



Child and Family Care for Women Migrant Workers in the GMS: International Frameworks and Opportunities for Advocacy

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Discrimination may be especially acute in relation to pregnancy. Women migrant workers may face mandatory pregnancy tests followed by deportation if the test is positive; coercive abortion or lack of access to safe reproductive health and abortion services, when the health of the mother is at risk, or even following sexual assault; absence of, or inadequate, maternity leave and benefits and absence of affordable obstetric care, resulting in serious health risks. Women migrant workers may also face dismissal from employment upon detection of pregnancy, sometimes resulting in irregular immigration status and deportation.

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), General Recommendation 26, paragraph 18

International Frameworks on Gender and Migration



SDGs – Sustainable Development Goals



International Labour Standards



CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women



ICMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families



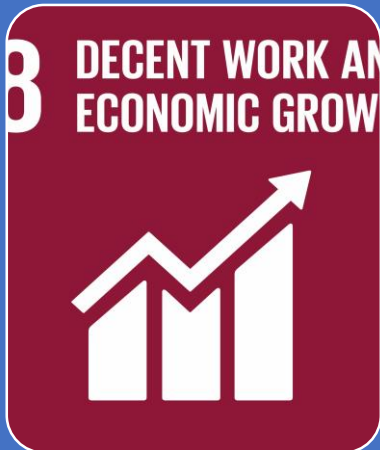
GCM – Global Compact for Safe, Orderly and Regular Migration

Development frameworks: SDGs



Achieve gender equality and empower all women and girls

- SDG 5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the **promotion of shared responsibility within the household and the family as nationally appropriate**
- SDG 5.5 Ensure women's **full and effective participation and equal opportunities** for leadership at all levels of decision-making in political, economic and public life



Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

- SDG 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment





International Labour Standards

- ✓ **14 weeks of maternity benefit** to women to whom the instrument applies
- ✓ Ensures that a pregnant woman or nursing mother is **not obliged to perform work which has been determined to be harmful to her health or that of her child**
- ✓ **Prohibits termination of employment** during pregnancy or absence during maternity leave, or during a period following her return to work, except on grounds unrelated to pregnancy, childbirth and its consequences, or nursing.
- ✓ Guarantees the right to one or more daily breaks or a daily reduction in hours of work for **breastfeeding**.

Signatures and ratifications in GMS: 0



ICMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

- ✓ Each **child of a migrant worker shall have the basic right of access to education** on the basis of equality of treatment with nationals of the State concerned.
- ✓ Access to public pre-school educational institutions or schools **shall not be refused or limited by reason of the irregular situation** with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment (Article 30)

Signatures and ratifications in GMS: signed by Cambodia, 2004



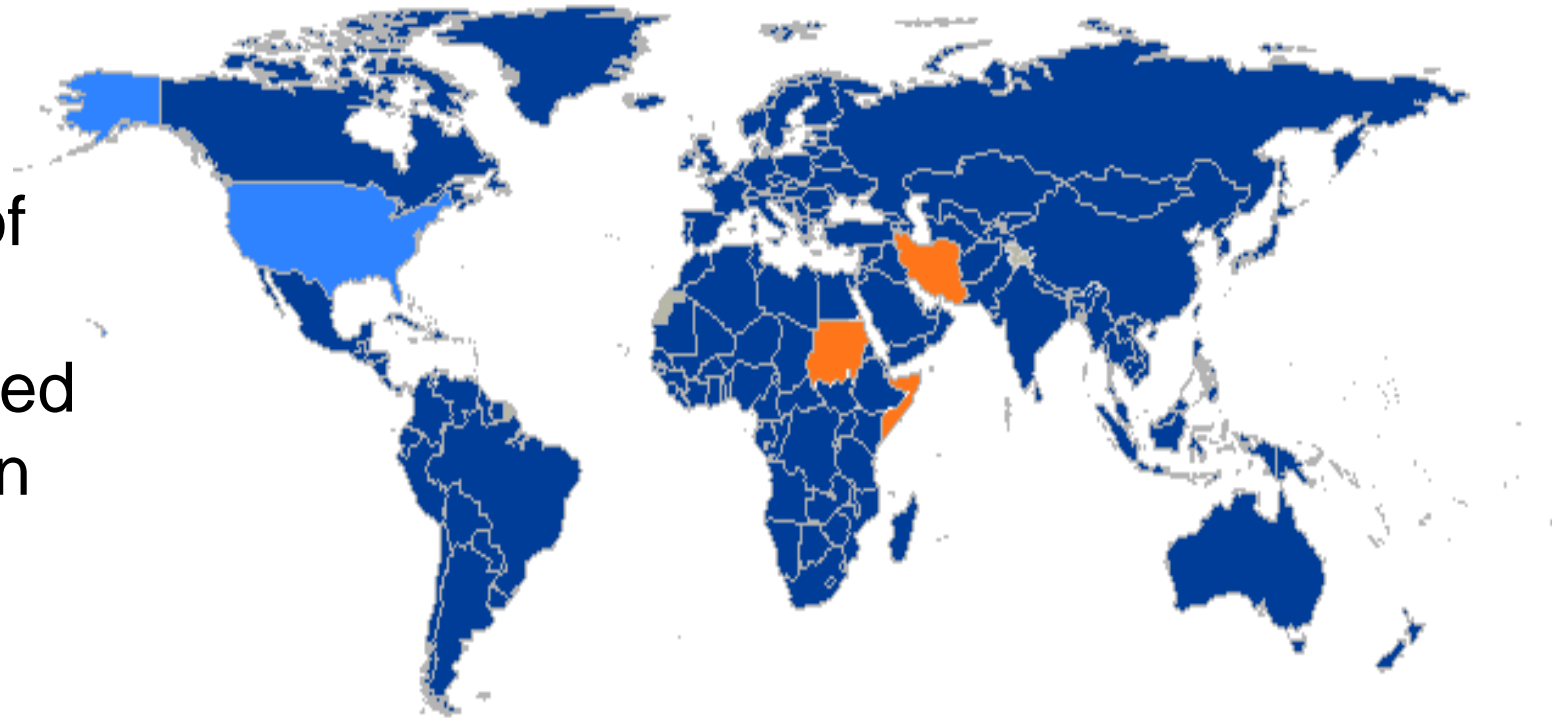
GCM – Global Compact for Safe, Orderly and Regular Migration

Objective 5: Enhance availability and flexibility of pathways for regular migration

- Adapt options and pathways for regular migration in a manner that:
 - Facilitates labour mobility and decent work reflecting demographic and labour market realities
 - Optimizes education opportunities
 - Upholds the right to family life
 - Responds to the needs of migrants in a situation of vulnerability
- For migrants at all skills levels promote the realization of the right to family life and the best interests of the child, including by reviewing and revising requirements, such as on:
 - Income, language proficiency, length of stay, work authorization, and access to social security and services.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (adopted 1979; entered into force in 1981):

- One of the core UN conventions with 189 States Parties



States Party (189) ●

Signatory (2) ●

No Action (6) ●



CEDAW – Convention on the Elimination of All
Forms of Discrimination Against Women

- Maternity protection and childcare are essential rights across the Convention including in:
 - Employment
 - Family law
 - Healthcare
 - Education

Article 11: Eliminating Discrimination in Employment



CEDAW – Convention on the Elimination of All
Forms of Discrimination Against Women

- ✓ The right to work
- ✓ The right to the same employment opportunities
- ✓ The right to free choice of profession and employment
- ✓ The right to promotion, job security, benefits and vocational training
- ✓ Equal remuneration and equal treatment
- ✓ The right to social security (ref. retirement, unemployment, sickness, invalidity, old age, incapacity and paid leave)
- ✓ Protection of health and safety

Article 11: Eliminating Discrimination in Employment



CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

- To prevent discrimination on the grounds of marriage or maternity and ensure women's right to work:
 - ✓ Prohibit and subject to sanctions dismissal on the grounds of pregnancy, maternity leave or marital status
 - ✓ Introduce maternity leave with pay or comparable social benefits, without loss of seniority or social allowances
 - ✓ Encourage the provision of social services to enable **parents** to combine family with work and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities
- Provide special protection to women during pregnancy in types of work proven to be harmful to them
- Periodically review legislation on these matters in light of scientific/technical knowledge

Article 12: Eliminating Discrimination in Healthcare



CEDAW – Convention on the Elimination of All
Forms of Discrimination Against Women

- ✓ Appropriate services in connection with pregnancy, confinement and the post-natal period
- ✓ Granting free services where necessary
- ✓ And adequate nutrition during pregnancy and lactation.

How can CEDAW be used for advocacy?



Create more opportunities for women to gain access to formal employment by promoting equal sharing of domestic and family responsibilities between women and men and providing sufficient and adequate childcare facilities

Ensure that the rights of women in the informal employment sector are effectively protected, by ensuring adequate coverage of labour and social security protections

Strengthen efforts to protect migrant women workers from abusive and exploitative conditions, including by ... ensuring access to health-care and essential services without fear of arrest or deportation



Continue adopting proactive and specific measures to eliminate occupational segregation and narrow the gender pay gap

Adequately equip and increase the number of labour inspectors to enable them to effectively monitor women's working conditions especially in the garment industry and low-paid sectors

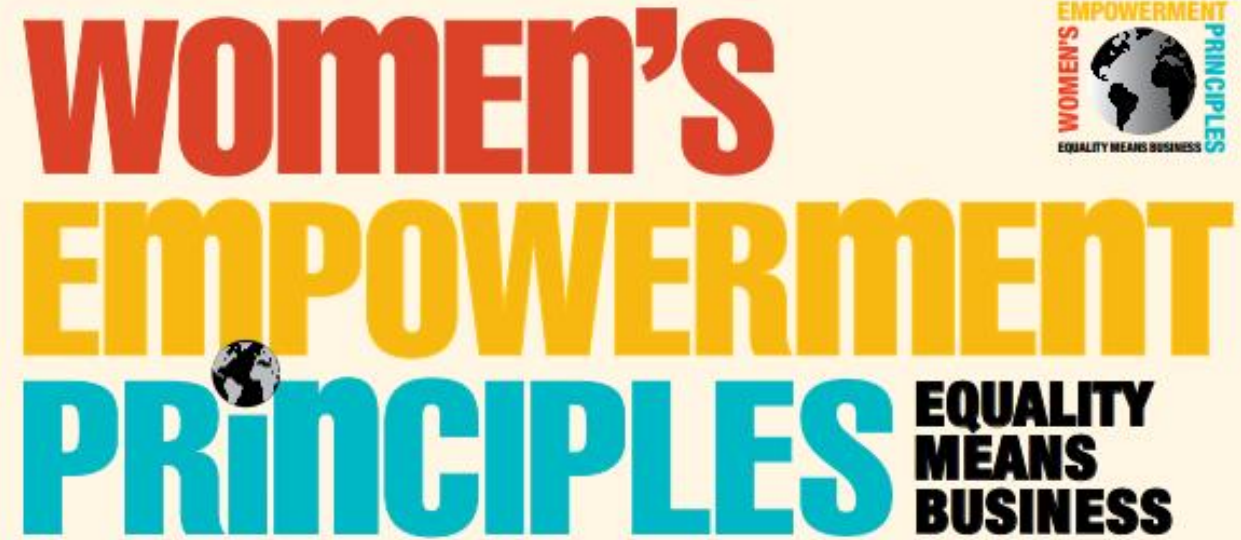


Amend the Constitution in order to remove stereotypical references to the roles of women and men in the family and in society

Intensify efforts to gradually transform and reduce the informal sector of employment, eliminate structural inequalities and occupational segregation and reduce the gender pay gap

Businesses and brands can:

- Ensure men and women can equally access and enjoy resources, opportunities, benefits and rewards
- Advance gender equality through recruitment, retention and promotion policies
- Implement work-life balance measures including parental leave
- Promote equal pay for work of equal value
- Promote these principles regardless of the legal and policy context, for example through employment contracts; and direct provision of facilities and services

The graphic for the Women's Empowerment Principles. It features the title "WOMEN'S EMPOWERMENT PRINCIPLES" in large, bold, sans-serif letters. "WOMEN'S" is red, "EMPOWERMENT" is yellow, and "PRINCIPLES" is blue. A small globe icon is placed over the letter 'P' in "PRINCIPLES". To the right of the title, the text "EQUALITY MEANS BUSINESS" is written in bold black letters. In the top right corner, there is a small logo with the text "EMPOWERMENT PRINCIPLES" and "WOMEN'S" and a globe icon with the text "EQUALITY MEANS BUSINESS" below it.

WOMEN'S EMPOWERMENT PRINCIPLES

EQUALITY MEANS BUSINESS

- 1** Establish high-level corporate leadership for gender equality.
- 2** Treat all women and men fairly at work – respect and support human rights and nondiscrimination.
- 3** Ensure the health, safety and well-being of all women and men workers.
- 4** Promote education, training and professional development for women.
- 5** Implement enterprise development, supply chain and marketing practices that empower women.
- 6** Promote equality through community initiatives and advocacy.
- 7** Measure and publicly report on progress to achieve gender equality.



- Promote ratification of key international instruments
- Promote the importance of articles relevant to childcare, family life and women's participation in economic life, during development of national GCM action plans
- Assess policies and their implementation against regional guidelines and international standards (particularly CEDAW and ILO Convention No. 183)
- Use treaty body processes to increase implementation of international instruments
- Increase local, national and global pressure on businesses to meet or exceed national and international standards
- Gather evidence on the benefits of gender equality and non-discrimination for countries of destination and businesses
- Increase awareness among workers of their rights under national laws and international standards
- Promote more equitable parenting arrangements within migrant families
- Explore collaborative approaches to increasing the availability of childcare in SEZs

Thank you

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