

CHAPTER

12

UN Women



UN Women

UN Women (or the UN Entity for Gender Equality and the Empowerment of Women)¹ supports UN Member States, as they set global standards for achieving gender equality, and works with governments and civil society to formulate and implement policies, legislation and programmes that operationalize these standards. It addresses five priority areas: increasing women’s leadership and participation; ending violence against women; engaging women in all peace and security processes; enhancing women’s economic empowerment; and making gender equality central to national development planning and budgeting. UN Women also coordinates and promotes the UN system’s work in advancing gender equality and women’s rights.

UN Women’s work on migration responds to the increasing independent labour migration of women as an enduring structural feature of most world regions – a phenomenon full of possibilities, but also carrying the risk of abuse in the absence of gender-sensitive rights protections at all stages of migration. UN Women works with States, civil society, other UN agencies, IOM and the private sector at the global, regional, and national levels to create gender-sensitive policy and institutional environments; strengthen the capacity of partners, especially women migrant workers’ organizations, to claim their rights and entitlements; promote multi-stakeholder dialogue; and raise public awareness on women migrant workers’ rights. UN Women has been working closely with ILO, IOM and others to support the ratification and implementation of the ILO Convention Concerning Decent Work for Domestic Workers (No. 189).

1. Migration and development activities since the 2006 High-level Dialogue

Country and regional initiatives on migration and development

Some 27 UN Women country offices in Asia and the Arab States, Latin America and the Caribbean, and the Eastern Europe and Central Asian regions have been working with national and regional partners on migration and development initiatives in the following areas:

- (a) *Data collection and research.* These are focused on trends in the following areas: women’s migration; gaps and good practices in rights-based protections in ASEAN, East, South and South-east Asian, and Gulf countries (2012); international migration

¹ The UN General Assembly created UN Women in July 2010 as part of the UN reform agenda, bringing together resources and mandates for greater impact. It merged and built on the important work of four previously distinct parts of the UN system which focused exclusively on gender equality and women’s empowerment: the Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women, the Office of the Special Advisor on Gender Issues and Advancement of Women, and the United Nations Development Fund for Women (UNIFEM). For a directory of UN resources on gender and women’s issues, visit www.un.org/womenwatch/directory/un_women_10001.htm#sthash.ZQmdXrrq.dpuf.

in South and South-west Asia,² as well as Kazakhstan, Kyrgyzstan, Tajikistan, the Republic of Moldova and the Russian Federation; women in global care chains in Argentina, Bolivia (Plurinational State of), Chile, Costa Rica, Ecuador, Nicaragua, Paraguay, Peru and Spain (2012); migration legislation from a gender perspective in Bahrain, Bangladesh, Cambodia, India, Indonesia, Jordan, Lao People's Democratic Republic, Nepal, the Philippines, Singapore, Thailand, the United Arab Emirates and Hong Kong, China (2013); gender, migration and development in Latin America (2008); and remittances for development in Indonesia (2009); Albania, Lesotho, the Philippines and Senegal (2010); and Ecuador and Ghana (2013). The data and research findings from these efforts have been and are being used in advocacy for policy and legal reform, capacity-strengthening and public awareness-raising on the promotion and protection of women migrant workers' rights.

- (b) *Mainstreaming migration into national development strategies.* UN Women has been working with UNDP and IOM to mainstream migration into development planning from a gender perspective in the Republic of Moldova via the Mainstreaming Migration into Development Planning pilot project of the GMG. UN Women has also been working with the Government of Nepal to mainstream migration-related gender issues into development strategies.
- (c) *Gender-sensitive, rights-based policy and legal reform.* Initiatives include policy advocacy and technical assistance for the introduction and implementation of gender-sensitive migration, as well as the introduction of new, or the reform of existing, labour legislation for migrant workers, including domestic workers, at the national and subnational levels (for example, in Cambodia, Indonesia, Jordan, Nepal, Tajikistan and Viet Nam).
- (d) *Gender-sensitive migration management.* Through its country and regional programming, UN Women has been supporting the capacity strengthening of subnational and national institutions managing migration flows. It has also facilitated policy dialogue, sharing of good practices for scaling up and better coordination between multiple stakeholders and different government departments across countries of origin, transit and destination in the Asia and Arab States, Eastern Europe and Central Asia, and Latin America and the Caribbean regions for gender-sensitive policy formulation and implementation at all stages of migration, including in partnership with IOM, through the Central Asia Regional Programme in Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan.
- (e) *Capacity-strengthening for women migrant workers' organizations, including domestic workers.* This enables women migrant workers to be at the policy table, claim rights and entitlements and access services in countries of origin and

² UN Women contributed the chapter entitled "Gender and international migration" to the *Situation Report on International Migration in South and South-west Asia*, which was produced by the Asia-Pacific Regional Coordination Mechanism Thematic Working Group on International Migration including Human Trafficking. Gender issues in migration were also mainstreamed throughout the report.

destination. UN Women has in the first instance catalysed the establishment of women migrant workers' organizations (including in Indonesia, Jordan and Nepal) and strengthened the capacity of existing organizations to influence migration policy and claim their entitlements. Together with ILO it has supported the creation of a Caribbean civil society network as a result of the GFMD-related work with governments to implement legal and social protections for domestic workers.

Other capacity-strengthening activities in the greater Asian region and Europe have included community awareness-raising and information on the risks and benefits of migration and legal migration channels; pre-departure information dissemination and training on rights protection, savings and remittances, and access to assistance; referral services for trauma counselling; paralegal training and support with access to justice; training on business development and expansion; and access to credit and the productive investment of remittances.

Global activities on migration and development

The work of UN Women in migration and development has expanded globally in recent years, and includes:

- (a) *Analytical work, including policy analysis.* This includes publications on the impact of the financial and economic crisis on women's employment, including that of women migrant workers; introducing legal and social protections for domestic workers in line with the ILO Convention on Domestic Work and other related human rights instruments, produced in partnership with the International Confederation of Trade Unions; and the strategic use of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) to enhance accountability towards women migrant workers. These publications are being used in joint policy advocacy at the global, regional and national levels to ensure decent work for women migrant workers, and in the ratification and implementation of the ILO Convention on Domestic Work.
- (b) *Support for global and regional policy development and standard-setting on the gender equality and women's rights dimensions of migration and development.* This is achieved through engagement with key UN global and regional intergovernmental processes. UN Women has, in partnership with governments, civil society and GMG agencies like IOM, ILO and OHCHR, among others, written concept papers, organized plenaries, participated in informal meetings, co-organized side events and advocated with governments to ensure that the deliberations and outcomes of key global intergovernmental processes, such as the Commission on the Status of Women (CSW), the fourth UN Conference on the Least Developed Countries (2011) and General Assembly Resolution A/C.3/66/L.18: "Violence against Women Migrant Workers," have new and/or more strongly reaffirmed recommendations on women migrant workers.

At the fifty-fifth session of the CSW, 2011, UN Women co-organized with the Government of the Philippines, ILO and Human Rights Watch, among others, a major side event, which involved ministerial participation, on good practices in promoting the rights of women migrant workers, especially migrant domestic workers. At the fifty-seventh session of the CSW, 2013, UN Women organized a plenary panel on violence against certain categories of excluded women, including women migrant workers, to commemorate International Women’s Day.³ At the fourth UN Conference on the Least Developed Countries, in 2011, UN Women co-organized two high-profile side events: one with ILO and the Governments of the Philippines and Nepal, entitled “Care Workers at the Interface of Migration and Development”; and another with IOM and the Governments of Benin and the Philippines, entitled “Remittances and Development.”

Key recommendations from these processes included gender-sensitive legislation that covers all stages of migration, including for domestic workers; targeted measures on violence against women migrants; critical support services for women migrants regardless of immigration status; gender-sensitive and efficient remittance transfers and investment; and coherence between migration and labour and trafficking laws.

At the regional level, UN Women has been advocating with ASEAN governments to develop a gender-sensitive instrument to protect migrant workers. Following extensive discussions and engagement at various ASEAN meetings, and capacity-building activities with civil society, recommendations from migrant women workers were incorporated into the outcomes of the fourth ASEAN Forum on Migrant Labour in 2011, to be implemented by ASEAN member States. The forum called on member States to develop gender-sensitive reintegration policies and services, and ensure that sustainable economic reintegration policies and strategies are evidence-based, needs-based and gender-sensitive.

- (c) *Support for international human rights standard setting on women migrant workers’ rights.* The UN Development Fund for Women (UNIFEM, now part of UN Women) provided strong technical assistance for the development of the comprehensive CEDAW General Recommendation (GR) No. 26 (on women migrant workers), adopted by the CEDAW Committee in 2008. It engaged civil society groups around the globe in dialogue with the CEDAW Committee Task Force on General Recommendation No. 26, to ensure that civil society, especially women

³ Side events at the Fifty-seventh Commission on the Status of Women (2013) were co-sponsored by the Government of the Philippines, UN Women and ITUC with ILO and Domestic Workers United, to launch the UN Women–ITUC briefing kit entitled “Domestic Workers Count Too: Introducing Legal and Social Protections,” and by the Government of Mexico, IOM and the Office of the High Commissioner for Human Rights with UN Women and Andolan (a US-based NGO working on women migrant workers’ rights), on violence against women migrant workers.

migrant workers' organizations, were part of the human rights standard-setting on women's labour migration.⁴

- (d) *Global programmes to protect the rights of migrant women workers.* UN Women is partnering with ILO and OHCHR on the 10-country ILO Global Action Programme on Migrant Domestic Workers and their Families, selected under the European Commission thematic programme entitled "Cooperation with Third Countries in the areas of Migration and Asylum" (2011–2012), and with IOM, on strengthening labour migration management capacities in Bangladesh, Indonesia, Nepal and the Philippines, for replication in other Colombo Process Member States. UN Women is also partnering with UNDP, ILO, IOM, the UN Population Fund (UNFPA) and the UN High Commissioner of Refugees (UNHCR) in the second phase of the EU–UN Joint Migration and Development Initiative, which focuses on mainstreaming migration into local development planning.
- (e) *Addressing gender issues in migration via the GMG.* UN Women is an active member of the GMG, having secured membership in 2010. In partnership with other agencies, UN Women ensures that gender equality and women's rights issues in migration are appropriately addressed in the GMG agenda. UN Women is co-chairing with the Office of the High Commissioner for Human Rights and UNICEF the newly established GMG Working Group on Migration, Human Rights and Gender, assisting with the development and implementation of its multi-year work plan. UN Women is supporting the GFMD via the GMG, and has ensured that gender issues are well-reflected in the High-level Committee on Programmes (HLCP) paper on proposed recommendations and outcomes for the 2013 HLD prepared by IOM and UNFPA, and endorsed by the UN System Chief Executives Board, and that gender issues in international migration and development are well-reflected in UN system messages on the issue.

⁴ UN Women supported at least 17 national and regional consultations in Latin America and the Caribbean advocating for NGOs and domestic worker organizations to be part of international standard-setting for decent work for domestic workers, and to advocate with governments to adopt ILO Convention No. 189: Decent Work for Domestic Workers.

2. Support provided to the Global Forum on Migration and Development

UN Women has been participating in the GFMD since its first hosting by the Government of Belgium in 2007, and has provided strong technical support to the gender agenda within the GFMD in the ways described in the following sections.

GFMD 2008 in the Philippines

UNIFEM co-organized with the former National Commission on the Role of Filipino Women (now the Philippine Commission on Women) and other Government departments, a large, pre-GFMD international meeting for governments and NGOs in September 2008 entitled “Promoting and Protecting the Rights of Women Migrant Workers: Gender, Migration and Development,” which resulted in the Manila Declaration on Promoting and Protecting the Rights of the World’s Women Migrant Workers. The declaration helped ensure that gender and migration were highlighted in the government and civil society deliberations and outcomes of GFMD 2008.

UNIFEM participated in GFMD 2008 with a presentation in the civil society round table session, “Partnerships with Recruitment Agencies,” and supported civil society participation in the GFMD Civil Society Days. The civil society outcomes document made important recommendations regarding the gender equality and women’s rights dimensions of migration.

GFMD 2010 in Mexico

In 2010 UNIFEM organized with the Government of Mexico the pre-GFMD high-level consultation, “Promoting and Protecting the Rights of Women Migrant Workers: Partnerships for Migration and Human Development: Shared Prosperity – Shared Responsibility.” The consultation brought together the Ministries of Labour, Interior and Women and international organizations and civil society groups from over 20 countries in all regions to prioritize gender equality and women’s human rights issues and strategies that could be incorporated into the deliberations and outcomes of GFMD 2010. The deliberations and outcomes of this consultation were uploaded to the GFMD website as substantive input to GFMD 2010 Round table 2.2: “Migration, gender and family.”

UN Women took the lead in the gender dimensions of migration at the Asia-Pacific Regional Preparatory Meeting for GFMD 2010, organized by the Regional Thematic Group on Migration and Gender under the regional consultations on migration chaired by UNESCAP, to inform on the outcomes of GFMD 2010 from a gender perspective.

As an official partner to GFMD 2010 round table 2.2 entitled “Migration, gender and family,” UN Women provided strong technical support by: (a) co-authoring with IOM the supporting document, *“Uncovering the Interfaces between Gender, Family, Migration and Development: The Global Care Economy and Chains”*; (b) contributing to the preparations of the round table; (c) co-facilitating the discussion with the Government of Portugal; (d) presenting a paper on protecting migrant women’s labour rights at all stages of migration; and (e) ensuring that GFMD 2010 had gender-sensitive outcomes. Among these outcomes was the call to implement gender-sensitive policies and programmes for women migrant workers and implement legal and social protections for domestic workers.

GFMD 2011 in Switzerland (Jamaica and Ghana meetings)

UN Women supported the GFMD chairmanship of the Government of Switzerland and worked with Jamaica (in partnership with IOM) and Ghana (in partnership with the Ghana-based NGO, Migration Policy and Advocacy Network) on two global GFMD meetings with the theme “Domestic Workers at the Interface of Migration and Development” in those two countries. The meetings focused on international standards, such as ILO Convention No. 189: Decent work for domestic workers and CEDAW GR No. 26 (on women migrant workers), among others; good practices in legislation and social protection for domestic workers; and good practices in asset accumulation and in the productive investment of remittances. The meetings resulted in: (a) the development of a checklist based on the aforementioned human rights standards that serve as a tool for governments in developing gender-sensitive legal and social protections for domestic workers; and (b) the launch of a Caribbean-wide civil society network, supported by UN Women and ILO, to work with governments in implementing legal and social protections for domestic workers.

UN Women also participated in the GFMD 2011 Concluding Debate in Switzerland and provided technical support to the round table, “Domestic workers at the interface of migration and development: Action to expand good practice.” The checklist was endorsed at this session as an aide for governments in developing gender-sensitive legal and social protections for domestic workers.

GFMD 2012 in Mauritius

In 2012 the Government of the Philippines and UN Women supported a pre-GFMD meeting with the theme “Protecting the Rights of Migrant Domestic Workers in the Philippines.” The outcomes of the meeting informed the discussions and outcomes of GFMD 2012 Round Table 3.3 on “Protecting the rights of migrant domestic workers: Enhancing their development potential” in Mauritius. UN Women provided technical support to this round table, contributing to its development, and co-writing the official paper with ILO, with a view to advancing concrete strategies to implement greater

protections for domestic workers in close partnership with governments and other bodies.

Also at the GFMD 2012 in Mauritius, the agreed-on checklist on legal and social protections for domestic workers was launched on the GFMD Platform for Partnerships by the Government of Jamaica. It is proposed that an analytical inventory of good practices on legal and social protections for domestic workers be developed, which would feed into a policy toolkit that would be used as a further resource for governments.

3. Identified good practices

The following are some identified good practices at the gender, migration and development interface:

- (a) *Adoption of CEDAW General Recommendation (GR) No. 26 (on women migrant workers) by the CEDAW Committee.* CEDAW GR No. 26, involving global standard-setting via the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as part of CEDAW jurisprudence strongly informed by multiple stakeholders, especially women migrant workers' organizations and their support groups. The general recommendation provides insights into women's labour migration as an emerging issue; lays out the relevant human rights standards and the measures that governments could implement to promote and protect the rights of women migrant workers; and calls attention to concerns of women migrant workers within the CEDAW framework, in the absence of a specific article on migration. It has resulted in enhanced reporting by governments and civil society and an increase in CEDAW Committee concluding observations on the issue, as well as the implementation of these comments.
- (b) *The attention by successive GFMD Chairs* The attention given by Mexico (2010), Switzerland (2011) and Mauritius (2012) – previous Chairs of the GFMD – to migrant domestic workers at the interface of migration and development, and the joint efforts of UN Women and its GMG, government and civil society partners to expand the GFMD discussion on this subject to several global regions, demonstrate good practices in global awareness- and capacity-building. The practical outcomes of these meetings (for example, the checklist as a tool for governments to develop gender-sensitive legal and social protections for domestic workers) are good practices as well.
- (c) *Gender-sensitive legal and social protections enacted for women migrant workers, including domestic workers.* The Governments of Nepal and Indonesia introduced gender-sensitive migration legislation in their countries, while the Government of Jordan introduced a standard, unified rights-based contract for migrant domestic workers and amended its labour legislation in 2008 to include domestic workers.

These initiatives were marked by strong multi-stakeholder ownership and engagement, including by women migrant workers' organizations and their support groups. They have resulted in strengthened networks of women migrant workers' organizations in Indonesia and Nepal; closer engagement of government at the local and national levels in implementing legislation; sex-disaggregated databases on outgoing women migrant workers at local levels which have been used to track and rescue women who have lost contact with their families; and the establishment of village information dissemination centres and other community-based programmes involving awareness-raising, assistance provision, legal training, information exchange, hotlines and networking. Importantly, returned women migrants play an active role in these programmes.

4. Challenges identified in carrying out UN Women work

UN Women has identified the following challenges in carrying out its work:

- (a) *Data gaps.* There are gaps in sex-disaggregated data and gender statistics on migration at national and sub-national level, or a lack of easy access to such data. These gaps are to be found, particularly, in the figures on outgoing, incoming and returning men and women migrants; the gender-based socioeconomic profiles of migrants; the information on countries which migrants move to and come from, as well as the purpose of migration; the gender-based occupational patterns among migrants; the gender-based patterns in remittance volumes and their use; the documentation of government services for migrants and their use, disaggregated by sex; and in the evidence to support the economic case for investing in the promotion and protection of women migrants' rights.
- (b) *Official discourse and practice related to migration.* Currently, migration-related discourse and practice are marked by paradigms that heighten political sensitivities and weaken political will to promote and protect migrants', including migrant women's, rights. The official discourse and practice on migration is marked by national sovereignty, security, morality, law and order and market-oriented paradigms. Migrants, including women migrants, are constructed as a threat to the socioeconomic and political fabric in their countries of employment. This only exacerbates political sensitivities and xenophobic attitudes, especially during crises, and places migrants, including women migrants, at the margins of society.
- (c) *Inadequate understanding of the gender equality and women's empowerment dimensions of migration among different stakeholders.* Women's and girls' concerns at all stages of migration are often conflated with those of men and boys, leading to discriminatory policy impact and disempowerment. Adopting a gender perspective is also viewed as additional work, rather than a process to look into

the differences in migration experiences of men, women, boys and girls, and tailor policy and programme responses accordingly.

- (d) *Lack of understanding of how to apply gender equality and women's empowerment principles* in migration, particularly in the formulation, implementation, monitoring and evaluation of policies, legislation, plans, programmes and budgets.
- (e) *A need for stronger links with the larger women's movement and greater capacity-building of women migrant organizations.* Women's independent labour migration is a more recent phenomenon than men's, and the larger women's movement has not yet fully embraced the issue. Mainstream civil society organizations working in migration typically do not always address migrant concerns from a gender perspective. In addition, there is a marked difference between countries and regions in terms of the growth, development and voice of women migrant workers' organizations.

5. Gaps evident within the migration and development sphere

The following are some specific gaps that remain to be filled in the discourse, orientation and actions of all relevant stakeholders in the migration and development sphere:

- (a) There remains a limited view of migration and development. The migration and development discourse needs to pay greater attention to the socioeconomic and political dimensions of migration and development, particularly the drivers of migration. The contribution of migrants to development needs to shed its narrow economic interpretation to include social and political contributions. The migration and development discourse and practice also need to address the social, economic and political costs of migration, to better harness its development impact.
- (b) There is a lack of a gender-sensitive, rights-based development orientation in the migration and development discourse and practice. The current discourse on and practice in migration and development is largely gender-blind and lack an inclusive, sustainable, rights-based development orientation. There is little accountability for gender-blind policies, legislation and programmes, or for the outright gender-based abuse of migrants. Where efforts are made to safeguard women's rights, they are often protectionist, or focus more on post-violation assistance than on the prevention of rights violations or on providing women with sustainable development alternatives to migration. Where initiatives are intended to be preventive, they often take the form of micro-livelihood projects that are neither gender- nor market-responsive, reinforcing a vulnerability to migrate for survival. There is a need for more attention to the demand dimensions of migration, including legislation, programmes in countries of employment and regulations for recruiting agencies.

- (c) There is a need for better collaboration and coordination between different sectors within and between countries of origin, transit and destination, adopting a whole-of-sector approach for large-scale and strategic change. This is sometimes a problem where there is a lack of government openness to civil society or a lack of strong women migrant workers' organizations; or where civil society needs to engage more with government strategically and constructively; or where there is a lack of effective coordination among government departments, including national women's machinery on the gender equality and women's empowerment dimensions of migration. The problem is further compounded by political sensitivities especially between countries of origin and destination.
- (d) There is a need for greater engagement with civil society and to ensure institutionalized and sustained representation of women migrant workers' organizations and their support groups at all stages of the policy process.
- (e) There is a need for more coherent, coordinated UN system responses at the global and regional levels, and in support of global, regional and national agenda-setting and priorities on the issue. Similarly, all UN agencies need to strongly support the prioritization of gender equality and women's empowerment by the United Nations and the UN Secretary General.

6. Recommendations for the 2013 High-level Dialogue

UN Women sees the 2013 HLD as a unique opportunity to review the discourse and practice on migration and development since the first HLD of 2006 and the first GFMD in 2007; to set priorities for the future; and to consolidate partnerships between states, civil society, private sector and international organizations to implement those priorities. Equally important is the need to incorporate migration concerns into the established UN development processes and platforms from a human rights perspective that also takes account of the gender equality and women's and girl's rights dimensions of migration.

Other key related opportunities for performing the above-mentioned tasks are the post-Rio and post-2015 development agendas, as well as the review of the Cairo Programme of Action in 2014. Building on and extending the boundaries of the GFMD and other work on migration and development, the 2013 HLD should define future priorities, related outcomes and broad targets, which could inform the post-2015 development agenda; and use the GFMD working group modality and other venues as vehicles for implementation. The HLD is also an opportunity for governments to develop a migration-related mandate for the Cairo Programme of Action review process.

The UN system has contributed to the preparations for the 2013 HLD through agency inputs into the HLCP paper, dialogue with Member States and regional HLD preparatory meetings convened by the UN regional commissions. UN system multi-

year work plans via global, regional and national inter-agency mechanisms in support of national priorities on migration and development could be strategically aligned with HLD priorities and GFMD areas of work, with some flexibility. Considering the urgency for synergies and partnerships to achieve any significant progress, there needs to be an expanded role for civil society and the private sector, and a more strategic role for the United Nations in support of global, regional and national priorities on migration and development, including in relation to the GFMD, where it currently has no formal mandate. The HLD could seize the opportunity to reinforce this message.

From a gender equality and women's rights perspective on migration and development, UN Women would like to see the following substantive priorities articulated by the 2013 HLD, fed into the post-2015 development agenda (with targets and indicators), addressed by the GFMD and placed on the work agendas of UN inter-agency mechanisms at the global, regional and national levels:

- (a) Mainstreaming migration into national development strategies from a gender perspective;
- (b) Exploring the impact of women migrant workers' social and economic contribution to development in countries of origin and destination;
- (c) Protecting the human and labour rights of women migrants, including domestic workers and their families. The HLD may, in this connection, consider initiating a concrete partnership for which the GFMD could provide a platform, such as a campaign to ratify and implement the ILO Convention on Domestic Workers.

From a process point of view, UN Women would like to see:

- (a) Gender-related deliberations and outcomes of the 2013 HLD by ensuring that each of its round tables has a strong resource person on gender;
- (b) A robust space for civil society, including women migrant workers' organizations and their support groups to engage with governments;
- (c) A space provided for regional priorities to be formulated and to inform the deliberations and outcomes of the 2013 HLD.