

Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers

An Information Guide

Booklet 2

Decision-making and preparing for employment abroad

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Booklet 2

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2.1. Aims and structure of the Guide

This Information Guide is intended:

- **To enhance knowledge and understanding of the vulnerability of migrant workers, especially women, to discrimination, exploitation and abuse throughout all stages of the international labour migration process, including being trafficked;**
- **To promote and improve legislation, policies and action to prevent such discrimination, exploitation and abuse and to better protect those women migrant workers who are vulnerable; and**
- **To emphasize and explain why and how the prevention of discrimination, exploitation and abuse, including trafficking, of migrant workers should be addressed within a framework aimed at promoting regulated and orderly labour migration and as a matter of:**
 - ☑ **Upholding basic human rights, including labour rights and migrant rights;**
 - ☑ **Promoting gender equality and ending all forms of discrimination, racism and xenophobia;**
 - ☑ **Promoting decent and productive work for all workers, women and men, in conditions of freedom, equity, security and human dignity; and**
 - ☑ **Eradicating poverty and social exclusion.**

Box 2.1. Focus on women from a rights-based, gender perspective

Although the focus is on women (and girls), the Information Guide is not women-exclusive. It adopts a rights-based, gender-sensitive perspective that:

- Recognizes the similarities and differences in the migration experiences of different categories of women *and* men in relation to vulnerabilities, violations and consequences;
- Relates these differences in migration experiences to gender -- by distinguishing the biological ("sex") from the socially determined ("gender") differences between women and men. Links differences in migration experiences to the different roles, attributes and behaviour that society deems socially appropriate for women and men, and to the division of labour, access to and control over resources and decision-making and constraints, opportunities and needs facing women and men;
- Addresses the differential and often discriminatory impacts of legislation, policies and programmes on different groups of women and men;
- Considers the interaction between gender and other social categories, such as national origin, class, ethnicity and age;
- Gives particular attention to the especially vulnerable groups of women or men;
- Approaches the issues of women migrant workers not merely from the perspective of moving, working and living in foreign countries but also from the perspective of their generally less valued socio-economic roles and disadvantaged position vis-à-vis men;
- Emphasizes the need for policies that not only address the supply of and demand for migrant workers but also address gender discrimination and inequalities;
- Holds that the elimination of gender inequality and discrimination is a human right and core to efforts to address the problems of women migrant workers;
- Aims to empower, not just to protect, women (and, where appropriate, men), so that they can claim their rights and make informed decisions about their lives.

The Guide shows that changing labour markets with globalization have increased both opportunities and pressures for women to migrate.

For many women, as for men, migration represents a positive experience and can have important emancipating and empowering impacts. But the focus of the Guide is on those women migrant workers who are especially vulnerable to discrimination, exploitation and abuse, including trafficking.

Women are migrating for employment on almost the same scale as men, accounting for about half of the total migrants worldwide. For many women, as for men, migration is a positive experience, leading to a better life and improvement of their economic and social position. The labour migration process can enhance their earning opportunities, autonomy and empowerment and, thereby, change gender roles and responsibilities and contribute to gender equality. Women migrants are able to achieve their goals and may gain comparatively more than male migrants, not so much in terms of income, but in status and position back home. Although they may earn less than male migrants and they usually work in non-regulated sectors of the labour market, they are often able to improve the economic position of their family and their own status, independence and decision-making power within the family. They may also be able to have a better chance in the local labour market upon return and to earn money to start their own business.

But migration for employment can also expose women to serious violation of their human

The concern is that the overall feminization of international migration is likely to continue and that the vulnerability of women migrants to discrimination, exploitation and abuse is also likely to increase.

rights, including their labour rights. Whether in the recruitment stage, the journey across national borders, transit or living and working in another country, women migrant workers, especially those in irregular situations, are vulnerable. They are exposed to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity. The concern is that the overall feminization of international migration is likely to continue and that the vulnerability of women migrants to discrimination, exploitation and abuse is also likely to increase – because of hardened attitudes towards migrants in general ¹ and because gender-based attitudes and perceptions continue to be slow in changing. Gender inequalities persist and labour markets remain highly segmented and segregated in both origin and destination countries.

Women migrant workers, whether documented or undocumented,

Gender-based discrimination intersects with discrimination based on other forms of “otherness”.

are much more vulnerable to discrimination, exploitation and abuse – relative not only to male migrants but also to native-born women. Women and girls are also more at risk than men and boys to trafficking. Gender-based discrimination intersects with discrimination based on other forms of “otherness” – such as non-national/foreigner status, race, ethnicity, religion, economic status – placing women

in situations of double, triple or even fourfold discrimination, disadvantage, marginalization and/or vulnerability.

Although the focus is on women migrant workers, many of the concerns and issues raised, analysis and guidelines provided cut across gender and, sometimes, age. Therefore, this Information Guide could be relevant for all individual migrants, women and men, so that they can better understand the risks involved in labour migration, know their rights and are better able to protect themselves. The Guide also shows why among children, girls are often more vulnerable than boys to exploitation and abuse. However, the greater vulnerability of children to exploitation and abuse and the particular physical, psychological and psychosocial harm suffered by trafficked children require that they be dealt with separately. This Guide does not deal with children-specific solutions, which should also be specific for girls and for boys.²

The Guide comprises six booklets which are inter-related but which can be used separately. Booklet 1 provides a general introduction of the dynamics of female labour migration. Booklets 2 to 5 cover the different stages of the migration process and the corresponding activities, policies and practices of other actors – the government, business, the private sector, civil society groups and families -- that affect the mobility and employment of women and men within and outside their countries of origin. Booklet 6 focuses on the trafficking of human beings, particularly women and girls.

Booklet 1 *Introduction: Why the focus on women international migrant workers*

Highlights the vulnerability of women migrant workers to discrimination, exploitation and abuse in the different stages of the migration process. The labour market situations women migrant workers go into put them at greater risk to human rights violations, compared to male migrants and local women. To protect women migrant workers, the Booklet introduces a multidisciplinary and comprehensive framework – addressing both demand and supply factors, and incorporating the promotion of human rights, gender equality, decent work and poverty reduction; and involving a wide range of social actors in legal and policy instruments and practical action at international, regional, national and community levels.

Booklet 2 *Decision-making and preparing for employment abroad*

Describes the process of decision-making and preparation for moving to and working in a foreign country. It highlights the kinds of accurate and realistic information and assistance services that potential migrants should have to properly decide on employment abroad. It also identifies other actors in the decision-making process, in particular the families of the women, and emphasizes the need to reach out to and sensitize these other actors. For those who make the decision to become labour migrants, the Booklet describes the information that would help steer them safely through the recruitment and journey

process, including information on their legal rights and obligations and how to claim their rights and what to do in crisis situations. It also stresses the importance of measures to ensure that migrant workers have access to social protection.

Booklet 3 *Recruitment and the journey for employment abroad*

Distinguishes the different modes of recruitment and emphasizes that fraudulent and exploitative practices are very common in the recruitment stage. It defines illegal recruitment and draws attention to the various dangers and risks women can face in the recruitment process. Trafficking is one form of illegal recruitment. It describes what governments, the social actors and migrants themselves can do to prevent these malpractices.

Booklet 4 *Working and living abroad*

Raises awareness of the working and living conditions of women migrants in the destination countries, and provides guidelines on how to improve their situation and especially to prevent and redress cases of violation of their basic rights and to also ease their adjustment and integration. It shows that where women migrant workers are organized and have networks of information and social support, exploitation is much less likely to occur. The focus is on migrant domestic workers who are among the most vulnerable to exploitation and abuse and because domestic work is the single largest employment category for women migrants.

Booklet 5 *Back home: return and reintegration*

Illustrates the specific problems faced by women migrants returning to their home countries and families. It identifies the kinds of supports – logistical, legal, socio-psychological, employment, skills related and financial -- they need to enable them to achieve successful reintegration and avoid re-migration or being re-trafficked. It emphasizes opportunities for remunerative employment as key to successful reintegration.

Booklet 6 *Trafficking of women and girls*

Focuses on a global problem of growing concern: trafficking in persons, especially women and girls. It identifies the supply-side and demand-side causes, describes the mechanics of trafficking and explains why women and girls are more vulnerable to becoming victims. It points out that trafficking in human beings is, first and foremost, a violation of human rights; it should not be dealt with merely from the perspective of fighting illegal migration nor protecting national interests. A wide range of actors need to tackle the entire cycle of trafficking through policy, action and cooperation at different levels for the prevention of trafficking, support for and protection of victims and prosecution of traffickers.

2.2. How to use the Guide

The booklets of the Guide are intended as an **information/reference source for a wide and varied audience:**

- The main target audience are advocates and activists, policy makers and implementers concerned with migration issues and women workers' rights in origin, transit and destination countries. They include government officials responsible for the administration of justice, the judiciary and service providers -- such as migration officers, embassy personnel, labour attachés, labour inspection officials, police and law enforcement personnel, judges, prosecutors, equality officers, social and public health workers and officials from women's bureaus and ministries of labour, justice and immigration/emigration;
- The Guide is also more broadly addressed to workers' and employers' organizations, associations of migrant workers (including associations of domestic workers), public and private recruitment and employment agencies, as well as non-governmental organizations (NGOs), community-based organizations (CBOs) and other civil society groups concerned with human rights;
- The information in the Guide is clearly very useful for individual migrants, both women and men. However, the Guide is written for the use of actors who directly address individual migrants; for example trade unions, government agencies or NGOs to raise awareness among potential migrants or to conduct pre-departure orientation for migrants. As such, they may need to adapt the materials or simplify the language and presentation style to suit the migrant audience.



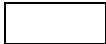







Individual and institutional users will have to select one or more particular booklets and utilize, adjust and adapt the materials according to their specific national and socio-cultural contexts, needs and purposes. To assist users, the information is structured in as "user-friendly" a format as possible. Different symbols, fonts and colours depict different types of information. At the end of each booklet, notes, a bibliography and useful websites are provided for readers interested in more detailed or additional explanations and reference materials.³ A Power Point presentation highlights/ summarizes the main points covered in the booklet. Cross-references are provided where there are areas of overlap in the different booklets or where issues are dealt with in more than one section or booklet. Important information is repeated, so that each booklet is as complete as possible.

The examples given of both "good" and "bad" practices are not intended to single out individual countries. They reflect the availability of information (which also helps to explain why there appears to be more examples from the Asia Pacific region). Although the countries from which the examples are drawn are indicated, the "good" or "bad" practices are not necessarily specific only to these countries.

The Information Guide can flexibly be used for:

- **Awareness raising or sensitisation:** To improve knowledge and understanding of the vulnerabilities faced by migrant workers to discrimination, exploitation and abuse, including trafficking, and the challenges confronting government, workers' and employers' organizations, NGOs and other civil society actors in addressing these vulnerabilities, protecting human rights and promoting decent work for migrant workers, in particular for women migrant workers. Access to such information may empower the women to increase their self-esteem and build confidence to defend their rights as women, as migrants and as workers.
- **Advocacy and publicity:** The Guide intends to place the discrimination, exploitation and abuse that women migrant workers experience on the "radar screen" of the international human rights, development and donor communities. Government agencies, NGOs and other social actors may also use the Guide for media campaigns, community mobilization and outreach to inform or educate the general public and other concerned actors, including migrant women and men themselves, about the role they can play and the possible measures they can take to protect vulnerable women migrant workers and to improve the situation of migrants of both sexes in general.
- **Tool for action:** The Guide indicates the normative framework that could be used for addressing discrimination, exploitation and abuse of women migrant workers. Law and policy makers can refer to relevant international and regional standards and some national examples to adopt a rights-based approach and to formulate or review legislation. The Guide also presents guidelines, checklists and practical examples for action. Users can learn from the experiences of actors in countries of origin, transit and destination and may be better aware of what might be possible or effective for assisting vulnerable women in the migration process. However, since the circumstances vary from one country to another, the information is not intended to represent "best" or "good" practices that should be adopted in all situations or be used in any definite manner.
- **Training and educational purposes:** The information in the booklets may serve as background material in training seminars (such as for migration officers, labour attachés, law enforcement officers and employment agents), topics to include in school curricula or general education programmes targeting potential female migrants, and, importantly, in preparation courses for migrants before they go abroad.
- **Networking tool:** The Guide offers ideas for improving networking and collaboration between and amongst government and social actors, trade unions, NGOs and employment agencies; for generating discussion and stimulating action amongst various stakeholders; and building alliances between various organizations and individual migrant women within and between countries of origin, transit and destination.

To assist users of the Guide, the information is organized in different ways:

-  Aims of the different booklets and sections of the Information Guide
-  *Text box in coloured italics, main themes and highlights of different sections of the Information Guide*
-  *Text box in bold italics, international instruments*
-  Coloured text box, important explanations or examples of policies or action
-  **Key points to bear in mind**
-  *Elaboration/details of key points, checklists or guidelines*
-  *Good practices*
-  *Bad practices*
-  *Lessons learned*
-  Refer to, cross-references

2.3. Motivations for working abroad

It is key for every potential migrant woman to fully understand and assess the reasons for moving abroad to work. Why are so many women from poor developing countries becoming contract migrant workers? Why are they working as domestic workers or entertainers? Why do certain countries need female migrants and others do not? Awareness about the issues surrounding the migratory process as well as the reasons behind the decision to migrate can empower a woman to assert and defend her rights, as a migrant, as a worker and as a woman.



When looking at the motivations to migrate, it is important to view women not as isolated entities but in relation to men, both within the family and in the context of the social, political and economic conditions that shape the set of constraints and opportunities for international mobility. Patriarchal structures and prevailing norms and values related to the roles of men and women in the family and society may proscribe, encourage or hinder the migration of women. Often, decisions concerning migration for employment are not made by the women themselves, especially if the women are young, but by their family members – in particular by male family members.



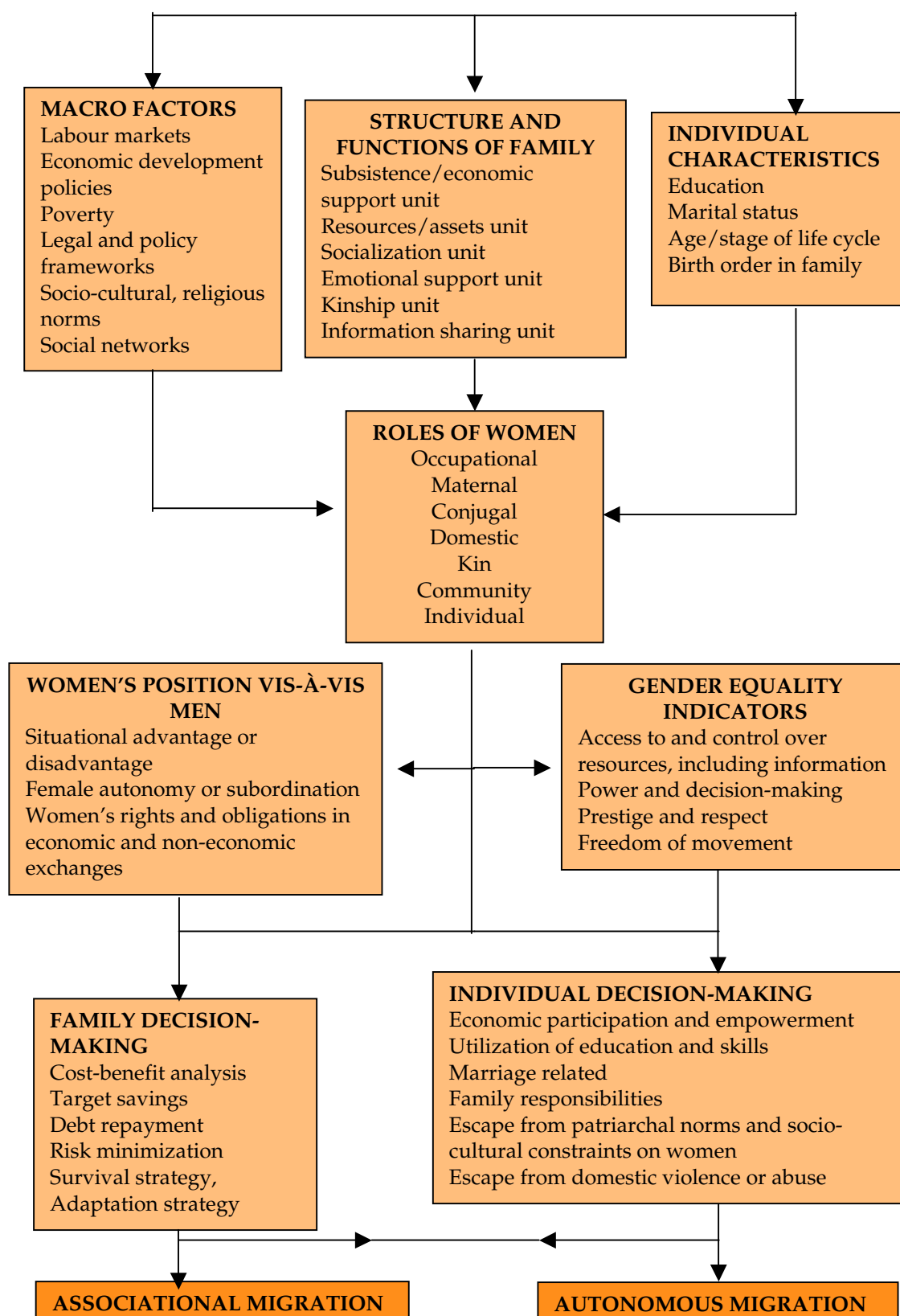
Decisions are based largely on evaluation of the pros and cons of migration – not just for the woman herself but also for the family unit. Decisions are also shaped by the types and range of information available to potential migrants and their families and their knowledge of and access to support structures in the countries of origin and destination. In general, the decision to migrate is influenced by [👁️ Box 2.2, which depicts the nature and influence of these factors]:⁴

- ☑ *A woman's own individual characteristics over her life cycle;*
 - ☑ *The structure and functions of, and gender relations within, her family;*
 - ☑ *The broader context of the community and society in which she lives.*
-
- ☑ **Decision- making at the individual level**

For both men and women, economic and financial factors are commonly the main reason to migrate overseas, yet the underlying motivations are often different for women and men. For many women, migration is not only a means of economic empowerment, but also, and importantly, a way to escape constraining socio-cultural norms and subordinate gender roles and to achieve independence or emancipation.

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Box 2.2.
What influences a woman's decision to migrate





The main reasons why women decide to engage in international migration for employment are:

- To get a job and earn well;
- To support family needs – as a family survival strategy;
- To pay for the education of own children or of younger siblings;
- To save for a specific purpose: purchase a house, set up a business, undertake a religious pilgrimage;
- To escape forms of discrimination or abuse to which they are subject as women;
- To escape domestic violence or problematic relationships with spouses or other family members;
- To achieve emancipation or independence.

Poverty in their communities of origin is a major push factor. For most women as well as men

For most women as well as men migrants, the main reason for working abroad is the lack of income earning opportunities at home and the potential of earning several time higher incomes abroad.

migrants, the main reason for working abroad is the lack of income earning opportunities at home and the potential of earning several time higher incomes abroad. Due to existing gender inequalities and past and present discrimination against women and girls in society and the labour market, women as compared to men often have fewer prospects of finding gainful employment or are unable to secure stable employment at home. They are also generally more seriously affected by social and economic reform policies; for example, women experienced higher unemployment than men when the previous socialist countries made the transition to market economies. Women migrate to fulfil their economic/occupational role – especially where they are the main breadwinners for their families, rather than their conjugal role (more and more, it is the wife rather than the husband who is able to find a job abroad or who gets a job first)⁵ or their maternal role (mothers are having to leave the care of their children to other family members). For young, unmarried women, the motivation may be the desire to repay their parents for their upbringing or to contribute to the education of their siblings by earning well and sending home remittances.

Research⁶ has long confirmed that an important motivation for women to migrate – that

An important motivation for women to migrate – that does not apply to men – is the desire to escape gender-based constraints and discrimination and to achieve the freedom to act and choose on their own.

does not apply to men – is the desire to escape gender-based constraints and discrimination and to achieve the freedom to act and choose on their own. In seeking to escape patriarchal structures, women may choose to work in other countries that they perceive as having greater gender equality. The subordinate position of women and gender discrimination within families may motivate especially young women to migrate as a means to achieve independence or empowerment. In dysfunctional family situations, including domestic violence, alcoholism, marital discord, family disintegration, the death of parents or guardians, women and girls are often

motivated to migrate abroad. Some women may also seek employment abroad as a means to escape domestic violence or to formalize separation from abusive husbands.

☑ ***Decision-making at the family or household level***

The position and role of women within the family is a critical determinant of female migration. Female migration is often better understood from a family rather than a strictly individual perspective. Although the family also exerts some influence on male migration, its consideration with regard to female migration is essential. It is in the family that gender inequality and discrimination against women and girls is generally most obvious and immediate.



Gender discrimination starts within the family. Therefore, it is important to examine the structure and functions of the family to understand the migration decision-making process:

- **It is the family that internalises socio-cultural norms and values concerning the roles of men and women;**
- **It is the family that determines who contributes to family income and how;**
- **It is the family that determines the access of family members to resources, including information and social networks, that can support or discourage migration.**

Many women who are migrating for work are doing so because of the need to assure the survival of their families, rather than to improve their own economic situation. In this case, women may be simply complying with decisions made by close family or kin members – especially male members - without having much to say on how decisions are made. It is important to determine who makes the decision to migrate, since women who migrate to assure family survival are less likely to benefit personally from migration:

"When looking at motives for migration, it is important to realize that most migrants from poor communities are playing their part in a family survival strategy. The person who migrates may actually have little choice in the matter, since the decision is likely to be made by the head of the family.... There can also be a gender effect here too – particularly if the strategy is risk aversion. A study in the Philippines concluded that households send the people they think will be the trustiest remitters. These are often daughters rather than sons. While young women in domestic service in Singapore may earn less than their brothers on building sites, they may actually be sending back more money".⁷

As an important survival strategy or risk aversion strategy, poor families encourage female members to work abroad and to send remittances home for the support of those left behind – especially aged parents, young children and siblings going to school. In many parts of the world, there is a growing trend of women taking responsibility for the survival of the whole family and looking for new sources of income: there are more single mothers, female heads of households and

female sole breadwinners. In many cases, women in the household may have better chances to secure a labour contract abroad and are urged by their fathers, brothers or husbands to migrate and try to secure jobs for their male relatives. For a married woman with children, her ability to migrate may depend on whether other family members can take over her domestic responsibilities – where there is an extended family structure, this is more likely. In rural areas, unmarried daughters are often singled out for migration because they are not needed for agricultural work or as household help and do not have viable employment alternatives in the village. An extreme case would be young women and girls who are sold to traffickers by their families to pay off family debts [👁️ **Booklet 6**]. Increasingly, daughters rather than sons are being selected for migration because they tend to be a more reliable source of remittances.

An important function of the family in the migration process is its role in making resources

An important function of the family in the migration process is its role in making resources available, including information, social networks, financial resources and others to take over the woman's domestic responsibilities.

available, including information, social networks, financial resources and other members to take over the woman's domestic responsibilities. Women, especially those who previously have not worked outside the home, are less likely than men to have access to information about the migration process and its pros and cons. They therefore rely heavily on the family for such information.

The family is not just the immediate family but also persons related by other affiliation ties that carry reciprocal obligations, including kinship and friendship ties among persons sharing a community of origin, culture or religion. The functioning of such social networks is very important for female migrants: not only for having access to information but also to provide the supports for the actual migration move. For example, many young women move as part of chain migration, following their sisters, other relatives or members from their same village who have gone abroad to work and who are also often the ones who introduce them to prospective employers.⁸

Financial resources are essential for the migration move, and it is normally the family that finds the money to pay for the agent's fees, the passport, transportation and other expenses. Often, the family pools its financial resources, divests some of its precious assets (such as selling its land) or borrows money to cover the expenses of the migrant worker. And because the family has done this, the woman migrant feels a strong sense of responsibility or pressure to ensure that she is able to earn well, save and remit money and give the family a brighter future – even if she has to suffer discrimination, exploitation or abuse or go into occupations she would not otherwise have chosen (such as being a domestic worker or entertainer).

☑️ ***The broader socio-economic context:***

Whether a woman becomes a migrant worker is also influenced by the broader socio-economic context, in particular the labour market opportunities available to women at home and abroad, the opportunities for legal labour

migration, the access to information on the migration process and the support structures available for potential and actual migrants. Very importantly, the decision to migrate and the ability to migrate would be influenced by the structural factors underlying gender inequalities in the community, society and economy. Socio-cultural norms or government policies may deny women equal access with men to education, training, resources and employment opportunities - and also make them more vulnerable than men to exploitation and abuse in the migration process. Governments of some countries of origin ban or place restrictions on the migration of women in the attempt to “protect” them from exploitation and abuse.⁹ However, such restrictive government policies often have the unintended consequence of pushing the women and girls into seeking illegal channels for migration and making them much more vulnerable to entrapment by smugglers and traffickers.

2.4. Migration decision-making: the need for accurate and adequate information

The *ILO Migration for Employment Convention (Revised), 1949 (No.97)* provides that “each Member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information” (Article 2); and “undertakes that it will as far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration”(Article 3) [👁️ **Section 1.4.3.1 in Booklet 1**]. The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990* is also very specific on the information needs of migrants and their families:

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990

Article 33

Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning

- (a) Their rights arising out of the present Convention;*
- (b) The conditions of their admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State.*

Article 37

Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage as well as of the requirements they must satisfy in the State of employment and the authority to which they must address themselves for any modification of those conditions.

Article 65

States Parties shall maintain appropriate services to deal with questions concerning international migration of workers and members of their families. Their functions shall include, inter alia:

- (c) The provision of information and appropriate assistance to migrant workers and members of their families regarding requisite authorizations and formalities and arrangements for departure, travel, arrival, stay, remunerated activities, exit and return, as well as on conditions of work and life in the State of employment and on customs, currency, tax and other relevant laws and regulations.*

Article 68

States Parties, including States of transit, shall collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include:

- (a) Appropriate measures against the dissemination of misleading information relating to emigration and immigration.*

Accurate, adequate and easily accessible information is critical as the basis of migration decision-making. Women, as well as men, use whatever information is available to them in order to decide on the appropriateness and costs and benefits of migration for themselves or their family members. Information is also critical to prevent trafficking – since trafficking involves misinformation, deception and ignorance. Information needs vary, depending on the stage of the migration process. Some kinds of information are more critical at the decision-making stage before the commitment to migrate has actually been made. Other kinds of information are more relevant to migrant workers who have already made their decision.



Many potential migrant workers, especially those who are considering the option of migration for the first time and women who have been living sheltered lives within patriarchal families, can have unrealistic expectations and perceptions about working and living abroad because:

- Information is usually shaped by the way the community, the media, returning migrants and recruitment agents portray the migration process and the living and working conditions in foreign countries;
- Recruitment agents and traffickers provide misleading information about job offers, conditions of work, the nature and type of the jobs, wages and benefits;
- Returning migrants often give a very rosy picture of their experience, or are reluctant to publicly display the negative sides of their migration experience or the real nature of their work abroad;
- The information provided by male migrant workers might not always be relevant to potential female migrants;
- Women themselves – because of their subordinate position within their families or society - often lack access to information about legal channels of recruitment, labour market opportunities at home and abroad, and the general situation in potential countries of destination.



Before the actual commitment is made to seek employment abroad or to accept an offer of employment, potential female migrant workers and their families need the following information:

- ☑ *Information on the migratory process, including on recruitment and employment abroad, as well as the documented or undocumented nature of the movement;*
- ☑ *Information on job opportunities at home and abroad, including the qualifications, skills and training needed;*
- ☑ *Information on the costs and benefits of migration;*
- ☑ *Information on the major dangers of the migration process, including the specific vulnerabilities of women migrants;*
- ☑ *Information on the rights and obligations of migrant workers;*
- ☑ *Information on required procedures/clearances;*
- ☑ *Information on working and living conditions in potential countries of destination.*

2.4.1. Information on the migration process

It is crucial that the potential female migrant worker and her family have adequate information about the characteristics of each stage of the migration process as well as the difficulties and dangers involved. **Box 2.3** illustrates the kinds of information needed about the migration process: ¹⁰

Box 2.3. Information on the migration process

In the Philippines, the *Orientation Course for Filipino Migrant Workers*, conducted by *Unlad Kabayan (Migrant Services Foundation Inc.)* identifies the following migration stages:

- i. **Recruitment:** defined as the engagement of a person in one territory on behalf of an employer in another country. It covers direct engagement by an employer, or his or her representative, as well as operations conducted by intermediaries, including public and private recruitment bodies. It refers to a process of hiring for a definite job or a promise by a recruiter to find a job for a potential migrant worker.
- ii. **Pre-departure:** defined as the stage in which the migrant worker prepares to travel to her destination country where she will work. This is the stage in which the woman is informed about the terms and conditions of the work contract and what to expect in the foreign work place. It is the crucial period in which the recruited person decides whether or not to continue to honour the contract. In this regard, the employer, recruitment agency and the sending government play an important role in providing information and assistance to the recruit. Many problems can be avoided when there is proper pre-departure preparation and orientation training.
- iii. **The journey:** referred to as the crucial stage for many migrant workers, since travelling to a new and unfamiliar destination might put the migrants at the mercy of the transport agent. The journey may be long or short, risky and dangerous or safe and convenient. It may be legal or illegal.
- iv. **Arrival and placement:** deals with the kind of assistance host countries have to provide to arriving migrants, such as the provision of medical facilities and hygienic conditions upon arrival. Host countries should also assure that migrant workers are not discriminated against or intimidated by immigration officers.
- v. **Work:** referred to as the ultimate objective of the migrant workers. The information deals with the provisions of the work contract. It refers to international standards and national labour laws that define the rights and obligations of worker and employer.
- vi. **Termination:** referred to as a crucial and often difficult stage in the life of a migrant worker. Depending on the reason for termination – voluntary or forced – termination may be welcome or unwelcome. The information refers to various forms of termination and international standards providing for due process in the case of termination.
- vii. **Re-entry:** is the final phase in the life of a migrant worker. The migrant worker is required to return home and re-enter the society in which she used to live before. Depending on whether she was prepared well for re-entry, this phase can be looked upon with anticipation or a lot of misgiving. Most migrant workers pay little attention to the re-entry phase.

Information on the migration process should explain to potential female migrant workers the specific characteristics of regular (or documented) and irregular (undocumented) migration for employment and draw their attention to the kinds of irregularities that can occur in the migration process [👁️ **Boxes 2.4 and 2.5, also Section 1.3.3 in Booklet 1**]. Potential female migrants should know that using irregular channels for migration makes them more vulnerable to traffickers and puts them at greater risk of being abused and exploited. They should also be aware that illegal recruitment is very much linked to the various forms of unauthorized entry, stay or employment in the receiving country [👁️ **Booklet 3**, which provides details about the various forms of legal and illegal recruitment, the common malpractices by illegal recruiters and ways to avoid illegal recruitment].

Box 2.4. Types of irregular or undocumented labour migration

Irregular or undocumented migrant workers are those who do not comply with the conditions necessary to be authorized to enter, to stay and to engage in a remunerative activity in the country of employment pursuant to the laws of that State and the international agreements to which that State is a party. They can be:

- *Those who enter the country legally but whose stay or employment contravene the law, e.g.:*
 - A woman legally enters a country with a tourist visa which does not allow employment but who finds employment as a cleaner in a hotel;
 - A female migrant worker who was legally recruited and legally entered the country with an entertainment visa up to a maximum of three months and overstays her visa;
 - A migrant domestic worker who is employed by a different employer than the one specified in her contract of employment;
 - A migrant domestic worker who runs away from her employer because of abuse and finds a job with another employer without a contract or work visa.
- *Those whose stay and entry are lawful but who do not have the right to work and are engaged in illegal or illicit employment.* They are usually women who migrated as dependent spouses and whose residence permit is separated from their work permit.
- *Those who enter the country illegally and who seek to change their status after arrival to find legitimate employment.* They may enter by fraudulent or unofficial channels, such as using false documents or having no documents and do not have the right to stay or to work. An example would be:
 - A woman who pays a boat owner to transport her in the night to an unguarded part of the coastline of the destination country;
- *Those who enter the country illegally, whose stay is unlawful and whose employment is illegal.* This kind of irregular migration usually involves illegal recruiters and traffickers, smugglers or organized crime networks. Such women would be extremely vulnerable to exploitation and abuse. An example would be:
 - A woman who has been sold by her family to traffickers who illegally transport her to another country and force her to work in prostitution.


Some migrants may be irregular in their countries of origin. For example, some countries restrict outward travel by their female nationals to external destinations. Some countries prohibit the emigration of women below a certain age to become domestic workers abroad. Others may prohibit labour migrants from leaving without completing certain registration procedures. Emigrants who contravene these requirements may be considered irregular in their origin countries, whether or not they are considered irregular in the destination or transit countries.

Box 2.5. Irregularities in the migration process		
Migration Process	Against Migrants	By Migrants
Recruitment	Advertisement without job order Forging documents Providing incorrect/false information Contract substitution Exacting illegal fees Practising without a licence	Utilizing unlicensed recruiters Forging documents Providing incorrect/false information
Transportation	Processing without proper documentation	
Entry	Smuggling people across borders/avoiding checkpoints Admitting people without proper documentation	Entering/avoiding checkpoints Destroying personal documents
Residence	Discrimination in access to public facilities	
Employment	Hiring workers without proper documentation Placing workers with a different employer Hiring for a different occupation Confiscating documents Contract substitution Abusing working conditions (working hours, safety, etc.) Wage cuts and wage retention	Working without a permit Working for a different employer Working in a different occupation
Return	Not providing return ticket	Staying after visa expiration

Source: G. Battistella and M. M.B. Asis, "Southeast Asia and the Specter of Unauthorized Migration" in G. Battistella and M.M.B. Asis (eds.), *Unauthorized Migration in Southeast Asia* (Quezon City, Philippines, Scalabrini Migration Center, 2003), p.12.



Potential female migrant workers and their families should have the following kinds of information about migration for employment:

- To qualify for documented, legal status, a female migrant worker is required to be *authorized to enter, to stay and to engage in a remunerative activity in the State of employment*;¹¹
- While migrants are generally categorized as irregular due to the manner in which they have entered or remained in a country of destination or transit, *migrants may be irregular in their countries of origin as well* [ **Box 2.4**];
- *Migration in abusive conditions* includes situations in which migrants are subjected during their journey, on arrival or during their period of residence and employment to “conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations”;¹²
- Those who are recruited, migrate, reside or work in violation of emigration/immigration and employment laws and regulations are most likely to find themselves highly *vulnerable to exploitation and abuse*;

- *Being smuggled is not the same as being trafficked:
Smuggling may involve no coercion whatsoever. The smuggled person, desiring to reach a destination country where legal channels of migration have been blocked off, may enter into an entirely consensual contract in order to achieve clandestine and illegal migration. In principle, the smuggling of persons constitutes an illegal border crossing and is therefore a violation of the rights of the State. In contrast, trafficking in human beings is a violation of the individual, so that the victims of the crime are the trafficked persons themselves. Trafficking refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.¹³*

2.4.2. Information about employment opportunities at home and abroad

The most immediate need of potential migrant women and their families is usually for reliable sources

Adequate and reliable labour market information may help to improve women's access to local jobs before seeking employment abroad and may also help them to better evaluate the actual costs and benefits of working abroad.

of information about employment opportunities at home and abroad and to be able to choose wisely from these opportunities. Adequate and reliable labour market information may help to improve their access to local jobs before seeking employment abroad and may also help them to better evaluate the actual costs and benefits of working abroad as compared to a job in their own community or in another part of their own country (being an internal migrant as compared to being an international migrant).

The information about possible jobs for women migrants should be transparent and objective. Women and their families should be made aware that most jobs available to them are “feminine” jobs related to their traditional roles - in domestic work, entertainment, labour-intensive factories such as in garments and textiles, services such as nursing and care work and sometimes in agriculture. Although wages may be higher for these jobs in the countries of destination, they belong to the category of low-paid, low-status jobs where exploitation and abuse is more common [👁️ **Section 4.3.2 in Booklet 4**, which illustrates the situation of women migrant workers in different types of employment situations in destination countries].



The kinds of information that a potential migrant woman and her family should have about employment opportunities in her current community, in another part of her own country and abroad include:

- How to find out about employment opportunities – both formal sector jobs and self-employment in own community or in another part of own country;
- How to find out about job opportunities in potential countries of destination;
- What are the essential requirements (education, skills qualifications, experience, capital, agency fees, passports and visas, etc.) for taking up specific employment opportunities at home, in another part of own country or abroad;
- How can existing skills and abilities be applied to different employment options;
- How to find out about which recruitment agents are reliable and trustworthy and which are not;
- The dangers related to illegal recruitment and direct hiring by potential employers;
- How to find out about suitable countries of destination;

- What are the legal requirements for entry and admission and for employment in potential countries of destination, including penalties for illegal entry, stay and employment;
- What are other factors to take into account in considering employment in another country – such as living conditions, health services, social security provisions, cost of living, support facilities, etc;
- What are women’s rights, entitlements and obligations as workers, as migrants and as women and how to exercise these rights;
- How to realistically evaluate and compare employment and income earning opportunities at home, in another part of own country and abroad.



If a woman decides on employment abroad, she should be provided with information to assist her in the selection of the possible country of destination, based on:

- The existence and accessibility of avenues for legal labour migration, including through bilateral agreements;
- The degree to which labour and human rights are protected in law and practice;
- The placement fees demanded by recruitment agents for jobs in particular countries (Often times, the destination country ends up being the one that the migrant can afford to pay the placement fee for);
- The level of wages and salaries and the relative cost of living;
- Whether the jobs typically performed by women migrants, such as domestic work, are covered by national labour legislation;
- Whether migrant workers have the right to freedom of association and the right to collective bargaining;
- Whether migrant workers are covered by social security legislation and the types of social protection they are entitled to;
- Ethnic, language and religious affinity;
- Social attitudes towards gender equality, the position of women in the country;
- The existence of diplomatic/consular contacts, welfare and representation services by the country of origin in the country of destination;
- The existence of and accessibility to social networks, migrant associations, trade unions, church organizations and similar organizations concerned with migrants’ and women’s rights.

2.4.3. Information on the gains and pains of migration

The decision to move must be made on the basis of a realistic assessment of the costs and benefits of

Many women and their families often look only at the positive wage differentials between a job in the country of origin and in the receiving country, and overlook or are not aware of the many hidden costs.

migration for employment. The assessment of the costs and benefits would vary by the socio-cultural and family context of the potential migrant. Whatever the context, many women and their families often look only at the positive wage differentials between a job in the country of origin and in the receiving country, and overlook or are not aware of the many hidden costs related, for example, to the conditions of work, the vulnerabilities and risks they are exposed to working and living in another country, and the impact of migration on the family left behind.



The benefits of migration are generally seen in terms of [👁️ Boxes 2.6 and 2.7]:

- Ability to earn wages several times higher than what they would receive in their home countries;
- Getting out of poverty – ability to “earn well, save well, support oneself and family well and give oneself and family a brighter future”;
- Ability to give children a better life – children are able to go to school and complete their education;
- Improvement in the financial, economic and social status of the family – ability of family to have improved level of consumption, to buy consumer durables and even to accumulate assets, including housing;
- Ability to accumulate savings – so that upon return able to invest in a business and to be self-employed, rather than working for others;
- Women migrants gain new skills, such as time management, language skills, budgeting, ability to get along with different kinds of people, international culinary skills. These skills may be put to productive use in their home countries;
- Women migrants gain personal benefits. They are empowered through a greater sense of independence and confidence in their own ability to earn, plan for their future, solve problems without always having to rely on the men in their families;
- Migration can also be personally rewarding in terms of the wealth of experience of working and living in another country and culture;
- The role of the woman migrant in the family improves in terms of decision-making authority. The economic role she plays is also greatly enhanced; often she becomes the main breadwinner.

Table 2.6. The advantages and disadvantages of being a woman migrant

Place of Departure	Receiving Country	Occupation	Advantages	Disadvantages
Cochabamba	Argentina	Farm labourers Household labour Greengrocers Labour in apparel factories Hairstylists Dressmakers Nannies	More possibilities to obtain work in doing domestic work and in paediatric centres	Had to be deported, no money to return; Lack of job security; Attempted and actual rape; Fear of being exploited; Have to leave children with family member; Lack of papers and limited freedom of movement; Lack of orientation and information; Insecurity about assault, robbery, rape and murder
Riberalta	Japan	Labourers Karaoke escorts (no prostitution)	Good wages; Transparency in the migration process; To travel they just need to know how to read and write	The language; Insults on the part of the Japanese; Processing expenses; Have to return several times to continue their processing
	Spain	Domestic labour Cleaning Agricultural labour		Great deal of discrimination; Low wages; Difficulties with document processing
Guayaramerin	Brazil	Merchants	Better wages than at home Sleep-in-maids	Confiscation of their merchandise by the police
Tarija	Argentina	Agricultural farm labour Domestic labour Office cleaning by the hour	With their earnings can fix up home, buy pick up and clothes for family; Up to US\$8,000 a year in savings; Domestic workers earn US\$300-400 per month	Accommodation problems: have to build houses out of bags and cartons, everyone has to sleep together; Harassment
Potosi	Argentina	Agricultural labour Domestic labour Labour in old folk's home Salespersons Hairstylists Labourers in apparel industry	Owners prefer women workers in apparel industry; Women get more work opportunities than men	Insecurity, assaults and robbery

Source: I.Farah H. and C. Sanchez G. assisted by N. Bejarano, *Bolivia: An Assessment of the International Labour Migration Situation The Case of Female Labour Migrants* (Geneva, ILO GENPROM, 2002), p.25, based on focus group interviews.

Box 2.7. The benefits of employment abroad

A survey of migrant domestic workers in the United Arab Emirates (UAE) addressed both the advantages and disadvantages of their employment, so as to obtain a more accurate portrayal of their situation. Those interviewed noted the benefits of their employment as: "Generosity is a strong social value in the UAE. Among other things, UAE employers give tips to their employees during holidays and social events. They also buy them gold and give them money at that end of the contract to buy gifts and electronic devices for their families back home. UAE employers also take up foreign female domestic workers' shipping expenses for purchased goods and extra luggage. The pay from their contracts enables some foreign female domestic workers to buy land, a house or even more. An Indian woman actually bought a house in India and rented a rice plantation for ten years as an investment. Being a foreign female domestic worker in the UAE gives one a chance to travel and see the world because UAE citizens travel every summer. More than one foreign female domestic worker mentioned travelling as one of the benefits they obtained in migrating to the UAE. Foreign female domestic workers in the UAE have recently obtained a new benefit, introduced with the Indonesian wave of foreign female domestic workers in the UAE: the possibility of making a pilgrimage to Mecca. For a Muslim foreign female domestic worker, this is often the realization of a lifetime dream. [...]"

Earning a wage that is at least three or four times more than what they would earn in their home country, getting free accommodation, food and extra benefits are all factors that make migration to the UAE appealing to many foreign female domestic workers, especially women who live in extreme poverty back home [...]

Extra benefits are not the whole story about employment [...] There is, in fact, a probability that some foreign female domestic workers, embarking upon migration to the UAE will be sexually abused, hit, beaten, humiliated, etc. during the course of their employment."

Source: R. Sabban, *United Arab Emirates: Migrant Women in the United Arab Emirates the Case of Female Domestic Workers* (Geneva, ILO GENPROM Series on Women and Migration, 2002), p.26.



The costs of migration include:

Economic and financial costs:

- The real monetary costs for migration are usually much higher than the perceived monetary costs. Recruitment fees are (exorbitantly) high, especially when charged by private recruitment agents [👁️ **Booklet 3, also Box 2.8 below**];
- Travel costs, charges for passports, visas and other travel and employment documents are often not included in cost calculations made by the potential migrant. Yet, the amounts can be substantial;
- Many migrants and their families take up loans to pay the costs of document processing and the recruitment and travel fees. It usually takes the migrant at least four to twelve months (or even longer) to pay off the debts of costs incurred during the processing of an overseas employment contract – during which time she may not receive any wages;
- Many migrant women and their families therefore get into serious debt and end up in debt bondage situations to their recruiters or employers;
- Job opportunities for female migrants are usually concentrated in a narrow range of occupations – domestic work, factory (sweatshop) work,

entertainment – which are all low-wage and low-status jobs, often looked down upon by both home and destination societies. There is a growing trend of trafficking in women and girls for the purpose of forced labour and sexual exploitation in these jobs;

- There is often non-payment or unauthorized deductions from the wages that the women migrants are supposed to receive. There are also cases where the women migrants receive much lower salaries than promised by the recruiter;
- Without social security, the women migrants would have to pay their own health care expenses;
- By the time the women migrants send remittances home, pay for their own personal expenses (many report that their employers do not provide them even basic amenities and they have to pay for their own toiletries, etc.), they have hardly anything left to save.

☑ ***Social costs:***

- The domestic chores and dependent care responsibilities are taken over by other members of the family. Where these are taken over by an adolescent daughter, she may have to sacrifice her education and own future opportunities;
- Migration can result in family break up or estranged relationships with the husband and/or children;
- The impact on children without their mothers around can often be adverse, with children getting poor grades or dropping out of school, being drawn into substance abuse, being subject to sexual or physical abuse by other family members, having emotional problems;¹⁴

☑ ***Personal costs (physical and psychological):***

- Stress caused by being away from family and worry about husband and children;
- Health problems caused by working abroad, such as stress, fatigue, unwanted pregnancy, depression, occupational diseases;
- Physical, sexual and emotional abuse, harassment, assault and maltreatment by recruiters, employers and their families, police, immigration officers and other law enforcement officials;
- Psychological duress due to abuses, physical consequences due to the maltreatment;
- Solitude, alienation or stigmatisation in the job, especially for those who go into domestic work and the entertainment industry;
- Facing xenophobia and racism and being blamed for a number of social ills in the country of destination;
- Deskilling in terms of going into jobs that are below their levels of education or skills.

Box 2.8. How much does it cost?																										
For a Filipino seeking to become a domestic worker in Hong Kong: Legislated placement fee is US\$500	Some agencies charge between US\$1,200-2,000. The recruitment agency may also charge additional fees for obtaining a passport, visa, medical certificate, the Philippines Overseas Employment Agency (POEA) processing fee and the Overseas Workers Welfare Association (OWWA) membership.	<table> <tr><td>Other expenses:</td><td>US\$</td></tr> <tr><td>Passport</td><td>13</td></tr> <tr><td>Visa</td><td>17</td></tr> <tr><td>Medical certificate</td><td>50</td></tr> <tr><td>Pre-departure</td><td></td></tr> <tr><td>Orientation seminar</td><td>1</td></tr> <tr><td>POEA processing</td><td>100</td></tr> <tr><td>OWWA membership</td><td>25</td></tr> <tr><td></td><td>-----</td></tr> <tr><td>TOTAL</td><td>206</td></tr> </table>	Other expenses:	US\$	Passport	13	Visa	17	Medical certificate	50	Pre-departure		Orientation seminar	1	POEA processing	100	OWWA membership	25		-----	TOTAL	206				
Other expenses:	US\$																									
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Orientation seminar	1																									
POEA processing	100																									
OWWA membership	25																									

TOTAL	206																									
For a Filipino seeking to become a factory worker in Taiwan: Legislated placement fee is US\$647	<p>Fee for private recruitment agency in Philippines US\$ 940</p> <p>Service fee for agency in Taiwan for first year US\$1,750</p> <p>Service fee for agency in Taiwan for second year US\$ 480</p> <p>Service fee for agency in Taiwan for third year US\$ 480</p> <p>There are recruitment agencies in the Philippines that charge between US\$1,400 – 2,400.</p> <p>The women usually pay the agency in the Philippines in cash and the agency in Taiwan through salary deductions.</p>	<table> <tr><td>Other expenses:</td><td>US\$</td></tr> <tr><td>Passport</td><td>13</td></tr> <tr><td>Pre-departure</td><td></td></tr> <tr><td>Orientation seminar</td><td>1</td></tr> <tr><td>Medical</td><td>80</td></tr> <tr><td>Alien registration card</td><td>30</td></tr> <tr><td>POEA processing</td><td>100</td></tr> <tr><td>OWWA</td><td>50</td></tr> <tr><td>Medical fee in Taiwan</td><td>100</td></tr> <tr><td>Monthly food and Accommodation fee In Taiwan</td><td>75</td></tr> <tr><td></td><td>-----</td></tr> <tr><td>TOTAL</td><td>449</td></tr> </table>	Other expenses:	US\$	Passport	13	Pre-departure		Orientation seminar	1	Medical	80	Alien registration card	30	POEA processing	100	OWWA	50	Medical fee in Taiwan	100	Monthly food and Accommodation fee In Taiwan	75		-----	TOTAL	449
Other expenses:	US\$																									
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TOTAL	449																									
Additional costs to take into account		<table> <tr><td></td><td>US\$</td></tr> <tr><td>Travel from home</td><td></td></tr> <tr><td>Town to Manila</td><td>50 – 70</td></tr> <tr><td>Daily cost of living in Manila while waiting</td><td></td></tr> <tr><td>To go abroad</td><td>4 – 10</td></tr> <tr><td>Monthly remittance To family</td><td>100 – 200</td></tr> <tr><td>Monthly salary of Domestic worker to Take care of own Children</td><td>40 – 50</td></tr> <tr><td></td><td>-----</td></tr> <tr><td>TOTAL</td><td>194 - 330</td></tr> </table>		US\$	Travel from home		Town to Manila	50 – 70	Daily cost of living in Manila while waiting		To go abroad	4 – 10	Monthly remittance To family	100 – 200	Monthly salary of Domestic worker to Take care of own Children	40 – 50		-----	TOTAL	194 - 330						
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Monthly salary of Domestic worker to Take care of own Children	40 – 50																									

TOTAL	194 - 330																									
Source: Information supplied by M.A. Villalba, Unlad Kabayan, Philippines																										

2.4.4. Information about the dangers and risks

Still too many women embark on their foreign employment adventure without adequate information about what can go wrong. They often have a rosy picture about the nature of the jobs available and the working and living conditions in the countries of destination. It is absolutely essential that they are confronted with a more realistic picture of what working and living in a foreign country could actually entail [👁️ examples in Boxes 2.9, 2.10 and 2.11].



The dangers and risks pertaining to migration for employment abroad usually relate to:¹⁵ [👁️ also Box 1.3 in Booklet 1].

☑️ **Recruitment, pre-departure and the journey** [👁️ Booklet 3]:

- Illegal recruitment (false promise of work or terms of work, non-existent jobs), contract substitution (false contracts);
- Illegal or extortionate fees charged by recruitment agencies for placement and other services and documents – leading to debt bondage, mortgaging or selling of property;
- Falsification of worker’s identity;
- Being trafficked;
- Corruption and abuses by the authorities pre-departure, during the journey, in transit (police, immigration, etc.);
- Absent or ineffective pre-departure training – does not provide adequate and realistic information on human rights, the realities in the country of destination, the conditions of work;
- Being detained, locked up and abused in recruitment agency “training centres”;¹⁶
- Not being sent abroad after paying fees and undergoing training, or having to wait several months or even years before being sent abroad;
- Hazardous travel, including being smuggled;
- Victimization in transit.

☑️ **Working and living abroad** [👁️ Booklet 4]

- No legal contract, contract is not standard;
- Almost complete dependence on employer, who may take advantage of the dependent relationship to exploit the migrant;
- Contract violations (under/non-payment of wages, no rest days or holidays, illegal work – having to work in a restaurant or business of the employer in addition to domestic work for which the migrant was hired);
- Substandard working/living conditions (Many domestic workers have long working hours, no rest day, insufficient food, heavy workload, no privacy, are made to do work outside of domestic chores, etc.);
- Non-payment of or unauthorized deductions from wages;
- Occupational hazards and safety and health risks;
- No job or social security;
- Withholding of papers/documents; coercion of migrants;

- Abuses (physical, sexual, psychological) “Case studies done by Kanlungan indicate that women migrants who are survivors of violence find it difficult to forget the traumatic experience and cope with everyday life. Losing one’s job or economic means is bad, but losing one’s dignity and self-worth as a result of rape and other forms of abuse is worse”;¹⁷
- Restricted freedom of movement. Some foreign domestic workers are not allowed to go out on their own;
- Communication difficulties because of language problems;
- Lack/absence of information, access, availability of services and redress mechanisms;
- Dualistic labour and immigration laws/policies – give incentives to expatriate/professional migrants but highly restrictive/oppressive to those women migrant workers who are in low-status jobs in domestic work, entertainment or other service jobs;
- Migrant workers are not allowed to organize, unionise or hold public action, non-recognition of basic labour rights of migrants;
- Migrant workers cannot assert entitlements/rights or negotiate with employers;
- Migrant workers are not allowed to change employers without returning to home country and going through the whole recruitment process again.

☑ **Return and reintegration stage** [👁️ **Booklet 5**]:

- Illegal, unjust, sudden termination of employment;
- Forced expulsion, including mass expulsion of migrant workers;
- Abuses in detention centres, crackdowns on migrants;
- Absence/lack of income source, livelihood, reintegration opportunities upon return to home country; many women are pressured to migrate again for employment;
- Family problems, including estrangement from husband and children, family break-ups;
- Pressure from family and relatives for gifts and money;
- Social reintegration difficulties, particularly for survivors of violence abroad;
- Being re-trafficking to a third country.



The dangers and risks and the related pains and gains from migration for employment can be very much influenced by the particular country of destination, depending, for example, on the legal and administrative framework and enforcement and complaints mechanisms available to migrant workers, the availability of labour and social protection and the social support structures for migrant workers.



An important reason why female migrant workers in Hong Kong tend to be better able to defend themselves from discrimination, exploitation and abuse is because they are organized. There are several very active migrants organizations and unions, many based on country of origin affiliation (with

common background and no language difficulties).¹⁸ These unions and organizations provide essential support for the female migrant workers, in terms of networking, advocacy, representation vis-à-vis employers and the government and support services.

Box 2.9. Sample of a typical work day for a domestic worker

5 a.m.	Wake up Prepare breakfast for children Prepare clothes and school bags of children
6 a.m.	Escort children to school bus Wash/clean employer's car (unless there is a driver)
7 a.m.	Clear breakfast table Wash dishes Make the beds, clean children's room
8 a.m.	Do the laundry Clean the toilets and bathrooms Clean the house – vacuuming, dusting Clean/wash the carport/garage
11 a.m.	Assist employer/cook prepare lunch
1 p.m.	Serve lunch Wash dishes, pots and pans Clean the kitchen Eat own lunch (sometimes at same time as employers or much later, at 4 p.m.)
3 p.m.	If guests arrive, serve tea or coffee and light meal Clean up and wash the dishes
6 p.m.	Iron the clothes
9 p.m.	Assist in preparing supper
10 p.m.	Serve supper/eat supper
11 p.m.	Wash the dishes, pots and pans Clean the kitchen Continue ironing clothes
Midnight	Sleep

Source: Kanlungan Centre Foundation, Inc. *Destination: Middle East A Handbook for Filipino Women Domestic Workers* (Quezon City: Kanlungan Centre Foundation Inc, December 1997), p.29.

Box 2.10. A handout for domestic workers provided by a placement agency

The actual example quoted below is an extreme case and the name of the specific country of destination has been omitted. But it does starkly illustrate the kinds of information that female migrant workers are given and the discrimination, exploitation and abuse – forced labour situations – that they could be subject to:

- “You should be grateful that you are chosen by your employer to work here;
- As a domestic worker, you must please your employer with your work ...If your employer is not pleased with your work, re-do it without grudge, [...] have a habit of using the word “stupid” on others with no ill intentions ... You must be obedient and submissive to your employer ... Don’t ask for permission to rest. Let your employer tell you when to rest. Sleep only when your employer’s family has slept and the guests (if any) have left;
- At times, your employer may deliberately place valuables casually to test your honesty;
- You are not allowed to date men or have any affairs during your employment period ... Most homes have video cameras hidden and are able to record on tape whatever is happening in the house;
- You should fully understand who you are and what you are.... Your Mum (madam) would not be happy if you dress too openly that would attract attention of men in the house even though they may not be interested in you at all;
- You are not allowed to put on any make up and nail polish during your employment in [...];
- *Under the law of Ministry of Manpower (italics theirs)*, you are not allowed to have boyfriends in [...].... Your boyfriend will run away and you will suffer alone ... Also, by having a boyfriend, we the agency will publicize you on the local newspaper as well as newspaper in your hometown so that people would know that you have the affairs... You would also face problems in the future as a result of having an affair with men of other races;
- Do not talk to neighbouring maids;
- You should count yourself lucky for being able to have your own room;
- At times, you can only have your meals after you have finished your work;
- All telephones are equipped with tape recorders and your employer can trace and know any calls you have made;
- Do not sing or dance while working;
- You have no right to question your employer about anything such as “why do I need to do this, why not the other maid, did the previous maid ever do this before, etc.”. When you are employed by them, you will have to obey their instructions anytime and anywhere;
- You are not supposed to watch television or listen to the radio while working or resting. Your employer will be very angry with you;
- Some employers have closed circuit television and high-tech computer to monitor your movements, so do not be lazy. Try to find something to do even when your employer is not at home;
- In one household, there will be someone who will nag or scold you a lot. As time goes by, you will get used to the environment and the situation will improve. Always remember that you are here to work and all employers/households will be the same. Your duties and responsibilities will be the same. You will end up with the same employer or worse... It could be worst if you end up going back to your hometown without any money. Thus, appreciate whatever you have in hand before you want to reach the sky;
- If you are not following all the instructions given to you as what is attached in the contract, your salary will be deducted ranging from S\$50 to S\$100 per month until you follow the contract again. You are also not allowed to wear any kind of body accessories while working in [...]. Penalty will also be imposed if you ask for off-days, stubborn, naughty, etc.;
- You must train yourself to wake up at 5.00 am to prepare breakfast and do the household chores till completion... You need to complete your work for the day; even if you are required to work till late at night, before you are permitted to rest. You must be prepared to sleep late, wake up early...
- ...do not expect the employer to reward you monetarily should you be asked to do work which is not part of your daily routine;
- Please remember that in order for you to be able to work well, you need to have enough sleep. When you have finished your work at night and it is time to sleep, you must not spend too much

time write letters that would put yourself in unhealthy condition whereby you sleep very late at night and wake up very early in the morning;

- You may be a professional white-collar worker back in your country, but in [...], you are a domestic helper;
- You must not complain of homesickness... you are not allowed to terminate the contract because of homesickness;
- It is not advisable for you to go back if any of your family members fall sick ... It is best if you could send money for their medical rather than you go backIf your family member passes away, of course it is a very sad event, but do pray for them as you might not be able to do anything if you decide to go back, as an adult, we are sure you could think wisely and practically and are able to judge whether it is worth (which amount to S\$1,000 to S\$2,000) for you to go back to your country;
- You must always please your madam, ah-ma and children, so that if you make a mistake they will be more forgiving...You should offer them a cup of tea/coffee/drink even after a scolding;
- It is important that you take precautionary safety measures against any possibilities of danger. When you clean windows or grills of the house, you must be very careful and not to stand up on a stool etc. in front of an open window. This is one of the reasons why a lot of domestic helpers fall from high-rise flat buildings in [...];
- Never think of changing employer...If you intend to change employer, you will have to pay the necessary fees. Subsequently, you will be considered as a "second-hand maid". Your employer will bargain about your salary. *Your salary will be reduced by S\$50* (italics theirs). Your employer may not sign your release letter to effect your transfer if they are very angry with you;
- If you decide to return to your country of origin halfway through your contract, you will have to pay for the replacement maid's air ticket to [...] and your own air ticket... You will be sent back to Batam (instead of your respective province) if you have not completed your contract (for Indonesian maid only)...Should you in future decide to seek employment in [...] again, you may face difficulties getting yourself an employer as your previous contract had showed that you are an irresponsible person;
- When you apply to work in [...], always remember that your employer wants you to work for two years. If you think you cannot work **without off-days** [emphasis theirs], do not apply. But if you insist on having off-days, S\$50 will be deducted from your salary, unless agreed by your employer;
- You are not allowed to go to church, temple, mosque, etc;
-If you are lucky, you may be allowed to pray in the morning before your employer and the family members wake up and late at night provided that you have completed your chores and the family members have gone to sleep "Subject to Employer's Approval" (emphasis theirs). If this should happen, please pray in your heart and you may make it up when you return to your country.....
- Thus, you should have an attitude by thinking that you are lucky to be able to work here whereas your friends are still in the village waiting for employment
- Your employer has the right to check your belongings as and when she/he likes...When you work in the house, please remember that your employer is looking at your action and any phone calls that you make through high-tech Closed Circuit Camera Television, telephone recorder to listen to your telephone conversation, etc;
- In the morning, you must make a wish that during the day, you would not repeat the same mistake. Work hard and do your best to perform well and behave nicely so that you can earn enough money to support your family in your home country. At the end of the day, you would need to confess to God/Jesus/Allah of what things that you did wrong in the day... You must know that when you do things unethically and immorally, God will be very angry and you become sinful that lead to many undesirable outcomes in your life. By doing the right things, you would be blessed and given forgiveness for your sin."

Box 2.11. Racial and gender discrimination towards foreign domestic workers

Baseline research was conducted on racial and gender discrimination towards Filipino, Indonesian and Thai Domestic Workers in Hong Kong. The survey, conducted in February 2001 and covering 2,500 respondents, revealed the following main findings:

- Violations of the contract (wages, rest days, statutory holidays) are prevalent, affecting at least a quarter of all foreign domestic workers in Hong Kong;
- Verbal/physical abuses are prevalent, also affecting more than a quarter; there is a significant incidence of sexual abuses towards foreign domestic workers;
- Discrimination in daily life experienced by foreign domestic workers, while not as prevalent, are significant especially in certain areas (e.g. markets, shops, public transportation);
- Statistical tests of association and significance establish that the unequal treatment of foreign domestic workers is significantly related (95 per cent or 99 per cent confidence level) to the race and gender of the foreign domestic worker.

Source: Asian Migrant Centre and Coalition for Migrant Rights, “Highlights of the Research on Racial and Gender Discrimination towards Foreign Domestic Helpers in Hong Kong” (Hong Kong, AMC and CMR, March 2001), The full report is available on the website: <http://www.asian-migrants.org>

2.4.5. Information about rights and obligations

Potential and actual female migrant workers can be empowered only if they know about their rights and obligations under international, regional and national law – as migrants, as workers and as women vis-à-vis men. They need information not only about the legal provisions but also how to exercise their rights, to articulate violations of these rights, and to claim redress through the appropriate complaints procedures. The lack of credible and objective information or false and misleading information about the legal provisions and regulatory measures for entry, residence and employment can be an important reason behind irregular migration, leaving women exposed to exploitation and abuse.

The United Nations and the International Labour Organization, as well as regional bodies such as the Council of Europe have adopted international and regional instruments that are relevant to the rights of migrant workers [👁️ **Section 1.4.3 in Booklet 1**, which describes the main ILO and UN instruments]. Migrant workers need to be educated about these legal instruments.

The women also *The rights of “3D workers” are often not protected.* need to be made aware that in many destination countries, national legislation defines migrant rights only for highly skilled, professional and technical workers. The rights of “3D workers” (in dirty, dangerous and degrading jobs), such as domestic workers, entertainment workers, manual workers in factories and construction are not protected. For women, the absence of legal and social protection for domestic workers and entertainers is a basic source of vulnerability to abuse and exploitation. They are not entitled to the minimum standards provided for in the law, their employment conditions are not monitored by the labour inspectorate and they have no recourse to the labour courts.

On the other hand, a growing number of sending and receiving countries have concluded bilateral or multilateral labour agreements regulating the criteria for entry and admission and the terms and conditions as well as rights and duties of migrant workers and their employers. It is critical that potential migration workers should receive information on the countries with which such agreements exist, as well as the contents of these agreements.

Government agencies, NGOs and trade unions in countries of origin have embarked on information and education campaigns to inform potential migrant workers and their families and communities about the basic rights of migrant workers [👁️ **Box 2.12**]. Information campaigns include information about preventive measures against illegal recruitment, the rights and obligations under national migration law and labour standards in countries of destination. Some countries have incorporated migrants’ rights issues in the curriculum of schools and universities. Education efforts towards empowering migrant workers against violations of their rights also include advocacy and organizing to challenge the structures that foster

the cycle of migration for employment. The trend of more and more women's organizations joining the migrant labour movement has also helped to draw attention to gender issues in educational programmes on migration. More detailed information on what to do in situations where these basic rights are violated and how they can seek assistance and redress is usually provided to female migrant workers in their pre-departure training.

Box 2.12. Migrant Domestic Workers Charter of Rights

RESPECT is the European network of migrant domestic workers' organizations, individuals and supporters, that campaigns for the rights of women and men working in private households in European Union countries. RESPECT supports its members' campaigns and facilitates the sharing of experience and expertise in campaigning, organizing and lobbying. It has published and disseminated the Migrant Domestic Workers Charter of Rights:

“ Domestic work in private households is important to European family life, to European economies and to European support systems. It is demanding work, which requires a variety of skills and is often done by women who have migrated to Europe. Many have left their families in an attempt to find a way out of poverty. Their dignity and their rights as people and workers must be protected. We call for justice and equity for all migrant domestic workers; whether they are documented or undocumented; whether they are live-in or live-out; whether first or second generation; whether they are born in Africa, Asia, South America or Europe. Member states of the European Union must recognise the intrinsic dignity and crucial importance of domestic work and seek to educate their citizens accordingly. Relevant organizations in the European Union have a duty to ensure that migrant domestic workers have information and means to access the following rights:

- The right to an immigration status that recognizes that domestic work in private households is proper work;
- The right to an immigration status for the worker independent of any employer;
- The right to travel both within the host country and between countries of the EU;
- The right to full and non-discriminatory employment rights and social protection, including minimum wages, sickness and maternity pay, and pension;
- The right to change employer;
- The right to a legally enforceable contract of employment setting out minimum wages, maximum hours and responsibilities;
- The right to work free from fear of physical, sexual or psychological abuse;
- The right to join a trade union;
- The right to live and work free from racism;
- The right to family life, including health, education and social rights for the children of migrant domestic workers;
- The right to recognition of qualifications, training and experience obtained in the home country;
- The right to personal and leisure time.”

Source: <http://www.solidar.org/Document.asp?DocID=162&tod=12257>

2.5. Information needed after the decision to migrate has been made

The kinds of information women should have once they have made the decision to seek employment abroad differ from the information needed to decide whether or not to migrate. Ideally, at this stage, women should already have a clear picture about the different stages and procedures in the migratory process, the costs and benefits of migration, the dangers and pitfalls and the impact migration can have on their personal and family lives.



Once the decision to migrate for employment is actually made, the women need very concrete, accurate and realistic information tailored to their specific occupational needs and country of destination: ¹⁹

- ☑ *Information on the required procedures and clearances;*
- ☑ *Accurate and realistic information on the country of destination;*
- ☑ *Complete information about the terms and conditions of employment;*
- ☑ *Information on the provision of social security;*
- ☑ *Pre-departure training courses.*

☑ *Information on the required procedures and clearances:*

The nature of the procedures and clearances migrant workers have to go through differ from country to country. Some countries of origin, such as the Philippines, Indonesia, and Sri Lanka, have adopted comprehensive rules and regulations covering labour migration of their nationals. Other countries do not have a clear migration policy with respect to the employment of nationals abroad. However, independent of an existing migration policy in the country of origin, countries of destination impose a number of requirements and procedures to be followed in order for migrant workers to be allowed to enter, stay and work.

Women migrants seem to have more difficulties in accessing accurate information about the necessary procedures and clearances to abide by. They may complain about the lengthy, costly and cumbersome process to obtain the necessary documents through government channels; a situation which is often exploited by legal and illegal private recruitment agents and agencies that offer their services quickly but charge exorbitant fees. It is vital that migrant workers are well informed about what they need to do and what papers they need to obtain so as to have documented status and be authorized to leave their home country, and to enter, stay and engage in a remunerative activity in the country of destination. These may include:

- Regulations governing recruitment agents/agencies;
- Passports and travel documents;
- Visa requirements and work permits;
- Medical clearances;
- Mandatory pre-departure training, including skills training;
- Contract of employment.

The Migration for Employment Convention (Revised), 1949 (No.97)

The Convention lists the documents that should be issued to migrants prior to departure from the sending country. The documents include primarily the employment contract, as well as a written document containing information concerning “general conditions of life and work applicable to [her] in the territory of immigration” and when no employment contract is issued before arrival in the host country, a written document specifying the occupational category for which the worker is engaged and the other conditions of work, in particular the guaranteed minimum wage (Article 5 of Annex 1 and Article 6 of Annex II).

☑ *Accurate and realistic information on the country of destination in which they will be employed with respect to:* [👁️ Box 2.13]

- The country profile: the basic geography, demography, language and religion of the destination country;
- The socio-cultural norms and practices and religious restrictions and taboos (including the attitudes and perceptions regarding the role and status of women);
- The legal system, labour and immigration system, including conditions of admission, employment and stay;
- Adjustment and settling in and the actual living, working and health conditions;
- The most common problems migrant workers encounter, the types of abuses or complaints and the specific means of redress;
- Available facilities in the destination country, such as accommodation, medical and health facilities, legal aid and counselling services, advocacy and representation;
- National bodies in destination country that oversee the conditions and rights of migrant workers, including available networks of migrant workers and migration workers associations, religious groups, trade unions, NGOs and other support groups;
- Governmental (diplomatic missions, labour attaches) and other agencies that can provide assistance to migrant workers, especially in times of crisis, and the kinds of assistance provided;
- Facilities in the destination and home countries for savings and sending of remittances;
- Matters relating to return to their country of origin, such as exit rules and repatriation;
- Any other subject matter that could be useful to women migrant workers, such as possibilities for vocational training and skills upgrading, language training, placement services; social security measures, welfare facilities, trade union membership.

Box 2.13. Information on the country of destination

The Hong Kong Home Affairs Bureau has published a guide in different languages for migrants coming to work in Hong Kong, mainly as domestic workers. The contents include:

- Introduction
- Arriving in Hong Kong
 - Immigration*
 - Customs*
 - Getting into town*
- ID Cards and Visas
 - Applying for a Hong Kong ID card*
 - Keeping your ID card handy*
 - When will my visa expire*
 - How do I apply for an extension of stay*
 - Where do I make a complaint about the quality of Immigration Service*
- Working in Hong Kong
 - Conditions of employment*
 - Employment agencies*
 - What are your rights as a foreign domestic helper*
 - Ill treatment, physical or sexual abuse*
 - Getting along with your employer*
 - Applying for visa extension*
 - Completion of employment contract*
 - Termination of employment contract*
 - Assistance from the Labour Department*
 - Your rights to organize and other labour rights*
 - Employment Contract (for a domestic helper recruited from outside Hong Kong)*
- Getting Around Hong Kong
- Banks and Money
- Health Care in Hong Kong
- Legal Assistance
 - Labour Relations Division Office of the Labour Department*
 - Non-governmental organizations*
 - Legal information by telephone*
 - Duty Lawyer Scheme*
 - Legal aid services*
 - Getting access to a lawyer*
- The Hong Kong Police Force
- Preventing Corruption
 - Bribery and corruption*
 - The Independent Commission against Corruption*
- Consumer Rights
- Social Activities, Culture and Entertainment
- Places of Worship
- Postal Services
- Social Services
- Tropical Cyclone and Rainstorm Warning Signals
- Government Structure
- Public Enquiries and Hotlines
- Local and International Telephone Calls
- Organisations just for You
 - The Consulate General of the Country of Origin*
 - Migrant organizations, unions and NGOs*
- Returning Home
- Helpful Chinese Place Names and Cantonese Phrases

Source: Hong Kong SAR Home Affairs Bureau, *Your Guide to Services in Hong Kong English Version* (3rd. Edition), January 2002.

☑ **Complete information about the terms and conditions of employment:**

Prior to departure, those seeking employment abroad are often - due to geographical distance as well as the nature of the occupations they tend to undertake - in a disadvantaged position to determine the reasonable terms and conditions of work in the destination country. In order to ensure that women migrants are protected to the greatest extent possible from exploitation and abuse in relation to terms and conditions of employment, the employment contracts should be written in the migrant's language, as specific and complete as possible and should be very clearly explained to them. Every effort should be made to ensure that the women understand each provision of the employment contract [👁️ **Booklet 3**, which provides detailed information on the usefulness and contents of model contracts for migrant workers].

☑ **Information on the provision of social security:**

“For the individual worker, migrating for employment is a high-risk enterprise often involving the investment of considerable family resources, and taking up a job in an unfamiliar environment away from family, friends and others who can provide support in case of need, armed with very little other than the employment contract to protect his or her rights to fair compensation and treatment. The migrant's family is faced with the prospect of economic hardship if migration fails, which happens not infrequently because he or she loses the job, becomes incapacitated on account of injury, illness or pregnancy, or is not given adequate compensation. Migrants may fail for a number of other reasons, including fraudulent recruitment, sexual harassment on or off the job, illegal entry into a country, inability to adapt to a different culture and society, or imprisonment for various alleged violations of local laws”.²⁰

The risks can be reduced through the provision of social security in the country of employment, in the country of origin or in both. Social security protection for migrant workers is, however, often problematic. Since migration involves the movement of people from one sovereign State to another, there are inevitably issues of jurisdiction, equal treatment, territoriality of benefits, loss of rights already acquired in one country, incompatible systems or conflicting legislation and coordination of administration, as well as practical problems which arise in delivering benefits outside one's own territory. It is, therefore, very important that migrant workers are given information on what are their rights to social security protection. Some of the most relevant provisions of ILO Conventions are given in the box on the next page.



In the Philippines, as part of the Pre-Departure Orientation Seminars, commercial banks and remittances centres are invited to make presentations to the migrant workers so that they have information and are able to make decisions and arrangements on “pre-need products” such as Scholarship and Education Funds for their children, Insurance Undertakings, Housing Plans, Health Plans, Retirement Plans and even “Life Plans” so that they are able to insure themselves from “cradle to grave”.²¹

Migration for Employment Convention (Revised), 1949 (No.97)

Article 6

1. Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters....
 - (b) Social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations;
 - (i) there may be appropriate arrangements for the maintenance of acquired rights and rights in the course of acquisition;
 - (ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143)

Article 9

1. Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularized, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits.

Article 10

Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

Equality of Treatment (Social Security Convention), 1962 (No.118)

Article 2

1. Each Member may accept the obligations of this Convention in respect of any one or more of the following branches of social security for which it has in effective operation legislation covering its own nationals within its own territory: (a) medical care; (b) sickness benefit; (c) maternity benefit; (d) invalidity benefit; (e) old-age benefit; (f) survivors' benefit; (g) employment injury benefit; (h) unemployment benefit; and (i) family benefit.

Article 3

1. Each Member for which this Convention is in force shall grant within its territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation for its own nationals., both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.

Article 4

1. Equality of treatment as regards the grant of benefits shall be accorded without any condition of residence: Provided that equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of nationals of any Member the legislation of which makes the grant of benefits under that branch conditional on residence on its territory.

Maintenance of Social Security Rights Convention, 1982 (No.157)

Part IV. Maintenance of Acquired Rights and Provision of Benefits Abroad

Article 9

1. *Each Member shall guarantee the provision of invalidity, old-age and survivors' cash benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under its legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons, irrespective of their place of residence, subject to measures for this purpose to be taken, where necessary, by agreement between the Members or with the States concerned.*

Article 10

1. *Members concerned shall endeavour to participate in schemes for the maintenance of rights acquired under their legislation, taking into account the provisions of Part III of this Convention, as regards each of the following branches of social security for which each of these Members has legislation in force: medical care, sickness benefit, maternity benefit and benefit in respect of employment injuries, other than pensions and death grants. These schemes shall guarantee such benefits to persons resident or temporarily resident in the territory of one of these Members other than the competent Member, under conditions and within limits to be determined by mutual agreement between the Members concerned.*

☑ **Pre-departure training courses:**

Several sending countries have made pre-departure training courses compulsory. Properly designed and implemented, the pre-departure programmes can be an important means of better protecting women migrant workers from discrimination, exploitation and abuse [👁️ Boxes 2.14, 2.15 and 2.16].

The aim of the pre-departure training programmes should be to empower the women migrant workers, not just to make them better, more efficient workers for employers – and certainly not to make them subservient workers -- in the destination countries.

- 👍 For those categories of jobs which are known to be highly vulnerable to exploitation and abuse, such as domestic work and entertainment, the government can give special attention to women migrants going into them, for example, through courses specifically designed for them. The Philippines is one sending country that is offering such courses, which are intended not only to better prepare the women migrants but also to regulate their recruitment into such jobs through the use of competency certificates [👁️ Box 2.17].

However, many of the current pre-departure programmes are not very effective and there is plenty of room for improvements [👁️ Box 2.18]. The aim of the pre-departure training programmes should be to empower the women migrant workers, not just to make them better, more efficient workers for employers – and certainly not to make them subservient workers - in the destination countries. Ideally, the pre-departure courses, which are offered by government organizations and also by NGOs, can include subjects such as:

- How to become a migrant worker: processes and problems;
- Destination country's regulations on manpower and immigration;
- Destination country's social and economic conditions;
- Understanding and handling employment contracts, including the need for absolute transparency and full disclosure on salaries and recruitment fees and charges;
- Travel advisories, including what to bring and airport procedures;

- Rights and obligations of migrant workers;
- Handling crisis situations;
- Stopping abuses against women;
- Preventing sexually transmitted diseases and HIV/AIDS;
- The government, non-government and other support services for migrants in the country of destination (consular services, human rights groups, migrant associations, religious support groups, etc.);
- Preparing for return migration.

The pre-departure training courses can also include:

- *Language training and communications skills training* (to enable migrant workers to better express their needs and to ease tensions that result from communication difficulties with employers);
- *Cultural awareness training* (understanding cultural differences can assist migrant workers to better integrate into the host society);
- *Vocational skills training* (to train migrant workers to be able to efficiently carry out their duties and to familiarize them with new gadgets or technologies, e.g. for domestic workers to be able to use washing machines and vacuum cleaners or to care for young babies); and
- *Life skills training* (to enable migrant workers to better protect themselves from health risks, stress management, saving and investing more effectively);
- *Organizational skills training* (to train migrant workers in leadership, assertiveness, organizing, so that they can form their own support structures and be able to take collective action to address their problems).

Box 2.14. Pre-departure training

Since 1996, pre-departure training has been compulsory for all Sri Lankans going abroad for work. The Sri Lankan Bureau of Foreign Employment (SLBFE) provides the training, as well as residential facilities, free of charge to all those who participate. The programmes are 12 days in length for those going to the Middle East, and 21 days for all other countries. The SLBFE trains instructors specifically for this purpose, and also has medical officers, and other professionals on hand to act as resources. In most cases, the instructors or peer educators are individuals with hands-on experience in the relevant countries. Recently, an expanded HIV/AIDS component has been built into the training, and community outreach has been initiated.

There are a total of 21 centres and 8 others affiliated to the employment agencies providing the required training. The programmes include curricula and orientation on financial management, health issues, personality development, counselling, cultural adaptation, basic language skills, problem solving, family arrangements, household equipment and home management. Since 1999, the SLBFE has introduced gender, health and counselling training into their programme. A video film on HIV/AIDS is also among the materials used for training purposes.

Source: Nimalka Fernando, "Pre-departure, reintegration and policy advocacy in the migration process", unpublished paper. (President of the International Movement against All Forms of Discrimination and Racism, IMADR, Asia Committee. Also Convenor of the Sri Lanka National Campaign for the Rights of Migrant Workers).

Box 2.15. Examples of information provided in pre-departure programmes

What to do before and during departure: 👍

- Bring a duplicate of all documents pertaining to your departure, such as passport, overseas employment certificate, employment contract, receipts, etc. Hide these among your things. It often happens that your agency or employer will confiscate the original documents from you;
- Leave a set of these documents with your family and/or trusted friend;
- If possible, secure a sketch of the airport of departure and of the country of destination. If possible, memorize your employer's name, address and telephone number;
- Get and read a copy of travel advisories and handbooks published by government agencies;
- Get and read books on the country of your destination;
- Try to learn some basic words in the language of the country of destination and some basic behaviours expected in the culture;
- Get a copy of addresses and telephone numbers of embassies, consulates and organizations in your destination and in your home country that can help you during emergency situations;
- Secure addresses of fellow migrant workers leaving with you.

How to deal with basic human rights problems:

Problems

- Rape, sexual harassment, physical beatings, verbal and psychological abuses are common experiences of domestic workers
- Beatings and other forms of physical injury can be inflicted on the domestic worker by any members of the household
- The men in the household may think that any woman, especially those working for them, are readily available for their sexual pleasure

What can be done 👍

Any act done against your person is a human rights violation. Don't think twice.

- Immediately remove yourself from that abusive situation and report to the authorities
- Go to the nearest police station or go directly to your embassy to seek help
- Request for a physical check-up and keep a copy of the medical certification
- If the situation merits it – that is, you have strong evidence, supportive embassy personnel, sympathetic police officials, and you yourself are mentally, physically and emotionally prepared, pursue a legal case against your employer or the violator
- If unable to file a case in the country of destination, continue to gather evidence. You may be able to file a joint liability case against the recruiter in your home country.

Source: Kanlungan Centre Foundation, Inc. *Destination: Middle East A Handbook for Filipino Women Domestic Workers* (Quezon City, Kanlungan Centre Foundation, Inc, 1997).



In addition to awareness raising and training for migrants before they go abroad, it would also be helpful to have courses for the families of the migrant workers, including for their children:

Box 2.16. Training courses for migrant workers and their families

In Indonesia, an NGO, the Rural Development Foundation, runs training courses for:

Migrant workers:

- To present the entire process of becoming a migrant worker;
- To inform migrant workers of their rights and obligations and enable them to uphold and fulfil them;
- To give them knowledge and skills in handling crisis situations.

Migrant workers' families:

- To enable them to manage, invest and multiply income earned by related migrant worker;
- To make them understand and resolve sexual problems arising from prolonged separation of husband and wife;
- To convince them of the need for unity and solidarity among migrant workers;
- To teach the "left-behind" spouse survival skills as a single parent.

Children of migrant workers:

- To ensure normal upbringing of children despite the absence of one or both parents;
- To enhance the children's creativity;
- To boost the children's self confidence and free them from inferiority complex;
- To teach them good but cheap nutrition.

Trainers:

- To inspire former migrant workers and members of migrant workers' families to help other migrant workers fight for their rights and ensure the continuity of the program by becoming trainers and organizers;
- To provide them advanced skills in establishing and managing small business enterprises, credit unions, and cooperatives to enable them to help in empowering and uplifting more families of migrant workers.

Source: Asian Migrant Centre, Asia South Pacific Bureau for Adult Education and Migrant Forum in Asia, *Clearing a Hurried Path: Study on Education Programmes for Migrant Workers in Six Asian Countries* (Hong Kong, 2001), pp.122-123.

Box 2.17. Training for domestic workers and entertainers

Domestic workers

The Philippines Overseas Employment Administration (POEA) in cooperation with the Technical and Skills Development Authority (TESDA) has developed a two-week home management course for domestic workers. This course is primarily designed to enhance the skills, knowledge and values of domestic workers, some of whom are coming straight from rural areas and are destined to work in urbanized and technologically advanced countries. Although the training is not mandatory, all domestic workers will undergo testing and competency assessment to determine their preparedness to assume responsibilities, particularly in caring for people with special needs such as children, the elderly and the disabled, and in handling kitchen and household appliances. Graduates are issued the corresponding competency certificate. The TESDA accredits training programme for household workers that are run by various training institutes.

Entertainers

The Philippines Government has also tried to improve the protection of entertainers. A first step was to upgrade entertainers as “professional workers”, who are now termed Overseas Performing Artists (OPAs). A new system of training, testing and certification was adopted where the OPAs are issued the Artist Record Book (ARB). Under this system, the OPAs are now required to undergo mandatory training and testing in academic subjects and in work skills that are then recorded in the ARB as proof of their competency and proficiency. The ARB also records employment details helpful in monitoring of individual OPAs.

According to a study done by the POEA, academic training is designed primarily to help dancers in their early twenties, who perform on stage in a club or hotel from evening till dawn, to manage their unique and hazardous work environment. Contents of the academic training include positive and appropriate values, behaviour and attitudes development, communication and language skills, good grooming and social graces, spirituality and human relations. In other words, the young women are taught to “entertain” the male audience without providing sexual services. Standard topics in the Pre-Departure Orientation Seminars are also included, while emphasis is put on education regarding sexually transmitted diseases and HIV/AIDS. The course also discusses ways to prevent drug and alcohol use/abuse among OPAs. Private deployment agencies and talent agents/promoters are encouraged to provide supplemental orientation specific to the type of work engagement of the OPAs.

OPAs receive training in the performing arts, dancing, singing and/or playing musical instruments. In addition, they are also trained in personality development and stage presence, rhythm and body movement and music appreciation. Dancing lessons include basics in jazz and ballet.

The academic and skills training course covers a period of from 30 to 60 days conducted by TESDA accredited trainers. TESDA conducts a qualifying test and successful OPAs are issued certificates of competency that are the basis for the POEA to issue them an ARB. The ARB costs P300 and has a validity of three years. As of 10 February 2000, the total number of ARBs issued, renewed and replaced by the POEA was 147,000.

Source: M.A. M.C. Villalba, *Philippines: Good Practices for the Protection of Filipino Women Migrant Workers in Vulnerable Jobs* (Geneva, ILO GENPROM Series on Women and Migration, 2002), pp.23-25.

Box 2.18. An assessment of pre-departure programmes

In CARAM's (Coordination of Action Research on AIDS and Mobility-Asia) work, it has become increasingly clear that pre-departure programmes for leaving or prospective migrants can be effective interventions. CARAM has collected materials on these programmes and some of the main findings on the strengths and weaknesses of these programmes are:

Philippines: has the most legislation and regulations with regards to leaving migrants. A mandatory one-day Pre-departure Orientation Seminar (PDOS) is organized. The migrant workers have to pay US\$1 to 1.50 for attending and have to show the PDOS certificate at the airport before departing. The PDOS is given a few days before departure – at the “point of no return”. The contents are airport procedures, government and NGO programmes for migrant workers, the realities in receiving countries and HIV/AIDS. The main problem is that the PDOS only reaches documented migrant workers. The Pre-employment Orientation Seminar (PEOS) is done in the community during 3 days, it is aimed at those considering migration and covers migrant workers' rights, the pitfalls of overseas work and the recruitment process. Though this looks like a good approach, it is often not implemented due to the lack of funds. Health is not covered in the PEOs.

Cambodia: Migrants are often undocumented. There is only one company exporting labour and it does so on behalf of the Ministry of Social Affairs. Cambodia and Malaysia have a Memorandum of Understanding to export domestic helpers. After a medical check (meant to be able to refuse the candidates with infectious diseases) – which the women have to pay for, they receive extensive pre-departure training. But the training is work-based: how to do laundry, how to clean the bathroom, some basic English and recently some basic Chinese. There is no training on negotiation skills or about their rights or about health.

Vietnam: Only the Department of Labour Invalids and Social Affairs (DOLISA) can export labour and it does this mainly to Korea. DOLISA provides leaving migrants with orientation on salary, safety insurance and labour law. CARE Vietnam and DOLISA have agreed on a pre-departure orientation programme that will be done in two sessions on cultural differences, on dealing with loneliness and on health (STDs and HIV-infection, food, accidents, tuberculosis and life styles).

Indonesia: Recruitment agents go to the villages and will paint a rosy picture of life abroad. They will arrange the medical test (only a formality) and documents and will take the candidate migrant workers with them to the agency's temporary centre, where they have to wait for a visa. They are more or less locked up, because the agency does not want to take the risk that they will leave and not return. This can take a long time. According to Indonesian legislation, the maximum time is three months, but in fact it is often longer and the migrants are often sexually abused and not given sufficient food. Though the stay in the temporary centre provides opportunities to do pre-departure orientation, most temporary centres maintain a certain secrecy.

Bangladesh: An official pre-departure orientation programme exists. It is a half-hour session organized by the Manpower Employment Programme and the recruiting agents. It is supposed to be done at the level of the districts. For leaving migrants, the stamp that shows that one has followed the programme is necessary but many opt to buy the stamp. A booklet is given to leaving migrants; the main message of the booklet is to give migrant workers good wishes while abroad and to ask them to behave correctly.

Source: Ivan Wolffers, “Pre-departure Programmes”.

Website: http://caramasia.gn.apc.org/c_issue6predeparture.htm


2.6. Who disseminates the information and how



Governments and social actors – workers’ and employers’ organizations, NGOs, religious organizations, community-based associations, the media -- should actively develop strategies for reaching out to potential women migrants and their families and communities to ensure that they receive adequate, accurate and timely information to make sensible decisions on migration and to be well prepared for employment abroad.



The role of the government in countries of origin is critical. Governments need to take the main responsibility for information dissemination and for ensuring that the information provided by others, such as recruitment agents, is realistic and accurate:

- Public employment services/labour exchanges have an essential role to play to ensure that women have access to information about job opportunities in their home communities, in other parts of their own country and abroad. Employment services should:
 - Be located in rural areas and in communities where there tends to be large-scale out-migration;
 - Expand their role to cover active job search assistance for potential female migrants, including checking the reliability of employment offers, helping them to make arrangements for transportation, getting documentation, etc.;
 - Encourage women to seek overseas employment via legal channels by making services easily accessible to them;
- The government should register private employment agencies and recruitment agents, check their credentials and closely monitor their activities to ensure that they do not provide misleading information to potential migrants and their families and that migrant workers do not end up being deceived or tricked and trafficked into forced labour situations [ **Booklet 3 on recruitment**];
- The government should widely publicize the list of registered employment/recruitment agencies, so that potential migrants and their families use only approved agencies;
- The government should closely collaborate with NGOs, workers’ and employers’ organizations, community-based organizations, the media, etc. so as to ensure that information dissemination has the widest and most effective outreach possible, that there is direct access to the women, and that the information disseminated is as accurate and adequate as possible;
- The government should also consider providing information on migration to young women and men still in the educational system. For example, the curricula in public schools could include such information.



The role of other social actors in information dissemination is also essential:

- *Trade unions* can set up information desks in out-migration communities. These could include export-processing zones or labour-intensive industrial sectors employing large numbers of women, who are often targeted by illegal recruiters, especially in times of economic crises;
- *Employers' organizations* can also play a role. They can encourage private employment agencies to be socially responsible. They could also help to provide lists of reliable employment agencies;
- Many *NGOs* are already active in providing various kinds of information, education and training programmes for potential and actual migrant workers and their families. What is needed is greater collaboration among the NGOs and with other social partners to conduct systematic assessment of the various kinds of information disseminated and the dissemination methods – so as to identify the most useful information modules, share good practices, ensure efficient use of scarce resources, etc.
- The *media* has a key role to play. It is important that various media channels portray the migration for employment experience in balanced, realistic ways. For example, radio and television programmes should depict both success and failure stories, both the gains and the pains. The horror stories of serious violations of the human rights of women migrant workers, of those who are trafficked into forced labour and sexual exploitation do have great “shock value”, especially for opening the eyes of potential migrants. But at the same time, the media should not neglect to point out the positive aspects of migration, including the contributions made by women migrant workers to their families, communities and societies in both origin and destination countries [👁️ **Box 2.19**];



In Bolivia, radio stations and amateur radio operators facilitate communications between family and friends, inform on current situations and sending of mail, packages or remittances, as well as how they are being sent, by radio, which is the principal means of communication for rural areas within the country.²²

- All social actors should ensure that the information they disseminate is gender-sensitive. The migration experiences of men are not necessarily the same as those of women. Potential women migrants are more likely to ask questions and be more open about their concerns with other women than with men;
- All social actors should ensure that the information they disseminate does not in any way contribute to racist or xenophobic attitudes.



Some of the important lessons learned from information dissemination are:



The use of the radio broadcasting in local languages, itinerant street theatre, graphic posters in prominent places and word-of-mouth by returnees are more effective than the printed message, especially where levels of education are low or sending communities are relatively isolated.



Many NGOs carry out their activities at ports, railway and bus stations. They meet potential women migrants and help to steer them away from unscrupulous recruiters and traffickers and raise their awareness of the costs and benefits of migration. Such efforts are important – since these are places where large numbers of potential migrants can be found. But it is equally, if not more, important to reach them in their actual sending communities – before the decision is made to leave in search of jobs.



Pre-departure courses, which are usually given shortly before the migrant worker leaves the home country, are often too late to influence the decision of the potential migrant who has already signed an employment contract, paid the intermediation fees and made travel arrangements. However, such pre-departure courses are critical for those who have made the decision to migrate – through better preparing and equipping them with realistic, adequate and useful information and tips; they can empower the women migrant workers.



The time constraints that women face because of their multiple roles should be taken into account when planning the dissemination of such information. For example, if most of the target women are busy during the day, efforts should be made to implement dissemination strategies in the evenings, when the women are more likely to have some free time available.

Box 2.19. The radio channel

The radio is the most common media in Nicaragua that reaches virtually every family even in the poorest areas of the country. It is the most suitable channel to give people living the migration problem a voice and space to testify their experience, share their fears and hopes, ask for support and claim their rights as well as to have contact between migrants and their families across the border. In the framework of an ILO project on Promoting Decent Employment for Migrant Workers and Improved Welfare for their Families in Nicaragua, a radio broadcasting programme was launched in 2001 to provide a channel for discussion, information and awareness raising on the migration problematic from the Nicaraguan perspective, including information on the risks of migration and testimony on how this affects the families left behind. The programme is aired on a weekly basis for an hour and a half and conducted by two correspondents (one in Costa Rica, the receiving country and one in the out-migration communities in Nicaragua) who bring in the views/advice of experts and encourage the direct participation of the public, who can phone in to the programme. An informal survey found that the public is interested in the socio-psychological trauma related to migration and family disruption but also wants practical information on the legal requirements for migration and on the employment opportunities in the receiving countries. The radio broadcast is therefore considered to be a good compromise between a totally didactical programme and a simple “testimony” programme. Currently, the programme has become a weekly appointment for many people in the region and participation through phone calls has constantly increased. Importantly, government agencies and other local organizations have shown growing interest in participating in the programme either to contribute to the debate or to present their activities dealing with migration issues.

To give an idea of the kinds of programmes:

- Medical assistance to migrant workers in Costa Rica: Guests: representatives of the Health Trade Unions of Nicaragua and Costa Rica;
- Domestic workers in Nicaragua and Costa Rica and labour exploitation: Guests: a labour law specialist from a trade union, domestic workers with experience in the two countries;
- Child abuse and trafficking in children: Guests: a psychologist and representatives of a Women’s NGO and Human Rights NGO;
- Sexuality: Guests: representatives of a women’s centre and a clinic specializing in sexuality and reproductive health, and testimonies from migrant women;
- Political and economic situation in neighbouring countries of destination (with particular reference to the Free Market Plan Puebla Panama, to respond to interest expressed by local communities);
- Sexually transmitted diseases and sexual abuse of children at the border between Nicaragua and Costa Rica: Guests: a representative of an association in charge of educating truck drivers on sexual and reproductive health, a truck driver, a prostitute and a representative of the Centre for Popular Education and Health;
- Migration and employment in Nicaragua: Guests: representatives from the maquila industry, the Women’s Movement and the ILO;
- How men and women experience migration differently: a man’s perspective: Testimony of male migrants;
- New regulations for migrant documentation in Costa Rica: Guests: representatives of the NGO Caritas, legal adviser and officers responsible for migration issues in the Human Rights Attorney General’s Office.

Source: ILO Gender Promotion Programme

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- Hong Kong SAR Home Affairs Bureau, *Your Guide to Services in Hong Kong English Version* (3rd. Edition), January 2002.
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Useful Websites

Amnesty International

<http://www.web.amnesty.org>

Anti-Slavery International

<http://www.antislavery.org>

Asian Migrant Centre

<http://www.asian-migrants.org>

Asian Monitor Resource Centre

<http://www.amrc.org.hk/>

Asian Pacific Forum on Women, Law and Development

<http://www.apwld.org/lm.htm>

Asia-Pacific Migration Research Network

<http://www.unesco.org/most/apmrn.htm>

Asian Partnership on International Migration

<http://apim.apdip.net>

Asian Research Centre for Migration

<http://www.chula.ac.th/INSTITUTE/ARCM/main.htm>

Bangkok Declaration on Irregular Migration

<http://www.thaiembdc.org/info/bdim.html>

Coalition Against Trafficking in Women (CATW)

<http://www.catwinternational.org/>

Charter for the Rights of Migrant Domestic Workers in Europe

<http://www.philsol.nl/of/charter-domestics-oct99.htm>

Collection of resource and links on initiatives against trafficking in persons

http://www.hrlawgroup.org/initiatives/trafficking_persons/

Coordination of Action Research on AIDS and Mobility –Asia (CARAM Asia)

<http://www.caramasia.gn.apc.org>

Council of Europe

http://www.coe.int/T/E/Committee_of_Ministers/Home/

Domestic Workers

<http://www.asylumsupport.info/news/domesticworkers.htm>

Economic Commission for Europe (ECE)

<http://www.unece.org>

European Commission Justice and Home Affairs

http://europa.eu.int/comm/justice_home

European Monitoring Centre on Racism and Xenophobia

http://europa.eu.int/agencies/eumc/index_en.htm

European Strategy on Trafficking in Women

http://europa.eu.int/comm/justice_home/news/8mars_en.htm

European Union policy documents

http://europa.eu.int/index_fi.htm

Femmigration

<http://www.femmigration.net/>

Filipino laws and Overseas Employment

<http://www.chanrobles.com/republicactno8042.htm>

Global Alliance Against Trafficking in Women (GAATW)

<http://www.thai.net/gaatw>

Global Campaign for the Ratification of the Convention on the Rights of Migrants

<http://www.migrantsrights.org>

Global Programme against Trafficking in Human Beings, UN Office for Drug and Crime Control Prevention, Vienna

http://www.odccp.org/trafficking_human_beings.html

International Human Rights Law Group

<http://www.hrlawgroup.org/>

Human Rights Watch (HRW)

<http://www.hrw.org>

Information for Domestic Workers Arriving in UK – Government Website

<http://www.ind.homeoffice.gov.uk/>

International Confederation of Free Trade Unions (ICFTU)

<http://www.icftu.org/>

International Labour Office (ILO)

<http://www.ilo.org>

<http://www.ilo.org/public/english/standards/decl/>

<http://www.ilo.org/genprom>

<http://www.ilo.org/childlabour>

<http://www.ilo.org/asia/child/trafficking>

<http://ilolex.ilo.ch:1567>

<http://natlex.ilo.org>

International Movement Against Discrimination and Racism

<http://imadr.org>

International Organization for Migration (IOM)

<http://www.iom.int>

Kalayaan. Justice for Overseas Domestic Workers

<http://ourworld.compuserve.com/homepages/kalayaan/home.htm>

Kanlungan Centre Foundation Inc.

<http://www.kanlungan.ngo.ph>

Link to anti-trafficking websites

<http://stop-traffic.org/Countries.html>

Migration Forum in Asia (MFA)

<http://www.migrantnet.pair.com>

Migrant Rights International

<http://migrantwatch.org>

Mission for Filipino Migrant Workers (MFMW)

<http://www.migrants.net>

Network of Migrant Workers Organisations

<http://www.solidar.org>

Network Women's Program (La Strada Foundation)

http://www.soros.org/women/html/info_trafficking.htm

Office of the High Commissioner for Human Rights (OHCHR)

<http://www.unhcr.ch/women/focus-trafficking.html>

<http://www.unhcr.ch/html/menu2/7/b/mwom.htm>

Office of the UN High Commissioner for Refugees (OUNHCR)

<http://www.unhcr.ch>

Organization for Security and Cooperation in Europe (OSCE): Europe Against Trafficking in Persons

www.osce.org/europe-against-trafficking

Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR)

<http://www.osce.org/odihr/democratization/trafficking>

Palermo Convention on Transnational Organized Crime and its Protocols

<http://www.unodc.org/palermo/convmain.html>

Promotion of the rights of migrants (December 18)

<http://www.December18.net/intro.htm>

Scalabrini Migration Center

<http://www.scalabrini.asn.au/philsmc.htm>

STOP-TRAFFIC

<http://www.stop-traffic.org>

Stop traffic listserv and archives

<http://www.friends-partners.org/partners/stop-traffic/>

Trafficking Directory

http://www.yorku.ca/iwrp/trafficking_directory.htm

United Nations Crime Commission documents on the Trafficking Protocol

http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents/index.htm

United Nations Development Fund for Women (UNIFEM)

<http://www.unifem.org>

United Nations Division for the Advancement of Women (UNDAW)

<http://www.un.org/womenwatch/daw>

United Nations Interregional Crime Prevention Institute (UNICRI)

<http://www.unicri.it>

United Nations Secretariat

<http://www.un.org>

United Nations Treaty Collection

<http://www.un.org/Depts/Treaty/>

USA Government

<http://usinfo.state.gov/topical/global/traffic/>

<http://www.state.gov/g/tip>

<http://cia.gov/csi/monograph/women/trafficking>

US Anti-trafficking initiatives

<http://secretary.state.gov/www/picw/trafficking/region.htm>

UNICRI Global Programme Against Trafficking in Human Beings

http://www.unicri.it/trafficking_in_human_beings.htm

Women's Aid Organisation, Malaysia (WAO)

<http://wao.org.my>

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

<http://www.unhchr.ch/html/racism/>

World Wide Web Virtual Library (WWWVL)- Migration and Ethnic Relations

<http://www.ercomer.org/wwwvl/>

Endnotes

¹ It is worth noting, however, that the anti-immigration backlash in the wake of the terrorist attacks of September 11, 2001 in the United States has appeared to be more discriminatory for male than female migrants.

² See, for example, P. Boonpala and J. Kane, *Trafficking of children: the problem and responses worldwide* (Geneva, ILO, International Programme on the Elimination of Child Labour, 2001). Also ILO, *Unbearable to the human heart Child trafficking and action to eliminate it* (Geneva, ILO International Programme on the Elimination of Child Labour, 2002).

³ Some of the background materials used to develop the Guide came from case studies in sending and receiving countries of the situation of the women migrant workers within their families, workplaces, communities and societies. The case studies also looked at the initiatives, policies and programmes, “good” and “bad” practices implemented by government, private recruitment and employment agencies and a wide range of social actors to assist and protect women migrants against discrimination, exploitation and abuse and to assist those vulnerable to being trafficked. See ILO Gender Promotion Programme (GENPROM), Working Paper Series on Women and Migration.

⁴ See, for example, Lin L. Lim, The status of women and international migration, in United Nations, *International Migration Policies and the Status of female Migrants*, ST/ESA/SER.R/126 (New York, United Nations Department for Economic and Social Information and Policy Analysis, Population Division, 1995).

⁵ Villalba, M.A.M.C., *Philippines: Good Practices for the Protection of Filipino Women Migrant Workers in Vulnerable Jobs* (Geneva, ILO GENPROM Series on Women and Migration, 2002), p.8.

⁶ See, for example, V.N. Thadani and M.P. Todaro, *Female Migration in Developing Countries: A Framework for Analysis* (New York, The Population Council, 1979).

⁷ P. Stalker, *The Work of Strangers: A Survey of International Labour Migration* (Geneva: ILO, 1994), p.33.

⁸ For example, a tracer study of Filipino domestic workers abroad found that friends and family represented the most extensive source of information regarding openings for domestic work in Hong Kong. Prospective employers preferred to ask for referrals from trusted domestic workers already in Hong Kong rather than go through costly as well as sometimes-unreliable agencies. Another study found that Sri Lankan female migrants were much more likely than male migrants to rely on informal channels to find employment abroad. See, for example, L. L. Lim, “The processes generating the migration of women”. Paper prepared for the Technical Symposium on International Migration and Development, The Hague, 29 June – 3 July 1998.

⁹ For example, in Pakistan, women migrants have to be over 35 years of age and have to obtain the permission of their fathers or husbands. Furthermore, they have to sign an indemnity stating that they themselves are responsible for all risks undertaken, including the risk of being exploited. Women under 35 years in Nepal are not allowed to travel overseas for employment especially to the Gulf countries unless they are accompanied by a male relative or can show proof of consent from their guardian. Women under 40 years in the United Arab Emirates are subject to similar restrictions.

¹⁰ See Unlad Kabayan, Migrant Services Foundation Inc. 2001. *Planning your re-entry, Filipino Migrant Workers Orientation Course*. (MS-AI), p.14

¹¹ Article 5 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.

¹² Article 2(1) of the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143).

¹³ See the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime, 2000.

¹⁴ A World Health Organization study in the Philippines showed that young people with absent parents turn to peers for support. However, this situation results in teen pregnancy, induced abortions, sexually transmitted diseases, AIDS, drug addiction, prostitution, teen marriages and other social problems such as incest and child abuse. Kanlungan Centre Foundation, Inc. *Destination: Middle East A Handbook for Filipino Women Domestic Workers* (Manila: Kanlungan Centre Foundation Inc, December 1997), p.12.

¹⁵ See Asian Migrant Centre, Asia South Pacific Bureau for Adult Education, Migrant Forum in Asia, *Clearing a Hurried Path: Study on Education Programs for Migrant Workers in Six Asian Countries* (Hong Kong, 2001), pp.93, 114-116; Unlad Kabayan Migrant Services Foundation Inc., *Planning Your Re-entry Filipino Migrant Workers Orientation Course* (Quezon City, Unlad Kabayan, November 2001), pp.16-17; and Asian Migrant Centre and Coalition for Migrants' Rights, "Strategies, Experiences and Lessons: Protecting the Rights and Empowering Asian Migrant Domestic Workers", power point presentation made at the ILO Programme Consultation Meeting on the Protection of Domestic Workers against the Threat of Forced Labour and Trafficking, 17-19 February, 2003, Hong Kong.

¹⁶ This is especially the case in Indonesia where women are often kept for several months in the recruitment "training centres" under conditions of virtual slavery, without freedom to leave, given minimum amounts of poor food, made to sleep on the floor and subject to physical, verbal and sometimes sexual abuse. See Booklet 3.

¹⁷ Kanlungan Centre Foundation, Inc. *Destination: Middle East A Handbook for Filipino Women Domestic Workers* (Manila: Kanlungan Centre Foundation Inc, December 1997), p.13.


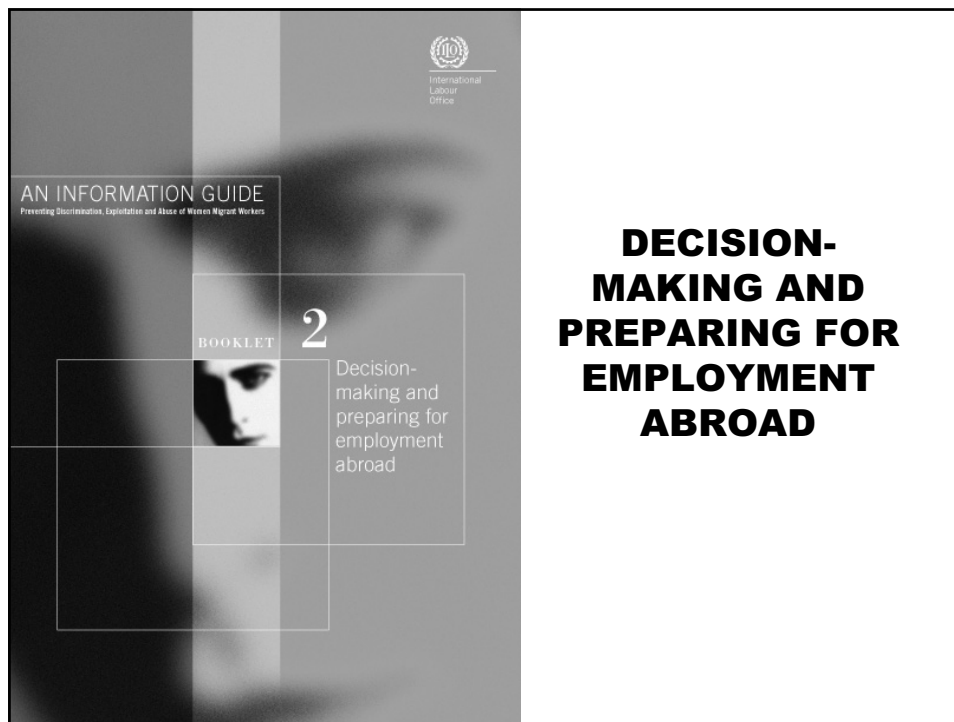
¹⁸ For example, the Far East Overseas Nepalese Association, United Filipinos in Hong Kong, Thai Women's Association, Indonesian Migrant Workers' Union.

¹⁹ See Global Alliance against Traffic in Women, *The Migrating Women's Handbook* (Bangkok, GAATW). The manual provides practical tips and information for those going abroad for jobs or to get married to foreign nationals. It provides information on practical tips about arranging travel documents, immigration and visa requirements, residency and work permits, rights and wages, as well as how to protect rights. There are special chapters for those wanting to work as factory workers, domestic workers, sex workers and those wanting to get married to a foreigner.

²⁰ M. I. Abella, *Sending Workers Abroad A Manual for Low and Middle Income Countries* (Geneva, ILO, 1997), p.93.

²¹ Villalba, M.A.M.C., *Philippines: Good Practices for the Protection of Filipino Women Migrant Workers in Vulnerable Jobs* (Geneva, ILO GENPROM Series on Women and Migration, 2002), p.33.

²² I. Farah H. and C. Sanchez G. assisted by N. Bejarano, *Bolivia: An Assessment of the International Labour Situation The Case of Female Labour Migrants* (Geneva, ILO GENPROM Series on Women and Migration, 2002), p.49.



AIMS OF BOOKLET 2

To assist potential migrants to make informed and realistic decisions on migration and to better prepare them for moving and working abroad by:

- Highlighting types of information and services that potential migrants should have to properly decide on employment abroad;**
- Addressing all actors in the decision-making process;**
- Providing those who have decided, information they need on safe recruitment, practical details on the country of destination, legal rights and obligations, social protection and what to do in crisis situations;**
- Identifying the role of governments and social partners in information dissemination.**



MOTIVATIONS FOR WORKING ABROAD

The decision to migrate is influenced by:

- A woman's own individual characteristics over her life cycle;
- The structure and functions of, and gender relations within, her family;
- The broader context of the community and society in which she lives.




NEED FOR ACCURATE AND ADEQUATE INFORMATION

ILO Migration for Employment Convention (Revised), 1949 (No.97):

“Each Member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information” (Article 2);


and

“Undertakes that it will as far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration” (Article 3).



INFORMATION NEEDED FOR DECISION-MAKING ON MIGRATION

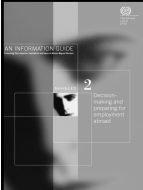
- The migration process, including on regular and irregular migration, recruitment and employment abroad;
- Job opportunities at home and abroad and qualifications, skills and training needed;
- Costs and benefits of migration;
- Major dangers of migration, including specific vulnerabilities of women migrants;
- Rights and obligations of migrant workers;
- Required procedures and clearances;
- Working and living conditions in potential countries of destination.



INFORMATION NEEDED AFTER THE DECISION TO MIGRATE IS MADE


Concrete, accurate and realistic information tailored to specific occupational needs and country of destination on:

- Required procedures and clearances for migration;
- Profile of the country of destination, including socio-cultural norms and practices, legal system, facilities and services, support groups and organizations, diplomatic missions, language training, etc.;
- Detailed terms and conditions of employment;
- Provision of social security;
- Pre-departure training courses. Courses not only for migrants but also for their families.



WHO DISSEMINATES THE INFORMATION AND HOW

- Role of governments:**
 - Public employment services/labour exchanges;
 - List of accredited, reliable recruitment agencies;
 - Collaboration with other social actors;
 - Educational system, school curricula;
- Role of social actors:**
 - Trade unions;
 - Employers organizations;
 - NGOs, especially at local community level;
 - The media.



IMPORTANT POINTS LESSONS LEARNED

- Information should always be gender sensitive;
- Information should not contribute to racist or xenophobic attitudes;
- Use of radio in local language, itinerant street theatre, graphic posters, word-of-mouth by returnees more effective than printed message for those with low levels of education;
- Important to carry out information campaigns in sending communities *before* the migration decision is actually made;
- Pre-departure courses can empower women migrants;
- Time constraints faced by women because of their multiple roles should be taken into account in planning information dissemination.