



Resolution 1811 (2011)¹

Protecting migrant women in the labour market

Parliamentary Assembly

1. Over half of the world's 210 million migrants and three quarters of all refugees are women. According to United Nations estimates, in 2010 migrant women represented 52.3% of the 69 million migrants in Europe. Increasingly, women are migrating in search of economic opportunities – a trend that is not likely to reverse in the foreseeable future.
2. Migrant women play an essential role in the labour market and make a valuable contribution to the economies and societies of host countries. But they also face specific challenges. Women mainly migrate out of necessity, often having to leave their children behind in order to find work to support their families. Others migrate with their families, and bear the double burden of hard work and care giving at home.
3. Migrant women tend to find work in traditional women's roles – domestic work, childminding, health care, hotels and catering, garment manufacturing, piece work – where they work long hours for low pay and may be severely exploited since many of them have an irregular immigration status. Domestic work is particularly problematic as women are isolated and sometimes abused, with few benefits and little recourse to justice. This type of occupation is not internationally recognised as “work”. Migrant women may also face abuse and violence by employers, law enforcement officials, employment agencies and spouses. Because of the growing criminalisation of migrants, and because of their limited knowledge about their rights and where to turn for help, these women are often unable to seek redress for such abuse.
4. Significant numbers of women enter host countries as spouses of migrant workers. Because of their immigration status, many of these women are not allowed to work for a certain length of time. This forces them to seek employment in unregulated sectors and in jobs well below their levels of qualifications. In most countries they lose their immigration status and right to protection if they decide to leave their husbands or partners because of domestic violence. Many married women of certain cultural and ethnic backgrounds are also discouraged from entering paid employment by their families and communities. They remain confined to the home, doing housework and isolated from the local community, without real opportunities to learn the language of the host country, thus further exacerbating their isolation and reducing their possibilities to integrate in their host societies.
5. Women asylum seekers and refugees are a particularly vulnerable category of women in the labour market. Lengthy asylum procedures and non-recognition of gender-based asylum claims often push these women to destitution and domestic servitude. The situation is equally bad for trafficked women, who not only have to prove that they have been trafficked into the country, but even if they have been given the right to stay in the host country on humanitarian grounds, they find it difficult to obtain gainful employment because of the temporary nature of their status.

1. Assembly debate on 15 April 2011 (18th Sitting) (see [Doc. 12549](#), report of the Committee on Migration, Refugees and Population, rapporteur: Mrs Frahm; and [Doc. 12578](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Ms Circene). Text adopted by the Assembly on 15 April 2011 (18th Sitting). See also [Recommendation 1970 \(2011\)](#).



6. The Parliamentary Assembly has repeatedly emphasised the need to promote the integration of immigrant women in Europe and proposed measures to this effect (most recently in [Resolution 1478 \(2006\)](#) and [Recommendation 1732 \(2006\)](#)), and also the need to protect migrant women from domestic violence ([Resolution 1697 \(2009\)](#) and [Recommendation 1891 \(2009\)](#) on migrant women: at particular risk from domestic violence).

7. In view of the above considerations, the Assembly recognises the need for host countries to develop and implement measures to specifically address the protection of migrant women in the labour market, irrespective of their occupation or immigration status. In this regard, it calls upon member states of the Council of Europe to:

7.1. increase legal migration opportunities for women and adopt immigration policies based on human rights that are gender sensitive and empowering, and which prevent irregular migration, exploitation and trafficking. In particular, member states are called upon to:

7.1.1. improve laws and policies that regulate recruitment and employment of women migrant workers; aspire to attain labour migration agreements, including a 50-50 quota for women and men;

7.1.2. provide more legal employment opportunities for migrant women, in different sectors;

7.1.3. ensure that any studies undertaken to inventory the jobs that are available to migrants include domestic workers such as childminders and care workers;

7.1.4. ensure that a balanced proportion of women and men benefit from “circular migration” programmes;

7.1.5. encourage countries of origin to create a single and effective system of information on jobs abroad, presenting an equal number of jobs for migrant women, and strengthen the monitoring of employment agencies and other agencies providing information abroad;

7.1.6. instruct consulates in countries of origin to provide information to migrating women on the dangers of human trafficking and exploitation, including adequate information on their rights and possibilities of redress and on organisations to contact in case of urgent need;

7.2. uphold fundamental human rights, in particular by:

7.2.1. granting an individual legal status to migrant women who join their spouses through family reunion, if possible within one year of their date of arrival, as recommended in many previous Assembly resolutions;

7.2.2. ensuring the right to family life and to marriage in line with Articles 8 and 12 of the European Convention on Human Rights (ETS No. 5), by refraining from imposing excessive admission criteria, such as onerous language tests, for spouses in the family reunification procedure;

7.2.3. authorising women who have joined their spouses to seek employment immediately upon arrival and to take affordable training and language courses;

7.2.4. granting migrant women in an irregular situation full access to health care, education and fair working conditions, and ensuring that they are able to report violence and exploitation without fear of deportation;

7.2.5. providing suitable assistance, including psychological and rehabilitation assistance, and other services, such as free legal aid, interpretation services, housing and childcare facilities, to victims of domestic violence and violence in the workplace, discrimination, exploitation and trafficking;

7.2.6. establishing a legal framework guaranteeing migrant women the right to hold their own passports and residence permits and making the unofficial confiscation of these documents a criminal offence;

7.3. promote equal opportunities by:

7.3.1. ensuring that all migrant women, independent of their legal status, are granted the same rights as national workers; in particular by guaranteeing their access to decent working conditions, protection under labour legislation and access to social security;

- 7.3.2. introducing procedures for the recognition of degrees, diplomas and professional qualifications obtained in the country of origin and providing opportunities for upgrading qualifications through vocational and lifelong training as well as local language skills;
- 7.3.3. advocating entrepreneurship and self-employment among migrant women, particularly through providing appropriate support for them to set up or develop businesses;
- 7.4. prevent and combat exploitative practices in the labour market by:
 - 7.4.1. promoting decent, humane, dignified and remunerative employment of women migrant workers;
 - 7.4.2. setting up systems to monitor the situation of migrant women in the labour market as regards minimum wages, working conditions and the application of health and safety regulations;
 - 7.4.3. introducing registration and licensing schemes for labour providers, especially in insufficiently or non-regulated sectors such as health care and domestic work; imposing dissuasive and proportionate sanctions both for employment agencies and the companies that use them in breach of labour regulations;
 - 7.4.4. informing women migrant workers about their rights and complaint procedures, and giving them contact information for workers' rights groups;
 - 7.4.5. separating labour inspection from immigration remits and granting undocumented workers the right to report abuse without having to fear for their stay in the host country;
 - 7.4.6. granting "protective immigration" status to women migrant workers who have been victims of abuse or mistreatment.

8. The Assembly urges member states to recognise the important productive role and the social value of domestic work. To this end, it encourages member states to:

- 8.1. recognise domestic work as work under national labour law;
- 8.2. support the drafting of a new International Labour Organization (ILO) convention on domestic workers and the supplementary recommendation on decent work for domestic workers;
- 8.3. develop independent visa schemes for migrant domestic and care workers which would allow legal entry, provide a standardised working contract, and allow for a change of employer and type of work;
- 8.4. ensure that visas are not tied to particular employers and remove or exclude any stipulation that employees must live in the employer's home;
- 8.5. provide migrant domestic workers with labour rights and protection, especially as regards clearly defined work tasks, daily hours of work and rest periods, wages (at least the minimum wage or equivalent) and method of payment, standards of night work and overtime, leave periods, standards of termination of employment and social security protection;
- 8.6. protect migrant domestic workers against all forms of abuse and harassment, including physical, verbal, sexual and psychological abuse and harassment, and guarantee their right to seek legal remedies against employers that mistreat them;
- 8.7. support the work of non-governmental organisations and grassroots associations which promote women's and migrants' rights; the prevention of abuse, exploitation and violence against migrant women; and advocacy for the empowerment of women.