

GFMD Preparatory Sessions

Thematic Meeting Three

Recognizing the Contributions of Women Migrants to Economic and Social Development in Countries of Origin and Destination and Addressing Their Specific Needs

Geneva: 8 September 2015, 9.30am – 5.00pm

Closing remarks: Ms. Jenna Hennebry, International Migration Research Centre,
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Thank you to the Chair and co-conveners, the panelists and all participants for what has been an insightful and high-level examination of the complexities of the gender, migration and development nexus.

We began today with Ambassador Samsar's important question: why are women migrant's rights ignored? And today we have certainly focused our discussion on how rights are paramount to realizing the social and economic development benefits of migration – so that rights most certainly cannot be ignored.

Further, today continues the momentum from important moments which mark the shifting governance landscape around gender and migration – such as previous GFMD meetings on care workers (in Kingston in 2011) and global health care workers, to the establishment of Convention 189, among many others.

The scale of the feminization of labour migration cannot be denied. Women's labour migration is supporting global development through contributions made to countries of origin, destination; and migrant women play vital roles as transnational actors – across economies, communities, and families. As noted by Assistant

Secretary General Puri – women migrants also play a vital role in challenging gender norms and shifting perceptions of women.

Certainly, the economic contribution of women migrant workers to countries of origin has garnered considerable attention within the international development agenda. This is not surprising since, as we have heard today, women remit higher proportions of their earnings more frequently, and their remittances are primarily spent on health, education and the wellbeing of their families.

Yet, the contribution of women migrant workers in host countries must also be recognized. In particular, through global care chains, women migrant workers are effectively subsidizing the care deficit so that developed countries can maximize their productive labour forces and generate more economic growth. At the same time, women's remittances are filling social protection and welfare gaps in countries of origin.

In order to perform this vital work and to continue to discharge their parental duties, we are seeing women increasingly assume transnational roles; spanning geographical spaces between two or more countries; creating a continuing conduit of information, knowledge, skills and norms that are passed back and forth between families and networks in home, host and third countries. It is through these roles that social remittances are providing additional development benefits (beyond financial remittances); with women influencing the change in cultural and gender norms that bring equality and opportunity to others.

This transnational role has been seen to bring benefits in political terms too, with women migrants affecting change that increases the participation of women in politics in home countries. Further, through the transnational advocacy of women migrant workers, significant contributions have also been made to enhancing the rights - specifically of domestic workers – through affecting change in labour norms,

in particular with relation to the development of ILO's Convention 189 on the Protection of Domestic Workers.

What we know to be true, however, is that structural barriers and challenges continue to limit women migrant workers in their ability to make these important contributions – on their own terms. Access to fair and regulated recruitment practices and costs, decent work and the protection of rights are all preconditions to enhancing this development potential. While some measures, such as standard employment contracts, exist to formalize the employer-employee relationship and reduce unpredictability, they usually do not meet the minimum standards of Convention 189, and lack adequate protection and enforcement mechanisms.

Recommendation: Protection measures for migrant workers, like standard employment contracts, should not be seen as stand-alone policies. Rather, they should complement and build upon existing labour and human rights legislation, while expanding and extending their reach to protect migrant workers.

It is clear from the meeting today that women migrant workers continuously face a number of barriers to protection and decent work, such as: exclusionary policies which limit access to gender-sensitive services, health care, legal support, childcare and after school care for migrants (as noted by Ms. Maulik this morning in the US context). Indeed, such programs and policies in host countries (which extend far beyond the domain of immigration) require sensitization, and significant adaptation in light of growing migrant labour force.

Further, in situations where migrants have irregular or temporary migration status (such as through a work visa) employer power is heightened, particularly for low-skill migrants whose migration status is more likely to be tied to their employment status; isolation and lack of access to information on rights and protections; family

separation and dependence on remittances; as well as sector specific risks; discrimination and negative public perceptions of women migrants.

Recommendation: These barriers need to be addressed through a range of levels (local, regional, national, bilateral, international, transnational) and policy domains that require multi-sectoral and governmental co-ordination and policy harmonization. It is also important to foster the linkages between migrant women workers, civil society organizations and trade unions (such as those pointed to by Ms. Sook Lee of the Council of Global Unions Working Group), which can work transnationally to promote decent work conditions and rally behind the rights of migrant workers. Further, shifting public perceptions of women migrant workers is vital to implementing gender-sensitive policies on the ground.

Challenges continue to face women seeking regular migration options. Whether these are related to the lack of regular options (as highlighted by Ms. Khuner of IMUMI), restrictive migration policies and/or the intervention of illegal recruiters/smugglers – irregular migration increases the risk of women, in particular when in transit. Whether migrating through regular or irregular channels, or in transit, women migrant workers often face the risk of economic exploitation as well as physical and sexual violence. While forced labour is a risk for many individuals using irregular channels, migrant women are more susceptible to being trafficked for sexual exploitation.

Recommendation: Regulating recruitment, while improving access to information for women migrant workers enhancing advocacy on the benefits of regular migration – including encouraging states to recognize where their policies and practices may create conditions that have highly uneven gendered outcomes - can help to discourage women migrating through precarious routes.

Recommendation: It is necessary that existing immigration and labour migration policies across migration systems are evaluated drawing on the powerful tools of CEDAW, and specifically Recommendation No. 26. It is only through adopting such a gender perspective to existing and ongoing policymaking, that approaches to migration governance can recognize and alleviate barriers to decent work and foster women's empowerment. In many cases the challenges and the opportunities are transnational - where policies and practices in both host and sending countries can be better coordinated toward enhancing women migrant workers rights. Further, connecting civil society to continue to build alliances across borders which bring the voices of migrant women to the fore (such as those highlighted by Ms. Maulik).

The focus of this meeting on the care sector highlighted that many migrant women also face gendered vulnerabilities that are specific to their sector of labour market insertion. In the care sector, for example, they are often isolated in private homes and/or with restricted movement, and without access to legal or social protection. In this way, the situation of migrant care workers can commonly contravene relevant international human rights standards.

The human rights abuses that migrant care workers face can range from physical, psychological and sexual violence, to labour abuses including excessive work hours without rest or additional pay. Furthermore, limited access to health and education services, coupled with family separation or delays, or no access to family reunification, can have long-term deleterious effects on the health and well-being of women workers and their children.

Recommendation: Protecting the right of women domestic workers to access opportunities to organize and bargain collectively, will provide them with the ability to hold their employers to account for decent work conditions. In this regard, it is important that unions are also sensitized to the issues of domestic workers and

global care chains; and that efforts at inclusion are aimed at labour policies and other domains where legislative change can provide access to labour rights for all workers, regardless of status and regardless of sector. Further, while access to permanent residency pathways (or regularization) and family reunification would strengthen migrant workers ability to claim their rights, inclusive labour and social policies aimed at all workers would represent significant steps toward protecting rights. In the case of Mexico, while there have been some changes in migration law (as noted by Ms. Kuhner from IMUMI), such as the implementation of humanitarian visa and Mexican migration law which allows for the registration of children of migrant workers in order to provide access to health care and education; as well as protecting children from deportation and detention; labour and social security law do not address occupational health and safety across informal and sex work – sectors where women migrants are concentrated.

Although significantly contributing to the tax base in host countries, women migrants face insecurity due their inability to access social protection, such as the absence of pensions (particularly in domestic and informal work), insufficient access to health care, disability and employment insurance. For those who have returned home after working abroad, these insecurities often continue, exacerbated further by the inadequacy of reintegration support (and here we can look to the skills transfer and reintegration initiatives pointed to by Ms. Brimon from the Philippines). Such supports are particularly the case for those who have experienced trafficking, where health services (including mental health support) are particularly important.

The presence of these issues signals a serious lack of coordination between host and home countries, and poses transnational problems that need international cooperation to resolve.

Recommendation: Equal access for women migrant workers to employment, health care (including sexual and reproductive care), disability and employment insurance in *host* countries is essential for achieving the social protection floor in *home* countries. Indeed, women’s remittances are currently filling the social protection gaps in countries of origin. This is where policies must co-ordinate to protect not just the migrant but also the “children left behind” pointed to by Mr. Lonback from the IOM in the case of Moldova. While social safety nets, social protection and bilateral pension agreements or service vouchers to increase access to healthcare may exist in certain contexts, these measures are uneven and not universal, and create a patchwork of protections leaving migrant women from some countries with greater protections than others – often working together in the same host countries. Countries must aim to work together and foster dialogue on fair portable health insurance options, bilateral pension agreements, and other means to provide social protection to workers across borders.

The vulnerabilities do not just apply to low skilled women in low paid work. The pull of the feminized sectors of labour are actively taking educated women from developing countries and employing them in under-skilled positions, effectively reducing their human capital benefit in home and host countries. Thus, simultaneous female brain drain, with brain waste, and deskilling (as noted by Mr. Khoudour from the OECD) significantly dampens the development potential from women’s migration.

Recommendation: In recognizing and promoting the value of skilled women migrants, and enabling equal access to skilled migration schemes, the contribution of these women can be fully captured and their potential realised.

At the international level, there are several conventions that seek to respond to the situation of women migrant workers.¹ However, much is lacking in the way of national and regional implementation. There also remains a focus on economic contributions, which has the effect of negating the broader realities (including human rights concerns) and contributions of women migrant workers.

Further, a gender blind approach to policy making has the effect of entrenching these barriers and challenges, restricting women's ability to contribute to development on a micro or macro level.

Recommendation: Improving on sex disaggregated data collection to include irregular migrants, linking OECD and ILO data, and improving sex aggregated data on detainment, enforcement, and trafficking. Further, as countries such as Morocco and Mexico are no longer primarily migrant sending countries, but also countries of transit and destination, addressing such mixed flows will be increasingly important. Addressing such data gaps and inconsistencies are important for enabling evidence-based policies and advocacy for women migrant workers, who are more likely to fall into irregular status.

Recommendation: Key tools, capacity building, and training are necessary for governments, employers, unions and civil society, law enforcement and other frontline agencies to foster improved gender sensitivity in developing and implementing policies that can protect women migrant workers and capture the full potential of their contributions to development. Looking to organizations such as UN Women for resources, their Gender on the Move manual is one such tool that is

¹ UN Convention on the Elimination of The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) General Recommendation No. 26. UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW). A number of ILO Conventions also respond to the situation of migrant women, the most recent of which is the ILO Domestic Workers Convention No. 189 and its supplementing Recommendation No. 201, which has sought to extend basic labour rights to all domestic workers.

being supported by the GFMD for the capacity development of member states and migration stakeholders (with support from the EC).² Targeted initiatives and support aimed at engaging women migrant workers in building local economies (such as the examples from the Philippines designed to involve overseas Filipino workers in training and skills transfer).

Conclusion:

Today's meeting has been an incredibly positive step towards increasing wider understanding of the developmental benefits that will come from addressing the needs of women migrant workers and recognizing the broad range of contributions that they make. By creating opportunities for such evidence-based and critical dialogue on gender and migration we are also creating opportunities for change. Globally, economies are increasingly dependent on the labour of women migrant workers, while origin countries heavily rely on the remittances of these same migrants to counter economic instability, or in the best cases to foster economic growth. The monetary remittances sent by women migrants have an important role in poverty reduction; they have a positive impact on investment goods expenditure such as education and healthcare, and can act as a consumption soothing mechanism at times of fiscal crisis. Yet, remittance sending costs remain high and in the industry are in need of better regulation.

Social remittances can support the positive impacts of migration through rearticulating gender norms, and fostering political engagement; but without sufficient support from governments for gender empowerment and equality, the potential social impacts of migration are highly uneven. Indeed migration has been

² Petroziello, A. 2013. *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective*, Santo Domingo: UN Women, available at <http://www.gfmd.org/pfp/policy-tools/gender-on-the-move>

deleterious for some communities and families who are stretched and dependent – and migration has served to reinforce traditional gender roles.

Essentially, migrant women represent an integral component of international development - but at what costs? The financial, human and social costs (as pointed to by Ambassador Rebong) must moderate our expectations. The key to improving the development potential of migrant women - indeed of migration more broadly - lies in building rights focused and gender-sensitive policies, and ensuring women migrants and their families (across both home and host countries) have access to adequate protections and legal mechanisms to claim their rights. Simply put, there can be no long-term contributions to development without rights.