

## **Special Rapporteur’s report on ‘Revisiting migrants’ contributions from a human rights-based approach: a discussion on facilitating and hindering factors.’**

International migration governance continues to be largely gender-blind—reproducing or reinforcing existing gender and race inequalities, which in turn create more vulnerable situations for women and girls. Protecting and promoting the rights of women at all stages of migration is central to a human rights-based and gender-responsive approach to migration governance.

When states fail to protect the rights of migrant women across borders, then the international community risks enabling a system that profits from migrant women’s labour on the one hand and instrumentalizes their contributions to development on the other.<sup>1</sup> Migration not only involves the physical movement of people across borders but also serves as a conduit for the exchange of knowledge, ideas, practices, skills, and technologies. While monetary remittances are well-documented, there are other forms of contributions that also merit attention.

**Social Remittances:** Beyond financial transfers, social remittances encompass intangible exchanges. These include norms, ideas, beliefs, and social capital shared across borders. Unlike monetary remittances, measuring social impact is complex. It depends on individual experiences and the context of migration. Socio-political benefits resulting from social remittances are influenced by gender norms, cultural factors, and policy environments.

**Empowerment Through Migration:** Structural barriers often hinder migrant women’s empowerment. These obstacles—such as gender norms and gender-blind policies—limit their agency and participation in decision-making. However, when migration is safe and human rights-based it can provide women with an opportunity to break free from traditional roles and have more agency over their lives.

**Human Capital Contribution:** Migrant women bring with them valuable human capital, supplementing existing knowledge and skills in countries of transit and destination, but while doing so migrant women must fully enjoy their human rights and have access to services and social protection.

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<sup>1</sup> UN Women. 2017. [At what cost? Women migrant workers, remittances and development](#). New York.

**Challenging Stereotypes:** Social remittances impact gender roles, stereotypes, and family dynamics in both origin and destination countries. By sharing experiences and knowledge, migrant women can challenge prevailing biases and effect change in migration governance.

Around the world, however, migrant women's roles as workers, earners, investors, providers, caregivers are too often overshadowed by narratives focusing only on exploitation and victimhood. This lens of vulnerability through which migrant women are viewed results in many countries implementing policies which restrict their migration, often in the name of 'protection' but women do not need protection, they need their rights protected and they need to have choices. In this regard, when considering migrants' contributions from a human rights-based and gender-responsive approach UN Women has identified both the positive measures that have been taken by States at regional and national level as well as some specific barriers in law and practice which affect the full realization of migrant women's rights and the recognition of their contributions in communities of origin, transit and destination.

Below are some examples provided by UN Women's Regional Office for Asia and the Pacific and from the Germany-funded Making Migration Safe for Women program, to further illustrate some of the ways in which UN Women is responding to the issues raised.

**Positive measures are taken by States at the local, national, regional and international levels that facilitate, maximize and optimize migrants, their families and communities' contributions in origin, transit and receiving societies.**

- Through the joint regional programme on migration, Governance of Labour Migration in South and South East Asia (GOALS), UN Women has supported the Regional Consultative Process on the Management of Overseas Employment and Contractual Labour for Countries of Origin in Asia or Colombo Process, a State-led information-sharing and policy dialogue forum bringing together 12 labour-sending countries from Asia (Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam). As one of the active regional consultative processes on migration dedicated to advance labour migration in South and Southeast Asia, the Colombo Process along with its thematic working groups helps to ensure coordinated policy making, while protecting the rights of migrant workers. Progress aiming to enhance migrants' contribution to development include:
  - Enhancing fair and ethical recruitment, through the promotion of UN Women's [Toolkit for Gender-Responsive Employment and Recruitment](#).
  - Sri Lanka and Bangladesh have revised national policies, with the support of UN Women, to include recruitment intermediaries into their respective regulatory

frameworks. The Government of Bangladesh revised its Overseas Employment and Migration Act 2013 in 2022 to formalize sub-agents and recruitment actors to increase transparency and accountability in the recruitment process. The Government of Sri Lanka also developed standard operating procedures to strengthen compliance with the national code for ethical conduct of licensed recruitment agencies.

- On Pre-Departure Orientation and Empowerment, the members of the thematic working group collectively agreed to add a third objective to strengthen the accessibility and availability of gender-responsive and inclusive support and services to empower migrant workers, especially women and their families.
- Using [the Gender Responsive Self- Assessment Tool for Recruitment Agencies](#) UN Women provided training to government officials and recruitment agencies in Bangladesh to foster gender-responsive policies on recruitment nationally. As of 2023, 60 recruitment agencies in Bangladesh are licensed to screen, match, recruit and place women migrant workers.
- UN Women, jointly with IOM and ILO, on developed and supported the operationalization of a reintegration framework for returning migrant workers in South Asia which is detailed in [the Manual for Inclusive and Sustainable Reintegration of Returning Migrant Workers in South Asia](#).
- As a result of the South Asian Symposium on Women Migrant Workers – jointly organized by ILO and UN Women – which focused on the use of bilateral labour migration agreements (BLMAs) as a tool to enhance gender equality in migration, the Government of Pakistan has established a dedicated committee to integrate stronger gender provisions in their BLMAs which in turn would increase women’s participation in international labour migration through bilateral agreements with countries of destination.
- On supporting and protecting the rights of migrant workers and enabling those returning home to successfully reintegrate and contribute to the country’s development, the Government of Bangladesh is finalizing its national policy on reintegration of migrants and the action plan to implement the policy is being developed. The policy includes measures that enable returning migrants to have access to information on employment and business opportunities, financial support, social security, and healthcare, including psychosocial support, which will allow them to successfully settle back into their country.

- UN Women, in partnership with the Good Samaritan Association and Agar Ethiopia, provided comprehensive rehabilitation services to 73 migrant women returnees in Ethiopia, including to those who were survivors of trafficking and gender-based violence. The rehabilitation services provided by the implementing partners included temporary shelter, the provision of basic items such as sanitary materials, dignity kits, and clothing, and access to basic health care and education, psychosocial support, life skills and basic business skills training. The migrant returnees experienced different forms of abuse such as labour exploitation, sexual and gender-based violence, drug abuse, and psychological abuse. All of them received psychosocial counselling support both individually and in groups. The individual counselling was needs-based, offering sessions that included psychological education, stress management, resilience building, body work including working through a traumatic memory through dance. Additionally, the women received health care services such as basic health education and awareness on personal hygiene, sanitation, sexual and reproductive health, family planning, and management of STDs, and HIV and Aids. Furthermore, 46 of the survivors received life skills and business development training. The life skills training focused on self-awareness, critical thinking, problem-solving, effective communication, decision-making, empathy and coping with stress, and conflict resolution. The business skills training included business plan development, skills on saving and small business management. Based on the skills they acquired, migrant women returnees prepared their business plans for income generating activities. A start-up package of equipment or goods needed for the business of their choice was provided to them once they were ready to reintegrate back into their communities or elsewhere.

**Obstacles in law and practice which hinder the realization and/or recognition of migrants' contributions in communities of origin, transit and destination.**

- Labour migration governance at regional and national levels in Asia and the Pacific often lacks a human rights-based and gender responsive approach. There are also limited resources dedicated to addressing the gender dimensions of migration and insufficient coordination within and between countries of origin and countries of destination.
- Migrant workers, especially women, are often excluded from social protection services and justice mechanisms in countries of destination due to their temporary migration status. This is particularly the case for those who have migrated through irregular migration channels.

- There is a lack of dedicated space and resources for organizations, such as women’s rights organisations, workers’ organizations and trade unions to meaningfully engage with policy makers, limiting the ways in which they are able to influence policymaking.
- Stigma and discrimination against migrant women continue to be barriers preventing their reintegration back to their communities of origin. In a study commissioned under the GOALS programme and [GAATW’s studies on reintegration](#), returning women migrant workers from South Asia, especially those with lower levels of literacy are often unable to access reintegration services, In Nepal, it was found that there was heavy stigma associated with returnee migrant women, as a result many were unwilling to identify as migrant returnees and consequently were unable to access reintegration services.
- Based on UN Women’s Gender Assessment of Skills Development Opportunities for Women Migrant Workers from Sri Lanka conducted in 2022, since 2013 there has been a sharp decline in the number of Sri Lankan women migrating for overseas employment through regular channels. The official numbers of women migrating for work declined steadily from 118,003 in 2013 to 80,830 in 2019 as per the 2019 Sri Lanka Bureau of Foreign Employment annual statistics. This decline coincides with government circulars in 2013 and 2014 that required all women seeking employment abroad to obtain a Family Background Report prior to departure. This report requires women to provide information on the care of their children left behind. Note that the Government recently relaxed this regulation by prohibiting only women who have children under 2 years of age to go abroad for employment (earlier it was 5 years of age) unless they take their children with them. The completed report must be approved by a chain of officials who sign off if they are satisfied that a plan to care for children left behind is in place. While this report is mandatory for women, there is no similar requirement for men. This may result in more women using irregular migration channels exposing them to increased risks of trafficking in persons, forced labour and other forms of violence and exploitation. Further, it entrenches patriarchal norms that stereotype women’s role within the family and the community as the primary caregivers.
- One of the main challenges women face when participating in international labour migration is the under-utilization of their skills – many are employed in the domestic work sector in destination countries. The financial incentive schemes which motivate recruitment agents to promote domestic work to women maybe a motivating factor, even when women have skills and experience in other sectors. The scheme may also deter returnee domestic workers from upskilling or reskilling as it is financially attractive to remigrate as a domestic worker through the scheme. The various stakeholders in the

migrant worker recruitment chain also financially benefit, so they have little interest in getting women to take up higher-skilled jobs in different sectors.

**Recommendations to effectively address these ongoing challenges and protect migrants' human rights in origin, transit and host communities.**

Addressing these issues is a human rights imperative. Designing and implementing migration laws, policies and services which are human rights-based and gender-responsive means ensuring that all migrants, in particular women, have improved access to safe and regular migration channels, reducing the need to use dangerous irregular migration channels. This is a critical step to uphold human rights protections and prevent further violence and discrimination. This requires concerted efforts from governments as well as UN and civil society partners.

In line with the Global Compact for Safe, Orderly and Regular Migration (GCM), UN Women works to promote gender-responsive implementation of the GCM which means addressing unequal gendered power relations by eliminating gender-specific barriers at all stages of migration. This includes engagement with inter-governmental processes, supporting Member States in reviewing and developing policies and programmes to support migrant women, including women migrant workers, while facilitating participation of civil society organizations, including women's rights organizations, and workers' organizations.

Recommendations to better protect migrant women's human rights include:

- Eliminate migration policies that discriminate against women and girls, including on the basis of age, marital status, migration status, pregnancy and/or maternity status.
- Promote gender-responsive implementation of the Global Compact for Migration including through the use of UN Women's ['Policies and Practice Guide to Gender-Responsive Implementation of the GCM'](#). This online tool outlines the gender-specific issues for each of the 23 GCM objectives and offers a concise checklist of concrete actions to take in order to address them.
- Review with a view to strengthen regular migration schemes to be affordable and integrate human rights-based and gender-responsive approaches to incorporate the needs and concerns of all migrants.
- Improve existing labour migration laws and policies to fully comply with international standards and principles on fair and ethical recruitment of migrant workers into national

frameworks. Encourage the use of UN Women's [Gender-responsive Self-Assessment Tool for Recruitment Agencies](#) to ensure employers, governments and recruitment agencies have policies, systems and capabilities that effectively meet the needs of women migrant workers.

- Ensure the provision of social protection to all migrants, with targeted support and services for women to address their situations of vulnerability.
- Investing in skills development and facilitate recognition of skills and qualifications of women migrant workers, especially in the domestic work sector.
- Provide space and resources for organizations representing migrants, namely civil society organizations, women's rights organizations, trade unions, to meaningfully engage in policy discussions at all levels.
- Address the stigma and discrimination associated with women's migration, affecting returnee migrant women and their access to reintegration support. Incorporate these concerns into the effective development and monitoring of reintegration programming and ensure adequate resources, infrastructure and capacity-building efforts of service providers across levels.

For further reading, please refer to the following UN Women publications:

- [Racially marginalized migrant women: Human rights abuses at the intersection of race, gender, and migration](#)
- [Migrant women and remittances: Exploring the data from selected countries](#)
- [Strengthening migration programming from a gender perspective: Lessons learned](#)
- [Skilling Women Migrant Workers: Insight from Sri Lanka](#)
- [At what cost? Women migrant workers, remittances and development](#)
- [Women migrant workers' contributions to development](#)