

Forum: General Assembly 3 (Social, Cultural, and Humanitarian)

Issue: Measures to end violence against women migrant workers

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Introduction

In the era of globalization, the labor migration has been greatly promoted by the rapid technological development, the openness of policies, and desire of people for better living standards. Nowadays, half of the total number of migrant workers are women, who first migrated as the accompanying spouses or family members, and later started to pursue job opportunities to contribute to their family's income and afford the high cost of living of their host countries. In 2005, of the 191 million registered migrant workers in the world, 94.5 million were women.

Migrant workers, especially female migrant workers who are statistically better in saving capital gains, have become increasingly economically significant, since a large proportion of the income earned by migrant workers is sent back to their countries as remittances. Remittances sent by women migrant workers bolster the GDPs and display the undeniable impact of women on the economic growth of their country of origin. Therefore, with proper management, the prevalence of female migrant workers can be the beachhead of the self-empowerment of women. However, on a global scale, most women migrant workers are still restricted by low-income and low skilled occupations usually associated to the traditionally female-dominated domains such as the nursing and other jobs in the caring sector.

Moreover, due to their dual vulnerability as women and migrant workers, female migrant workers have been exposed to a variety of violence including human trafficking, unfair wages and treatment, as well as gender discrimination, rising from their migration and employment. Women are more susceptible to illegal employment and recruitment. Also, the concept that women are naturally less competent than their male counterparts is still ingrained in the local culture in many parts of the world, which leads to the seemingly reasonable unfair treatment for women migrant workers, and in most cases, women have limited or even no bargaining power on this issue. Furthermore, unregulated sectors are still pervasive in the female labor market, offers little or no protection for employees. Examples constantly occur in caring sectors, where most of the jobs are undocumented. Workers are required to live with the family of their employer, which makes sexual harassment and exploitation a normalcy.

Definition of Key Terms

Gender-based Violence (GBV)

“Gender-based violence is the general term to define violence which occurs as a result of normative role expectations associated with each gender along with the unequal power relationships between the two genders, within the context of a specific society.” (Bloom 2008, p14). Until today, gender-based violence has always targeted women and girls; therefore, sometimes GBV is used interchangeably with the term “Violence against women (VAW)”. GBV is especially hard to eradicate since it is usually caused by a series of complex factors including discrimination, cultural norms, the absence of relevant regulations and legislations.

Human trafficking

Human trafficking is a serious crime and grave violation of human rights. The official definition of human trafficking is the illegal recruitment, transportation, transfer, harboring or receipt of persons by means of threat or the use of power, to control over another person, for the purpose of exploitation and profiteering. The vulnerability of women makes them particular easy targets for human trafficking groups. Once transferred by traffickers to a foreign country without legal identifications, woman migrant runs the risk of being criminalized and marginalized, which is one of the primary cause of violence.

Migrant worker

According to the definition from the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the term “migrant worker” refers to a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

Countries of origin

Countries of origin generally refer to countries of manufacture, production, labor, or growth where an article, worker or product comes from. In this topic, countries of origin, or labor-sending countries, are specifically defined as home countries of migrant labors. Usually, migrant workers greatly contribute to the economic development of countries of origin by sending back their earnings as remittances.

Countries of destination

Countries of destination are generally defined as countries in which exported goods and services are to be used or consumed. In this topic, countries of destination, or labor-receiving countries, or host countries, are specifically defined as countries in which migrant labors work.

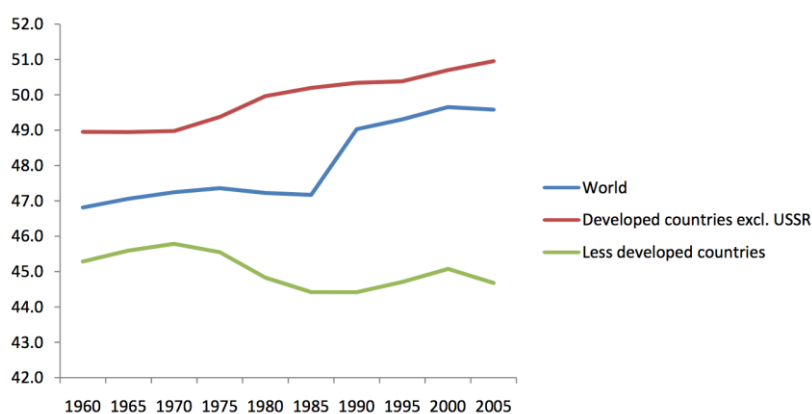
Background Information

The trend, features, and pattern of women's migration

By examining the trend, the feature, and the gendered pattern of women's migration for work, answers for what factors cause the migration and how women migrant workers differ from their male counterparts will possibly be inferred, which may provide some ideas while analyzing why women migrants are especially susceptible to violence.

The current trend of women's migration in the world

The gendered analysis of migration trend was newly adopted; however, women have been migrating for hundreds of years, for marriage, or seeking better job opportunities and accompanying their family members. Women currently make up for nearly half of the population of migrant workers in the world, without taking seasonal movement and short-term movement into consideration, and the proportion is on rise in developed countries.



Caption #1: Female migrants as percent of all international migrants

The features of women's migrant workers

Although women migrant workers make up nearly 2% of the entire population of the world, common stereotypes still exist: working is believed to be the secondary task for migrant women and girls, whose primary concerns are accompanying their family members or marrying someone from the host countries. Such cases did occur decades before, but nowadays, the reasons behind women's migration are far more complex and diversified than often suspected. While accompanying their family members is certainly one of those reasons, multiple studies conducted by the International Organization for Migration (IOM) have shown that there is an increasing amount of women who have borne children and yet are migrating for work alone, leaving the care of their babies to family members who remain in their country of birth. The reasons behind it include family stress, the huge income gap between countries, and poor living

standards in their home country, which make them run the risk of migrating alone and exposing themselves to possible violence.

Gendered migration pattern

The migration pattern is highly gendered. As previously mentioned, the cause of migration for some women is to accompany their family, whereas their male counterparts are rarely affected by the migration of their family members. Moreover, the division of labor shows clear demarcations between male and female migrant workers. Male migrants are often employed in sectors of construction and production. In contrast, women migrant workers are dominantly found in service and entertainment industries.

Contribution made by women migrant workers

For countries of origin

Migration has gradually displayed its positive impact on women, who have access to new opportunities and financial independence. Meanwhile, female migrant workers substantially contributed for their birth country's economy through private remittances. In Sri Lanka in 1999, 62% of total remittances were from women migrants. In the Philippines in 2001, women migrants were found to have contributed 6.2 billion dollars to the country's national income.

For countries of destination

Most countries of destination face great labor shortage in certain sectors, which impedes their ability to achieve maximum economic productivity. The inflow of labor can fill the jobs in sectors where labor is scarce and avert the host countries from labor shortage brought by the shrinking of their population. Therefore, employing migrant workers is considered as an important measure for revitalizing the economy.

Violence against women migrant workers

Violence against women is one of the most pervasive violations of human rights. As one of the branches of gender-based violence, violence against women migrant workers continues to be part of lives of many female labors. This is primarily due to their status as women and vulnerability as migrate workers, with additional factors including illegal migration, unregulated employment, and lack of legal protection. Detailed analysis of violence against women migrant workers will be elaborated in following sections.

Protection and assistance

To prevent violence from occurring, countries such as Ukraine and Greece have implemented a series of preventive methods, including the establishment of anti-violence and counseling centers aiming

at creating awareness of gender-based violence and educating people towards basic prevention. However, such programme is still limited to certain regions, where the said education is accessible for most people. Moreover, female migrant workers who have been the victim of violence are in great need of physical and mental help to recover from the abusive experiences. Countries such as Argentina, Brazil, Cyprus, Denmark, the Dominican Republic, Greece, Italy, Lebanon, Poland and Ukraine have claimed that they have set up effective mechanisms and services to protect the survivors of violence through communication, health service, compensation, and redress.

Key Issues

Lack of assurance for women migrant workers' rights

Women migrant workers face greater difficulties in entering the local workforce than their male counterparts. They are the target of violence, and are often more susceptible to gendered form of racism and xenophobia.

Illegal migration, human trafficking, and unregulated employment

Chaos in countries of origin often forces people to sneak into other countries without legal permission, and the situation is particularly serious in regions with prolonged conflicts. Without resident permit, migrant workers, especially women, are more likely to be exposed to an exploitive environment. Also, women migrant workers run the risk of being given fraudulent information about their destinations, working conditions, salaries, working hours, and obligations from unscrupulous employers. As a result, many women migrant workers are cheated into joining exploitive business. This is especially true in Africa and South Asia, where government regulations are feckless and where employers often excessively exaggerate the working conditions and salaries while concealing the overlong working hours to lure cheap labor, made of mostly of young female migrants.

Violation of basic human rights of female migrant workers

There are usually no relevant rules or regulations to guarantee the basic safety of foreign nationals, which makes women migrant workers especially vulnerable to sexual harassment and abusive treatment in the workforce. Furthermore, in extreme cases, women migrants are forced to offer sex service in exchange of job opportunities. Unfortunately, most of the women migrant workers refuse to seek assistance when suffering from unfair or exploitive treatments due to the fear of being terminated by employers and being abandoned by the host society. In fact, numerous laws, policies, treaties were designed for protecting women migrants, but they remain unenforced. The absence of supervision and migrant-empowering mechanism is one of the major causes.

Discrimination against women migrant workers

Discrimination is another serious and scabrous problem for woman migrant workers. They often endure poorer working conditions while receiving lower salaries than their male counterparts. Moreover, in countries where racism and xenophobic attitudes are pervasive, women migrant workers in particular are more vulnerable and become targets. According to the baseline studies conducted by the IOM in South Africa and Somalia, the reason behind the violence against women migrant workers is the low status that women hold in cultural norms and the ingrained perception that migrant workers grab off domestic job opportunities.

Also, important empowering measures for women migrants such as education remain absent in promoting gender equality in labor market. Due to the unbalanced allocation of educational resources, female usually receive far less education than their male counterparts, especially in underdeveloped areas where educational resources are scarce. Also, the language barrier resulting from the lack of education is one of the biggest factors contributing to the hardship of women migrant workers.

Incomplete and ineffective effective legal regulation

Nowadays, many countries, especially countries of destination, still do not develop or implement relevant policies, legislations, and legal structures aiming to protect the migrant workforce, and this has resulted in the poor management of labor flows.

The absence of gender-sensitive policies and laws

Government regulation for labor immigration still remains absent in many parts of the world. However, after realizing the hardship of migrant workers, several international organizations including IOM, the International Labor Organization (ILO), and UN Women have been working on establishing relevant treaties and offering legislative recommendations for both countries of origin and countries of destination. Unfortunately, most of the countries that have ratified those treaties are countries of origin such as the Philippines, Morocco, and Mexico since they want to improve the living standards of their citizens in foreign countries, while the labor-receiving countries remain inactive. Many countries lack gender-sensitive policies that focus on the rights of women migrant workers. For instance, a woman migrant employee may be immediately fired on ground of her pregnancy even if she has legal employment contract with the employer.

Poor implementation and legal regulation for existing laws

Even if the violence against women migrant workers is criminalized and incorporated into domestic penal code, problems still emerged in the execution process. There is no effective supervision for the enforcement of law acts. Sometimes, even with concrete evidence for crime,

women migrant workers still have limited ability to escape from violence and exploitation due to fear and the lack of professional legal assistance. Such phenomenon reveals not only the lack of legal awareness, but also the existing fragile and corrupted legal system, which demands a strong set of reforms domestically and legal supports from international society.

Major Parties Involved and Their Views

Countries of Origin

Countries of origin, or labor-sending countries, seek to assist other countries to develop and adopt relevant policies and legislations, which will greatly promote the foreign employment of their workforce and living standards of migrant workers.

The Philippines

Migrant workers from the Philippines are more geographically dispersed than those from other countries, prompting Filipinos to be considered as the most globalized workforce around the globe. The Philippine government helps facilitate the migration of labor with the hope of alleviating unemployment and accelerating domestic economic growth through remittances. With the increasing trend of the feminization of the migrant workforce from the Philippines, the Philippine government expects that policies around the world will protect the rights of its millions of Filipina migrant workers worldwide, with particular attention given to the prevention of discrimination, exploitation, sexual abuse, and sexual harassment. On December 18th, 2013, the Philippine-sponsored Resolution No. 68/137 on violence against women migrant workers, has been adopted by the United Nations General Assembly by consensus, paving the way to urge government programs and private sectors to establish transparent and gender-sensitive mechanisms in their workplace.

Indonesia

Women constitute more than 70 per cent of the 350,000 Indonesian workers who migrate annually. Indonesia has been working on expanding the influence of existing conventions and protocols on eradicating violence against women to ensure the living quality of Indonesian labor. For example, Indonesia cooperated with Azerbaijan, Belize, El Salvador and Jamaica to carry out capacity-building activities to train governmental officials, law-enforcement agents, police officers, social workers, community leaders and other professionals on the issue of violence against women migrant workers, specific measures, including the organization of national workshops to sensitize representatives from government agencies and private sectors about the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their

Families. Also, efforts have been made by the Indonesian government to harmonize national legislation with existing international conventions and protocols.

Countries of destination

The economic growth in countries of destination, or labor-receiving countries, is closely related to low-cost foreign labor. Those countries have been seeking ways to optimize the management of their labor inflow and the integration of the labor migrants.

The United States of America

The United States has hosted almost 35 million migrants, predominantly women since 1930. However, the United States attempts to control the growing population of migrant workers within its border, prompting the U.S. government to seek to criminalize more undocumented workers, and some states even strip away the humanitarian rights which exist for undocumented labors. An increasing amount of incidents of violence occurs against women migrant workers in detention centers, which sheds light on the issue of eradicating violence against women migrants who are not recognized by their host countries.

Also, despite the fact that the United States has enacted relevant laws and policies to prevent violence against migrant workers, effective enforcement measures remain scarce. According to reports from a human rights organization, Human Rights Watch (HRW), the U.S. Department of Labor's Wage and Hour Division investigated only 231 cases involving domestic workers in private households from January 1, 1995 through October 1, 1999.¹, which only counted for 0.06 percent of employment relationships of domestic care work. However, in 98 percent of cases investigated by HRW, domestic care workers reported unpaid wages, which was in violation with U.S. law.

Saudi Arabia

The percentage of women migrant workers in Saudi Arabia has notably increased in the past decade. With the original intention of properly managing the inflow of labor, the Saudi Arabian government implemented a sponsorship system. However, without proper regulation, the system gradually evolved into the hotbed of violence against women migrant workers. Once they arrive in the country, migrant workers are at the mercy of their sponsors who have the power of confiscating their passports and denying their requests of changing jobs. Many women migrant workers reported being victims of rapes or sexually harassment by their sponsors. Additionally, there is no way of effectively settling disputes through the legal process since migrant workers are usually in unfavorable positions because of lack of familiarity of the local procedures and language. The Saudi Arabian government has expressed its will to empower women migrant workers and improving the recruiting system; however, concrete measures are still not in place.

The current sponsorship system is ingrained in labor market, and certain renovations may be in contradiction with local customs and conventions.

International Organization for Migration (IOM)

The International Organization for Migration (IOM) actively contributes to the prevention of violence against women migrant workers. The IOM helps with the resolution of the following issues: researching and data collection regarding to the status of female migrants, promoting the development of relevant policies and legislation, and facilitating regional, bilateral and international conversations and cooperation.

Timeline of Relevant Resolutions, Treaties and Events

| Date | Description of event |
|--------------------|---|
| October, 1919 | <p>The Establishment of the International Labor Organization (ILO)</p> <p>As one of the most important organizations on labor-rights issue, ILO was established at the Peace Conference in Paris. In the preamble to its constitution, ILO declared its intention and mission: to improve “the protection of the interests of workers when employed in countries other than their own”. Continuous efforts have been made by ILO to address the issue of violence against women migrant workers.</p> |
| December, 1990 | <p>The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, or Migrant Workers Convention</p> <p>Landmark Convention in the path of empowering migrant works. It recognized freedoms of migrant workers and members of their families irrespective of status with the goal to promote equitable access to justice. This convention benchmarks lawful working and living conditions providing guidance for widening the scope of international migration policies. Its primary aim is to tackle inequality and eliminate the abuse and exploitation of migrant workers and their families.</p> |
| September 15, 2006 | <p>High-level Dialogue on International Migration and Development</p> <p>The discussion recognized the need for special protection for migrant women. Since then, more countries started developing gender-sensitive policies for women migrants.</p> |

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|---------------------------------|---|
| December 18, 2007 | Resolution A/RES/62/132 was adopted by the General Assembly Third Committee |
| | In the 62 nd session of the General Assembly Third Committee, a resolution A/RES/62/132, aimed at developing measures to end the violence against women migrant workers, was adopted. |
| October 20- November 7, 2008 | The adoption of relevant recommendations regarding the ending violence against women migrant workers by the Committee on the Elimination of Discrimination against Women (CEDW) |
| | At the 42 nd session, the CEDW adopted a recommendation, which addressed the heightened risk of violence faced by migrant women. Also, States parties were recommended to offer legal remedies for both documented and undocumented women migrants, and linguistically and culturally appropriate gender-sensitive services for women migrant workers. |

Relevant UN Treaties and Events

- Protection of Migrants, 25 February 2016 (**A/RES/70/147**)
- Declaration of the High-level Dialogue on International Migration and Development, 21 January 2014 (**A/RES/68/4**)
- Global Forum on Migration and Development, 30 June 2008 (**A/RES/62/270**)
- Violence Against Women Migrant Workers, 31 January 2008 (**A/RES/62/132**)
- United Nations Declaration on the Rights of Indigenous Peoples, 2 October 2007 (**A/RES/61/295**)
- Violence against women migrant workers, 28 January 1997 (**A/RES/51/65**)
- Declaration on the Elimination of Violence against Women, 20 December 1993 (**A/RES/48/104**)

Evaluation of Previous Attempts to Resolve the Issue

A number of bodies in the United Nations and within government sectors has undertaken measures in pursuit of the eradication of violence against women migrant workers. Landmark progress has been achieved although the influence of said progress is still in the process of being expanded around the world, and the issue of violence against women migrants is yet to be solved fundamentally in certain regions.

In 2003, The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was a UN multilateral treaty governing the protection of migrant workers, entered into force after the threshold of twenty ratifying states was reached. The said

convention aims to foster respect for migrant workers, with the special recognition of the vulnerability of women migrant workers. It seeks to ensure that all migrants can access to the minimum level of protection. However, the influence of this treaty has been stuck in the typical situation of the ratification process. Most countries that ratified this treaty were countries of origin. For them, the treaty is an important measure for protecting the rights of their labor. While no migrant-receiving state in Western Europe or North America as well as other important receiving countries has ratified this Convention. The said convention urges them to shoulder more responsibility in legislation, regulation, and the empowerment of female migrants, which would possibly lead to additional financial cost, contradiction with current conventions and national laws, and a slowdown of their domestic economic growth.

Also, the Commission of Human Rights addressed the issue of safe migration at its sixtieth session held from 15 March to 23 April 2004. Specifically, the Commission calls for concrete measures of governments to punish traffickers and perpetrators of violence against women migrant workers through penal sanctions. It also recognized the importance of counseling, legal and consular assistance, and temporary shelters, which would help victims to safeguard their rights and dignity and establish reintegration schemes for returning women migrant workers.

Possible Solutions

Due to the increasing population of migrant workers and the ongoing trend of feminization of migration, it is reasonable to infer that violence against women will keep increasing if no resolution for this issue is implemented effectively. Based on the analysis of the current situation, previous actions, and views of relevant parties, a general recommendation of possible solutions is presented in following aspects: ending employer-based and state-based violence, promoting legal channels, and facilitating prevention measures.

In response to the serious situation at the moment, states and international organizations should work on **ending employer-based violence, or violence committed by employers, against women migrant workers** by developing and optimizing regulations. Existing documents, treaties, and national policies suggest that most countries have sought to punish violence against migrant women and standardize the employment of migrant workers. However, the effects were far from satisfying since in most cases, women migrant workers are not protected by the local labor codes in countries of destination, and the situation is especially worse for undocumented migrants. Therefore, before working on regulating the employment of migrant workers, states should ensure that relevant regulations could have effect on the most vulnerable groups. The legalization of migrant workers may be the first step towards ending the root causes of violence against women, and government should include migrant workers into their labor codes with protection from local legislation. Moreover, adjustment of current regulation with more focus on anti-discrimination and gender-sensitive policies shall be implemented.

Furthermore, measures to combat employer-based violence should be constantly monitored, and their progress should be assessed by research, data collection, and surveys to help better understand the current situation and design effective response.

Sometimes the governments impose the violence and abuse. Countries with unwelcoming attitude towards migrants will control their labor inflow through criminalization, which is a root of abuse for undocumented workers in detention centers. Existing recommendations provide a starting point for **ending state-based violence against women in immigration detention centers**. The Human Rights Council has recommended that immigrants in irregular situations should not be qualified or treated as criminals nor viewed only from the perspective of national security. The Beijing Declaration and Platform for Action also recommended that humanitarian and human rights laws should be legally binding even for those who are deemed as undocumented and illegal migrant workers. To be specific, states should consider exempting the use of constraints on pregnant women in detention centers, and granting humanitarian parole for underage migrants.

Improving the **legal channels** for women migrants is another important aspect in resolving this issue. Said legal channels should provide legal assistance for those suffering from human trafficking or those with undocumented identity to help them integrate into local environment or safely send them back to their countries of origin. Also, with legal support, women migrant workers will have greater bargaining power while settling the dispute with their employers. An example of improving the legal channels is ratifying existing international treaties and incorporating relevant clauses into domestic legislation.

To address the issue fundamentally, states should also pay attention to **prevention measures**, including education and awareness raising initiatives that focus on equality, for both women migrants themselves and those with contact to migrant workers, aiming to eradicate violence against women through empowering women and improving their social status in both countries of origin and destination. Said measures will highlight the positive contribution made by women migrant workers and educate the general public about the rights of women. Also, educating women migrant workers will dispel misinformation that may put women at the risk of exploitation, abuse, and violence. However, the effective implementation of said measures require states, especially labor-sending ones, to develop relevant mechanisms, ensuring that basic education is accessible even for the most vulnerable groups. Moreover, education should be expanded to government officials, policymakers, employers, community leaders, social workers, and other professionals who are usually in contact with women migrant workers, to sensitize them to the issue of violence against women migrants and promote the resolution of this issue in a state level.

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