



# Addressing Barriers Hindering Women's Economic participation in the ESCWA Region

Centre for Women (ECW)

UN- ESCWA

A bi-annual ECW issuance aiming at raising the gender awareness and responsiveness through highlighting the gender dimensions in various fields.



From 26 to 27 June, a meeting of gender, labour economics and education experts convened at the United Nations House in Beirut to review a draft ESCWA study that attempted to explain why improvements in the health and education of women in the region have not led to enhancements in their economic participation.

Experts in attendance represented United Nations specialized agencies and bodies and international development agencies, such as the Canadian International Development Agency (CIDA), academia and national bodies. The aim of the meeting was to amplify the efforts of ESCWA to understand women's economic participation from different angles and to conduct an interdisciplinary and well balanced technical review. Throughout the meeting, experts examined the root causes of the problem, developed a better understanding of it and considered solutions in a spirited and collaborative discussions.



## Upcoming events in the ESCWA Centre for Women

- ▶ **Expert Group Meeting on "Innovative Approaches for Promoting Women's Political Participation in the ESCWA region"**  
Beirut, September 2012
  
- ▶ **Training Workshop for Members of the National Machineries for Women on the Formulation of National Action Plans to Implement Security Council Resolution 1325 (2000) on Women, Peace and Security**  
Kuwait City, November 2012
  
- ▶ **Joint Study with UN-Women and the Norwegian Embassy on "Gender Based Violence Within the Family"**

## Highlights:

- Addressing Barriers Hindering Women's Economic participation in the ESCWA Region
- International Conventions and Migrant Domestic Workers

**"The economic policies of the past two decades did not succeed in bringing about economic empowerment to women"**

During the first session, participants considered alternative approaches to promote women's economic participation. As the discussions progressed, disparate views eventually matured into a consensus around the limitations of the economic policies of the past two decades. Despite huge financial investments, the policies did not secure the economic empowerment of women. Some experts noted that ECW could play a strong role to improve women's economic participation by analysing the problem from a social perspective.



**Participants called for educational system reforms**

The second session, which addressed the skills and employability of women, generated an engaging debate. It was chaired by Ms. Seiko Sugita from the United Nations Educational, Scientific and Cultural Organization (UNESCO), Regional Bureau for Education in the Arab States. The session began with a presentation by Ms. Dakmara Georgescu, on behalf of the Director of Gender Equality, UNESCO, on "Gender Perspectives and Gender Equality in Curricula, Textbooks and Teachers Training: Some Lessons Learned from UNESCO-Supported Projects in Different Countries".

**"an inclusive and equitable social dialogue to bring all stakeholders together to foster the economic participation of women"**

All participants called for educational system reforms to respond to the challenges of the twenty-first century. Participants noted that existing educational methods continue to socialize boys and girls, men and women differently, reinforcing social norms and expectations. Experts agreed that strategic intervention policies should start as early as pre-school and that more efforts should be exerted to assist young women accessing reliable and competent school-to-work-transition tools, such as career guidance and counseling. Participants noted that the private sector can play a key supportive role by mentoring young women and providing business incubators programmes for recent female graduates.

The third session was chaired by Mr. Mansour Omeira, a leading labour economist, on regulatory and organizational barriers in the workplace. The discussion focused on non-discrimination and equal opportunity in the workplace as reflected in International Labour Organization conventions, namely C100 on Equal Remuneration and C111 on Discrimination. Ms. Hala Ghosheh, Director of Gender and Social Fund, CIDA, gave a presentation on corporate social responsibility which sparked discussion and generated a wealth of comments and feedback. Experts expressed deep concern about the prevalence of unequal pay in the region, and they noted that the Jordanian initiative to address unequal pay in the education sector is a step in the right direction. Experts agreed to hold employers accountable, whether in the public or private sector, in cases where they discriminate against women. Organizational regulatory measures that aim to support work/life balance for both women and men were also endorsed. The meeting concluded with a call for inclusive and equitable social dialogue to bring all stakeholders together to foster the economic participation of women.

## ***International Conventions and Migrant Domestic Workers***

Migrant domestic workers are almost always female, and they often face disturbing and harsh conditions in countries of the ESCWA region (hereinafter referred to as labour-receiving countries). The conditions they face include restrictions on their freedom of movement, abuse and a lack of protection under national labour codes.<sup>1</sup> The workers' freedom of movement is limited because they often live in the employer's home, and the employer prohibits them from leaving and confiscates their identity documents.<sup>2</sup> Employers often prevent migrant domestic workers from communicating with people outside of the employer's household, thereby limiting the workers' ability to deal with mistreatment.<sup>3</sup> Additionally, many employers subject domestic workers to physical, psychological and sexual abuse.<sup>4</sup> Few employers are prosecuted for abusing migrant domestic workers because the legal systems of labour-receiving countries deter workers from pursuing claims against employers. Domestic workers who report abuse risk of pre-trial detention, counterclaims of theft and other offenses and possible deportation.<sup>5</sup> Most labour-receiving countries specifically exclude domestic workers from protection under labour codes, however, Jordan recently passed a law granting some labour protections to migrant domestic workers.<sup>6</sup>

Although some labour-receiving countries in the Arab world have taken steps to address these types of abuse, much more remains to be done. For example, Jordan, Kuwait, Lebanon, Oman and the United Arab Emirates have introduced standard contracts that employers and migrant domestic workers must sign.<sup>7</sup> The protections provided by these contracts are a good start, but stronger protection of workers' rights is needed. Some of the contracts do not grant employees complete freedom of movement, some allow employees to quit only if they can prove "severe" abuse, and most contracts stipulate that important agreements, such as when workers can take days off, should be decided by both parties.<sup>8</sup> The standard contracts in some labour-receiving countries still allow employers to keep workers from leaving the house without their consent, fail to

prohibit employers from confiscating workers' passports, and heavily favour the employer with regards to conditions under which each party may break the contract.<sup>9</sup>

To eliminate the mistreatment of migrant domestic workers, labour-receiving countries are encouraged to ratify relevant human rights conventions and enact legislation to implement them. Since these agreements are not self-executing (meaning that claims in domestic courts cannot be based upon them in the absence of domestic legislation), labour-receiving countries must not only ratify the conventions but also enact laws implementing their provisions to enforce the agreement's protections under domestic law.

The International Labour Organization's C189 Domestic Workers Convention, the International Convention on the Protection of All Migrant Workers and their Families and the Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children all contain provisions that protect the rights of migrant domestic workers. For example, the Domestic Workers Convention requires that countries extend the protections found in their labour codes to migrant domestic workers.<sup>10</sup> Likewise, the International Convention on the Protection of All Migrant Workers and their Families guarantees workers greater freedom of movement by prohibiting employers from confining them to the home and confiscating their identity documents.<sup>11</sup> This convention requires that workers' immigration status is independent of the sponsorship of a single employer.<sup>12</sup> Additionally, the Trafficking Protocol defines human trafficking as the recruitment or transportation of persons by force, coercion, fraud, or deception for the purpose of exploiting them, a definition which includes any recruitment agency that misleads workers about the conditions they will face in labour-receiving countries.<sup>13</sup>

***"labour-receiving countries are encouraged to ratify relevant human rights conventions and enact legislation to implement their provisions"***

Governments must ratify and implement these conventions to eliminate the mistreatment of migrant domestic workers. Furthermore, Governments and civil society organizations should work to identify and overcome the root causes of this problem.

<sup>1</sup> Gwenann Manseau, "Contractual Solutions for Migrant Labourers: The Case of Domestic Workers in the Middle East", 2006, pp. 38-39, available from <http://www.nottingham.ac.uk/hrlc/documents/publications/hrlcommentary2006/migrantlabourers.pdf>, and Human Rights Watch, "Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers", 2010, pp. 4, 6, 30, available from [www.hrw.org/sites/default/files/reports/lebanon0910webwcover.pdf](http://www.hrw.org/sites/default/files/reports/lebanon0910webwcover.pdf).

<sup>2</sup> Gwenann Manseau, p. 33, and Human Rights Watch, "Without Protection", p. 22, (citing Nayla Moukarbel, "Sri Lankan Housemaids in Lebanon: a Case of Symbolic Violence and Everyday Forms of Resistance", Amsterdam University Press, 2009).

<sup>3</sup> Gwenann Manseau, p. 34, and Kathleen Hamill, "Trafficking of Domestic Migrant Workers in Lebanon: A Legal Analysis", Kafa: Enough Violence and Exploitation, 1 April 2011, p. 42, available from <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf37.pdf>.

<sup>4</sup> Gwenann Manseau, pp. 33-34, and United Nations News Centre, "UN expert urges Lebanon to investigate suicide of migrant domestic worker," 3 April 2012, available from <http://www.un.org/apps/news/story.asp?NewsID=41698&Cr=lebanon&Cr1>, and Human Rights Watch, "Without Protection", p. 20.

<sup>5</sup> Gwenann Manseau, pp. 38-39 and Human Rights Watch, "Without Protection", pp. 4, 6, 30.

<sup>6</sup> Human Rights Watch, "Middle East/Asia: Partial Reforms Fail Migrant Domestic Workers," 29 April 2010, available from <http://www.hrw.org/news/2010/04/28/middle-eastasia-partial-reforms-fail-migrant-domestic-workers>.

<sup>7</sup> Simel Esim and Carole Kerbage, "The Situation of Migrant Domestic Workers in Arab States: A Legislative Overview," Economic and Social Commission for Asia and the Pacific, available from <http://www.unescap.org/sdd/meetings/beirut-June2011/Esim-ESCWA-situation-female-workers-vulnerable-sectors.pdf>.

<sup>8</sup> Ibid.

<sup>9</sup> Human Rights Watch, "Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East", 2010, pp. 11-13, available from [www.hrw.org/sites/default/files/reports/wrd0410webwcover.pdf](http://www.hrw.org/sites/default/files/reports/wrd0410webwcover.pdf), and Human Rights Watch, "Without Protection", pp. 17-18.

<sup>10</sup> International Labour Organization (ILO). 2011. Domestic Workers Convention, 2011 (No. 189). Geneva: ILO. See also Human Rights Watch, "ILO: New Landmark Treaty to Protect Domestic Workers," 16 June 2012, available from <http://www.hrw.org/news/2011/06/16/ilo-new-landmark-treaty-protect-domestic-workers>.

<sup>11</sup> Committee on the Protection of the Rights of All Migrant Workers and their Families, General Comment No. 1 on migrant domestic workers, 11 February 2011, CMW/C/GC/1.

<sup>12</sup> Ibid.

<sup>13</sup> Kathleen Hamill, pp. 12, 20, 46-47, and United Nations, Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000.

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### About Our Organization...

The ESCWA Centre for Women was established on October 1, 2003, following the Commission's adoption of Resolution 240(XXII). This resolution, recognizing that a fundamental part of development is the empowerment of women, called for the creation of a Committee on Women comprising the member countries, and for the establishment of a women's Centre at ESCWA. The Centre continues and expands on the work carried out by the Women Empowerment and Gender Mainstreaming Team, formerly a part of the Social Development Division at ESCWA.

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