



Organization for Security and Co-operation in Europe

The Secretariat

Seminar on Gender-Sensitive Labour Migration Policies

Brdo, 16-17 February 2009

Closing Remarks by the General Rapporteur

Mr. Goran Svilanovic

Co-ordinator of OSCE Economic and Environmental Activities

Dear colleagues and friends,

I would like to thank you all for your active participation and support during these two days Seminar. As the General Rapporteur, I would like to take this opportunity to summarize the key points and recommendations discussed through out the seminar:

In the first session we heard that migration policies in general lack a gender sensitive approach.

Slide 2 – Session 1 on Gender and Labour Migration trends

1. **When considering developing and implementing policies to address female migrant workers, governments and stakeholders must take into account that** female migrants face multiple disadvantages on the labour market (including harassment, economic and sexual exploitation, racial discrimination and poor working conditions) and the number of female migrants are growing and many are pushed into the informal sectors. This trend is being noticed both in EU and CIS countries.

In this connection, it was recommended that when using mechanisms to regularize the status of migrant workers, care should be taken that they work for all parties involved (e.g., counties of origin, transit, destination and the female labour migrants themselves). Also, gender analysis should be applied at all levels and good practices should be exchanged between countries.

2. Female migrants concentrate in shadow sectors of the labour market. Domestic work is traditionally unpaid work, which affects the salary in this sector. The concentration of female labour migrants in the shadow sectors also make women less visible to statistics than men. In this regard, **an important step is to recognize female dominated sectors as proper work and make those economic sectors visible**. This will also help in improving the access to sex disaggregated data which is needed to analyse the differences and specific needs of male and female migrants.
3. The vulnerability of female migrants caused by their weak legal status, less protected by labour rights and access to social benefits, will increase during the financial crisis. As

such, when analysing the situation and the impact of the economic crisis, decision makers should take into account how gender differences will impact men and women differently.

It was recommended that **the general population should be informed about the contributions made by immigrants to avoid discrimination, sexism and xenophobia**; the regular labour migration channels should remain open given the demographic trends; remittance flows should be facilitated through lowering transaction costs; and, collection of data with a clear gender focus should be carried out and disseminated.

Slide 3 – Session 2 on National and International legal frameworks

In the second session we discussed national and international legal frameworks for the protection of female migrant workers.

We heard that female migrants are being subject to multiple causes of discrimination, including gender-specific abuses and therefore face even higher obstacles to invoke national legal provisions in order to protect their human and labour rights.

1. Therefore, **the national legal framework should include provisions that facilitate access of vulnerable migrants to the legal system**. Various good practices already exist in the OSCE region, including the US experience in refocusing law enforcement measures away from the victim and towards the employer with the help of specialized administration agencies, such as the *Equal Employment Opportunity Commission*.
2. Another important aspect of the US practice highlighted during the discussion is the construction of ***the legal firewall between enforcement of immigration law and labour legislation during investigation and litigation***; hence workers' immigration status cannot be used as a shield for employer liability.
3. In addition, concerns of **female migrants should be both reflected in migrant-specific admission and integration measures, and mainstreamed in other relevant national policy areas**, such as combating domestic violence and trafficking in human beings. Female migrants remain particularly vulnerable as some major areas of their employment are not regulated in the national legislation of many countries. Moreover, discriminatory provisions should be eliminated that preclude, for instance domestic workers from enjoying the rights to family reunification and family life, access to social security system and healthcare services. Another point raised was that armed conflict can disrupt the social fabric of a community which could result in men deserting their families and placing women in a vulnerable economic situation.
4. **A range of UN and ILO international conventions on labour rights and elimination of discrimination towards women also cover migrant workers. However, ratification of some of these instruments remains uneven across the OSCE region, and further efforts are needed to achieve full implementation of their provisions in the participating States.**

Slide 4 – Session 3 on Labour Migration Policies in Countries of Origin

In session three we discussed how to introduce a gender approach in labour migration policies in countries of origin.

Countries of origin have very important tasks to fulfill, for example they need to provide their citizens with adequate skills, training and knowledge on countries of destination. In addition, they must facilitate the process of migration, including safe migration channels, decent work, accommodation, etc. Countries of origin also should provide safe return and reintegration, including ensuring that their citizens will benefit from social protection schemes, thus ensuring that the rights of their citizens abroad are protected.

Furthermore, countries of origin benefit from the contributions of migrant workers, including human capital, financial capital (through remittance), as well as social capital. However, adequate provision of services is still a challenge, and states must consider the social costs of migration.

As such,

1. **A rights based approach must be integrated into policy planning and legislation covering the whole migratory process - from pre-departure to reintegration.** Therefore, policy makers must consider the needs of migrant women in all phases of the migratory process, and have those concerns translated into policy and practice, which may lead to a more gender sensitive labour migration policy.
2. Recalling that **participating States should recognised domestic work as proper work and as a category of migration.** This is so, since most female migrant workers in the OSCE region are concentrated in the domestic sector, countries of destination are to recognize domestic work as a form of labour, combined with the creation of such a category of migrants which could facilitate the creation and implementation of legal migration channels - e.g., *Domestic Workers Program*, or visa schemes which exist in a number of countries, such as Italy, Canada, and others.
3. **Countries of origin are to provide adequate services, which facilitate labour migration movement taking into consideration the needs of migrant workers along with labour market demand.** This work should be done in collaboration with countries of destination and social partners (including employers). This task could be develop and implemented through the use of migrant information centres which would include services such as: selection of migrants, training, pre-departure orientation, technical skills, information on employment, migrants' rights, etc. Such an initiative can contribute towards the improvement of circular migration within the overall migration management scheme, thus placing countries of origin in the role as intermediaries between migrants and employers in countries of destination.
4. **Policy makers should integrate and mainstream labour migration issues in national employment, gender equality, labour market and development policies** to maximize opportunities and minimise risks for migrant women.

Slide 5 – Session 4 on Gender in Bilateral and Multilateral Temporary Labour Agreements

Session four was noted to be a practical and good session, by providing examples of good practice in the area of bilateral agreements.

1. One of the many issues that was highlighted during this session was the importance to ensure that bilateral agreements (BLA) validates the important work that women perform.

In addition, it was stressed that there is a **need to ensure that high-skilled female migrates workers are able to utilize their skills by accessing opportunities in labour market in receiving countries.**

2. **Stakeholders should recognized the important role that social partners, such as trade unions and civil society play in protecting workers rights, therefore such entities must be included in the development and implementation of BLAs.**
3. Finally, **migration management is regulated through multi-layer approach** such as BLA, regional agreements, international standards through the ratification of conventions. While BLAs covers country-to-country, regional agreements aim at the harmonization of minimal standards. This complex system could provide an opportunity for better management of legal migration flows, while ensuring the protection of workers, at the same time mitigating the risks involved in the use of irregular migration channels.

Slide 6 – Session 5 on Labour Migration Policies in Countries of Destination

In session five it was recognized that destination countries differ in respect of demand for foreign labour; what types of skills they require and in which economic sectors; what labour admission policies they have and what social benefits they offer. They also differ on their gender relations. However, **to develop more gender-sensitive labour migration policies in destination countries more information, data and research is needed** to better understand the reasons for gender gaps and the persisting inequalities between female and male labour migrants.

Furthermore, it was stressed that a **multi-disciplinary approach was needed so that all relevant actors could be heard during the policy-development process. Moreover that labour migration policies should take into account the existing human rights and other relevant legal frameworks.**

In discussing the **new Swedish Labour Immigration rules**, it was highlighted that they **should also have a positive effect on female migrants and female migrant workers** as they are open to all skill levels and employment sectors and allow labour migrants to bring their family members. Furthermore, temporary migrants and their families have been given equal access to education and health care and other social benefits. The impact of the new rules are too early to see yet, but many participants expressed interest in following its implementation.

We also heard that it is important to **involve non-stakeholders in formulating gender-sensitive labour migration policies** by forming mechanisms and structures where they can give their inputs on gender issues to policy-makers on international, national and regional levels. In this context it was stressed that more women are needed in decision-making bodies and in political life so that their needs can better be reflected in all policy areas.

Slide 7 – Interesting policies, practices and models

The seminar identified several interesting policies and models such as:

- ANAPEC services to facilitate labour migration from country of origin while supporting migrant workers

- Alternative Investment Initiatives in countries of origin prior to return – mentioned by the RESPECT Network
- A US civil society initiative of complaint against employer located in country of origin, e.g. in Mexico
- Equal Employment Opportunity Commission in the US
- Domestic Workers Program in Canada
- New Swedish labour immigration rules

Slide 8 – Next Steps

After the seminar the OSCE will:

- Review the inputs, comments and suggestions received from the Brdo Seminar
- Conclude the drafting of the Guide on Gender-Sensitive Labour Migration Policies
- Aim for launch at the OSCE 17th Economic and Environmental Forum in Athens, 18-20 May
- Translate the Guide into Russian
- Present the Guide to high-level meetings such as the OSCE Parliamentary Assembly and the Permanent Council
- Distribute the Guide to all OSCE participating States and Partners for Co-operation, OSCE Field Presences, partner organizations and civil society
- Include the Guide in relevant OSCE activities to further promote the its messages

Thank you very much for your attention.