



Resolution and Manila Call to Action 2008



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**INTERNATIONAL CONFERENCE ON
GENDER, MIGRATION AND DEVELOPMENT:
SEIZING OPPORTUNITIES, UPHOLDING RIGHTS**

Manila, Philippines/September 25-26, 2008



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RESOLUTION of the

International Conference on Gender, Migration and Development: Seizing Opportunities and Upholding Rights

Organized by the National Commission on the Role of Filipino Women
in partnership with UNIFEM, ILO, UNICEF, Migrant Forum in Asia,
Women and Gender Institute of Miriam College,
and the Lola Grande Foundation for Women and Children, Inc.

Manila, 25-26 September 2008

We, 439 participants from governments, trade unions, employers' organizations, private sector, civil society organizations, including women's and religious associations, academe and international organizations covering 36 countries in 5 continents,

Having discussed and deliberated on the following themes:

- (a) The gender dimension of the social costs and benefits of migration: issues, challenges and the way forward;
- (b) Upholding the rights of women migrant workers; and
- (c) Seizing opportunities for enhanced gender equality and benefits of migration for women and their families,

Reiterate the urgency of addressing the key recommendations arising from these discussions; and

Call upon the participating states at the Second Global Forum on Migration and Development (GFMD) in Manila chaired by the Government of the Philippines, 27-30 October 2008 to:

- Incorporate the attached Manila Call to Action 2008 as a substantive input on gender, migration and development to the Forum's deliberations and outcomes;
- Ensure a gender and rights-based perspective in migration and development policies, legislation and programs of countries of origin and destination;
- Recommend that the gender dimensions of migration and multi-stakeholder participation be an organic and integral part of all future GFMD deliberations.





MANILA CALL TO ACTION

Preamble

Recalling the United Nations Conventions and ILO Conventions to which numerous countries are state parties concerning the rights and protection of migrant workers, the promotion of gender equality and women's empowerment and the social, economic, political and cultural rights of all citizens in development;

Recognizing the importance of the UN Declaration on the Right to Development and that the achievement of the eight Millennium Development Goals (MDGs) requires not only the promotion of gender equality and women's empowerment as a specific goal, but the mainstreaming of gender equality issues in all seven other goals;

Noting that while the migration experience can have a positive impact on gender roles and can contribute to the economic and social empowerment of many women and to the overall economic development of the countries where they work as well as to their countries of origin through remittances, still for too many, it is a route to exploitation, abuse and denial of human, labour and women's rights;

Recognizing that trade policies play a key role in the gender, migration, and development nexus;

Noting the importance of the Global Compact as an instrument for corporate social responsibility in relation to the realization of migrants' human, labour and women's rights;

Recalling that the first Global Forum on Migration and Development held in Brussels in 2007 recognized that gender, migration and development issues needed to be more adequately addressed;

Affirming that migration policies and practices, including their impact on gender equality, are a shared responsibility of sending and destination countries;

Representatives from governments, trade unions, employers' organizations, private sector, civil society organizations including women's and religious associations, academe and international organizations covering 36 countries in 5 continents gathered in Manila for the International Conference on Gender, Migration and Development, call on governments of sending and receiving countries of migrant workers, as well as the private sector, employers, trade union organizations and civil society organizations to commit to the following actions to ensure that national and international commitments to gender equality and women's empowerment are adhered to and enhanced by coherent, fair and gender sensitive migration and development policies and practices:





Seizing Opportunities

1. Support women migrants as key contributors to social and economic development by recognizing their role, placing greater importance on the value and dignity of their labour, especially the labour of domestic workers, and providing them with opportunities to participate in developing policies and programs related to migration and development;
2. Pursue decent and sustainable work and pro-poor economic growth strategies, especially in agriculture. Provide an enabling environment for market driven enterprise and private sector development and promote corporate social responsibility, thus creating alternatives to migration and reframing migration as a choice rather than a necessity;
3. Mobilize industry and business organizations and recruitment agencies in search of talent, skills and labour for the global labour market to adopt gender sensitive approaches so that women as well as men obtain decent jobs in accordance with their skills, facilitate circular migration and "brain gain" from both sending and receiving countries. Encourage the corporate sector to develop policies and practices to ensure human dignity in their workforce and within the fullest possible breadth of their supply chain, and independently audit to ensure and validate human and labour rights conditions, work together with NGOs and governments to address corporate ethics and take action to eliminate forced labor and trafficking, implement training for their supply chain, efficient systems of monitoring the supply chain for transparency, and effective resolution of violations and be transparent with their customers about labor conditions with their supply chain;
4. Ensure and provide policy and operational support for both men and women migrants themselves to be properly represented and consulted in decision-making on policies concerning the gender, migration and development nexus both in the home and host countries.
5. Reduce pressure on women to migrate by establishing a system of basic comprehensive national social security and health coverage which can be accessed by all in developing countries, as well as specific support and protection measures for children of migrants workers, which can be financed from general taxation, national budget allocations or special funds;
6. Identify and apply good practices to reduce women's occupational and labour market segregation. Strengthen mutual skills recognition frameworks between countries and a gender sensitive system of accreditation and certification of academic and work credentials in order to reduce de-skilling;
7. In view of the loss of critical skills from sending developing countries, particularly in the health and education fields (traditionally dominated by women) and engineering and information technology (traditionally dominated by men), ensure that gender, migration and development policies and practices address skills shortages and mismatches in the sending and receiving country so that the attainment of the MDGs is not jeopardized and occupational gender gaps are reduced. Keep better and more relevant data including where job opportunities are and what skills a migrant worker needs to progress in his or her career. Promote co-development schemes and other programs and models for 'brain circulation' and "brain gain" to mitigate the loss of skills needed in the sending countries for their development;





8. Enhance the role of government to provide incentives and mechanisms to encourage banks and financial institutions to provide remittance channels that are safe, simple, accessible and affordable to both women and men migrants, both documented and undocumented. Encourage the productive use of remittances, maintaining a principle of choice and ensure that women as well as men migrants are equally targeted in programs to enhance their skills, entrepreneurial activities, financial literacy, savings and their access to credit, land and resources;
9. Develop and implement gender responsive programs for socio-economic and psychological support for sustainable re-integration of returning migrants to capitalize on skills they have gained and promote the evolution of gender roles and improve the status of women in the family. For returning migrants with a business orientation, provide market information on the demand for services or products for sound business decisions on investments. Provide training on project management and leadership, skills needed to run a business and on how to develop and manage community based programs. Make it easier for communities to access capital through links to funding sources from social entrepreneurs and public development funds;
10. Recognize and prepare gender responsive programs for the relocation and re-integration of persons displaced by climate change;
11. Recognize the important contribution of the private sector and diaspora communities to development and support them to better mainstream gender issues in their core business and social programs;
12. Promote the equal representation of women and men in national and international consultation mechanisms on migration and development, include gender issues on the agenda of discussions and negotiations and involve the gender machinery of government agencies, civil society organizations, organizations of migrants, trade unions and employers' organizations.

Upholding Rights

1. Recognize the fundamental human, women's, labour and trade union rights of migrants including their freedom of movement in availing of migration opportunities, to freely associate and organize, to communicate freely with their family members and to retain their identity and travel documents. Facilitate the right to vote in the countries of origin of women and men migrants;
2. Ratify and fully implement all relevant UN and ILO Conventions, in particular those on migration and gender equality, including the UN Convention on the Protection of the Rights of Migrant Workers and their Families, the ILO Conventions 97 and 143 on migrant workers and the ILO fundamental Conventions 29, 87, 98, 100, 111, 105, 138, 182 concerning freedom of association, the right to collective bargaining, discrimination, forced labour and child labour, ILO Convention 181 on Private Recruitment Agencies, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, the UN CEDAW, the UN Convention on the Rights of the Child. Support the adoption of the proposed General Recommendation 27 of CEDAW on women's migration.





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3. Ensure that migration policies, legislation, programs, budgets and bilateral and multilateral agreements are rights-based, explicitly address gender issues, are consistent with international human rights standards, CEDAW concluding comments and jurisprudence created by treaty bodies and are harmonized with gender responsive employment and development policies. In developing such policies address the root causes of migration, both internal and external in view of increasing inequalities within and between countries in the context of globalization;
4. Promote positive attitudes to multi-culturalism, multi-lingualism and diversity and establish culturally sensitive policies and programs to combat racism, discrimination including on grounds of sexual identity and orientation, and xenophobia related to gender roles assigned by different cultures and religions. Provide centers for migrants where they can seek gender responsive help or protection;
5. Strengthen capacity of governments, in particular ministries such as labour, immigration, foreign affairs, the interior and labour inspectorates to screen and monitor employer/employee contracts and to address gender issues specific to migrant workers bearing in mind the multiple discrimination experienced by women migrant workers and their concentration in less visible jobs. Increase efforts to monitor and enforce decent working conditions and wages of both women and men migrants;
6. Establish sex-disaggregated databases on both internal and external migration. Conduct research on the impact on societies and families of the "feminization" of migration, the gender dimension of migration policies, including linkages with trade and investment policies, and on the different contributions of men and women to development in both destination and sending countries. Strengthen monitoring on the situation of migrants through sex-disaggregated data collection and gender analysis of migration trends and include these in State reports to relevant UN and ILO treaty bodies;
7. Discourage sending workers, especially women workers, into vulnerable occupations in countries where they find themselves in situations where their rights and dignity are grossly violated. Promote gender responsive provisions in bilateral agreements and MOUs in favour of women workers and provide alternatives for safe migration or jobs at home;
8. Improve international cooperation, including through the United Nations, and national efforts to review and ensure that anti-trafficking laws are rights-based, gender-sensitive and in conformity with the Palermo Protocol. Ensure that these are effectively implemented to combat labour and sexual exploitation. Develop engendered national action plans on trafficking and migration. Stop criminalization of trafficking victims and ensure they are not placed in jails but in sheltered housing. Intensify efforts to address commercial sexual exploitation, forced labor and child labour in all destination countries, including through prosecution of perpetrators and corporate social responsibility programs along the supply chains of business sectors benefiting from income generated by trafficking.
9. Raise awareness at community levels and through media campaigns on safe migration and ensure protection through better systems for recruitment and monitoring of workplaces and communities where men, women and children are at risk. Provide legal and socio-economic empowerment together with safe voluntary return and reintegration of victims of trafficking and develop protocols and measures to guarantee specialized assistance for trafficked and repatriated children and adolescents. Prosecute traffickers and exploitative employers and provide for payment of compensation to trafficked persons. Provide assistance without conditions such as the





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requirement to testify. Take account of trafficked men and transgendered individuals in the trafficking discourse;

10. Develop and sustain programs in both home and host countries that provide holistic support to those migrants and their children who have survived domestic violence, rape, sexual assault, harassment, and/or exploitation; threats of honor crimes, forced or child marriage, female genital mutilation, and other forms of gender-based violence. Ensure that migrants who have suffered gender-based violence are eligible for immigration remedies and support services in the host country that will protect their safety there and ensure that they will not be forced to return to situations of persecution in their home countries;

11. Recognize domestic work as work in international and national laws. Support the formulation and adoption of an international ILO convention on domestic workers and amend national legislation to specifically recognize their human, social, labour and trade union rights and protection on the same basis as other workers. Introduce effective monitoring and grievance/redress mechanisms to address violations. Ensure decent treatment, standard contracts and provide legal and accessible migration channels for domestic workers. Provide channels for assistance to domestic workers such as SMS system for fast transmittal of help messages to NGOs and government authorities;

12. Increase efforts by governments in destination countries to create mechanisms that regularize undocumented migrants, consistent with human rights protection and gender-sensitive standards, and which address the particular situation of women migrants, domestic workers, women workers in services, and the children and families of migrants, so as to better defend their rights and improve their access to public services for themselves and their families;

13. Improve services of diplomatic and consular missions to ensure protection and respect for human, women's and trade union rights of migrant workers from their countries. Include gender-sensitive counseling and psychological services for abused and trafficked migrants in their own language. Ensure that women are also appointed to key positions in the missions and that the staff are trained on applying a gender lens in regard to migrants' rights and assisting them in conflict and crisis situations;

14. Adopt measures at national level and in bilateral agreements and standard contracts to ensure equal treatment and opportunities in terms and conditions of employment. Ensure access of migrant workers to support services in crisis situations and access to sexual and reproductive health services. Facilitate participation of migrants in social security and health insurance schemes taking into account the particular situation of women migrants deriving from their occupational and legal status. Increase gender-sensitive access to treatment for migrant workers with HIV/AIDS and ensure their reintegration;

15. In destination countries, recognize the right of migrants in an irregular situation and stateless men, women and children to have access to emergency health and legal services, with specific assistance to women in regard to their reproductive health needs and rights. Ensure that pregnancy and childbirth, especially of undocumented women migrants are not used to repatriate and deport them back to countries of origin;

16. Discontinue the practice of deportation for unaccompanied and undocumented migrant children who may risk being sexually abused and trafficked and develop a rights-based approach to the treatment of their cases;





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17. Conduct public awareness raising campaigns in both sending and receiving countries on migrants' rights, safe migration, the realities of the social costs of migration and the sexual abuse of migrant children by relatives, including through the media. Make pre-departure briefings for migrants gender-sensitive with the inclusion of information on their human, labour and reproductive rights, their rights in employment contracts, self protection measures, how to access services to report abuses and to seek support and redress, HIV/AIDS prevention and illegal practices of recruiters and traffickers. Provide for language training and awareness on cultural differences before departure;
18. Promote safe, legal migration through strict regulation and monitoring of recruitment agencies, supporting them to adopt codes of ethics and to provide rights-based, gender-sensitive pre-departure training and promote the inclusion of anti-trafficking efforts in the corporate sector;
19. Adopt and enforce ethical policies on placement fees in origin countries for greater accountability, taking into account the low earnings in occupations where women are concentrated. Publish placement fee rates and inform women and men migrant workers from sending countries as to what would be a reasonable fee. Work toward abolition of fees to be paid by migrant workers which effectively keep them in bondage and require the employer to pay costs;
20. Provide for family reunification, going beyond traditional patriarchal family forms, or other measures to uphold the rights of accompanying children irrespective of their parent's migration status, especially as regards their birth registration and access to education and health care. Provide access to psycho-social support programs for children of absent parents and raise awareness and capacities of fathers to effectively engage on domestic work and child care;
21. Reduce restrictions on migrant workers in destination countries to socialize, associate, organize and join trade unions and migrant organizations. Support partnerships between trade unions, migrant and diaspora associations of sending and receiving countries and ensure they are gender responsive.
22. Examine laws and policies to ensure that there is a balance of both reward to good practice and cost to bad practice, with the end goal of *enabling* good CSR practice. Develop policies that hold corporations accountable for their supply chains – especially in respect to forced labor and trafficking – such as annual reporting on labor conditions in the supply chain and oversight to ensure accurate reporting. Address the relationship between trade, women and migration issues in order to develop further policy. Promote multi stakeholder partnerships between governments, NGOs, corporations, trade unions and academe to further the research agenda related to corporate social responsibility and its relationship to migrant women, forced labor and human trafficking and engage more strategically with corporations to address these issues.
23. Strengthen organizations of migrants and trade unions of migrant workers. Provide for their legal registration and recognition and ensure freedom by migrants', workers' and civil society organizations to operate, represent and promote the rights of migrants;





Summary of Issues Arising from the ICGMD

Feminized labour migration has become a long term, enduring, structural feature in Asia and other world regions in the last two decades, with women constituting about 50% of the overseas migrant workforce¹. Most of these women are migrating independently, largely as a family survival strategy to seek remunerated employment overseas. In countries such as Sri Lanka and Indonesia, and till recently, Philippines, women make up an overwhelming majority of the official labour outflows. The bulk of women migrant workers continue to work at the lowest ends of the labour market in the informal manufacturing and service sectors, with the largest concentrations in domestic work, and entertainment, where they suffer gross human rights violations. Although it is obvious that women migrants contribute significantly to national development in both sending and receiving countries, their contribution is not always fully acknowledged.

Women migrants face vulnerabilities and discrimination at all stages of the migration process. At the point of recruitment and pre-departure, they often have less access to information, education and training compared with men, reinforcing vulnerability to trafficking. Women have been reported to be confined, physically and sexually violated by recruitment agencies prior to departure in pre-departure training centers. During transit, they are vulnerable to abandonment, physical and sexual abuse as well as appropriation of money and travel documents by their escorts or brokers. At destination, they suffer disproportionate labour market discrimination. Women's jobs like domestic work are not defined as work and domestic workers are denied labour protection. The sectors into which large numbers of women are recruited involve the provision of intimate services which invade a woman's privacy and well-being in ways different from men working at construction or manufacturing sites. Convergence of living and work sites, the privatized nature of work, work linked to criminal networks or morally disapproved, enhance surveillance over women, curtails rights to privacy and liberty, lengthens the workday, and reduce access to external assistance in comparison to men. Lower paid jobs, debt bondage, lack of rest days are other violations. Many of them have limited access to health services or reproductive healthcare, injuries resulting from physical and sexual violence, domestic accidents, trauma from abuse are key gender-based health concerns; some even have to undergo compulsory pregnancy and HIV/AIDS testing. Upon return, their relationships with their husbands or family might suffer as a result of migration and they could be stigmatized within their communities. Many lack access to and control over savings and remittances, frittered away in conspicuous consumption or invested in productive assets in the name of male family members.

In light of the above, governments need to take immediate actions in the following areas:

- **Pre-departure:** develop engendered databases and undertake engendered research, report on women migrants concerns under CEDAW and implement the CEDAW Committee's Concluding Comments on women migrants; build capacity of women migrants to cope with potential exploitation through awareness-raising on migration realities for women and pre-departure orientation programmes; provide rights-based, gender-sensitive pre-departure training; adopt and enforce regulations for recruitment agencies using incentives and disincentives and introduce compulsory registration for outgoing migrations using incentives appropriate to men and to women.





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- **On-site:** enforce minimum labour standards that protect national and overseas migrant workers; include domestic workers under existing national laws or introduce protective legislation and legally enforceable government contracts for them, with appropriate monitoring and grievance redressal mechanisms; reduce restrictions on migrant workers to socialize, associate, and organize; ensure migrants' access to emergency health and legal services; ensure participation of migrants in social security and health insurance schemes; and improve services of diplomatic and consular missions to protect and assist migrants, especially women migrant workers.
- **Return and reintegration:** provide socio-economic, legal and emotional support services to women migrant workers; establish remittance channels that are safe, simple, accessible and affordable to both women and men migrants; enhance returnee migrants' skills, and productive investment opportunities that are gender and market responsive; provide support services to children and families left behind; and ensure that women migrants are represented on policy making bodies.¹

¹ UNIFEM 2005; Claim and Celebrate Women Migrants Human Rights through CEDAW, A UNIFEM Briefing Paper.

