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**17th Economic and Environmental Forum – Session III: Gender and
Labour Migration Policies**
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**LAUNCH PRESENTATION OF THE GUIDE ON GENDER-SENSITIVE
LABOUR MIGRATION POLICIES**

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and Environmental Activities**
and

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Trafficking in Human Beings**

Slide 1. Launch Presentation (Goran Svilanovic)

Dear colleagues and friends,

Eva and I would like to welcome you all to Session III on Gender and Labour Migration Policies, and we would like to take this opportunity to present to you in brief the Guide on Gender-Sensitive Labour Migration Policies.

Slide 2. Why a Guide? (Goran Svilanovic)

The first question one may ask is why did we embark on this initiative?

We know that in 2005 the OSCE region experienced the movement of 115 million migrants, of which over 50 per cent are women and an increasing number are labour migrants.

We must acknowledge that female migrant workers are becoming important contributors to host and home economies. They are responding to a demand for foreign workers in destination countries. They are mainly working in the “feminized sectors” of the economy that is in social and welfare professions, healthcare, education, domestic services and certain fields of agricultural and manufacturing work.

However, due to the lack of policies addressing the specific needs of female migrant workers, limited legal labour migration channels available to them and stereotyped labour roles for men and women, they are confronted with gender-specific disadvantages in the migration process and in their employment situation. This often results in increased vulnerability to discrimination, exploitation and trafficking in human beings; irregular employment and loss of potential economic gains to the migrant as well as the society.

Slide 3. Why a Guide? (Goran Svilanovic)

Therefore, our main objectives with the Guide are threefold:

One: raise awareness of the most pressing issues facing female labour migrants;

two: introduce gender-sensitivity in contemporary labour migration policies

and three: provide policymakers with a concrete, practical tool to consult when developing and implementing policies and programmes, while identifying gaps, possible solutions, examples of good practices and innovative models.

In sum, the Guide should SERVE as a PRACTICAL TOOL.

Slide 4. Target Groups (Goran Svilanovic)

What are our Target Groups?

Our main target group is policymakers, parliamentarians and planners in national and international governmental bodies in the OSCE area, and the Partners for Co-operation.

But we think the Guide can also be very useful for trade unions and employers' organizations and non-governmental and international organizations working with labour migration issues and in particular with policy issues related to female labour migrants.

Slide 5. The Guide (Goran Svilanovic)

We can say that this "practical tool" is timely, and to the best of our knowledge it is the first international Guide on Gender-Sensitive Labour Migration Policies focused on the OSCE region. It complements the Labour Migration Handbooks.

Moreover, to us it has been a bold venture to engage in a cross-dimensional theme that deals with economic migration, gender aspects and prevention of trafficking in human beings. This endeavour is a product of close cross-dimensional co-operation drawing on different internal competencies and strengths. We would like to take this opportunity to thank in particular **Nina Lindroos-Kopolo, Anelise Gomes de Araujo, Linda Kartawich, Ryan Maccan**, as well as the consultant **Helen Schewenken** for their unwavering commitment to this project.

We trust that the Guide will contribute to the OSCE dialogue on migration management, as well as other international migration and development dialogues.

Slide 6. Supporters (Goran Svilanovic)

We would also like to thank our financial supporters: the Governments of Greece, Finland and Slovenia which in the first place made this project possible.

We also want to express our gratitude for the wide technical support we received from governments, academia, international and non-governmental organizations (NGOs) and OSCE field presences, which greatly helped us to carry out our work.

Slide 7. Three-dimensional rights-based approach (Goran Svilanovic)

To address the theme of gender-sensitivity in labour migration policies, we have chosen to base it on the three-dimensional rights-based approach outlined in the Beijing Platform of Action (of the 4th World Conference on Women). This means that female labour migration is reviewed from the dimensions of:

- Women's rights to legal migration opportunities
- Women's rights within the migration process
- Women's rights realized through migration

Slide 8. What are Gender-Sensitive Labour Migration Policies? (Goran Svilanovic)

But, one may ask, what is a Gender-Sensitive Labour Migration Policy?

In brief, it's a policy which recognizes that men and women migrate for economic reasons and better employment opportunities; that female labour migrants may experience greater disadvantages and discrimination compared to their male counterparts; and that they also make significant economic and social contributions to countries of origin and destination.

Therefore, such policies seek to:

- develop enabling policy and legislative environments that provide equality of employment opportunity and access to benefits to migrant men and women;
- encompass general provisions for migrant protection and specific provisions for female migrant workers to empower them to exercise choices; and
- introduce temporary special measures to compensate past discrimination that adversely affect women's current situations.

Slide 9. Chapter 1 - Gender and Migration (Eva Biaudet)

Dear ladies and gentlemen,

At first glance, labour migration policies seem to be gender-neutral, but even among the most advanced immigration countries one can see that outcomes of policies may be contrary to the intended objective of policymakers and practitioners.

We know that ultimately, the basis for a good policy starts from empirical evidence, that is to say acquisition, understanding and good analysis of data, at the very least gender disaggregated statistics and appropriate information in order to develop more effective strategies. To devise an effective policy framework, countries must assess the situation, which entails gathering evidence of foreign labour needs, acquiring knowledge about the target group and international legal frameworks, as well as having detailed information on the characteristic of specific labour market sectors and human resources in order to understand gender distribution.

Ultimately, the implementation of agreements and commitments rests in the hands of governments which regulate this process. States bear the primary responsibility to foster a conducive environment in which the rights of female migrant workers are respected and protected, so all individuals on equal terms can enjoy the fruits of their work and contribute to the well-being of their families and communities.

It can be healthy to remind ourselves that there are important steps which cannot be overlooked in systematically creating a more effective and more sustainable migration and labour policy, starting with long term planning, assessing the situation, including in this dialogue and cooperation all relevant partners and co-ordination of different efforts creating valuable synergies.

Slide 10. Steps and Questions (Eva BIAUDET)

And how can policymakers know if they are on the right track? One could, for example, use a number of questions proposed in the Guide under the section dealing with “How to Engender Migration Policies”:

Policymakers in countries of origin may ask, for example:

- What mechanisms are in place to help potential female migrant workers **make informed decisions** about migrating (working conditions, remuneration, etc.)?
- What types of regulations are in place to oversee the operations of **recruitment agencies** and their representatives?
- What programmes are there for the **economic reintegration of female migrant workers**?

Policymakers in countries of destination again may ask, for example:

- How are **employers assessed** in terms of legal compliance and providing decent working conditions and who conducts the assessments? What are the sanctions for non-compliance and violations of workers’ rights? Are migrant female workers allowed to continue to work while waiting to give evidence in cases where investigations are underway?
- How does the regulation of **access to trades and professions** work (recognition of diplomas, etc.)?

Moreover, it is important that the supportive migration and labour services are made sensitive to the real needs of migrant women. It is necessary to take use of indicators and criteria so that practises can be assessed and progress can be measured. and policies adjusted to ensure that they also benefit migrant women.

Slide 11. Chapter 2 - Policies and Practices in Countries of Destination (Goran Svilanovic)

It is not enough to include only a gender component to benefit women. More importantly, countries of destination must work hard at ensuring that qualified female candidates are admitted and properly integrated into the labour market. In addition, it is insufficient to only accept female migrant workers; they must be able to use and optimize their skills in order to fully contribute to the economy and well-being of their community. As such, states should strive to work hard at preventing the de-skilling of female migrant workers, because worse than “brain-drain” is “brain-waste”!

We know that employment-based regulations for permanent immigration and temporary migration affect women and men differently. Therefore, policymakers should carefully consider requirements regarding education, qualification, age preferences to career achievement and employment sectors when developing and implementing point-based systems in order to reduce gender disparities.

Furthermore, evidence shows that in order to reduce dependency on a particular employer, work permits should not be limited to a specific employer, and migrants should be allowed to change their place of employment. We have seen that the common practice of tying workers to a place of employment is one of the main elements rendering individuals vulnerable and prone to exploitation. Domestic, care and agricultural workers are particularly prone to multiple levels of dependency on their employers, given their living and employment arrangements. As a result, it is important to take into consideration that, as long as demand for such sectors continues to grow, it is necessary to create appropriate legal channels for entry and stay, including family reunification mechanisms commensurate to the length of stay, as well as to ensure employers’ compliance with working conditions and standards.

Ensuring the protection of labour rights and working conditions rests in the hands of countries of destination; yet relevant stakeholders such as NGOs, trade unions and migrants’ organizations can collaborate with the authorities in order to facilitate this process, for instance by disseminating information, reaching out and organizing migrant workers, providing legal assistance and helping migrants access specialized and general services, etc.

Slide 12. Chapter 3 – Gender-Sensitivity in Bi-and Multilateral Labour Agreements (Eva Biaudet)

Ladies and Gentlemen,

We can say that Bilateral Agreements on temporary and circular labour, are instrumental in regulating country-to-country labour migration movements, making it easier to hold state parties accountable for lack of compliance. We know that the use of such agreements is growing, along with the demand for services, such as care-work, which are female dominated. If particular gender perspectives and provisions are not included in these agreements, they may become counterproductive and even increase inequalities.

In order to bring about a positive outcome for migrant workers, bilateral temporary labour agreements should include protective provisions in sectors not covered by national labour law; recognition of skills and qualifications; fair work and wage conditions, access to and coverage of health care and social security benefits, complaints mechanisms, etc. In addition,

in order to produce positive results, capacity building for the staff is crucial; as such, training for all stakeholders involved in the creation and implementation of these agreements is necessary.

It is vital also to consider recruitment practices for health care workers (and others) also from the perspective of the needs of the sending country yet respecting the choice of the individuals. The use of ethical codes and actions to counterbalance a “brain drain” would benefit more sustainable developments long term. Simultaneously and equally important is to ensure that such workers do not go through a de-skilling process or are discriminated when it comes to salaries vis-à-vis nationals in countries of destination. Equal pay for equal work! Here the women may encounter double discrimination being both women and foreigners. As a result, monitoring and evaluation of the bilateral temporary labour agreements could contribute to put in place policies to correct unwanted long-term outcomes.

Slide 13. Chapter 4 – Policies and Practices in Countries of Origin (Eva Biaudet)

Countries of Origin are in a unique position to facilitate safe migration of their female migrant workers. After all, their primary responsibility is to ensure that the rights of their nationals are protected throughout the process - from recruitment to reintegration, as well as prioritizing the mitigation of social costs. Portability of rights by female migrant workers, re-training, job insertion, access to micro-credit and particular assistance to those children and also elderly left behind, are some of the issues that should be among the priorities of any government in countries of origin dealing with migration. State agencies and NGOs should provide pre-employment and pre-departure services to their prospective labour migrants. In addition, states should also carry out gender impact assessments in order to identify gaps and improve services and policies, as well as strengthening capacity building by providing gender training for relevant staff.

The lack of information combined with limited regular labour migration channels offering equal access to women, along with a thriving demand for unskilled and absurdly cheap labour in countries of destination, lead to an increased pressure on unregulated movements and, at worst, put women at risk for trafficking in human beings.

According to experts, the feminization of migration flows is likely to continue due to gender discrimination, the “feminization of poverty”, and lack of employment and self-employment opportunities. This reality is in most cases behind women's income-seeking migration strategies in the context of **survival – meaning her survival and the survival of her family members!** Migration can be an empowering experience if the conditions are favourable and migrants are supported by services and protected from exploitation. The other, darker side, of the coin in a migrants life, I know too well, is trafficking and inhuman exploitation and definitely also long-term severe negative effects and costs to our communities!

It is important to stress that **the empowerment of women** starts at home with the promotion of equal opportunities with regard to education, and employment in countries of origin, followed by opportunities for legal entry, stay and work and promotion of equal opportunities in countries of destination.

Ultimately, compliance with human-rights standards is about being treated with respect as equal partners in the migration process. Finally, we need to engage migrant women’s participation in the process by listening to them and incorporating their needs in our policies

and practices. They are the real experts on failures of our policies and of course also on successes of our migration and labour policies.

Slide 14 – Next activities (Eva Biaudet)

Ladies and Gentlemen – the last but very important question now following is where do we go from here, with this initiative?

- We will make an effort to widely disseminate and promote the use of the Guide throughout the OSCE region;
- The Guide will be Translated it into Russian;
- We will Contribute to the meeting of Regulating Migration Process in Astana, 25-26 June;
- The Guide will be presented to relevant high-level meetings, such as the OSCE Parliamentary Assembly;
- We will Provide inputs to the 2009 Global Forum on Migration and Development; and
- Implement follow-up initiatives, through regional meetings and training workshops.

Ladies and Gentlemen, on behalf of Goran and myself
I want to Thank you very much for your attention.