



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2002/90
9 January 2002

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 14 (a) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

Violence against women migrant workers

Report of the Secretary-General

Introduction

1. In its resolution 2000/54, the Commission on Human Rights requested the Secretary-General to submit to it at its fifty-eighth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations. The present report is submitted in accordance with that request.
2. It should be recalled in this connection that in its resolution 54/138, the General Assembly requested the Secretary-General to submit to the Assembly at its fifty-sixth session a report on the problem of violence against women migrant workers. In accordance with that resolution, the General Assembly had before it at its fifty-sixth session the report of the Secretary-General (A/56/329) which reviewed all recent initiatives and measures taken by States and organizations of the United Nations system, as well as human rights bodies and mechanisms. Therefore, the present report will not duplicate information already submitted to the General Assembly.

3. The report submitted to the General Assembly, in reviewing the initiatives taken by human rights bodies and mechanisms, recalled that the issue of women migrant workers and the types of violence suffered by these women have been addressed by both the Special Rapporteurs of the Commission on Human Rights on human rights and migrants, and on violence against women. In 1994, the Special Rapporteur on violence against women had identified among the types of violence directed at women migrants practices ranging from inhumane working conditions, such as long working hours, no days off and non-payment of wages, to starvation, beatings and rape. Unskilled workers, especially in domestic service, experienced greater and different kinds of violence from other women. Her report to be submitted at the present session of the Commission continues to consider the violence women are subjected to.

4. The Special Rapporteur on the human rights of migrants presented a report entitled "Discrimination against migrants - migrant women: in search of remedies" (A/CONF.189/PC.1/19), to the first session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in May 2000. In that document she addressed, inter alia, the situation of victims of trafficking, domestic service, violence against migrant women and girls, gender-based acts of violence affecting migrant women, and some of the effects of the absence of remedies available to non-nationals. The treatment of women migrants remains a concern and an important aspect of her mandate and will be discussed in her report to the present session of the Commission.

5. The present report contains a summary of the substantive replies received in response to resolution 2000/54 from Tunisia, the Council of Europe, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the World Bank and the non-governmental organization France Libertés. Any additional substantive replies will be reproduced in an addendum to the present report.

I. MEASURES TAKEN BY STATES TO ADDRESS VIOLENCE AGAINST WOMEN MIGRANT WORKERS

6. The living and working conditions of Tunisian women workers abroad have always been of concern in Tunisia's emigration policy. The importance attached by the authorities to migrant women and families falls within the context of State policy for the advancement of women and the protection of the family. Throughout the 1990s significant legislative reforms were implemented and new legislation adopted on equality and equal responsibility within the family, the right of women to physical integrity, and equality of citizenship.

7. In the context of this policy, the focus on protecting migrant women was reflected throughout the 1990s in the creation of "Women and second generation" centres as places to meet and exchange views at which women could find answers to their concerns and a support framework. In some countries of residence with a concentration of Tunisian families, the social services offered through embassies have been strengthened through the secondment of social workers to support the social attachés.

8. Further, the Tenth National Development Plan (2002-2006) has identified specific objectives with regard to migrant women and families.

II. MEASURES TAKEN BY UNITED NATIONS BODIES

9. The United Nations Population Fund (UNFPA) continues to address the issue of violence against women migrant workers within its work on gender-based violence. UNFPA mentioned that one of its focuses was the prevention of gender-based violence by working with policy makers through the education of girls. UNFPA also tackles the issue by dealing with women former victims of trafficking, since it believes that trafficking in women and girls is closely linked with migration issues. In that regard, UNFPA is in the process of developing a systematic approach to the issue of trafficking of women and girls and is preparing a consultative meeting on trafficking in 2002. The meeting will allow UNFPA to increase its understanding of the issue, build multisectoral networks to address the issue effectively and come up with regional, subregional and country strategies for UNFPA, as well as for other United Nations agencies, Governments and NGOs.

III. MEASURES TAKEN BY INTERGOVERNMENTAL BODIES

10. The Council of Europe provided information on the recent report, "Campaign against Trafficking in Women", adopted by its Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly. The report acknowledged that women and children are the most vulnerable members of society to trafficking because they are the first to be affected by poverty and an unfavourable economic situation. The report noted that women's poverty was linked to a lack of political, social and economic prospects and independence, to the fact that they have no access to economic resources - loans, property, ownership, inheritances, etc. - or education. The report also established that emigration of women to find work was increasing substantially.

11. The report noted that the exploitation of women was the central feature of the issue of trafficking and was to be regarded as a contemporary form of slavery. Women victims of trafficking, regardless of whether they have migrated by their own means or have been kidnapped or deceived as to the activities they will engage in, are too often subjected to the worst forms of sexual, physical and psychological violence.

12. The International Organization for Migration (IOM) has acknowledged that trafficking is a form of violence against women. IOM has noted that violence against women ranges from verbal to physical abuse, sexual exploitation, rape in situations of armed conflict, in addition to incest and honour or dowry killings. Trafficking in migrant women, one of the most brutal forms of violence against women, requires a strong, non-coercive coordinated response by the international community. This response must include the formulation and implementation of policies and legislation aimed at punishing traffickers and protecting and informing potential victims. Responsible management of migration movements for the benefit of migrant women requires the will and capacity of States to respond decisively and adequately to the challenges posed by the interrelation between migration and violence. Under the heading of trafficking in migrants, IOM is particularly concerned about those migrants who are, or have been, deceived or coerced into situations of economic exploitation, which unfold through forced labour, forced

servitude, coercion, debt bondage, or other violations of their fundamental human rights. Furthermore, IOM is concerned about trafficking as it poses a migration management problem to Governments of sending countries, as well as those of transit and receiving countries, because orderly migration and several types of national legislation, including migration legislation, are violated.

13. IOM reiterated that emphasis on education of migrant women cannot be stressed enough. Through improved education, they can learn not only about the advantages of migration, but also about the dangers of illegal migration and trafficking and how to protect themselves against various forms of violence.

14. IOM also administers programmes of language training and cultural orientation. Such programmes provide for improved communication with future employers in receiving countries, lessening the chance of exploitation. These and other counter-trafficking measures help potential women migrant workers gain important pre-departure knowledge that will assist them from falling prey to traffickers.

15. The World Bank has provided information on its activities on violence against women. It mentioned that even though it was not directly involved in the particular issue of violence against women migrant workers, its activities to combat gender-based violence is likely to have an impact on the issue. In its research activities and recent publications the question of violence as a dimension of powerlessness and "ill-being" is considered. In the framework of both its lending and non-lending initiatives, the World Bank has been able to assist in shaping various national projects which provided assistance on issues such as domestic violence, sexual violence, trafficking and all manifestations of violence against women. The activities undertaken under the projects included legal counselling, social services and the organization of workshops. Some of the countries involved are Albania, Kenya, Lithuania and Ecuador. The World Bank is also engaged in policy dialogues with various Governments on issues relating to gender-based violence. Those dialogues have led, inter alia, to the strengthening of the services provided by the relevant ministries aimed at reducing domestic violence, to support for legislative changes, and to the increase of awareness-raising activities. In the framework of its various national activities, the World Bank works in partnership with national women's organizations, legal aid groups, NGOs, and with United Nations bodies and agencies such the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Fund for Women, the Food and Agriculture Organization of the United Nations and UNICEF.

IV. MEASURES TAKEN BY NON-GOVERNMENTAL ORGANIZATIONS

16. With regard to French legislation, France Libertés has noted that at present there is no legislation on the problem of violence against migrant women working in France. Migrant women are protected by French legislative provisions to counter violence against women. France Libertés wishes to recall, however, that government action to combat violence against women is relatively recent. In this connection the Office for Women's Rights has decided to take further action to combat violence against women, and to make this a priority.

V. CONCLUSION

17. On the basis of the information submitted to the present session of the Commission on Human Rights, it is noted that, although States and international and regional organizations reported on measures to address migration and assistance to migrants, trafficking in women and violence against women, including violence in the workplace, few reported on specific measures to address the particular issue of violence against women migrant workers. It is clear that, despite some improvements, more extensive information and data are required on the situation of women migrant workers in order to identify concrete strategies.

18. Despite the link which exists between trafficking and immigration, the situation of women migrant workers as victims of violence should not be systematically assimilated to the violence which confronts women victims of trafficking. Therefore, the Special Rapporteur on human rights and migrants would have a major role to play in the examination of the particular issue of women migrant workers as victims of violence, which should be considered as an integral part of the mandate.
