



Human Rights Advocates

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TREATMENT OF MIGRANT WOMEN WORKERS

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I. INTRODUCTION:

About half of the migrants in the world today are women, as has been the case for several decades. They include both international migrants, who move to other countries, as well as internal migrants, who relocate in other parts of their own countries. While many women accompany or join family members, increasing numbers of female migrants migrate on their own.¹ Most women move voluntarily, but a significant number are forced migrants who have fled conflict, persecution, environmental degradation, natural disasters and other situations that affect their habitat and livelihood.²

Around the world, a record number of women are now migrating to seek work and better lives. For many, migration yields these benefits; for others, it carries dangerous risks, such as exploitation in domestic jobs, and vulnerability to violence. Migration policies and practices have been slow to recognize these risks and take steps to make the process safe for women.³

Globalization has contributed to an increasing flow of migrant workers from countries with limited economic opportunities to fill gaps in nations with a dwindling labor supply. While globalization may foster the acceleration of trade and investment, it does not create an environment that protects migrant worker economic, social and physical security.⁴ Nowadays migrant women constituting 50% or more of the migrant workforce in Asia and Latin America. Over the past 25 years, the number of international migrants has grown considerably, reaching 244 million in 2015, which represents a 41 per cent increase since 2000 and more than 50% since 1990.

¹ Susan Forbes Martin, Women and Migration, Division for the Advancement of Women, at 1, (2004) website at: <http://www.un.org/womenwatch/daw/meetings/consult/CM-Dec03-WP1.pdf>.

² id. at 2.

³ UN WOMEN, Employment and Migration, (2012), Website: <http://www.unwomen.org/en/what-we-do/economic-empowerment/employment-and-migration>.

⁴ UN Women, Asia and the Pacific, Migrant Workers, website at <http://asiapacific.unwomen.org/es/focus-areas/women-poverty-economics/migrant-workers>.

Migration is not only due to economic factors, but to poverty and lack of human development; gender inequalities; discrimination; abuse and neglect; gang violence; political instability; socio-ethnic tensions; bad governance; food insecurity; environmental degradation and climate.⁵ Abuses of women migrant workers are more intensified when their immigration status is irregular. They are often denied the most basic labor protections, personal security, due process guarantees, health care and, education for their children. They often face abuse and harassment at international borders based on race, identity and age. And often they risk being trafficked, enslaved or sexually assaulted.⁶

There are about 150 million migrant workers around the world, according a recent United Nations study, which provides useful labour migration data for policy makers as they seek to make headway on the 2030 Agenda for Sustainable Development.⁷ The report, ILO Global Estimates on Migrant Workers, found that there are 232 million international migrants, of which 206.6 million are 15 years old and up. Of this working-age migrant population, 72.7 per cent, or 150 million, are migrant workers. And 83.7 million are men and 66.6 million women.⁸

Another study also examines the distribution of the migrant workforce in broad industry groupings. The vast majority of migrant workers are in the services sectors, with 106.8 million workers accounting for 71.1 per cent of the total, followed by industry, including manufacturing and construction, with 26.7 million, or 17.8 per cent, and by agriculture with 16.7 million, or 11.1 per cent. Among all migrant workers, 7.7 per cent are domestic workers.⁹

⁵ Prasad Kariyawasam, Protecting the Right of Migrant Women Workers, Inter Press Service, 2016, at 1, Website at: <http://www.ipsnews.net/2017/01/protecting-the-rights-of-women-migrant-workers/>.

⁶ *Id.*

⁷ UN, General Assembly, Sustainable Development, 2030 Sustainable Development, 2015, Website at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

⁸ International Labor Organization, Global Estimates on Migrant Workers, (First Published 2015), Website at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf

⁹ *Id.* at XI-XIV.

Of the estimated 67.1 million domestic workers in the world, 11.5 million, or 17.2 per cent are international migrants. About 73.4 per cent, or around 8.5 million, of all migrant domestic workers are women. South-Eastern Asia and the Pacific host the largest share, with 24 per cent of the global number of female migrant domestic workers, followed by Northern, Southern and Western Europe, with 22.1 per cent of the total, and the Arab States with 19 per cent.¹⁰

II. INTERNATIONAL STANDARDS

According to international standards, destination countries are not only obliged to refrain from violating the rights of individuals, but also to take positive actions to ensure that individual migrant men and women are able to enjoy these rights. Under these instruments, destination countries of migrant women workers are under an obligation to realize the full rights of women. This addresses the issue that discrimination against migrant women workers is only perpetuated by larger existing inequalities between men and women in the country of destination.¹¹

International instruments which protect women migrants include:

- The Universal Declaration of Human Rights (UDHR);¹²
- International Convention Protection of the Rights of All Migrant Workers and Members of Their Families (CMW);¹³
- Convention Elimination of All Forms of Discrimination against Women (CEDAW);¹⁴
- International Convention Elimination of All Forms of Racial Discrimination (CERD);¹⁵
- Convention on the Rights of the Child (CRC);¹⁶
- International Covenant on Economic, Social and Cultural Rights (ICESCR);¹⁷

¹⁰ *Id.* at XII.

¹¹ International Labour Organization, Women and Man Moving towards equal rights and opportunities, at 7, 2008, Website at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_101118.pdf.

¹² UN General Assembly, Universal Declaration of Human Rights, 10 December 1948.

¹³ UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990.

¹⁴ UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations.

¹⁵ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965.

¹⁶ UN General Assembly, Convention on the Rights of the Child, 20 November 1989.

- International Covenant Civil and Political Rights (ICCPR);¹⁸
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.¹⁹

A. Rights protected under the International Covenant on Economic, Social and Cultural Rights (ICESCR)

Rights protected under the ICESCR, such as the right to work, to an adequate standard of living, to health, and to education, are generally guaranteed to everyone within a state. Furthermore, the Covenant provides that such rights will be exercised without discrimination of any kind. Thus, non-citizens are protected against discrimination based on their alienage as regards rights secured by the Covenant.²⁰

B. Non-Discrimination

The principle of non-discrimination is fundamental to international law because it protects immigrants as well as citizens. It does so in two ways. First, non-citizens, like citizens, are protected against discrimination based on race, religion, sex and other protected ground. Second, differential treatment based on a person's alienage is subject to scrutiny under prevailing human right norms.²¹

It is necessary to integrate women migrant workers into society. The term integration connotes a level of economic and social functioning within a society. Immigrants are fully integrated when they can find jobs, take care of their families, join in community life, and negotiate everyday living in a society.²²

¹⁷ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966.

¹⁸ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966.

¹⁹ UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.

²⁰ ICESCR, *supra* at Articles 6, 11 and 13.

²¹ ICCPR, *supra* at Article 26.

²² T. Alexander Aleinikoff, International Legal Norms and Immigration, International Organization for Migration (IOM), 2003, at 44.

C. Authority

International laws affirm the authority of states to regulate the movement of person across their borders.²³ Such power is understood to flow from the concept of an international system of state, with states possessing primary authority over their territory and population.²⁴ State power over immigration is generally stated in broad terms; that is, states are deemed to have wide discretion in crafting admission, residence expulsion and naturalization policies for non-citizens.²⁵ Against this claim, it is regularly asserted that migrants have fundamental human rights that state regulations of migration cannot abridge.²⁶

D. The Right to Freedom of Movement

The right to freedom of movement is a human right, enshrined by Article 13 of the UDHR of 1948, recognizing the right to freedom of movement and residence within the borders of each State, and the right to leave any country, including his own, and to return to his country.²⁷ The right to freedom of movement it is also enshrined in Article 12 of the ICCPR,²⁸ which is codified in section three. The rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the ICCPR.²⁹ The CMW contains the right to freedom of movement in Articles 5, 8 and 39.³⁰

²³ ICESCR, *supra* at Article 13.

²⁴ T. Alexander Aleinikoff, International Legal Norms and Immigration, International Organization for Migration (IOM), 2003, at 15.

²⁵ *Id.* at 15.

²⁶ *Id.* at 11

²⁷ UDHR, *supra* at Article 13.

²⁸ ICCPR, *supra* at Article 12.

²⁹ *Id.* at Article 13.

³⁰ CMW, *supra* at Articles 5, 8 and 9.

E. The Right to Work

According to the UDHR, everyone has the right to work and to protection against unemployment.³¹ Everyone also has the right, without any discrimination, to equal pay for equal work, which is also stated in Article 11 of the CEDAW.³² In addition, the right to work is protected by the ICESCR.³³

F. The Right to Development

The right to development, recognized in the ICESCR, mandates that states recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living condition, put stress on international assistance and cooperation in achieving realization of the rights secured in the covenant.³⁴

III. Violence Against Migrant Women in Workplace

The ILO developed Definition of Workplace violence as any action, incident or behavior that departs from reasonable conduct in which a person is assaulted, threatened, harmed, injured, in the course of, or as a direct result of, his or her work.³⁵ Psychological violence is currently emerging as a priority concern at the workplace.³⁶ Violence and harassment in the world of work affects women regardless of age, location, income or social status. Violence against women is an obstacle to gender equality in economic opportunities and outcomes, and its elimination is key if women are to manage their livelihoods.³⁷

³¹ UDHR, *supra* at Article. 23.

³² CEDAW, *supra* at Article 11.

³³ ICESCR, *supra* at Article 6.

³⁴ ICESCR, *supra* at Article 11.

³⁵ Duncan Chappell and Vittorio Dí Martino, ILO, Violence at work, Third Edition, Publication 2006, at page no 10.

³⁶ *Id.* at 29.

³⁷ UN, CSW, Economic and Social Council, Women's Economic Empowerment in the Changing World of Work (WEECWW), III at 10, December 2016.

It can restrict women's economic and social potential, including their rights to education, freedom of movement and work.³⁸ It has a significant impact on their physical and mental health, which can result in absenteeism, missed promotions and job losses.³⁹ For example; occupational segregation, including stereotyping of part-time jobs as "women's work", means that some women who want to work full-time may obtain only part-time jobs.⁴⁰

IV. National Perspectives

Examining the progress made in various countries helps elucidate what policies work, in addition to providing an opportunity to critically examine what further steps can be made to end violence against migrant women workers.

A. Human rights of migrant workers in Mexico

Mexico itself is increasingly considered a destination for migrants, half of whom are migrant women who face distinct challenges in accessing proper documentation and resources. As Mexico puts into place new policies to address increased migration from the Northern Triangle countries, El Salvador, Honduras and Guatemala, it is critical that policymakers take into account the rights and needs of migrant women traveling to and working in Mexico.⁴¹

A work sector for migrants is often agriculture, and migrant women workers in agriculture often migrate with their husbands and male relatives. As a result, even though the work itself is often the same, migrant women are not counted independently and are consistently paid less than migrant men. Domestic workers often have low salaries and tend to work very long hours and without benefits.⁴²

³⁸ *Id.* at III. No. 10

³⁹ WEECWW, *supra* at 10-11.

⁴⁰ WEECWW, *supra* at 4.

⁴¹ Anjali Fleury, *The Overlooked: Migrant Women Workers in Mexico*, 2016. Website at: <https://unu.edu/publications/articles/the-overlooked-migrant-women-working-in-mexico.html>

⁴² *Id.* Anjali Fleurt, at *Migrant Women Workers*.

Domestic workers that live within the homes of their employers are the most vulnerable to abuses.⁴³ For example, research on domestic workers in Tapachula, Chiapas revealed that 65% experienced abuse from employers. Unlike other countries, in Mexico domestic work is covered by the Ley Federal del Trabajo (Federal Labor Law).⁴⁴ However, in contrast to other occupations with an eight-hour workday, domestic workers can legally work up to 12 hours daily with no overtime payment⁴⁵ Employers are not required to pay social security for a domestic worker, which also limits access to other protections, such as benefits, vacation, maternity leave, child care assistance, or a pension.⁴⁶

In Mexico, 2012 amendments to the Ley Federal del Trabajo (Federal Labor Act) have introduced a provision requiring employers to use interpretation services when rural workers do not speak Spanish.⁴⁷ Mexico has also launched a specific program to disseminate information on labor rights of daily agricultural workers through community leaders and local authorities.⁴⁸ A new report from the United Nations mentions the Advancing Indigenous People's Rights.⁴⁹ The study mentions that in Mexico, 15% of the population identifies itself as indigenous.⁵⁰ In the southern state of Oaxaca alone, 56% of people consider themselves indigenous, divided in around 16 ethnic and linguistic groups, in addition to a small population of African descent.⁵¹

⁴³UN WOMEN, *Las Trabajadoras Migrantes en la Frontera Sur de México*, El Colegio de México, First Edition 2015.

⁴⁴ Ley Federal del Trabajo (LFT), 1970, Last Reform 2015, Implementing México Constitution at Article 123.

⁴⁵ UN WOMEN, LTMFSM.

⁴⁶ Anjali Fleury, *supra* note.

⁴⁷ LFT, *supra* at Article 283, XII.

⁴⁸ *Id.* UNHR, New, *Advancing Indigenous People's Rights in Mexico (AIPRM)*, 2011.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

Under the Constitution in Article 2, indigenous peoples in Mexico have the rights to self-determination, which includes, among others, the right to autonomy, education, infrastructure and no-discrimination.⁵² However, each Mexican state has its own constitution and can establish its own legislation.⁵³

Mexican indigenous peoples continue to suffer discrimination in all spheres of public life. Many, especially women, receive arbitrary or disproportionate sentences in criminal courts, political participation remains extremely marginal.⁵⁴ According to several indigenous organizations, the main problems suffered by indigenous peoples in Mexico are linked to land and territories, natural resources, administration of justice, internal displacement, bilingual education, language, migration and constitutional reforms.⁵⁵

In 2011, México implemented the Ley de Migración (Migration Law).⁵⁶ Under this law, Mexico instituted the Tarjeta de Visitante Trabajador Fronterizo (TVTF), which aims to expedite the visa process for Guatemalan and Belizean workers, primarily agricultural workers. The permit allows temporary work for up to one year.⁵⁷ In addition to visas and permits for migrants, Mexico's Migration Law aims to protect migrants' rights to freedom of movement, health, and equality and non-discrimination, as well as access to education, identity, family unity, justice, and immigration documents.⁵⁸ For example, migrants are provided the right to medical attention regardless of their legal status and migrant workers and their children have the right to education.⁵⁹ Mexico has created organizations that contribute to support of women. The centers have an important purpose to protect fundamental rights, and they need the integration of people into the society to function.⁶⁰

⁵² Diario Oficial de la Federación, Constitución Política de los Estados Unidos Mexicanos at Article 2.

⁵³ México Constitution, *supra* at Capítulo I.

⁵⁴ AIPRM, *supra note*.

⁵⁵ AIPRM, *supra note*.

⁵⁶ México, Diario Oficial de la Federación, Ley de Migración, 2011, Last Reform 2014.

⁵⁷ *Id.* Ley de Migración, Article 40.

⁵⁸ Anjali Fleury, *supra* at Section II.

⁵⁹ AIPRM, *supra note*.

⁶⁰ *Id.*

Teófila Diaz Jimenez is an example of how women can learn their own rights. She is an Indigenous woman from Chiapas Mexico; she left home at a very young age, looking for ways a better life. She couldn't go to secondary school as it was too far from her community and she only spoke the indigenous Tzotzil language. In 2009 she settled in Cancún, Quintana Roo, selling crafts, doing domestic work, but faced relentless abuse.⁶¹

A life of dignity was a distant dream. Eventually Teófila learned about the organization Voces Mesoamericanas from another family of migrants and started attending their training workshops to strengthen her involvement in the community. These included training courses provided as part of a UN Women project funded by the European Union (EU) in three countries (the Philippines, Mexico and Moldova), which seeks to promote and protect the rights of female migrant workers during all stages of migration. Teófila says that the training helped her find her own voice, understand her rights and pass on the knowledge to other indigenous migrant women; "Now she is not afraid of taking part into society, and she has more self-esteem."⁶²

B. Violation of the human rights of migrant workers in United States of America

Inequality between men and women is also an enduring problem in the U.S. Women's annual earnings, relative to men's, have moved up more slowly. Women are more likely than men to work part-time to meet childcare and other family responsibility.⁶³ A special concern of American workers is health insurance. Without a national health insurance plan, as in most other countries, workers depend on employers for access to private health plans.⁶⁴

⁶¹ AIPRM, *supra note*.

⁶² UN WOMEN, México, New, Trabajadoras Migrantes en México se organizan por sus derechos, July 14, 2016, Website at: <http://mexico.unwomen.org/es/noticias-y-eventos/articulos/2016/05/women-migrant-workers-in-mexico-organize-for-their-rights>.

⁶³ *Id.* at 294.

⁶⁴ *Id.* at 294.

Other concerns include immigrant policies and the lack of ratification of international treaties that assert human rights of migrant workers.

1. Immigrant residents in the United States

Female immigrants represent 51 percent of the overall foreign-born population, with 21.2 million immigrant women residing in the United States in 2013, out of a total immigrant population of 41.3 million.⁶⁵ The U.S. immigrant population stood at more than 42.4 million, or 13.3 percent, of the total U.S. population of 318.9 million in 2014, according to ACS data.⁶⁶ Between 2013 and 2014, the foreign-born population increased by 1 million, or 2.5 percent.⁶⁷ Immigrants in the United States and their U.S.-born children now number approximately 81 million people, or 26 percent of the overall U.S. population.⁶⁸

More than half of these workers were from Latin America, and of these more than two-third came from Mexico and Central America.⁶⁹ Many have been in the country for years working long hours for low pay on demanding, dirty and dangerous jobs. Many undocumented workers shrink from exercising rights of association or from seeking legal redress when their workplace rights are violated for fear of having their legal status discovered and being deported.⁷⁰

2. Migrant women workers in the U.S.

American exceptionalism' to international law is deeply rooted in American legal discourse and culture. Labour and employment law practitioners and jurist rarely invoke human rights instruments and standards on freedom of association, child labour, nondiscrimination, health and safety, wages and hours, migrant workers' rights or other subjects of international human rights law to address failures in US

⁶⁵ Migration Policy Institute, *Immigrant Women in the United States*, March 5, 2015, website at: <http://www.migrationpolicy.org/article/immigrant-women-united-states>.

⁶⁶ Jie Zong and Jeanne Batalova, Migration Policy Institute (MPI), April 12, 2016, website at: <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Oñati Int; *supra* at 313.

⁷⁰ Oñati Int; *supra* at 313-317.

labour law and practice.⁷¹ The United States has ratified only 14 of the ILO's 186 conventions, and among these only two of the eight core conventions. The United States ratified the ICCPR in 1992, the State Department supplied nothing more than a few desultory paragraphs suggesting general compliance with article 22. As one scholar concluded, the official American view is that international human rights are endangered elsewhere, and that American labor law is a model for the rest of the world.⁷²

3. Federal immigration policy reform

There are some policy new reforms under Obama Administration, such as Consideration of Deferred Action for Childhood Arrivals (DACA); it helps undocumented student's access higher education; but this doesn't help migrant women workers.⁷³ The Trump administration maintains legal protection for young people benefiting from DACA. The Department of Homeland Security document states that these undocumented youth will not be affected by the new orders of the federal agency.⁷⁴

4. Medi-Cal Expansions for Undocumented Immigrants

The Affordable Care Act (ACA) greatly expanded insurance coverage for low-income Californians through Medi-Cal, the state's Medicaid program.⁷⁵ Even so, about one million low-income adults and some children were ineligible because they are undocumented immigrants.⁷⁶ For the 60 to 70 percent of undocumented immigrants who lack insurance, health care options are limited.⁷⁷

⁷¹ Oñati Int; *supra* at 294-327.

⁷² Oñati Int; *supra* at 294-327.

⁷³ Center for American progress, Immigration, Abril 7, 2015 web site at: <https://www.americanprogress.org/issues/immigration/news/2015/04/07/110558/daca-helps-undocumented-students-access-higher-education/>.

⁷⁴ Diario Las Americas, February 21, 2017, website at: <http://www.diariolasamericas.com/eeuu/trump-mantiene-la-proteccion-legal-los-jovenes-beneficiados-daca-n4115427>.

⁷⁵ Healthcare, Affordable Care Act (ACA), 2013, website at: <https://www.healthcare.gov/glossary/affordable-care-act/>.

⁷⁶ Public Policy Institute of California (PPIC), Health Coverage and Care for Undocumented Immigrants, November 2015 website at: http://www.ppic.org/main/publication_quick.asp?i=1167

⁷⁷ *Id.*

C. Legal Protection of Workers' Human Rights in Nigeria

Nigeria has ratified CEDAW. The Bill for the domestication of CEDAW is still before the National Assembly.⁷⁸ Yet women still suffer various form of discrimination in the workplace, as well as in society.⁷⁹ Apart from general provision prohibiting discrimination under the Constitution, there is as yet, no gender specific legislation directed at implementation of CEDAW.

This is an area marked by a total lack of protection. Women form a large of this group and are the most discriminated against. There is no right to organize and no platform for collective bargaining largely because of the insecurity of employment in the informal sector.⁸⁰

The Labour legislation meant for the protection of workers does not cover vulnerable group such as domestic workers.⁸¹ Reproductive health and rights of workers, particularly women in the workplace, are not adequately protected.⁸² The Nigerian Constitution does not forbid women in public employment and appointments yet their (women's) percentage in such positions is low.⁸³ The right of women to employment and equal pay for equal work with men is constitutionally guaranteed and reinforced by the federal civil service rules 03201.⁸⁴

5. Conclusions

Human Migration has always occurred, because it is a natural human process. Migrant women workers are also entitled to certain human rights and protections specifically linked to their vulnerable status.⁸⁵ The power of state to protect its security is a core attribute of sovereignty.⁸⁶

⁷⁸ Oñati Int. *supra* at 229.

⁷⁹ HRW, *supra* at 229.

⁸⁰ Oñati Int., *supra* at 229.

⁸¹ Oñati Int., *supra* at 220-230.

⁸² *Id.* at 230.

⁸³ Constitution of the Federal Republic of Nigeria 1999.

⁸⁴ Federal Civil Service of Nigeria, rule 0301.

⁸⁵ T. Alexander Aleinikoff, *supra* note-, at page no. 11.

⁸⁶ T. Alexander Aleinikoff, *supra* note-, at page no. 15.

The human rights of individuals, including immigrant are frequently conceptualized as rights that challenge the sovereignty of states.⁸⁷

Development may equally contribute to migration, as individuals gain the skills and resources that permit them to find employment in other states. Both sending states and receiving states generally benefit from migration for employment purposes.⁸⁸ Governments need to work on the integration of migrant. An immigrant is assimilated when he or she shares the common values of the society, speaks the language, and adopts dominant cultural practices.⁸⁹

International norms on protections of migrant workers are less clear or have not yet fully crystallized.⁹⁰ Examples include; States are permitted to draw lines based on citizenship status, but the standard for assessing the permissibility of discriminatory treatment is not firmly established. No clear legal norm has been established on some issues, for example there are no general international norms that manage dual nationality or regulate the integration of immigration.⁹¹

International law establishes rights and protection for migrant in three ways. First, the non-discrimination principles of major human rights conventions generally ensure that non-citizen worker benefit from protection afforded to citizen workers such as minimum wage, maximum hour rules, prohibitions on child labour, and the right to establish union and collective bargaining.⁹² Second, international instruments specifically guaranteeing workers' rights generally apply to non-citizen as well as citizen workers.⁹³ Third, the (CMW), secure for migrant workers many of the rights guaranteed by human rights treaties such as protections against discrimination, torture and forced labour, and the rights to life, freedom of thought

⁸⁷ T. Alexander Aleinikoff, *supra* note-, at page no. 15.

⁸⁸ *Id.* at 11, 53.

⁸⁹ *Id.* at 44.

⁹⁰ *Id.* at 13.

⁹¹ *Id.* at 13.

⁹² *Id.* at 55.

⁹³ *Id.* at 55.

and religion. ⁹⁴ In provisions specially related to employment, international law provides that migrant workers shall enjoy treatment not less favorable than that which applies to national of the states of employment. In respect of remuneration, conditions and hours of work, and further the migrants workers have the right to join and take part in the activities of trade unions and other association with a view to protecting their economic, social, cultural and other interest.⁹⁵

6. Recommendations

Human Rights Advocates recommends that the CSW must take action in order to understand, prevent, and end these acts of violence committed by employers against migrant women. Due to the fact that violence against migrant women workers derives from a variety of causes, and includes the topics of employment, poverty, migration, and violence against women, to address one such aspect of the problem is not sufficient. To do this the CSW should urge states to:

- Promote education of migrant women’s knowledge of the law. Education should start early in life, with a basic language girls can understand.
- Promote integration of women migrant worker and their family into society.
- Adopt legislation on domestic work bringing it under regulation by governments may be one of the first steps towards ending the root causes of violence against migrant women worker. The legislation should create and put into practice laws, programs, and labor codes which address the causes of violence against women and which monitor the treatment of migrant women by their employers.
- Ratify without reservations and fully implement of the CEDAW, CMW, and relevant ILO conventions and recommendations.

⁹⁴ T. Alexander Aleinikoff, *supra* at 55.

⁹⁵ *Id.*