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Advancement of women: advancement of women

Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution [72/149](#), outlines the current context with respect to the problem of violence against women migrant workers. It provides information on the measures taken by Member States and activities undertaken within the United Nations system to address this issue and ensure the protection of migrant women's human rights. The report concludes with recommendations for future action.

* [A/74/150](#).



I. Introduction

1. In its resolution [72/149](#) on violence against women migrant workers, the General Assembly requested the Secretary-General to provide a comprehensive, analytical and thematic report to the Assembly at its seventy-fourth session on the problem of violence against women migrant workers, especially domestic workers, and on the implementation of the resolution, taking into account updated information from Member States, the organizations of the United Nations system, in particular the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Office on Drugs and Crime (UNODC), as well as the reports of special rapporteurs that refer to the situation of women migrant workers and other relevant sources, including non-governmental organizations. The Assembly called upon States to adopt or strengthen measures to protect the human rights of women migrant workers, including domestic workers, regardless of their migratory status, including in policies that regulate the recruitment and deployment of women migrant workers, to consider expanding dialogue among States on devising innovative methods to promote legal channels of migration in order to deter irregular migration, and to consider incorporating a gender perspective into immigration laws in order to prevent discrimination and violence against women. The present report covers the period from July 2017 to June 2019.

2. Since the finalization of the previous report ([A/72/215](#)), the General Assembly adopted the Global Compact for Safe, Orderly and Regular Migration at an intergovernmental conference held in Marrakech, Morocco, in December 2018. The Global Compact is a framework that fosters international cooperation among all relevant actors on migration. The Global Compact includes a gender-responsive approach as one of the overarching guiding principles, and the issue of eliminating violence against migrants is addressed in objectives 6, 7 and 17. Objective 6 contains a specific commitment to review relevant national labour laws, employment policies and programmes to ensure that they include considerations of the specific needs and contributions of women migrant workers, especially in domestic work and lower-skilled occupations, and to adopt specific measures to prevent, report, address and provide effective remedy for all forms of exploitation and abuse, including sexual and gender-based violence.

3. The Beijing Platform for Action articulated a vision for women to live their lives free from violence. Migrant women, including women migrant workers, are noted as being particularly vulnerable to violence and other forms of abuse. The year 2020 marks the twenty-fifth anniversary of the adoption of the Beijing Declaration and Platform for Action and is therefore a pivotal year for the accelerated realization of gender equality and the empowerment of all women and girls and for ending violence against them.

4. In 2017, the Committee on the Elimination of Discrimination against Women introduced a general recommendation on gender-based violence against women (No. 35), in which it highlighted that women in the context of migration often face a heightened risk of violence.

5. In June 2019, the International Labour Conference adopted a new convention (No. 190) and an associated recommendation (No. 206) concerning the elimination of violence and harassment in the world of work. The convention recognizes the right of everyone to a world of work free from violence and harassment, while the recommendation requires members to take legislative or other measures to protect all migrant workers, in particular women migrant workers, regardless of migration

status, in origin, transit and destination countries, from violence and harassment in the world of work.

6. In the agreed conclusions adopted at its sixty-third session (see [E/2019/27-E/CN.6/2019/19](#)), the Commission on the Status of Women underscored the importance of protecting labour rights and a safe environment for women migrant workers, noting that migrant women, in particular those who are employed in the informal economy and in less skilled work, are especially vulnerable to abuse and exploitation. Furthermore, it was acknowledged that social protection systems can make a critical contribution to the fulfilment of human rights for all, in particular for those who are marginalized or in vulnerable situations, and that measures should be taken to assist women migrant workers at all skills levels to have access to social protection.

7. The present report incorporates submissions from 25 Member States,¹ one intergovernmental organization² and six United Nations entities³ relating to violence against women migrant workers in all public and private spheres. It draws on concluding observations, general recommendations and comments of human rights treaty bodies, and reports by special procedures mandate holders of the Human Rights Council.

II. Context

A. Data and trends

8. About half of the estimated 258 million international migrants are women,⁴ and there are approximately 66.6 million women migrant workers worldwide.⁵ Despite these estimates, there continues to be a significant lack of sex-disaggregated data and gender statistics on migration. Violence against migrant women is not captured by traditional data sources. Furthermore, there is a striking scarcity of data capturing the exploitation, abuse and violence faced by women migrant workers, in particular those in low-skilled sectors.⁶

9. An estimated 100 million women migrant workers send remittances annually, representing half of all remittance senders globally.⁷ This is despite the fact that migrant women continue to face inequalities in the labour market owing to gender-specific discrimination. For instance, the wages of women migrant workers are commonly lower than men's owing to the persistent gender wage gap,⁸ and women

¹ Andorra, Argentina, Azerbaijan, Bahrain, Burkina Faso, Cambodia, Canada, Colombia, Costa Rica, Cyprus, Czechia, El Salvador, Georgia, Greece, Mauritius, Mexico, Philippines, Portugal, Qatar, Saudi Arabia, Serbia, Spain, Sudan, Turkey and Zimbabwe.

² Pacific Islands Forum secretariat.

³ International Labour Organization (ILO), International Organization for Migration (IOM), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Office on Drugs and Crime (UNODC), United Nations Research Institute for Social Development and United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

⁴ *International Migration Report 2017: Highlights* (United Nations publication, Sales No. E.18.XIII.4).

⁵ See <https://migrationdataportal.org/themes/labour-migration>.

⁶ Letizia Palumbo and Alessandra Sciarba, "The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a human rights and gender-based approach", study published by the Policy Department for Citizens' Rights and Constitutional Affairs of the European Parliament, 2018.

⁷ International Fund for Agricultural Development, *Sending Money Home: Contributing to the SDGs, One Family at a Time* (2017).

⁸ Allison J. Petrozziello, *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective* (Dominican Republic, UN-Women, 2013).

migrant workers may also pay up to 20 per cent more in remittance transfer fees than men.⁹

10. Migrant women continue to face multiple and intersecting forms of discrimination not only as women and as migrants, but also on the basis of numerous interconnected characteristics, including age, income, race, ethnicity, nationality, religion, marital and family status, sexual orientation and gender identity, disability, health status, HIV status, pregnancy, place of residence and economic and social situation. This discrimination affects the enjoyment by women and girls of their human rights (see [A/HRC/35/10](#)) and increases the likelihood that they will experience “targeted, compounded or structural discrimination”, including the risk of violence (see [A/HRC/17/26](#)). When indigenous women migrate, they are often exposed to social and economic exclusion, exploitation, gender-based violence and human rights violations.¹⁰

11. The reasons that women migrate are diverse, ranging from poverty and lack of education and decent work opportunities to human rights violations, conflict, environmental degradation, disasters and land dispossession. Women continue to face deeply entrenched gender inequalities, including sexual and gender-based violence, persecution on the grounds of their sexual orientation and gender identity, sexual violence during war and conflict and harmful practices such as child, early and forced marriage and female genital mutilation.

12. Central factors affecting decision-making by women on migration include domestic and intimate partner violence. For example, across Central America women face extraordinarily high rates of domestic violence and owing to the pervasiveness of structural violence in the region – creating conditions for exploitation, corruption and a disregard for the needs of women – they continue to be failed by their national legal and justice systems.¹¹

13. Around the world, restrictions on women’s agency and freedom of movement continue to exist in law and in practice. In 37 countries, women cannot independently apply for a passport; in 17 countries, women cannot leave their home alone; and in 6 countries, domestic legislation prohibits women from travelling outside their country without permission.¹² Such discriminatory laws restrict the empowerment of women, heighten their risk of violence, limit their capacity to escape potential abuse and reduce their options for regular migration,¹³ increasing the likelihood of women using irregular migration channels or the services of people smugglers.

14. Women need full, clear and accessible information to understand their rights and responsibilities at all stages of migration.¹⁴ Access to information can help to save lives by improving the ability of women to make informed decisions about their

⁹ Global Migration Group, *Migration, Remittances and Financial Inclusion: Challenges and Opportunities for Women’s Economic Empowerment* (UN-Women, 2017).

¹⁰ ILO, *Care Work and Care Jobs for the Future of Decent Work* (Geneva, 2018).

¹¹ Cecilia Menjivar and Shannon Drysdale Walsh, “Gender violence: one driver of the Central American ‘caravan’”, Gender Policy Report, University of Minnesota, 5 November 2018; and Shannon Drysdale Walsh and Cecilia Menjivar, “‘What guarantees do we have?’ Legal tolls and persistent impunity for femicide in Guatemala”, *Latin American Politics and Society*, vol. 58, No. 4 (2016), pp. 31–55.

¹² UN-Women, *Progress of the World’s Women 2019–2020: Families in a Changing World* (New York, 2019); and World Bank Group, *Women, Business and the Law 2018* (Washington, D.C., World Bank, 2018).

¹³ Tam O’Neill, Anjali Fleury and Marta Foresti, “Women on the move: migration, gender equality and the 2030 Agenda for Sustainable Development”, briefing papers, ODI, July 2016.

¹⁴ See www.iom.int/sites/default/files/our_work/ODG/GCM/IOM-Thematic-Paper-Responsibilities-and-obligations-of-migrants.pdf.

journey and encouraging the use of regular migration channels.¹⁵ However, it is critical that the provision of information responds to the ways in which migrants search for and access information. In a study conducted by the Mixed Migration Centre, traditional sources of information, such as signboards, leaflets, websites, the United Nations and non-governmental organizations, all ranked lowest as first sources of information among people migrating through irregular channels, in contrast to smartphones and social media.¹⁶

B. Dangers along the migration journey

15. Travelling along certain migration corridors poses great risks for women and girls, including the risk of sexual violence by criminal gangs, human traffickers, other migrants and corrupt officials. For example, it is estimated that 60 to 80 per cent of migrant women and girls travelling through Mexico to the United States of America are raped at some stage on their journey.¹⁷ Along the central Mediterranean route, estimates show that up to 90 per cent of women and girls are raped en route to Italy.¹⁸

16. Migrant women may seek to protect themselves against the threat of violence during their journey by travelling with a male partner or other male relatives, but these same family members may also be the ones responsible for committing violent atrocities.¹⁹ However, given their limited options and frequently desperate situations, many women feel that they have little or no choice but to endure these possible violations for fear of an even worse situation travelling alone.²⁰

17. Many migrant women and girls continue to rely on smugglers to help them to cross borders and move through countries, often leaving them in debt under exploitative “pay-as-you-go” arrangements and more vulnerable to sexual abuse, economic exploitation and trafficking in persons.²¹ Desperation and poverty may force migrant women and girls into survival sex, for example, providing sex as “payment” for their passage. UNODC reported that, in one African country, criminal groups offer migrant women an irregular migration package to Europe that includes transportation and counterfeit documents for roughly 250 euros, which the migrant women accept with the intention of repaying upon arrival in Europe. However, the debt is then converted into 50,000 to 70,000 euros by the traffickers, which victims are made to repay through forced prostitution.²²

C. Challenges and risks at all stages of migration

18. A lack of gender-responsive migration policies can increase the risk of violence and abuse for women migrant workers. For instance, migration policies that link the

¹⁵ See <https://medium.com/@UNmigration/access-to-information-is-essential-for-migrants-during-their-journeys-and-upon-arrival-3735693dd64e>.

¹⁶ Yermi Brenner and Bram Frouws, “Hype or hope? Evidence on use of smartphones and social media in mixed migration”, Mixed Migration Centre, 23 January 2019.

¹⁷ See www.dhs.gov/news/2018/07/19/perils-illegal-border-crossing and <https://splinternews.com/is-rape-the-price-to-pay-for-migrant-women-chasing-the-1793842446>.

¹⁸ Sarah Chynoweth, “*More Than One Million Pains*”: *Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy* (Women’s Refugee Commission, 2019).

¹⁹ See www.buzzfeednews.com/article/jinamoore/women-refugees-fleeing-through-europe-are-told-rape-is-not-a.

²⁰ See www.opendemocracy.net/en/beyond-trafficking-and-slavery/whos-responsible-for-violence-against-migrant-women/.

²¹ United Nations Children’s Fund (UNICEF), “A deadly journey for children: the central Mediterranean migration route”, February 2017.

²² *Global Report on Trafficking in Persons 2014* (United Nations publication, Sales No. E.14.V.10).

residency rights of family members to those of the sponsor or that deny dependants permission to work can foster legal, financial and social dependency within the family, heightening already unequal power relations between women and men, and increase the exposure of migrant women to violence.²³

19. Many migrant women, in particular those with irregular migration status, do not report violence to the police owing to limited knowledge about their rights, lack of evidence, fear of detention and/or deportation, an absence of trust in the authorities and perceived stigma. Consequently, the perpetrators of the violence are rarely brought to justice.²⁴

20. Migrant women and girls, in particular those with irregular migration status, are at an increased risk of trafficking. Owing to gender-specific discriminatory migration laws and policies, women often cannot freely leave or enter a country or find or change employment, which increases their risk of being trafficked (see [A/71/223](#)). UNODC reported that 60 per cent of detected victims of trafficking are foreigners in the country of detection.²⁵

21. Migrant girls, in particular those who are unaccompanied, are at a heightened risk of sexual and gender-based violence by smugglers, traffickers and other actors, and of being sold into labour or forced into survival sex to gain passage, shelter, sustenance or money for their journeys.²⁶ One such example is the case of migrant girls travelling through the Niger who are forced to work in brothels in order to earn money for their journey to Europe.²⁷ In a study conducted by the United Nations Children's Fund on violence against children migrating along the central Mediterranean migration route, it was found that the majority of the girls who were interviewed had had to work for long periods in Libya to pay for the next leg of their journey.²⁸ According to research in Central America, unaccompanied girls fled their country because *maras*, the local street gangs, were recruiting them to smuggle and sell drugs in their home countries, using sexual assault to force compliance.²⁹

22. As reported by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, nationalist populism contributes to the advancement of heteronormative, patriarchal visions of nations that lead to serious violations of the human rights of women, as well as racial, ethnic, religious, sexual and gender minorities and persons with disabilities, exacerbating their risk of violence and discrimination. The rise in political and policy agendas that seek to reassert "traditional values" often comes to the detriment of the rights of women, including for transgender and gender non-conforming persons, in contravention of international law (see [A/73/305](#) and [A/73/305/Corr.1](#)).

23. Laws and policies that criminalize same-sex relationships still exist in more than 68 countries, and transgender persons are criminalized in at least 17 countries (see [A/73/824](#)). This pervasive discrimination, compounded by homophobia, racism and high competition for scarce jobs, results in transgender women migrant workers often struggling to find legal employment,³⁰ instead relying largely on informal and often

²³ UN-Women, *Progress of the World's Women 2019–2020*.

²⁴ OHCHR, "Behind closed doors: protecting and promoting the human rights of migrant domestic workers in an irregular situation", New York, 2015.

²⁵ *Global Report on Trafficking in Persons 2016* (United Nations publication, Sales No. E.16.IV.6).

²⁶ International Federation of Red Cross and Red Crescent Societies, "Alone and unsafe: children, migration and sexual and gender-based violence", Geneva, 2018.

²⁷ *Ibid.*

²⁸ UNICEF, "A deadly journey for children: the central Mediterranean route".

²⁹ Jessica Jones and Jennifer Podkul, *Forced from Home: The Lost Boys and Girls of Central America* (Women's Refugee Commission, 2012).

³⁰ Sarah Chynoweth, "More Than One Million Pains": *Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy*.

dangerous work, such as work in the commercial sex industry, in order to survive.³¹ Through a mapping carried out in Italy in 2017, it was found that an estimated 3,280 individuals were engaged in street-based sex work, of whom 97.3 per cent were non-Italian and 17.8 per cent were transgender.³²

24. Women are being held in immigration detention at increasingly higher rates.³³ The majority of migrant women in detention have not committed any criminal act. Under international law crossing a border without documentation is not considered to be a crime against persons, against property or against State security;³⁴ therefore, those intercepted should not be treated as criminals. Increasingly, migrant women travelling with children are being separated from them by immigration authorities. In the United States, for example, the Government reported that an estimated 2,737 children had been separated from their parents as at January 2019.³⁵

25. Women and girls, as well as transgender and gender non-conforming individuals, can face terrifying abuse in immigration detention. Detention is often characterized by poor conditions and a lack of safe, clean and private sanitation facilities.³⁶ In a report of the Women's Refugee Commission, migrants were described as being imprisoned in "nightmarish" official and makeshift detention centres in Libya, where torture, sexual violence, forced labour and trafficking for the purpose of sexual exploitation are systemic, with almost no access to legal recourse or other forms of redress.³⁷

26. The high personal, psychosocial and economic cost of violence not only afflicts migrant women, but also affects their families, communities and countries. The direct costs of health services, including psychosocial counselling, child and welfare support and the justice system, as well as indirect costs, such as lost wages, productivity and potential, are just a part of what countries of origin, transit and destination pay for the violence committed against migrant women.³⁸

D. Lack of decent work and social protection

27. Many migrant women have limited employment options, as they are often concentrated in the informal economy with inadequate job security, limited access to social protection, including maternity and sick leave, long working hours, lower wages compared with non-migrants, no childcare facilities and limited rights to

³¹ Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Durham, United States, Duke University Press, 2015).

³² Sarah Chynoweth, *"More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy*.

³³ Ibid.

³⁴ *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation* (United Nations publication, Sales No. E.14.XIV.4).

³⁵ UN-Women, *Progress of the World's Women 2019–2020*.

³⁶ Global Detention Project, "Good practices and initiatives of gender-responsive migration legislation, policies, and practices", submission to the Special Rapporteur on the human rights of migrants, May 2019. Available at www.globaldetentionproject.org/submission-special-rapporteur-human-rights-migrants.

³⁷ Sarah Chynoweth, *"More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy*.

³⁸ Remarks made by the Deputy Executive Director of UN-Women, Lakshmi Puri, during a high-level discussion on the economic cost of violence against women, September 2016. Available at www.unwomen.org/en/news/stories/2016/9/speech-by-lakshmi-puri-on-economic-costs-of-violence-against-women.

unionize,³⁹ and women are far more likely than men to suffer sexual harassment in the workplace.⁴⁰

28. An estimated 13 per cent of all migrant women find employment in domestic service,⁴¹ and women represent 73 per cent of all migrant domestic workers.⁴² Women's migration is often a response to care deficits in countries of destination that are the consequence of the increased participation of women in the labour force, demographic changes and the shrinking of social security, creating a demand for paid household care and domestic work in higher income countries.⁴³

29. Women migrant domestic workers are at a high risk of verbal, mental, physical and sexual abuse by employers and recruitment agencies and may be subjected to slave-like conditions. Their vulnerability is exacerbated by abusive labour practices that give employers control over the residence status of migrant workers or tie them to a specific employer. For example, in some countries women migrant domestic workers have been coerced into having sex with their male employers in exchange for gifts, better working conditions or permission to leave the home.⁴⁴ In Saudi Arabia, reports have shown that death penalties have been applied to women migrant domestic workers (see [A/HRC/35/26/Add.3](#)).

30. Women migrant workers often lack access to social protection services, as these tend to be contingent on regular migration status and the right to work. Therefore, many women migrant workers, in particular those in the informal economy, cannot accumulate social security benefits, such as health care, disability and unemployment insurance, paid maternity and sick leave, and pension benefits.⁴⁵ In the agreed conclusions adopted at its sixty-third session, the Commission on the Status of Women underscored that women and girls may not be able to fully access and benefit from social protection systems and public services owing to the multiple and intersecting forms of discrimination and marginalization that they may face (see [E/2019/27-E/CN.6/2019/19](#)).

31. Women migrant workers may be at an increased risk of adverse health outcomes given their heightened exposure to violence, exploitation and abuse in the workplace, but often do not have access to health services. In many countries, health services, including sexual and reproductive health services, are accessible only to those with proof of legal residency and are often unaffordable for non-residents or those who do not have medical insurance.⁴⁶ The World Health Organization pointed out a global paradox in relation to women migrant care workers who make a significant contribution to public health in many countries and yet are confronted with health risks and barriers to access to care, labour and social protections.⁴⁷ Migrant women

³⁹ Jenna Hennebry, Will Grass and Janet McLaughlin, *Women Migrant Workers' Journey Through the Margins: Labour, Migration and Trafficking*, research paper (New York, UN-Women, 2016).

⁴⁰ UN-Women and ILO, *Handbook Addressing Violence and Harassment Against Women in the World of Work* (New York, 2019).

⁴¹ ILO, *ILO Global Estimates on Migrant Workers: Results and Methodology – Special Focus on Migrant Domestic Workers* (Geneva, 2015).

⁴² Maria Gallotti, "Migrant domestic workers across the world: global and regional estimates", ILO, 2015.

⁴³ ILO, *Care Work and Care Jobs for the Future of Decent Work*.

⁴⁴ Janie A. Chuang, "Achieving accountability for migrant domestic worker abuse", *North Carolina Law Review*, vol. 88, No. 5 (2010); and Katie McQue, "How Hong Kong maids became caught in a 'humanitarian tsunami'", *Guardian*, 22 July 2019.

⁴⁵ ILO and UN-Women, "Social protection: women migrant workers in ASEAN", Policy Brief Series: Women's Labour Migration in ASEAN, Bangkok, 2015.

⁴⁶ World Health Organization, *Women on the Move: Migration, Care Work and Health* (Geneva, 2017).

⁴⁷ *Ibid.*

with irregular migration status are often unable to seek treatment for fear of arrest and deportation when using health services.⁴⁸

32. Women migrant workers require access to the full spectrum of sexual and reproductive health services, including accurate and accessible information, safe, affordable and acceptable contraception methods of their choice and high-quality pre- and post-natal care. Survivors of violence need access to specialized health care, including comprehensive clinical management of rape in order to manage injuries, administer medication to prevent sexually transmitted infections, including HIV, and to prevent unwanted pregnancies (see S/2019/280).

33. Many migrant women work in dangerous environments and may face exploitative labour conditions, which may result in injuries and even permanent physical disabilities. There is evidence that some forms of disability are directly linked to different patterns of trafficking, including forced begging and labour exploitative practices (see A/HRC/20/5 and A/HRC/20/5/Corr.1). Women with mental and intellectual disabilities are also at a high risk of trafficking, in particular in the context of forced labour, given their limited capacity to escape trafficking situations.⁴⁹

III. Measures reported by Member States

34. In their contributions to the present report, Member States highlighted a range of measures taken to combat violence and discrimination against women migrant workers. States also provided some information on anti-trafficking policies, highlighting the important, but often ambiguous, links between violence against women migrant workers and trafficking.⁵⁰

A. International instruments

35. The number of States parties to international instruments relevant to tackling violence and discrimination against women migrant workers has marginally increased since 2017.⁵¹

<i>Treaty</i>	<i>Number of ratifications</i>	
	<i>2017</i>	<i>2019</i>
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	51	54
United Nations Convention against Transnational Organized Crime	187	190
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	170	174
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	143	149

⁴⁸ OHCHR, “Behind closed doors: protecting and promoting the human rights of migrant domestic workers in an irregular situation”.

⁴⁹ IOM, *Caring for Trafficked Persons: Guidance for Health Providers* (Geneva, 2009).

⁵⁰ Reports of the Secretary-General on trafficking in women and girls have been submitted to the General Assembly every two years, most recently at its seventy-third session (see A/73/263).

⁵¹ All information on United Nations treaty ratification is available at https://treaties.un.org/pages/ParticipationStatus.aspx?clang=_en.

36. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, has been ratified by Argentina, Azerbaijan, Burkina Faso, Cambodia, Canada, Colombia, Costa Rica, Cyprus, Czechia, El Salvador, Georgia, Greece, Mexico, the Philippines, Portugal, Qatar, Saudi Arabia, Serbia, Spain, Turkey and Zimbabwe. Andorra, Mauritius and Qatar have acceded to it.

37. The Protocol against the Smuggling of Migrants by Land, Sea and Air has been ratified by Argentina, Azerbaijan, Burkina Faso, Cambodia, Canada, Costa Rica, Cyprus, Czechia, El Salvador, Georgia, Greece, Mexico, the Philippines, Portugal, Saudi Arabia, Serbia, Spain and Turkey. Bahrain, Mauritius and the Sudan have acceded to it.

38. Several States contributing to the present report are parties to relevant ILO conventions. Burkina Faso, Cyprus, Mauritius, the Philippines, Portugal, Serbia and Spain are parties to the Migration for Employment Convention (Revised), 1949 (No. 97). Argentina, Azerbaijan, Bahrain, Burkina Faso, Canada, Czechia, El Salvador, Georgia, Greece, Mauritius, Mexico, the Philippines, Portugal, Qatar, Saudi Arabia, Serbia, Spain, Turkey and Zimbabwe are parties to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Burkina Faso, Cyprus, the Philippines, Portugal and Serbia are parties to the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). Czechia, Georgia, Portugal, Serbia and Spain are parties to the Private Employment Agencies Convention, 1997 (No. 181).

39. On 5 September 2013, the ILO Domestic Workers Convention, 2011 (No. 189) came into force. As at 1 June 2019, 28 countries had ratified the Convention (up from 24 in 2017), including Argentina, Colombia, Czechia, Mauritius, the Philippines and Portugal of the reporting States.

40. Adherence to regional instruments tackling violence against women can also contribute to addressing violence against women migrant workers. Andorra, Cyprus, Georgia, Greece, Portugal, Serbia, Spain and Turkey have ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and Czechia is a signatory. In November 2017, the States members of the Association of Southeast Asian Nations (ASEAN) signed the Consensus on the Protection and Promotion of the Rights of Migrant Workers, which seeks to ensure the rights of migrant workers to decent work, fair treatment, justice, ethical recruitment, skills training and development, and information.⁵²

B. Legislation

41. Several States (Azerbaijan, Burkina Faso, El Salvador, Georgia, Qatar, Saudi Arabia and Zimbabwe) highlighted specific provisions within their constitutional frameworks that guarantee equality of treatment for everyone, including women migrant workers, before the law. In Argentina and Mexico, there are laws to ensure that all migrants, irrespective of migration status, have access to rights and protections on an equal basis with nationals. The equality clause outlined in the Constitution of Azerbaijan is reflected in the Labour Code and includes a provision for foreigners and stateless persons to enjoy the same rights and obligations as citizens. In Mauritius, the Labour Law applies equally to national and migrant workers and includes a clause to prevent discrimination against any worker, including on the basis of national origin.

⁵² See <https://asean.org/asean-leaders-commit-safeguard-rights-migrant-workers/>.

42. In Cyprus and Georgia, legislative amendments have been made to their labour laws to strengthen protections for all women facing sexual harassment at work, such as the amendment to the Law on Equal Treatment of Men and Women in Employment and Vocational Training in Cyprus. The Special Comprehensive Act on a Violence-Free Life for Women is one of several legal measures in El Salvador providing protections from violence to migrant women and girls. In Spain, legal protections relating to violence or harassment in the workplace also apply to migrant workers with regular migration status. Portugal amended its Criminal Code to include rape, sexual coercion and sexual harassment in line with the Istanbul Convention.

43. Andorra, Cambodia, Mauritius and Zimbabwe referred to specific laws on domestic violence protecting migrant women. Women migrant workers in Mauritius are protected from domestic violence through the Protection from Domestic Violence Act. In Zimbabwe, the Domestic Violence Act of 2007 provides assistance to victims of domestic violence, which includes women migrant domestic workers. Twelve members of the Pacific Islands Forum (Cook Islands, Fiji, Kiribati, Nauru, Palau, Papua New Guinea, Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu) have family protection and/or domestic violence legislation that covers all women, including migrant women.

44. In Cambodia and the Philippines, there are laws governing the treatment of their citizens working in other countries. In the Philippines, the amended Migrant Workers and Overseas Filipinos Act strengthens the protections for overseas Philippine workers by deploying them only in countries where the rights and welfare of migrant workers, in particular women migrant domestic workers, are protected.

45. Access to justice continues to be a challenge for many women migrant workers who face violence and exploitation. In the Sudan, the Labour Act and the Domestic Servants Act guarantee the right to litigate for all, including migrant workers, and Saudi Arabia provides the right to litigate for all migrants who are residents in the country. In Czechia and Portugal, legal amendments have been made to extend the coverage of free legal aid to nationals and non-nationals. Under an amendment of 2018 to Act No. 85/1996 on the Legal Profession of Czechia, free legal aid is provided to migrants and asylum seekers. In Spain, free legal aid is provided to women migrant workers who have been victims of gender-based violence or trafficking in persons.

C. Policies

46. A commitment to strengthen approaches to combat violence against women has been incorporated into the national action plans of several reporting States (Argentina, Cambodia, Costa Rica, Czechia, Georgia, Greece, Portugal, Sudan and Turkey). In May 2019, Czechia adopted an action plan for the prevention of domestic violence and gender-based violence for the period 2019–2022, which provides access to justice for all victims of domestic and gender-based violence and recognizes migrants as a vulnerable group that must be included in the implementation of any measures. Costa Rica is implementing its national policy on attention to and the prevention of violence against women for the period 2017–2032, which makes specific reference to the risk of violence for migrant women.

47. In El Salvador and Mexico, mechanisms have been established for monitoring the rights of migrant workers. In Mexico, the National Institute for Women and the National Institute of Migration signed a cooperation agreement to jointly manage activities that promote, protect and respect the human rights of migrant women.

48. Three States (Cambodia, Philippines and Zimbabwe) reported that they had developed and implemented policies to increase the access of migrant women to social protection. In the Philippines, in recognition of the vital contributions of

women to the economy and in order to promote the exercise of their reproductive rights, paid maternity leave for all women workers, including those in the informal economy, has been expanded to 105 days, with an additional 15 days for women who are single parents. In Zimbabwe, a labour migration policy that will include mechanisms for social protection as well as a framework for protecting and empowering migrant workers is being drafted.

49. Efforts to address the intersections of migration and trafficking in persons were underlined in the submissions received from several Member States (Argentina, Bahrain, Cambodia, Greece, Philippines, Serbia and Zimbabwe). The introduction of the Trafficking in Persons Act in Zimbabwe, a country of origin, has facilitated the reporting of cases of trafficking in persons involving Zimbabwean women migrant workers, the majority of whom had been victims of violence while working abroad. In Serbia, efforts have been intensified to combat the employment of migrants with irregular migration status with a view to reducing the incidence of trafficking in persons. Cambodia and Greece identified specific policy measures to strengthen the provision of services to victims of trafficking in persons. For example, the national action plan of Greece for the period 2019–2023 designates shelters for women and girls who are victims of trafficking in persons.

D. Data collection and research

50. The lack of data on violence against women migrant workers remains a critical issue. While some States (Cambodia, Colombia, Greece, Philippines and Serbia) reported that they collected sex-disaggregated data on international migration, some of which includes data related to victims of trafficking, there continues to be a lack of comparable data on women migrant workers' experiences of violence. Andorra and the Philippines reported that they were strengthening efforts to collect sex-disaggregated data on migration. In 2019, the Philippines approved a new national migration survey, the results of which will be taken together with available data on violence against women to provide a more comprehensive picture of violence against women migrant workers.

51. El Salvador, Georgia and Serbia highlighted examples of national studies conducted on the issue of violence against women, some of which included a specific focus on migrant women. In 2017, the National Statistics Office of Georgia and UN-Women conducted a national study on violence against women⁵³ to analyse the unique experiences of marginalized women in Georgia, including women with disabilities, lesbian, bisexual and transgender women, migrant women and ethnic minorities. It was found that, since the previous study in 2009, there had been an increase in the number of women reporting cases of intimate partner violence to the police and a decrease in the numbers of women remaining with violent partners as attitudes towards violence changed.⁵⁴ The Ministry of Labour and Vocational Training of Cambodia, in partnership with IOM, has developed a labour migration information system that collects sex- and sector-disaggregated data on the number of Cambodian workers migrating through regular channels. In Argentina, the National Institute of Women has conducted research on the situations of gender-based violence in the workplace, including the specific situations of migrant women.

⁵³ UN-Women, "National study on violence against women 2017: summary report", 2017.

⁵⁴ Ibid.

E. Preventive measures, training and capacity-building

52. Prevention has been identified as a key component of the strategies of several States (Argentina, Cambodia, Czechia, Georgia, Greece and Philippines) to eliminate violence against women migrant workers. Canada has provided 1.5 million Canadian dollars to Immigration, Refugees and Citizenship Canada to enhance settlement programmes, including the development of a strategy to address gender-based violence and the introduction of community-based violence prevention programmes.

53. Awareness-raising was highlighted by a number of States (Argentina, Azerbaijan, Bahrain, Burkina Faso, Cyprus, Czechia, El Salvador, Greece, Mauritius and Saudi Arabia) as playing an important role in reducing the vulnerability of women migrant workers to violence. In Spain, the strategic plan of the Labour Inspectorate for the period 2018–2020 includes a section on capacity-building for women migrant workers to increase awareness of their labour rights and how to exercise them. In Azerbaijan, language and culture courses that include training on rights and obligations under national law are provided free of charge. Saudi Arabia works with women migrant workers in countries of origin prior to their arrival to raise awareness of their rights and obligations. In Czechia, the “I will not be a victim” campaign was launched, focusing on domestic violence against migrant women.

54. The prevention of trafficking in persons features in the awareness-raising strategies of several States (Cambodia, El Salvador, Greece, Mexico, Portugal, Qatar and Sudan), such as the Break the Chain campaign in Greece. The Institute for Women’s Development in El Salvador runs an ongoing campaign for the general population and public officials to raise awareness about detecting and preventing trafficking in persons. In Cambodia, the Ministry of Women’s Affairs uses media platforms, largely radio talk shows, to provide information on safe migration and highlight the dangers of trafficking for marriage. Qatar holds seminars with authorities from countries of origin to outline the specific forms of discrimination, violence and risks of human trafficking faced by migrant workers, including women.

55. Several States (Bahrain, Cambodia, Colombia, Qatar and Spain) addressed the issue of preventing labour exploitation of migrant workers. In Colombia, 2,889 training sessions for employers on the recruitment of migrant workers, including sessions on the prevention and elimination of labour exploitation, have been conducted. Spanish legislation provides temporary residence and work permits for migrant women who are victims of violence, trafficking or other forms of exploitation or abuse to reduce their dependency on their abusive employers or partners and to ensure that women have independent access to documentation.

F. Protection and assistance

56. Several States (Bahrain, Cyprus, Czechia, El Salvador, Georgia, Mexico, Spain and Turkey) underlined the importance of providing access to services and support for migrant women who have been victims of violence. The local victim assistance offices in El Salvador provide immediate attention to women who have been victims of violence, including migrant women with irregular migration status. In Argentina, all migrants have the right to health care and social assistance irrespective of migration status, and there is a national free and confidential hotline for victims of gender-based violence. In Saudi Arabia, leaflets are produced for migrant workers that contain information on the mechanism for reporting cases of rights violations, including violence, and the steps for receiving legal assistance. The new strategy of the Government of Czechia for the equality of women and men for the period 2014–2020 provides gender-specific services to migrants, including health care, as well as

legal and social counselling. Mexico provides assistance to its migrant women in the United States by including in all consulates women's integrated care windows, which offer advice and information on issues related to the protection of labour, civil and migration rights. The Pacific Islands Forum secretariat reported that the Pacific Women Shaping Pacific Development programme seeks to ensure that violence against women in the region is reduced and that survivors of violence have access to support services and to justice, which is also accessible to migrant women and girls.

57. Cambodia, the Philippines and Portugal highlighted the importance of strengthening legal assistance for migrant women, in particular those who are victims of violence. Lawyers from the Philippine Overseas Employment Administration are deployed to consular offices, in particular those in countries with a high concentration of women migrant domestic workers, in order to conduct investigations into cases of labour exploitation or other human rights violations. In Bahrain, the Ministry of Labour established an agency for arbitration and labour advice to which migrant workers, including migrant domestic workers, have access and can submit labour complaints.

G. Bilateral, regional, international and other cooperation

58. Bahrain, Cambodia, the Philippines, Qatar and Saudi Arabia reported that they have bilateral agreements on labour migration. The Philippines maintains bilateral agreements with 12 countries of destination and one country of origin. Qatar has signed 36 bilateral agreements and 13 memorandums of understanding that provide incoming migrant workers with legal protections prior to their arrival. Kuwait and Zimbabwe bilaterally agreed to end the issuance of visas for semi-skilled workers owing to the number of Zimbabwean women migrant workers exposed to violence at the hands of their sponsors.

59. Burkina Faso has signed and ratified various regional instruments for promoting and protecting the rights of migrant workers, such as the General Convention on Social Security of the Inter-African Conference on Social Security, which harmonizes social security legislation to ensure access to social protection in all participating countries. Mexico, in consultation with the Economic Commission for Latin America and the Caribbean, is drafting a comprehensive development plan for Mexico and Central America to manage migration flows in the region that will include measures to reduce levels of gender-based violence in migration movements.

IV. Initiatives of United Nations and related entities in support of national efforts

A. Research and data collection

60. Entities of the United Nations system continued to support the increased collection, analysis and availability of data on migrant women, including data on violence against them. The United Nations Research Institute for Social Development has conducted research demonstrating the susceptibility of women migrant domestic workers to violence owing to their exclusion from labour legislation in countries of destination. In June 2019, UN-Women published *Progress of the World's Women 2019–2020: Families in a Changing World*, in which it underscored that migration policies that link the residency rights of family members to those of the sponsor or that deny dependants permission to work can foster legal, financial and social dependency within the family, potentially heightening already unequal power relations and the possible exposure of women to violence.

61. In 2018, the Office of the United Nations High Commissioner for Human Rights carried out a mapping of national forms of admission and stay to gain a better understanding of existing mechanisms for delivering human rights protections to migrants in vulnerable situations.⁵⁵ Some of the key findings pertinent to the present report include legal protections for migrant women in Morocco and Spain prohibiting their deportation when pregnant, in particular when such a measure could endanger the pregnancy or the woman's health. Existing mechanisms in New Zealand and Spain to alleviate the vulnerability of migrant women to domestic or intimate partner violence were also outlined in the mapping. In New Zealand, people who have been in a partnership with citizens or permanent residents of New Zealand and whose partnership has ended owing to domestic violence may be granted residence if they are unable to return to their country of origin for financial reasons or for fear of stigma or discrimination.

62. In addressing the issue of violence against women migrant workers, it is paramount to recognize the link to trafficking in persons. In its *Global Report on Trafficking in Persons 2018*, UNODC found that 94 per cent of detected victims of trafficking for sexual exploitation are women and girls and that 35 per cent of those trafficked for forced labour are women. In 2017, IOM launched the Counter-Trafficking Data Collaborative, providing one of the most comprehensive sex- and sector-disaggregated data sets on trafficking in persons. The data show that women are more likely to face psychological, physical and sexual abuse compared with men and that 83 per cent of transgender and gender non-conforming victims are trafficked for the purpose of sexual exploitation.

B. Support for legislative and policy development

63. Entities of the United Nations system continued to collaborate with national authorities to ensure that laws cohere to prevent violence against women migrant workers and to provide protection and assistance to victims.

64. Since the finalization of the previous report, the Committee on the Elimination of Discrimination against Women provided concluding observations to four States (Italy, Kuwait, Oman and Romania) on addressing violence against women migrant workers. In its concluding observations for Kuwait, the Committee recommended the adoption and enforcement of laws and regulations that include adequate legal remedies and complaints mechanisms to protect all women migrant workers, including those with irregular migration status, from abuse, sexual harassment and forced labour. At its sixty-ninth session, in 2018, the Committee decided to elaborate a general recommendation on trafficking in women and girls in the context of global migration.

65. As the substantive secretariat of the expert working group on addressing women's human rights in the Global Compact for Migration, UN-Women worked with experts from the United Nations system, human rights treaty bodies, special procedures mandate holders, civil society organizations and academia to provide technical guidance to Member States⁵⁶ to help to ensure that gender equality considerations were firmly integrated throughout the Global Compact and that its implementation promotes gender equality and the empowerment of women and girls.

⁵⁵ OHCHR, "Admission and stay based on human rights and humanitarian grounds: a mapping of national practice", DLA Piper, 2018.

⁵⁶ The Global Compact for Migration gender guidance note series is available at www.empowerwomen.org/en/who-we-are/initiatives/expert-working-group-migration?tab=related-resources&tab=related-resources.

66. UNODC supported Pakistan in drafting new laws on trafficking in persons and on the smuggling of migrants. The laws were developed using UNODC model laws and incorporated the non-criminalization of smuggled migrants and victims of trafficking in persons and the provision of services to victims of trafficking in persons. In the laws, specific references are made to women and children, and more punitive measures are outlined for perpetrators who commit these crimes.

67. The Special Rapporteur on the human rights of migrants reiterated in his report on the impact of migration on migrant women and girls: a gender perspective (A/HRC/41/38) that an increased understanding of migration as a gendered phenomenon could enable States to better protect migrant women and girls from gender-based discrimination, abuse and violence at all stages of migration, and realize their human rights.

C. Advocacy, awareness-raising and capacity-building

68. Entities of the United Nations system continued to support advocacy, awareness-raising and capacity-building efforts to prevent violence against women migrant workers.

69. ILO and UN-Women, in collaboration with UNODC, are currently implementing the Safe and Fair programme in the ASEAN region, which is part of the joint European Union and United Nations spotlight initiative to eliminate violence against women and girls.⁵⁷ The aim of the programme is to reduce the vulnerabilities of women migrant workers to violence and trafficking through improved access to information and well-coordinated gender-responsive services. The programme challenges pervasive cultural stereotypes and victim-blaming related to violence against women through public campaigns and capacity-building activities targeting front-line service providers.

70. In Morocco, UN-Women supported the Office of the Public Prosecutor in developing and implementing a public awareness campaign on the dangers of trafficking in persons with a focus on migrant women, as well as in training public officials and members of the judiciary on how to effectively and efficiently protect victims.

V. Conclusions and recommendations

71. Despite the potential for migration to promote the agency and economic empowerment of women, the lack of safe and regular migration pathways and restrictive migration and labour laws can heighten the risk of women migrant workers to violence and exploitation, in particular women with irregular migration status. The risks of exploitation or abuse of women migrant workers are exacerbated by persistent gender inequalities and multiple and intersecting forms of discrimination.

72. Although several States reported strengthened efforts to collect data through national studies on violence against women, some of which included a specific focus on migrant women, persistent gaps remain in the collection and dissemination of sex-disaggregated data on violence against women migrant workers.

73. Several States highlighted the introduction of specific measures to protect women facing sexual harassment in the workplace, underpinned by the adoption

⁵⁷ For more information see www.ilo.org/asia/projects/WCMS_632458/lang--en/index.htm.

by the International Labour Conference of a new convention (No. 190) and an associated recommendation (No. 206) concerning the elimination of violence and harassment in the world of work. While some States reported that they have laws on domestic violence, gaps remain in protections for migrant women, in particular women migrant domestic workers.

74. Some States have taken steps to improve the access of migrant women to justice by raising the awareness of public officials and strengthening the capacity of women migrant workers to understand and exercise their rights. Measures were taken to improve the access of women migrant workers to social protection and public services irrespective of their migration status, including the adoption of legal amendments to extend the coverage of legal aid.

75. In the 2030 Agenda for Sustainable Development, States made commitments to eliminate all forms of violence against women and girls, protect their labour and human rights and promote safe and secure working environments for women migrant workers. The Global Compact for Safe, Orderly and Regular Migration – rooted in the 2030 Agenda – calls for specific measures in labour laws to prevent and address sexual and gender-based violence, presenting States with a unique opportunity to develop and implement policies that tackle all forms of violence against women migrant workers.

76. States are encouraged to implement the following recommendations in order to eliminate violence and discrimination against all women migrant workers and enhance their access to justice, public services, decent work and social protection:

(a) Ensure the realization of women migrant workers' human and labour rights in line with the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the 2030 Agenda;

(b) Take measures to achieve all targets of the Sustainable Development Goals relating to women migrant workers, in particular target 5.2 on the elimination of all forms of violence against women and girls and target 8.8 on the promotion of safe and secure working environments for women migrant workers;

(c) Ensure the gender-responsive implementation of the Global Compact for Safe, Orderly and Regular Migration, which promotes gender equality and the empowerment of all migrant women and girls and tackles all forms of violence perpetrated against them;

(d) Ratify and implement without delay international instruments relevant to tackling violence and discrimination against women migrant workers;

(e) Take legislative or other measures in countries of origin, transit and destination to protect all migrant women from sexual and gender-based violence and harassment, including violence in the world of work, and put in place measures to criminalize and punish all forms of violence and harassment against migrant women;

(f) Ratify and implement international labour standards, in particular the International Labour Conference Violence and Harassment Convention, 2019 (No. 190) and the associated Recommendation (No. 206) and the ILO Domestic Workers Convention, 2011 (No. 189) and the associated Recommendation (No. 201);

(g) Take action to enforce fair and ethical recruitment of women migrant workers by employers and recruitment agencies, and safeguard conditions of decent work and protection against all forms of abuse, harassment and violence;

(h) Eliminate migration policies that discriminate against women and girls and ensure that national migration policies are gender-responsive and address the multiple and intersecting forms of discrimination faced by women migrant workers;

(i) Take steps to prevent children from being separated from their parents and other family members at border crossings and reception centres, during registration or in the course of detention and deportation, and work without delay to reunite families and keep them together;

(j) Address all gender inequalities that may act as drivers of women's migration by increasing the availability of education, decent work and social protection for women;

(k) Ensure the portability of social protection, social security and pensions across sectors and borders;

(l) Ensure that migrant women and girls have access to public services regardless of migration status, including health, in particular sexual and reproductive health and reproductive rights, education, housing and access to justice, with accessible information provided before departure and upon arrival in a linguistically and culturally appropriate manner, and separate immigration enforcement activities from the provision of public services;

(m) Establish accessible and confidential gender-based violence prevention and protection services that are linguistically and culturally appropriate, including information on the rights of women migrant workers, hotlines, dispute resolution mechanisms, legal aid, psychological support and trauma counselling, sexual and reproductive health and social services, women-only spaces and women's shelters;

(n) Improve the collection and dissemination of sex-disaggregated data and gender statistics on migration, including cases of violence against women migrant workers and violations of their rights.

77. The United Nations system is encouraged to support Member States in the implementation of measures at all levels and to strengthen partnerships with all stakeholders, including civil society organizations, cooperatives and unions that support women migrant workers. The United Nations system should further strengthen inter-agency collaboration to increase the protection of women migrant workers from all forms of violence, including through the United Nations Network on Migration.