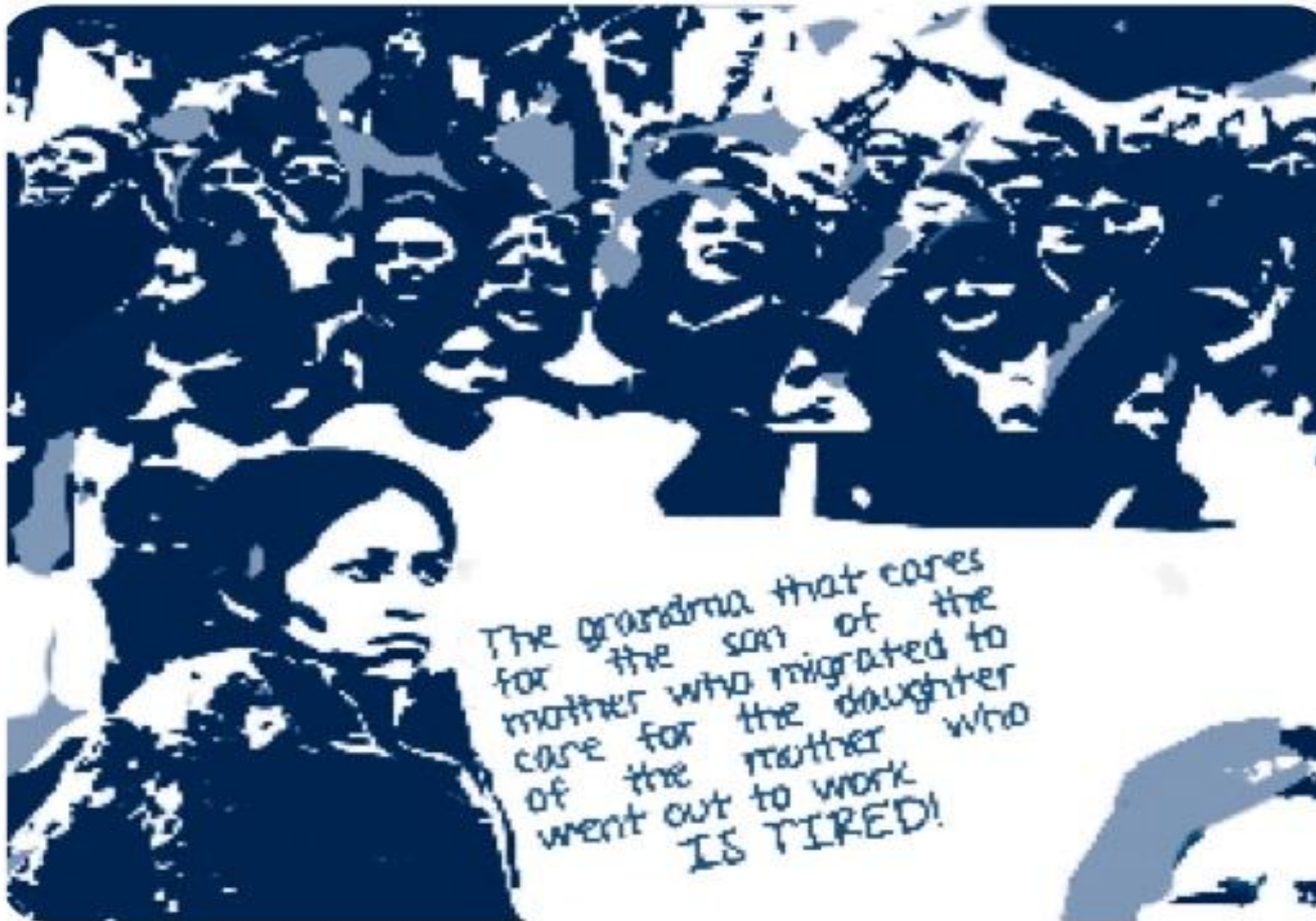
Benefits to women migrant workers:

- Transforms **women into breadwinners and economic agents** contributing to their own and others families, communities and societies,

BUT: High risks of exploitation and abuse

DUE to:

- **Gender norms, values, roles & stereotypes** in both sending and receiving countries, resulting in:
- Occupational segregation by sex
- Global care crisis & undervaluation of women's work



Source: Poster text taken from Noticiero Intercultural de ACSUR Las Segovias, Spain.
Photo credit: Graphic design workshop Traficantes de Sueños

... and challenges



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General. World-wide consensus on the importance of **integrating a gender perspective** for **increasing effectiveness and efficiency of migration and development policies and programmes, BUT:**

- Gender perspective largely absent from gender and development debate, and:
- **Labour migration laws & policies:**
 - Too often gender blind or designed as gender neutral
 - Gender-selective: Exclude economic sectors and occupations where many women are found
 - Reflect occupational segregation by sex in labour markets
 - Implemented by male-dominated institutions and mechanisms: lack of women's perspective and interest



Why gender-responsive laws & policies



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Evidence: When labour migration policies do not take gender into account, results often are: Less protection & empowerment for women MWs compared to men MWs:

- ✓ Fewer **provisions of fair, safe, and orderly migration opportunities**
- ✓ High concentration in **informal economy**: No legal protection
- ✓ Less respect for **principles of equality of opportunity & treatment** in terms of **working conditions and wages** between migrant workers and nationals & between men and women migrant workers: **Double discrimination**
- ✓ Less **recognition of labour markets needs at all skill levels**
- ✓ Lower **portability and recognition of skills**
- ✓ Lower **coverage and portability of social security or social protection**



Our goal

- **Engendering** migration policies:
- Design, implement, monitor and evaluate **gender responsive** migration laws & policies **aimed at:**
 - Addressing needs and interests of men and women migrant workers alike
 - Combating double discrimination and stereotyping of women migrant workers
- **Through:**
 - Joint actions at the macro, meso & institutional and micro levels by men and women alike



Rights-based approach for women MWs

- **Rights to legal migration opportunities:** women's access to and participation in safe and legal job opportunities and protection from exploitation and violence
- **Rights within the migration process:** safe and secure recruitment, fair remuneration & control over earnings, decent work conditions, right to family life, access to legal services, health care & information
- **Rights realized through migration:** positive migration outcomes: Autonomy and control to negotiate work & life conditions, in family decisions, use of remittances, building social networks



Economic rationale for fair migration

- Migration can only be **fair** and **sustainable** if:
 - it increases decent work opportunities in both home and host countries
 - income from labour keeps pace with income from other productive assets (like capital & technology)
 - income from labour of migrant workers is not allowed to undermine income from labour of citizens:
 - because migrant work is valued differently from citizens' work
 - because irregular migration for employment is tolerated
 - because human trafficking is tolerated



3. International labour standards (ILS)

- The **minimum** standards agreed at international level to ground and guide design of equitable labour migration policies & practices in countries
- Recognize: **Human beings as workers and family members** are at the heart of international migration
- All ILO Conventions and Recommendations cover **both male and female nationals and non-nationals** alike ...
- ... but do not impinge on the sovereign right of States to regulate access to the territory, or to the national labour market

Why CEDAW and ILS?

- CEDAW:
 - Widely ratified
 - Supervisory mechanism through government women machineries and women's movement
- ILS:
 - More detailed focus and guidance on 'work',
 - Increasing number of ratifications
 - Supervisory mechanism through employment and labour ministries, employers' and workers' organizations

Table 2: Ratification of selected international instruments in the ASEAN region

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Viet Nam
ILO C.19			1950		1957	1927	1994	1965	1968	
ILO C.29		1969	1950	1964	1957	1955	2005	1965	1969	2007
ILO PO.29										
ILO C.87		1999	1998			1955	1953	2012		
ILO C. 95							1953			
ILO C.97					1964*		2009			
ILO C.98		1999	1957		1961		1953	1965		
ILO C.100		1999	1958	2008	1997		1953	2002	1999	1997
ILO C.105		1999	1999		1958(d)		1960	1965(d)	1969	
ILO C.111		1999	1999	2008			1960			1997
ILO C.118							1994			
ILO C.138	2011	1999	1999	2005	1997		1998	2005	2004	2003
ILO C.143							2006			
ILO C.181										
ILO C.182	2008	2006	2000	2005	2000		2000	2001	2001	2000
ILO C.189							2012			
Palermo		2007	2009	2003 (a)	2009(a)	2004(a)	2002		2001 (s)	2012(a)
CEDAW	2006 (a)	1992 (a)	1984	1981	1995 (a)	1997 (a)	1981	1995 (a)	1985 (a)	1982
CRC	1995 (a)	1992 (a)	1990	1991 (a)	1995 (a)	1991 (a)	1990	1995 (a)	1992 (a)	1990
UNMWC		2004(s)	2012 (a)				1995			

ILS important to women migrant workers

- Fundamental conventions:
 - Equal pay and non-discrimination at work: C100 and C111
 - Forced labour: C29 and C 105
 - Child labour: C138 and C182
 - Freedom of association & right to organize C87 and C98
- Conventions to protect migrant workers: C97 & C 143
- Conventions of particular relevance to women migrant workers:
 - Domestic work: C189
 - Maternity protection: C183



4. Gender-responsive labour migration policies



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Gender equality & gender justice through G-mainstreaming, G-specific action & G-budgets

Step 1: G-analysis:

- Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels.
- It is strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equality, and inequality is **not perpetuated**. Source: United Nations Economic and Social Council (ECOSOC): Agreed conclusions E/1997/L.30 P, 2.



Gender-responsive labour migration policies - 3

- **Step 2: G-Mainstreaming:** Address the needs and concerns of women and men explicitly and systematically at every step of the migration cycle and in all sectors, and ensure equal and fair distribution of benefits
- **Step 3: G-Specific action/measures:** Targeted interventions where one sex is disadvantaged
 - Positive Action to redress discrimination
 - Protective measures against violence & safeguarding women's (reproductive) rights



What type of G-specific measures?

C111 & CEDAW call for achieving **substantive equality** through **special temporary measures**:

“In equality we trust, protection if we must”

- **Protection against violence & maternity** protection
- **Special measures** to realize equality of opportunity and treatment at work and in life
- Equal chances for women migrant workers:
 - **Review protective measures** for women that restrict entry to productive jobs (bans on age or specific occupations)
 - **Promote access to safe work** rather than protective prohibitions: these often result in irregular migration and further abuse



Action at the 5 phases of the migration cycle



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1. Decision-making, planning and preparation
2. Recruitment and placement
3. Journey or transit to country of destination
4. Working and living conditions abroad
5. Return and re-integration to country of origin



Key measures – 1

- Sex-disaggregated data collection on migration including domestic work and private care work & gender impact assessments in ‘at risk’ areas
- Mainstream gender in migration institutions:
 - Increase gender capacity in institutions among men and women in general
 - Recruit more women as migration managers/officials
 - Recruit gender in migration experts
 - Set specific, time-bound gender goals to redress inequalities

Key measures – 2

- Adopt specific gender measures in migration policies, programmes and budgets, for example:
 - Include gender-specific provisions in bilateral labour agreements based on gender analysis of labour markets
 - Provide work, life & financial skills, address needs of women and men migrants during pre-departure/ pre-employment training
 - Regulate and regularly monitor employment agencies
 - Reduce dependency on employer: do not limit validity of work visa to specific employer, promote contracts
 - Portability of social security
 - Extend re-integration programmes beyond short-term enterprise training & micro-loans



G-programming tools in migration management - 1

Checklists, do's and don'ts, good practices and tips, eg:

- Key gender pointers in migration laws and policies for policy makers
- Gender in migration management institutions in countries of origin
 - Is your organization gender-responsive?
 - Gender skills every migration officer should have
 - Early warning signs of migrant labour exploitation and abuse
- Gender in recruitment
 - For recruitment agencies and enforcers

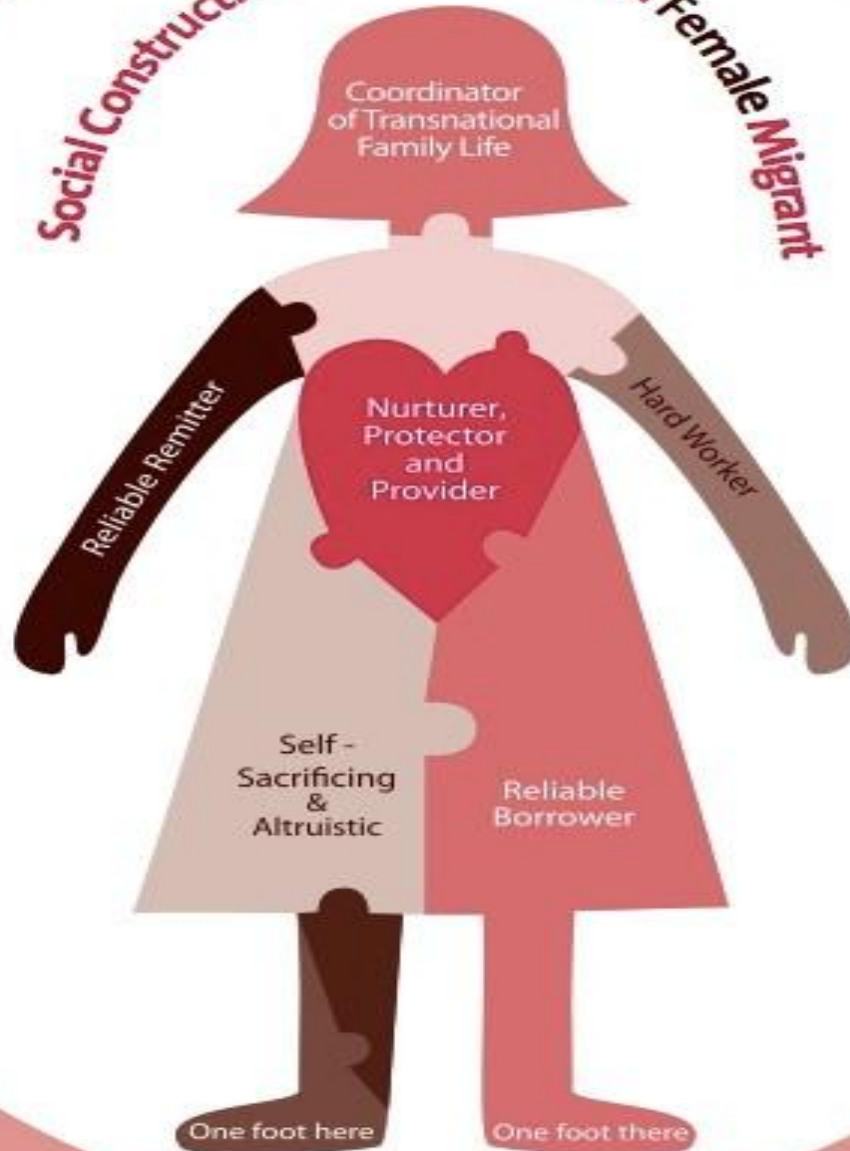


G-programming tools in migration management - 2

- Gender in migration management institutions in countries of destination
 - Is your organization gender-responsive?
 - Gender skills every migration officer should have
 - Fair living and working conditions for migrant workers
 - Fair services for employers of migrant workers
 - Early warning signs of migrant labour exploitation and abuse
- Gender in return and re-integration services
- Gender in



Social Construction of the Idealized Female Migrant



Thank you

Useful ILO publications:

- ILO-IDWN. 2012. *Decent work for domestic workers in Asia and the Pacific: Manual for trainers* (Hong Kong, China)
- ILO. 2011. *Equality and non-discrimination at work in East and South-East Asia: Guide and exercise book for trainers* (Bangkok)
- ILO. 2011. *Budget Smart – Financial education for migrant workers and their families: Training manual and Smart guide for workers* (Bangkok).
- ILO. 2008. *International labour standards on migrant workers' rights; Guide for policy makers and practitioners* (Bangkok), 2nd edition.
- ILO. Forthcoming: *Guide and toolkit on gender and migration*

Other resources

- Organization for Security and Cooperation in Europe: *Guide on gender-sensitive labour migration policies*, 2009, Vienna
- UN Women: *Gender on the move: Training manual*, 2013, Santo Domingo