

Chapter 7

MIGRANT WOMEN AND GIRLS

International Labour Migration

(Point of Concern (1) in APWLD Issues Paper)

The root causes of international labour migration are a major concern in the issue of migrant women. The restructuring of the global economy facilitates the movement of capital across national borders but restricts and controls that of labour. This feature exacerbates regional economic inequalities, and the demand for the cheapest, most flexible and deregulated labour has become a major contributing factor in international migration. This process has resulted in the outflow of millions of workers, including large numbers of women, from the less developed to the more developed countries within and outside the region. Labour migration in this context is not a choice but a necessity for migrants and their families, who are survivors of massive poverty, racial, ethnic or gender-based violence and internal conflicts in their countries.

In response to this issue, APWLD lobbied at the WCAR to investigate the root causes of migration, including racism and gender based discrimination. The APWLD recommend the UN conduct research, disaggregated by race, gender and descent, into the links between the shift of labour from the formal to the informal sector and from regulated to unprotected, sub-contracted labour. The APWLD further called for States to recognize that women of certain ethnic and descent groups are systematically disadvantaged because their labour has become the fuel of the global economic engine.

The WCAR language strengthens and reflects the language set out in the BPFA and B+5 addressing this concern. Several paragraphs in WCAR relate to this issue, although none of them reinforce the specific provision of safeguards against the uncertainties and changes in conditions of work associated with globalisation and adequate social protection to cover new, flexible and emerging forms of work, which were recommended in the BPFA.

The WCAR recognised the increase in migration as a result of globalisation, and stated that migration policies should not be based on racial discrimination (WCAR Dec, para 12). It also acknowledged xenophobia against migrants as a source of racism (WCAR Dec para 16). While calling for special attention to the root causes of migratory flows (WCAR PoA, para 96), it failed to specify racism and gender discrimination as possible causes. It called for national, regional and bilateral dialogues and agreements in order to protect the human rights of migrants (WCAR PoA, para 182, 183). Not identifying racism and gender discrimination as both causes and consequences of migration, and not recommending appropriate evaluation and monitoring of such dialogues and agreements, weakened the language in the WCAR on this issue.

High Proportions Of Undocumented, Exploited Or Vulnerable Migrant Women

(Point of Concern (2) in APWLD Issues Paper)

Another main area of concern is the high proportion of undocumented, exploited or vulnerable migrant women. Migrant women suffer from the intersection of racist attitudes manifested in immigration policies, and sexist ideologies, which frame the current international division of labour, contributing to the feminisation of poverty and leaving women open to exploitation. Stringent immigration policies and limited opportunities for women which restrict their employment to domestic work or the sex industry have forced a great number of women migrants to migrate as undocumented workers.

The APWLD lobbied for increased accessibility to legal forms of migration, increased transparency of migration processes, and for the granting of legal status to undocumented migrant workers. It also lobbied for States to protect the rights and safety of migrant women who are exploited or in vulnerable situations.

Importantly, the WCAR specified actions in the PoA for 'migrant workers', which reflects the current phenomenon of increased migration being a result of labour flows which are a response to the negative impacts of current economic globalisation policies (WCAR PoA para 29, 30 (g), 182, 184). There is a specific recognition of the vulnerabilities and rights of undocumented or smuggled migrants, which is also a spreading phenomenon resulting from the increasing poverty induced by globalisation (WCAR PoA para 30 (d), 105). There is also special mention made for States to address the special vulnerabilities of migrant workers engaged in domestic work (WCAR PoA para 67).

The WCAR urged States to "review and revise, where necessary, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments" (WCAR Dec, para 38; WCAR PoA, para 30 (b)). The WCAR also urged States to ratify conventions relevant for migrant women (WCAR PoA para 78 (b), (g), (l), (k)). Finally, while recognising the vulnerability of migrants (WCAR Dec, para 50), the WCAR failed to recommend policies, programs or strategies to address this problem.

WCAR acknowledged the particular vulnerability of migrant women to racism, racial discrimination, xenophobia and related intolerance, and urged States to ensure the human rights of migrants. This addressed one aspect of the issue, while the BPFA focused on another: the targeting of migrant women, as a disadvantaged group vulnerable to poverty, in anti-poverty programmes.

Denial of Rights of Migrant Women in the Workplace

(Point of Concern (3) in APWLD Issues Paper)

A third concern is the exploitation of and denial of the rights of migrant women in the workplace. Migrant women workers suffer from specifically gendered manifestations of racism in the workplace. Women migrant workers are discriminated against in terms of wages, job security, work conditions, job related training and the right to unionise. They are subjected to physical and sexual abuse. Their options are often restricted to domestic work, or work in the sex industry.

The APWLD called for States to allocate resources to address this issue. It recommended the establishment of special programmes for migrant women, offering skills training and orientation with the local job market and economic culture, as well as education programmes to ensure that they know how to enforce their rights. It also called on States to legislate to protect these rights. The APWLD call on States, multi-national corporations, international financial institutions and companies to conform to the standards set out in the International Labour Organisation Convention, regarding the working rights of migrant women, and on States to sign, ratify and implement all relevant international human rights instruments. It further lobbied for recognition of the positive political, economic and social roles and contributions of migrant workers to their host countries, as a means of eliminating racist attitudes against them.

The WCAR urged States to take concrete measures to remove discriminatory barriers faced by migrant workers to safe, healthy, legal and equitable employment opportunities, free from racial discrimination (WCAR PoA, para 29). It acknowledged that migrant workers are particularly vulnerable to exploitation (WCAR PoA, para 105), and recommended that States develop effective legislative and administrative policies to address the racism and racial discrimination experienced by migrant workers in the workplace (WCAR PoA, para 67), including through effective access to legal procedures (WCAR PoA, para 108). While *WCAR included these paragraphs relating to the issue of migrant workers, only one of these (WCAR PoA para 31) acknowledged women migrants as a vulnerable group with specific needs. It also included a comprehensive paragraph calling for attention to be paid to the specific vulnerability of migrant women workers:*

Urges States, in the light of the increased proportion of women migrants, to place special focus on gender issues, including gender discrimination, particularly when the multiple barriers faced by migrant women intersect; detailed research should be undertaken not only in respect of human rights violations perpetrated against women migrants, but also on the contribution they make to the economies of their countries of origin and their host countries, and the findings should be included in reports to treaty bodies (WCAR PoA, para 31).

It further urged States to “consider” signing and ratifying all international human rights instruments relevant to migrant worker’s rights (WCAR PoA, para 78), and “encouraged” representative trade unions and the business sector to ensure that migrant workers are not discriminated against and that their rights are protected (WCAR PoA, para 107). However, the language in these last two paragraphs is weakened because it carries no imperatives for either States or the business sector to act to implement these recommendations.

The BPFA addressed this concern by calling for the protection of women migrant workers against violence and exploitation; and the facilitation of productive employment for migrant women and their full integration into the labour force. It recognised the vulnerability of migrant women to violence and other forms of abuse, and recommended an integrated approach to labour market training that incorporates language training.

Exclusion From Lack Of Access To Health, Education And Social Services

(Point of Concern (4) in APWLD Issues Paper)

The rights of migrant women outside the workplace are also an issue of concern. These are routinely denied through their exclusion from or lack of access to health, education and social services. Their reproductive and other rights are violated by mandatory testing for HIV/AIDS and pregnancy, immediate deportation for HIV-positive status, higher fees for medical treatment, and demand for legal documents prior to admission in hospitals. In addition, women migrants are denied equal access to and treatment under the law, or to means of redress, so that their concerns are often overlooked.

The APWLD urged States to legislate to protect migrants, including through repealing all discriminatory laws, and to educate migrants to enable them to enforce their rights. It recommended that States abolish policies of mandatory testing for pregnancy and HIV/AIDS, and provide migrant women with adequate sexual and reproductive health care, including through the training of health care professionals in gender and cultural sensitivity. It called on States to ratify and implement all relevant international human rights instruments, and to ensure full and free legal access to any detained or imprisoned migrants.

The WCAR reaffirmed “the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice” (WCAR Dec, para 51), and requested States to promote and protect fully and effectively the human rights and fundamental freedoms of all migrants” (WCAR PoA, para 26). It called for education campaigns to make the public aware of issues relating to migrants (WCAR PoA, para 27). However, it failed to include the specific issues relating to migrant women as components of the campaign. It acknowledged the need for effective legal protection, the assistance of a competent interpreter (WCAR PoA, para 30 (d)) and access to the consular office of their own State (WCAR PoA, para 80) for detained migrants, and for training of police and immigration officials, to ensure respect for migrants human rights and non-discriminatory treatment in this regard (WCAR PoA, para 30 (e), 138). It called for measures to protect all human rights of migrants (WCAR PoA, para 30 (g)), as well as provide them with adequate social services (WCAR PoA, para 33), specifying the prohibition of discriminatory treatment concerning the granting of work visas and work permits, housing, health care and access to justice (WCAR PoA, para 81).

While WCAR included many paragraphs relating to the human rights of migrants, it did not reinforce BPFAs and B+5 recommendations on the protection of the human rights of migrant women. It therefore lacked a comprehensive gender perspective and failed to build on BPFAs and B+5 language that recognised the gendered violations of human rights that migrant women suffer.

Issues of mandatory pregnancy and HIV/AIDS testing and forced deportation and other denials of sexual and reproductive rights, which are specific to women migrants, are completely overlooked. In particular the violence faced by migrant workers working as domestic workers was not addressed at all. The WCAR did however include a paragraph specific to protecting the non-working rights of migrant women, which called for policies that would enable women migrants who are victims of domestic violence to leave their husbands (WCAR PoA, para 30 (h)). This is an

important issue for migrant women, wanting to live in host countries, without fear of violence. Notable this paragraph would have been stronger had it also reinforced State responsibilities to redress violations of women's rights relating to violence against women.

Gendered Manifestations Of Racism And Xenophobia

(Point of Concern (5) in APWLD Issues Paper)

A final issue relating to migrant women concerns the gendered manifestations of racism and xenophobia to which migrant women are subject in their host countries. Sexual and gender-based violence constitute the most serious of these. The APWLD called on States to recognise the particular barriers that migrant women face, and to develop strategies to facilitate the long-term integration of migrant women into their new communities.

The WCAR included nine paragraphs relating to the elimination of acts and attitudes of racism, intolerance and xenophobia or the fostering of tolerant, integrated and equitable societies (WCAR Dec, para 16; PoA, paras 46, 48, 49, 24, 25, 30 (a), 30 (c), 144). None of these paragraphs included a gender perspective, or reflected in any way the gendered acts and sexist attitudes to which migrant women are subjected. The multiple barriers faced by migrant women are either overlooked or considered not serious matters of concern. The language in these paragraphs reinforces sexist ideologies, as well as the invisibility of women and the trivialisation of their experience, and failed to address half of the group that it aims to protect under the term 'migrants'.

Only one paragraph (WCAR PoA 30 (h)) in WCAR, mentioned women and children as particularly vulnerable to violence, and it was only in reference to spousal or domestic violence. WCAR did not adequately acknowledge the gendered nature of racism and racial discrimination suffered by migrant women, and failed to recognise the severity of the problem of gendered racial violence against migrant women. In contrast, the BPGA outlined firm measures to eliminate violence against women migrant and women migrant workers, to "establish linguistically and culturally accessible services for migrant women... who are victims of gender-based violence" (WCAR PoA para 125 (b)), and to ensure that they are aware of the "recourse mechanisms available to them" (WCAR PoA para 223 (i)).

Condemnation and repeal of immigration and citizenship laws that are motivated by racism, racial discrimination, xenophobia and related intolerance severely affect migrant women and girls. CEDAW Article 9 (1) (2) can be used to support women's position in this, although it does not directly address accessibility to legal forms of migration, not does it ensure transparency of the processes related to migration.

Migrant women and girls are predominantly vulnerably to uncertainties and changes in conditions of work associated with globalisation. CEDAW can be used to promote women's participation in economic, cultural and social decision-making, and promote migrant women workers rights in employment in accordance with standards set out in ILO, the Beijing Platform for Action and other Human Rights Conventions.

Migrant women and girls are also particularly vulnerable to violence, the WCAR PoA recognised spousal or domestic violence, however, many migrant women are subjected to sexual and gender based violence within their work environment and within the wider society in general as there is very little protection for the rights of migrant workers. CEDAW can be used to support access to health services

particularly access to adequate maternal and reproductive health services and occupied safety measures. It can also be used to argue for access to legal mechanisms to recompense and redress actions of violence against migrant women and girls.

Summary of the Recognition of Intersectionality in the WCAR Declaration and Programme of Action

(Intersectionality can be observed in each issue and across issues)

Issue: Migrant Women and Girls

Successes: Several paragraphs in the PoA reflect the issue of migrant women and significantly strengthen the language in the B+5. It recognises the increase of migration in response to globalisation and the increase in xenophobia as one of the intersections of discrimination encountered by migrants. The PoA recognises the vulnerability of women to racism and sexual discrimination, in particular the vulnerabilities of undocumented and smuggled migrants, and those of women employed in domestic work. It urges states to take a range of measures to address these issues, including to remove barriers to safe healthy and equitable employment opportunities. It further urges states to ratify human rights instruments relevant to migrant workers. A paragraph specific to protecting the rights of non workers including the right to seek protection from domestic violence is included.

Stepping Stones: While acknowledging the vulnerability and poverty experienced by women which forces many to become migrant workers, the PoA does not promote anti poverty strategies targeted to alleviate the need for women and girls to migrate.

Limitations: The PoA fails to identify racism and gender discrimination as both causes and consequences of migration. NO imperative measures were suggested to ensure that states or the business sector comply with measures to ensure the rights of migrant workers. The special needs of women including protection against violence are not properly reflected in the document. Issues of mandatory pregnancy and HIV/AIDS testing and other issues of sexual and reproductive health, and issues of forced deportation are not addressed. States are not called upon to redress violations of womens rights relating to violence against women migrants. The sexual and gendered nature of violence experienced by many migrant women and the multiple reasons for these are absent from the document.

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Following this section are Tables 16 – 20 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 16 : International Labour Migration

Table 17 : High Proportions Of Undocumented, Exploited Or Vulnerable Migrant Women

Table 18 : Denial of Rights of Migrant Women in the Workplace

Table 19 : Exclusion From Lack Of Access To Health, Education And Social Services

Table 20 : Gendered Manifestations Of Racism And Xenophobia

What does the WCAR mean for Asia Pacific Women?

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

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Table 16 : International Labour Migration

Point of Concern (1) in APWLD Issues Paper

* The **current outflow of millions of women workers** from less developed to more developed countries is a consequence of regional inequalities in the global economy and the demand for the cheapest, most flexible and deregulated labour.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>We express deep concern about the reliance of Globalisation on the exploitation of labour, particularly the labour of women and girls, and on the destruction and removal of lands traditionally inhabited by indigenous peoples. We recognize that women members of certain ethnic and descent groups are systematically disadvantaged because their labour has become the fuel of the global economic engine, and emphasise the fundamental need for states to affirm and address the economic, political and socio-cultural barriers faced by such persons. (APWLD Lobby Doc Dec, para 17 bis.)</p> <p>The World Conference urges the UN to conduct research disaggregated by race and gender and descent into the links between the shift of labour from the formal to the informal sector and from regulated to unprotected, sub-contracted labour. (APWLD Lobby Doc PoA, para 29 bis.)</p> <p>* The World Conference calls on States to address the exploitation of migrant labour, particularly of women and children, and the continuing destitution of vulnerable sectors of society in the context of globalisation, and to investigate root causes of migration and trafficking including poverty, political and social oppression, ethnic, religious and gender based discrimination and situations of violence and armed conflict. (APWLD Lobby Doc PoA, para 56 bis.)</p>	<p>We recognize that interregional and intraregional migration has increased as a result of globalization, in particular from the South to the North, and stress that policies towards migration should not be based on racism, racial discrimination, xenophobia and related intolerance (WCAR Dec, para 12)</p> <p><u>Invites</u> States to promote and conduct studies and adopt an integral, objective and long-term approach to all phases and aspects of migration which will deal effectively with both its causes and manifestations. These studies and approaches should pay special attention to the root causes of migratory flows, such as lack of full enjoyment of human rights and fundamental freedoms, and the effects of economic globalization on migration trends (WCAR PoA, para 96)</p> <p><u>Encourages</u> States to participate in regional dialogues on problems of migration and invites them to consider negotiating bilateral and regional agreements on migrant workers and designing and implementing programmes with States of other regions to protect the rights of migrants (WCAR PoA, para 182)</p> <p><u>Urges</u> States, in consultation with civil society, to support or otherwise establish, as appropriate, regional, comprehensive dialogues on the causes and consequences of migration that focus not only on law enforcement and border control, but also on the promotion and protection of the human rights of migrants and on the relationship between migration and development (WCAR PoA, para 183)</p>

Table 16	
Language in the Beijing Platform for Action & the Beijing+5 Outcomes Doc.	The Convention on the Elimination of All Discrimination Against Women (CEDAW)
<p>Create and ensure access to social protection systems, taking into account the specific needs of all women living in poverty, demographic changes and changes in society, to provide safeguards against the uncertainties and changes in conditions of work associated with globalisation, and strive to ensure that new, flexible and emerging forms of work are adequately covered by social protection (B+5, para 74 (b))</p>	<p>Article 1. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 11. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p>

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	<p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p> <p>3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.</p> <p>Article 14.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</p>
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Table 17 : High Proportions Of Undocumented, Exploited Or Vulnerable Migrant Women

Point of Concern (2) in APWLD Issues Paper

* Migrant women suffer from the **intersection of racist attitudes and immigration policies, and sexist ideologies, which frame the current international division of labour**, contributing to the **feminisation of poverty** and leaving women open to exploitation. Stringent immigration policies and limited opportunities for women which restrict their employment to domestic work or the sex industry have forced a great number of women migrants to migrate as undocumented workers.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference urges States to amend immigration legislation and policies to improve accessibility to legal forms of migration, and ensure transparency of the processes related to migration. States are called upon to grant legal status to undocumented migrant workers. (APWLD Issues Paper)</p> <p>Governments are urged to prohibit degrading practices such as trafficking in women, adolescents and children and exploitation through prostitution and pay special attention to protecting the rights and safety of those who suffer from these crimes and those in potentially exploitable situations such as migrant women, women in domestic service and schoolgirls. (APWLD Lobby Doc PoA, para 55 ter.)</p> <p>The World Conference urges States to amend immigration legislation and policies to improve accessibility to legal forms of migration, and ensure transparency of the processes related to migration. (APWLD Lobby Doc PoA, para 59 bis.)</p>	<p>We call upon all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, including Asians and people of Asian descent (WCAR Dec, para 38)</p> <p>We reaffirm the sovereign right of each State to formulate and apply its own legal framework and policies for migration, and further affirm that these policies should be consistent with applicable human rights instruments, norms and standards, and designed to ensure that they are free of racism, racial discrimination, xenophobia and related intolerance (WCAR Dec, para 47)</p> <p>We are mindful of the situation of vulnerability in which migrants frequently find themselves, owing, <u>inter alia</u>, to their departure from their countries of origin and to the difficulties they encounter because of differences in language, customs and culture, as well as economic and social difficulties and obstacles to the return of migrants who are undocumented or in an irregular situation (WCAR Dec, para 50)</p> <p><u>Urges</u> States to review and revise, where necessary, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments (WCAR PoA, para 30b)</p>

Table 17

<p>Language in the Beijing Platform for Action & the Beijing+5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Discrimination Against Women (CEDAW)</p>
<p>Mobilize all parties involved in the development process, including academic institutions, non-governmental organisations and grass-roots and women’s groups, to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women, such as rural and indigenous women, female heads of households, young women and older women, refugees and migrant women and women with disabilities, recognizing that social development is primarily the responsibility of Governments (BPFA, para 60a)</p>	<p>Article 1. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 9. 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p> <p>Article 11. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p>

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	<p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p> <p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p>
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Table 18 : Denial of Rights of Migrant Women in the Workplace

Point of Concern (3) in APWLD Issues Paper

Migrant women workers suffer from particularly **gendered manifestations of racism in the workplace. Women migrant workers are discriminated against in terms of wages, job security, work conditions, job related training and the right to unionise. They are subjected to physical and sexual abuse.** Their options are often restricted to domestic work, or work in the sex industry.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>* The World Conference encourages the recognition of the positive political, economic and social roles and contributions of migrant workers to ensure their full political, economic and social participation, and as an essential element in eliminating discrimination against migrants on the basis of race, ethnicity and gender, and exploitation of migrants in the workplace. (APWLD Lobby Doc PoA, para 55 bis.)</p> <p>* The World Conference urges Governments to ratify, implement and fully enforce the International Convention on Protection of the Rights of all Migrant workers and Members for their Families, ICERD, and all other pertinent international instruments (APWLD Lobby Doc PoA, para 58 bis.)</p> <p>The World Conference urges all Governments to acknowledge that immigrant and refugee women very often constitute a high proportion of workers in informal employment, including home-working or outworking, domestic work, and the sex industry. Language barriers, citizenship status, racist discrimination, and being part of an ethnic minority all contribute to the vulnerability of women who work in these sectors. The World Conference recommends that Governments legislate to protect these women, prioritising their human rights, and undertakes an awareness-raising program working with community organisations, ethnic communities and unions to ensure that migrant and refugee workers are aware of how to enforce their rights. (APWLD Lobby Doc PoA, para 60 quart.)</p>	<p><u>Urges</u> States to take concrete measures that would eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, including migrants, and ensure the full equality of all before the law, including labour law, and further urges States to eliminate barriers, where appropriate, to: participating in vocational training, collective bargaining, employment, contracts and trade union activity; accessing judicial and administrative tribunals dealing with grievances; seeking employment in different parts of their country of residence; and working in safe and healthy conditions (WCAR PoA, para 29)</p> <p><u>Urges</u> States, in the light of the increased proportion of women migrants, to place special focus on gender issues, including gender discrimination, particularly when the multiple barriers faced by migrant women intersect; detailed research should be undertaken not only in respect of human rights violations perpetrated against women migrants, but also on the contribution they make to the economies of their countries of origin and their host countries, and the findings should be included in reports to treaty bodies (WCAR PoA, para 31)</p> <p><u>Urges</u> States to design or reinforce, promote and implement effective legislative and administrative policies, as well as other preventive measures, against the serious situation experienced by certain groups of workers, including migrant workers, who are victims of racism, racial discrimination, xenophobia and related intolerance. Special attention should be given to protecting people engaged in domestic work and trafficked persons from discrimination and violence, as well as to combating prejudice against them (WCAR PoA, para 67)</p> <p><u>Urges</u> those States that have not yet done so to consider signing and ratifying or acceding to the following instruments: ... (b) International Labour Organization Migration for Employment Convention (Revised), 1949 (No. 97); ... (l) International Labour Organization Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); ... (k) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990; ... It further urges States parties to these instruments to implement them fully (WCAR PoA, para 78)</p>

Table 18

<p>Language in the Beijing Platform for Action & the Beijing+5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Discrimination Against Women (CEDAW)</p>
<p>Ensure the full realization of the human rights of all women migrants, including women migrant workers, and their protection against violence and exploitation; introduce measures for the empowerment of documented women migrants, including women migrant workers; facilitate the productive employment of documented migrant women through greater recognition of their skills, foreign education and credentials, and facilitate their full integration into the labour force (BPFA, para 58 (k))</p> <p>Recognise the vulnerability to violence and other forms of abuse to women migrants, including women migrant workers, whose legal status in the home country depends on employers who may exploit their situation (BPFA, para 125 (c))</p> <p>Facilitate the productive employment of documented migrant women (including women who have been determined refugees according to the 1951 Convention relating to the Status of Refugees) through greater recognition of foreign education and credentials and adopting an integrated approach to labour market training that incorporates language training (BPFA, para 178 (p))</p>	<p>Article 1. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 11. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <ul style="list-style-type: none"> (a) The right to work as an inalienable right of all human beings; (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

	<p><u>Urges</u> States to give special attention, when devising and implementing legislation and policies designed to enhance the protection of workers' rights, to the serious situation of lack of protection, and in some cases exploitation, as in the case of trafficked persons and smuggled migrants, which makes them more vulnerable to ill-treatment such as confinement in the case of domestic workers and also being employed in dangerous and poorly paid jobs (WCAR PoA, para 105)</p> <p><u>Urges</u> States to avoid the negative effects of discriminatory practices, racism and xenophobia in employment and occupation by promoting the application and observance of international instruments and norms on workers' rights (WCAR PoA, para 106)</p> <p><u>Calls upon</u> States and encourages representative trade unions and the business sector to advance non-discriminatory practices in the workplace and protect the rights of workers, including, in particular, the victims of racism, racial discrimination, xenophobia and related intolerance (WCAR PoA, para 107)</p> <p><u>Calls upon</u> States to provide effective access to administrative and legal procedures and other remedial action to victims of racism, racial discrimination, xenophobia and related intolerance in the workplace (WCAR PoA, para 108)</p>
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	<p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them</p>
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Table 19 : Exclusion From Lack Of Access To Health, Education And Social Services

Point of Concern (4) in APWLD Issues Paper

The rights of migrant women are routinely denied through their **exclusion from or lack of access to health, education and social services**. Their reproductive and other rights are violated by mandatory testing for HIV/AIDS and pregnancy, immediate deportation for HIV-positive status, higher fees for medical treatment, demand for legal documents prior to admission in hospitals, and denial of their equal access to and treatment under the law.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference urges States to repeal all laws that discriminate against migrant workers and their families and violate their human rights. States are urged to respect the reproductive rights of migrant women workers and stop mandatory testing on HIV/AIDS and pregnancy. (APWLD Issues Paper)</p> <p>The World Conference urges States to legislate to protect migrant women workers, prioritising their human rights, and undertake awareness-raising programmes working with community organisations, ethnic communities and unions to ensure that migrant and refugee workers are aware of how to enforce their rights. (APWLD Issues Paper)</p> <p>The World Conference encourages all levels of Government and the relevant United Nations bodies to protect the rights of Indigenous, migrant and refugee women to act and speak for themselves. Further, that these rights be secured through the provision of appropriate funding and resources for training, support and access to these relevant fora and mechanisms – such as the various United Nations human rights treaties at all levels – to ensure their self-determination. That this funding and resourcing also be directed at non-government organisations committed to the self-determination of Indigenous, migrant and refugee women. (APWLD Lobby Doc PoA, para 6d bis.)</p> <p>States should ensure that migrants who are detained or imprisoned, whether related to their migrant status or to crimes defined in the national legislation, are given full and free access to legal counsel and judicial processes. (APWLD Lobby Doc PoA, para 59 ter.)</p> <p>States, in collaboration with civil society, including non-governmental organisations and medical services, should ensure that migrants have access to quality health care and information including the full range of sexual and reproductive health services as well as the means to prevent unwanted pregnancies, STD’s including HIV/AIDS, based on voluntary and informed choices and consent. (APWLD Lobby Doc PoA, para 60 bis.)</p>	<p>We reaffirm the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism, racial discrimination, xenophobia and related intolerance (WCAR Dec, para 51)</p> <p><u>Requests</u> States to promote and protect fully and effectively the human rights and fundamental freedoms of all migrants, in conformity with the Universal Declaration of Human Rights and their obligations under international human rights instruments, regardless of the migrants’ immigration status (WCAR PoA, para 26)</p> <p><u>Encourages</u> States to promote education on the human rights of migrants and to engage in information campaigns to ensure that the public receives accurate information regarding migrants and migration issues, including the positive contribution of migrants to the host society and the vulnerability of migrants, particularly those who are in an irregular situation (WCAR PoA, para 27)</p> <p><u>Urges</u> States to ensure that migrants, regardless of their immigration status, detained by public authorities are treated with humanity and in a fair manner, and receive effective legal protection and, where appropriate, the assistance of a competent interpreter in accordance with the relevant norms of international law and human rights standards, particularly during interrogation (WCAR PoA, para 30 (d))</p> <p><u>Urges</u> States to ensure that the police and immigration authorities treat migrants in a dignified and non-discriminatory manner, in accordance with international standards, through, <u>inter alia</u>, organizing specialized training courses for administrators, police officers, immigration officials and other interested groups (WCAR PoA, para 30 (e))</p>

Table 19

<p>Language in the Beijing Platform for Action & the Beijing+5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Discrimination Against Women (CEDAW)</p>
<p>Provide gender-sensitive human rights education and training to public officials, including, inter alia, police and military personnel, corrections officers, health and medical personnel, and social workers, including people who deal with migration and refugee issues, and teachers at all levels of the educational system, and make available such education and training also to the judiciary and members of the parliament in order to enable them to better exercise their public responsibilities (BPFA, para 232 (i))</p> <p>Promote and protect the human rights of all migrant women and implement policies to address the specific needs of documented migrant women, and, where necessary, tackle the existing inequalities between men and women migrants to ensure gender equality (B+5, para 98 (b))</p>	<p>Article 1. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.</p> <p>Article 4. 1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.</p> <p>Article 5. States Parties shall take all appropriate measures: (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p>

<p>States should monitor and support health care professionals to ensure they provide quality and confidential health services for migrants which are based on human rights and delivered in a culturally sensitive manner. Health providers should be trained in identifying and addressing issues of sexual violence against migrant women and provide adequate counseling, support and referrals. (APWLD Lobby Doc PoA, para 60 ter.)</p> <p>Governments should ratify and remove reservations to the ICERD, CEDAW, and in particular the Optional Protocol, ICCPR, ICESCR, the ICC treaty, the international convention on the protection of the rights of all migrant workers and members of their families (APWLD Lobby Doc PoA, para 88 quint.)</p> <p>The World Conference calls upon all States to ratify, without reservations, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) of the International Labour Organization, and to prohibit and prevent discriminatory treatment against foreigners and migrants workers, <i>inter alia</i> concerning the granting of visas, work permits, family conditions, housing and access to justice, based on race, colour, descent, gender or national or ethnic origin. (APWLD Lobby Doc PoA, para 97)</p>	<p>To take all possible measures to promote the full enjoyment by all migrants of all human rights, including those related to fair wages and equal remuneration for work of equal value without distinction of any kind, and to the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond their control, social security, including social insurance, access to education, health care, social services and respect for their cultural identity (WCAR PoA, para 30g)</p> <p>. <u>Recommends</u> that host countries of migrants consider the provision of adequate social services, in particular in the areas of health, education and adequate housing, as a matter of priority, in cooperation with the United Nations agencies, the regional organizations and international financial bodies; also requests that these agencies provide an adequate response to requests for such services (WCAR PoA, para 33)</p> <p><u>Urges</u> States to seek full respect for, and compliance with, the Vienna Convention on Consular Relations of 1963, especially as it relates to the right of foreign nationals, regardless of their legal and immigration status, to communicate with a consular officer of their own State in the case of arrest or detention (WCAR PoA, para 80)</p> <p><u>Urges</u> all States to prohibit discriminatory treatment based on race, colour, descent or national or ethnic origin against foreigners and migrant workers, <i>inter alia</i>, where appropriate, concerning the granting of work visas and work permits, housing, health care and access to justice (WCAR PoA, para 81)</p> <p><u>Recommends</u> that further studies be conducted on how racism, racial discrimination, xenophobia and related intolerance may be reflected in laws, policies, institutions and practices and how this may have contributed to the victimization and exclusion of migrants, especially women and children (WCAR PoA, para 97)</p> <p><u>Urges</u> States to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of detention centres and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, refugees and asylum-seekers, in order to prevent acts of racial discrimination and xenophobia and to avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance (WCAR PoA, para 138)</p>
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	<p>Article 11. 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p> <p>Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Article 14. 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> <p>Article 15. 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.</p>
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Table 20 : Gendered Manifestations Of Racism And Xenophobia

Point of Concern (5) in APWLD Issues Paper

Migrant women experience **gendered effects of the racist and xenophobic attitudes to migrants** held by people in their host countries, including physical and sexual abuse. Women have unequal access to the law or to means of redress, so their concerns are often overlooked.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference urges States to recognize the different barriers that refugees and immigrants, in particular women and children who comprise 80% of the refugee population, face as they endeavour to participate in the economic, social, political and cultural life of their new countries and encourages States to develop strategies to facilitate the long-term integration of these persons into their new countries of residence and the full enjoyment by them of their human rights. (APWLD Lobby Doc PoA, para 64)</p>	<p>We recognize that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices (WCAR Dec, para 16.)</p> <p>We recognize the positive economic, social and cultural contributions made by migrants to both countries of origin and destination (WCAR Dec, para 46)</p> <p>We note with concern and strongly condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them; reaffirm the responsibility of States to protect the human rights of migrants under their jurisdiction and reaffirm the responsibility of States to safeguard and protect migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups; and stress the need for their fair, just and equitable treatment in society and in the workplace (WCAR Dec, para 48)</p> <p>We highlight the importance of creating conditions conducive to greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants. We underline that family reunification has a positive effect on integration and emphasize the need for States to facilitate family reunion (WCAR Dec, para 49)</p> <p><u>Requests</u> all States to combat manifestations of a generalized rejection of migrants and actively to discourage all racist demonstrations and acts that generate xenophobic behaviour and negative sentiments towards, or rejection of, migrants (PoA, para 24)</p> <p><u>Invites</u> international and national non-governmental organizations to include monitoring and protection of the human rights of migrants in their programmes and activities and to sensitise Governments and increase public awareness in all States about the need to prevent racist acts and manifestations of discrimination, xenophobia and related intolerance against migrants (WCAR PoA, para 25)</p>

Table 20

Language in the Beijing Platform for Action & the Beijing+5 Outcomes Doc.	The Convention on the Elimination of All Discrimination Against Women (CEDAW)
<p>Establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence (BPFA, para 125b)</p> <p>Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries (BPFA, para 126d)</p> <p>Take appropriate measures to ensure that refugee and displaced women, migrant women and migrant women workers are made aware of their human rights and of the recourse mechanisms available to them (BPFA, para 233 (i))</p>	<p>Article 1. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women.</p>

	<p><u>Urges</u> States to develop and implement policies and action plans, and to reinforce and implement preventive measures, in order to foster greater harmony and tolerance between migrants and host societies, with the aim of eliminating manifestations of racism, racial discrimination, xenophobia and related intolerance, including acts of violence, perpetrated in many societies by individuals or groups (WCAR PoA, para 30a)</p> <p><u>Urges</u> States to implement specific measures involving the host community and migrants in order to encourage respect for cultural diversity, to promote the fair treatment of migrants and to develop programmes, where appropriate, that facilitate their integration into social, cultural, political and economic life (WCAR PoA, para 30 (c))</p> <p>To consider adopting and implementing immigration policies and programmes that would enable immigrants, in particular women and children who are victims of spousal or domestic violence, to free themselves from abusive relationships (WCAR PoA, para 30 (h))</p> <p>Avoiding stereotyping in all its forms, and particularly the promotion of false images of migrants, including migrant workers, and refugees, in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people, events and history (WCAR PoA, para 144)</p>
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(γ) Language reflected in the Asia Pacific NGO Forum Recommendations, Teheran, Iran, February 17-18, 2001

	<p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p>
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Chapter 8

REFUGEE, ASYLUM SEEKER AND DISPLACED WOMEN & GIRLS

The Intersection Between Racism And Gender Discrimination

(Point of Concern (1) in APWLD Issues Paper)

A major issue of concern regarding refugee women is the intersection between racism and gender discrimination experienced by women in the process of resettlement or seeking asylum. Women are much less frequently chosen for asylum in Northern countries than are men, and due to their family obligations are usually unable to travel to countries of potential asylum like men. Instead they are often required to remain for many years in refugee camps in neighbouring countries.

In response to this issue, the APWLD lobbied for States to “ratify without reservation and fulfill their obligations” to the Geneva Convention on the Status of Refugees and its 1967 Protocol. It also called attention to “gender” and “family composition” as bases for discrimination in resettlement policy implementation.

The WCAR reaffirmed that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol remain the foundation of the international refugee regime (Dec, para 55), and urged States to “consider” signing and ratifying these instruments (WCAR PoA, para 78). This language failed to place the imperative reflected in APWLD’s recommendations. . The WCAR however, did confirm that States should comply with the 1951 Convention and its 1967 Protocol Further, the WCAR failed to include gender or family composition as bases for discrimination (WCAR Dec, para 111). The WCAR however, did confirm that States should comply with the 1951 Convention and its 1967 Protocol.

While WCAR included many paragraphs addressing the issue of racial equality in processes of asylum and refugee resettlement, none of these specifies women or the need for a gender perspective as particular concerns. WCAR did not reflect the BPFA language calling for “equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum” (para 147 (h)), or the B+5 demands for “a gender perspective in national immigration and asylum policies, regulations and practices... including the considerations of steps to recognise gender-related persecutions and violence when assessing grounds for granting refugee status and asylum” (B+5 para 68 (i)). WCAR also fails to strengthen the BPFA call for the dissemination and implementation of relevant UNHCR Guidelines (PoA para 148 (a)).

Sexual Discrimination Experienced By Women Who Seek Refugee Status

(Point of Concern (2) in APWLD Issues Paper)

Another main issue of concern is the sexual discrimination experienced by women who seek refugee status on the basis of gendered forms of racial persecution. Rape, sexual torture and forced pregnancy are common experiences among women from persecuted racial groups who are in situations of armed conflict, and yet they are not

recognised as forms of 'persecution'. Gender discrimination thus operates twice: firstly to subject women to specifically gendered racial persecution; while secondly, failing to grant refugee status on these grounds.

APWLD recommended States to provide protection to women asylum-seekers, refugees, or women in other emergency humanitarian situations suffering from violence. APWLD also called on States to recognise gender-based violence as a form of persecution and to update the procedures for determining individual status accordingly.

The WCAR limited its discussion on this issue to protecting refugee and internally displaced women and girls from violence, investigating violations and ending impunity of the perpetrators (WCAR PoA, para 36). It failed to provide avenues for women victims to seek asylum or refugee status.

The BPFA and B+5 included many paragraphs addressing both the need for the recognition of gender-based persecution (BPFA para 147 (h), 147 (i), 231 (h); B+5 para 68i), and the urgent need for the elimination and redress of gender-based violence (BPFA paras 145 (c), 147 (h), 147 (n), 147 (o), 148 (a); B+5 para 96 (b)). This language is not reflected in the WCAR.

The Conditions In Refugee Camps

(Point of Concern (3) in APWLD Issues Paper)

Another issue is that of conditions in refugee camps. It is women who are more likely to remain in these camps for many years, and women who have fewer options when they leave their countries of origin. In addition, women in refugee camps commonly face gender-based violence, exploitation and sexual assault.

APWLD called for special attention to be given to violations of human rights in refugee camps. It included the need for women to be involved in camp management, the need for protection against gender-based violence inside camps, and the need for camp workers to be trained in sexual and reproductive health care that would assist to address situations of sexual violence.

The WCAR failed to address the issue of refugee camp conditions and the gendered nature of their human rights violations.

The BPFA addresses this issue with language calling for the protection of refugee women from violence (BPFA paras 126 (d), 147 (c), 147 (d)); their greater involvement in the management of refugee camps and resources and humanitarian activities (BPFA paras 147 (a), 147 (j); B+5, para 99 (g)); the provision of specific assistance to refugee women and children (BPFA paras 147 (a), 147 (g); B+5 paras 99 (h), 99 (j)); and the assurance of access to adequate food, water, shelter, education and social and health services (BPFA para 147 (f)).

Vulnerability To Exploitation In The Workplace

(Point of Concern (4) in APWLD Issues Paper)

Refugee women are particularly vulnerable to exploitation in the workplace. They are less likely to be familiar with formal employment than men and usually have greater family responsibilities and less access to language classes. Gender stereotyping and

the international division of labour condemn them to under-paid, unsafe, insecure and exploitative jobs. In addition, they are subject to gender discrimination in the workplace.

The APWLD lobbied for the development of programmes to address the particular employment needs of refugee women. It further specified the need for funding and resources for training to ensure that refugee women know how to enforce their rights, as well as for adequate legislation to protect these women.

Again, the WCAR failed to acknowledge or address the issue, and did not reinforce BPFA language that demanded that refugee women are made aware of their human rights (BFPA para 233 (i)), that they are provided with appropriate labour market and language training (BFPA para 178 (p)), and that they are protected from violence by enforced legislation (BFPA para 126 (d)).

Lack of Gender Sensitive Services in Countries of Resettlement *(Point of Concern (5) in APWLD Issues Paper)*

The lack of gender sensitive services for refugee women in countries of resettlement is another major concern. Refugee women face multiple barriers to successful resettlement. Their roles as care-givers may prevent them from learning the new language, finding employment, or addressing their own physical or psychological health needs.

The APWLD lobbied States to develop strategies to facilitate the long-term integration of refugees, in particular women, into resettlement countries, and to recognise the different barriers that refugee women face.

The WCAR failed to recognise any barriers to integration faced by refugees except for overt public acts and attitudes of racism, intolerance, xenophobia and intolerance (WCAR Dec, para 16, 53; WCAR PoA, para 35, 36, 144 (e)). It failed to identify the multiple barriers faced by refugee women. The language in WCAR did not recognise the institutionalised and State-sanctioned racism and gender discrimination against refugee women that is reflected in government policies and practices.

The WCAR did not reinforce the call made in many BPFA and B+5 paragraphs calling for the provision of gender-sensitive services, assistance and protection to refugee women (BPFA para 60a, 147k, 147l, 147m, 148b, 232i; B+5 para 99(m)).

Refugee women are particularly vulnerable to severe forms of sexual and gender based violence throughout the various stages of their flight, within refugee camps and often also in resettlement countries. It is important that these women are afforded a high level of protection at all stages of their refugee experience. CEDAW should be used to promote a gender perspective into all legislation, policies and programmes which affect refugee women and to address violations of human rights which occur in refugee camps. Participation of refugee women in decision-making within the camp management, domestic and global decision making processes and institutions should be encouraged and supported through use of CEDAW articles.

**Summary of the Recognition of Intersectionality
in the WCAR Declaration and Programme of Action**
(Intersectionality can be observed in each issue and across issues)

Issue: Refugee, Asylum Seeker and Displaced Women and Girls

Successes: The PoA confirmed that states should comply with their obligation under the 1951 Refugee Conventional and the 67 Protocol.

Stepping Stones: The PoA recognises the need to protect refugee and internally displaced women from violence and to address the impunity currently enjoyed by the majority of perpetrators. However it fails to provide avenues for victims of violence to seek asylum or refuge status.

Limitations: The PoA failed to include gender or family composition as a basis for persecution, despite the multiple discriminations experienced by women which can lead to their status as refugees. It also totally fails to recognise the multiple forms of discrimination and violence experienced by women and girls in refugee camps and urban refugee situations. The barriers to integration in countries of settlement and resettlement and race and gender discrimination faced by refugee women are also not addressed.

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Following this section are Tables 21 – 25 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 21 : The Intersection Between Racism And Gender Discrimination

Table 22 : Sexual Discrimination Experienced By Women Who Seek Refugee Status

Table 23 : The Conditions In Refugee Camps

Table 24 : Vulnerability To Exploitation In The Workplace

Table 25 : Lack of Gender Sensitive Services in Countries of Resettlement

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

Table 21 : The Intersection Between Racism And Gender Discrimination

Point of Concern (1) in APWLD Issues Paper

* Refugees face **systematic discrimination** on the bases of race, ethnicity, and gender in the implementation of refugee policies on selection for resettlement in third countries. **Women refugees suffer multiple discrimination on the basis of race and gender, making them less likely to reach countries of asylum than men.**

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>* The World Conference recognizes that everyone has the right to seek and to enjoy in other countries asylum from persecution. States are urged to ratify without reservation & fulfill their obligations with respect to refugees as set forth in the Geneva Convention on the Status of Refugees and its 1967 Protocol, and offer resettlement to all refugees, regardless of race, ethnic or religious origin, class, age, disability, health, gender and family composition. (APWLD Issues Paper)</p> <p>States should take seriously their humanitarian obligations, without discriminating between the different regions of the world, with regard to the principles of international cooperation, burden-sharing and the resettlement of refugees in their countries, to ensure that State refugee policies fulfill the human rights principles inherent in the Refugee Convention and Protocol, and that resettlement is offered to all refugees, regardless of race, creed or gender and family composition. (APWLD Lobby Doc PoA, para 63)</p> <p>The World Conference recognizes that everyone has the right to seek and to enjoy in other countries asylum from persecution. States are urged to fulfill their responsibilities and obligations with respect to refugees as set forth in the Geneva Convention on the Status of Refugees and its 1967 Protocol. (APWLD Lobby Doc. PoA, para 63 bis.)</p> <p>* The World Conference calls on States to make international funding and other services, such as resettlement services available to refugee populations in an equitable manner based on need, and unrelated to cultural and economic imperatives, with resettlement places offered to the most vulnerable, targeting women and their dependent children. (APWLD Lobby Doc PoA, para 63 ter.)</p>	<p>We affirm our commitment to respect and implement humanitarian obligations relating to the protection of refugees, asylum-seekers, returnees and internally displaced persons, and note in this regard the importance of international solidarity, burden-sharing and international cooperation to share responsibility for the protection of refugees, reaffirming that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol remain the foundation of the international refugee regime and recognizing the importance of their full application by States parties (WCAR Dec, para 55)</p> <p>We reiterate that the international response and policy, including financial assistance, towards refugees and displaced persons in different parts of the world should not be based on discrimination on the grounds of race, colour, descent, or national or ethnic origin of the refugees and displaced persons concerned and, in this context, we urge the international community to provide adequate assistance on an equitable basis to host countries, in particular to host developing countries and countries in transition (WCAR Dec, para 111)</p> <p><u>Urges</u> States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum-seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with principles of international solidarity, burden-sharing and international cooperation, to share responsibilities (WCAR PoA, para 34)</p> <p><u>Urges</u> those States that have not yet done so to consider signing and ratifying or acceding to the following instruments: ... (d) Convention relating to the Status of Refugees of 1951, and its 1967 Protocol; ... It further urges States parties to these instruments to implement them fully (WCAR PoA, para 78)</p> <p><u>Urges</u> States to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of detention centres and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, refugees and asylum-seekers, in order to prevent acts of racial discrimination and xenophobia and to avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance (WCAR PoA, para 138)</p>

Table 21	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination Against All forms of Discrimination Against Women (CEDAW)
<p>Apply international norms to ensure equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum, including full respect and strict observation of the principle of non-refoulement through, inter alia, bringing national immigration regulations into conformity with relevant international instruments (BPFA, para 147(h))</p> <p>Disseminate and implement the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on Evaluation and Care of Victims of Torture and Trauma and Violence, or provide similar guidance, in close cooperation with refugee women and in all sectors of refugee programmes (BPFA, para 148 (a))</p> <p>Mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the considerations of steps to recognise gender-related persecutions and violence when assessing grounds for granting refugee status and asylum (B+5, para 68 (i))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 9. 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p> <p>Article 15. 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void. 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.</p>

	<p><u>Expresses its deep concern</u> over the severity of the humanitarian suffering of affected civilian populations and the burden carried by many receiving countries, particularly developing countries and countries in transition, and requests the relevant international institutions to ensure that urgent adequate financial and humanitarian assistance is maintained for the host countries to enable them to help the victims and to address, on an equitable basis, difficulties of populations expelled from their homes, and calls for sufficient safeguards to enable refugees to exercise freely their right of return to their countries of origin voluntarily, in safety and dignity (WCAR PoA, para 185)</p>
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What does the WCAR mean for Asia Pacific Women?

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Table 22 : Sexual Discrimination Experienced By Women Who Seek Refugee Status

Point of Concern (2) in APWLD Issues Paper

Refugee women suffer from gendered effects of **racial persecution, particularly rape, sexual torture and forced pregnancy**. These are systematically overlooked as forms of persecution, making it difficult for women to claim refugee status.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The United Nations and States must ensure that women who are refugees, asylum seekers, stateless or displaced or in other emergency humanitarian situations, are protected from acts of violence including sexual violence, rape and abuse and ensure appropriate methods of recourse for victims, based on human rights principles through the apprehension of the perpetrators of such acts of violence. (APWLD Issues Paper)</p> <p>* The World Conference calls on all State signatories to the 1951 Refugee Convention to recognise gender based violence as a form of persecution and a ground to seek asylum according to the Convention. (APWLD Lobby Doc. PoA, para 40 ter.)</p> <p>The World Conference calls for an updated definition of refugees and a revision of individual status determination procedure to ensure that the claims of people who are evicted by ethnic violence and women at risk are recognised, particularly women subject to racially based gender violence, including rape, systematic rape, and sexual torture, and their dependent children. APWLD Lobby Doc (PoA, para 63 quart.)</p>	<p><u>Urges</u> States to take effective steps to protect refugee and internally displaced women and girls from violence, to investigate any such violations and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent organizations (WCAR PoA, para 36)</p>

Table 22	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination Against All forms of Discrimination Against Women (CEDAW)
<p>Urge the identification and condemnation of the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to ensure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation (BPFA, para 145 (c))</p> <p>[C]onsider recognising as refugees those women whose claim to refugee status is based upon the well-founded fear of persecution for reasons enumerated in the 1951 Convention 28/ and the 1967 Protocol 29/ relating to the Status of Refugees, including persecution through sexual violence or other gender-related persecution, and provide access to specially trained officers, including female officers, to interview women regarding sensitive or painful experiences, such as sexual assault (BPFA, para 147 (h))</p> <p>Support and promote efforts by States towards the development of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application (BPFA, para 147 (i))</p> <p>Provide basic and support services to women who are displaced from their place of origin as a result of terrorism, violence, drug trafficking or other reasons linked to violence situations (BPFA, para 147 (n))</p> <p>Develop awareness of the human rights of women and provide, as appropriate, human rights education training to military and police personnel operating in areas of armed conflict and areas where there are refugees (BPFA, para 147 (o))</p> <p>Disseminate and implement the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on Evaluation and Care of Victims of Torture and Trauma and Violence, or provide similar guidance, in close cooperation with refugee women and in all sectors of refugee programmes (BPFA, para 148 (a))</p> <p>Establish effective cooperation between the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees and other relevant bodies, within their respective mandates, taking into account the close link between massive violations of human rights, especially in the form of genocide, ethnic cleansing, systematic rape of women in war situations and refugee flows and other displacements, and the fact that refugee, displaced and returnee women may be subject to particular</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p>

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<p>human rights abuses (BPFA, para 231 (h))</p> <p>Increase awareness and knowledge of the Rome Statute of the International Criminal Court, which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence constitute war crimes and, in defined circumstances, crimes against humanity, with the aim of preventing such crimes from occurring, and take measures to support the prosecution of all persons responsible for such crimes and provide avenues for redress to victims; also increase awareness of the extent to which such crimes are used as a weapon of war (B+5, para 96 (b))</p>	
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Table 23 : The Conditions In Refugee Camps

Point of Concern (3) in APWLD Issues Paper

Refugee women are more likely than men to remain for years in refugee camps. **Conditions in the refugee camps** are extremely impoverished, with a lack of basic needs and facilities, food scarcity, and frequent brutality by guards and officials. In addition to the **common camp experiences of trauma, malnutrition and neglected health, women are particularly vulnerable to exploitation and sexual assault**, which are the standard experiences of refugee women and girls.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>Special attention should be given to the violations of the human rights of refugees in refugee camps and detention centres. In these places, women and girls who are bereft of effective protection often face particular problems. Under these circumstances, they are often subjected to sexual or other assaults. It is essential that women are involved in refugee camp management and policy making and management systems for relief and rehabilitation. The United Nations and States must ensure that women who are refugees and in other emergency humanitarian situations, are protected from acts of violence including sexual violence, rape and abuse and ensure appropriate methods of recourse for victims, based on human rights principles through the apprehension of the perpetrators of such acts of violence. The United Nations and Governments should ensure that all health workers in refugee camps and emergency situations are given basic training in sexual violence, and sexual and reproductive health care and information. In addition, the UNHCR should be supported to implement its guidelines on the protection of refugee women. (APWLD Lobby Doc PoA, para 65)</p>	

Table 23	
<p style="text-align: center;">Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p> <p>Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries (BPFA, para 126 (d))</p> <p>Take steps to ensure that women are fully involved in the planning, design, implementation, monitoring and evaluation of all short-term and long-term projects and programmes providing assistance to refugee women, other displaced women in need of international protection and internally displaced women, including the management of refugee camps and resources; ensure that refugee women and displaced women and girls have direct access to the services provided (BPFA, para 147(a))</p> <p>Offer adequate protection and assistance to women and children displaced within their country and find solutions to their displacement with a view to preventing it and, when appropriate, facilitate their return or resettlement (BPFA, para 147(b))</p> <p>Take steps to protect the safety and physical integrity of refugee women, other displaced women in need of international protection, and internally displaced women during their displacement and upon their return to their communities of origin, including programmes of rehabilitation; take effective measures to protect from violence women who are refugees or displaced; hold an impartial and thorough investigation of any such violations and bring those responsible to justice (BPFA, para 147 (c))</p> <p>While fully respecting and strictly observing the principle of non-refoulement of refugees, take all necessary steps to ensure the right of refugee and displaced women to return voluntarily to their place of origin in safety and with dignity, and their right to protection after they return (BPFA, para 147(d))</p> <p>Take measures, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced women, including their right to voluntary and safe return to their home of origin (BPFA, para 147 (e))</p>	<p style="text-align: center;">The Convention on the Elimination Against All forms of Discrimination Against Women (CEDAW)</p> <p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women</p>

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<p>Ensure that the international community and its international organisations provide financial and other resources for emergency relief and other longer-term assistance that takes into account the specific needs, resources and potentials of refugee women, other displaced women in need of international protection and internally displaced women; in the provision of protection and assistance, take all appropriate measures to eliminate discrimination against women and girls in order to ensure equal access to appropriate and adequate food, water and shelter, education, and social and health services, including reproductive health care and maternity care and services to combat tropical diseases (BPFA, para 147(f))</p> <p>Facilitate the availability of educational materials in the appropriate language – in emergency situations also – in order to minimise disruption of schooling among refugee and displaced children (BPFA, para 147 (g))</p> <p>Promote the self-reliant capacities of refugee women, other displaced women in need of international protection and internally displaced women and provide programmes for women, particularly young women, in leadership and decision-making within refugee and returnee communities (BPFA, para 147(j))</p> <p>Improve and strengthen the capacity of women affected by situations of armed conflict, including women refugees and displaced women, by, inter alia, involving them in the design and management of humanitarian activities so that they benefit from these activities on an equal basis with men (B+5, para 99 (g))</p> <p>Invite UNHCHR , other relevant United Nations agencies, within their respective mandates, and other relevant humanitarian organisations as well as Governments to continue to provide adequate support to countries hosting large numbers of refugees and those with displaced persons, in their efforts to provide protection and assistance, paying particular attention to the needs of refugees and other displaced women and children (B+5, para 99h)</p> <p>Provide support to and empower women who play an important role within their families as stabilising factors in conflict and post-conflict situations (B+5, para 99 (j))</p>	<p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p>
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Table 24 : Vulnerability To Exploitation In The Workplace

Point of Concern (4) in APWLD Issues Paper

Refugee women are particularly vulnerable to **exploitation in the workplace**. They are less likely to have had previous formal employment than men, and they have greater family responsibilities and **less access** to language classes. In addition, they are subject to gender discrimination in the workplace.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference urges all Governments to acknowledge that immigrant and refugee women very often constitute a high proportion of workers in informal employment, including home-working or outworking, domestic work, and the sex industry. Language barriers, citizenship status, racist discrimination, and being part of an ethnic minority all contribute to the vulnerability of women who work in these sectors. The World Conference recommends that Governments legislate to protect these women, prioritising their human rights, and undertakes an awareness-raising program working with community organisations, ethnic communities and unions to ensure that migrant and refugee workers are aware of how to enforce their rights. (APWLD Lobby Doc PoA, para 60 quart.)</p> <p>The World Conference urges Governments to recognise the special employment needs of refugees and immigrants, and particularly the needs of refugee and immigrant women and design special programs offering skills training, orientation with the local job market and the local economic culture. The World Conference stresses that these programs should be conducted both in the national language of the host country and the language of origin for refugees and migrants. Further, the unique skills and qualifications of refugees and migrants, particularly those of women, should be recognised and accredited by Governments in order to facilitate easier access to employment and prospective employers, and ensure recognition by the job market of previous experience. (APWLD Lobby Doc PoA, para 60 quint.)</p>	

Table 24	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination Against All forms of Discrimination Against Women (CEDAW)
<p>Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries (BPFA, para 126 (d))</p> <p>Facilitate the productive employment of documented migrant women (including women who have been determined refugees according to the 1951 Convention relating to the Status of Refugees) through greater recognition of foreign education and credentials and adopting an integrated approach to labour market training that incorporates language training (BPFA, para 178 (p))</p> <p>Take appropriate measures to ensure that refugee and displaced women, migrant women and migrant women workers are made aware of their human rights and of the recourse mechanisms available to them (BPFA, para233 (i))</p>	<p>Article 1. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.</p> <p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p>

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	<p>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p> <p>Article 11.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p> <p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p>
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Table 25 : Lack of Gender Sensitive Services in Countries of Resettlement

Point of Concern (5) in APWLD Issues Paper

Refugee women face **multiple barriers to successful resettlement** in their host countries. Socialised gender roles from their own culture may prevent them from learning the new language, finding employment, or addressing their own physical and psychological health needs. This is exacerbated by the lack of gender sensitive services for refugee women.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference encourages all levels of Government and the relevant United Nations bodies to protect the rights of Indigenous, migrant and refugee women to act and speak for themselves. Further, that these rights be secured through the provision of appropriate funding and resources for training, support and access to these relevant fora and mechanisms - such as the various United Nations human rights treaties at all levels - to ensure their self-determination. That this funding and resourcing also be directed at non-government organisations committed to the self-determination of Indigenous, migrant and refugee women. (APWLD Lobby DocPoA, para 6d bis.)</p> <p>The World Conference urges States to recognize the different barriers that refugees and immigrants, in particular women and children who comprise 80% of the refugee population, face as they endeavour to participate in the economic, social, political and cultural life of their new countries and encourages States to develop strategies to facilitate the long-term integration of these persons into their new countries of residence and the full enjoyment by them of their human rights. (APWLD Lobby Doc PoA, para 64)</p>	<p>We recognize that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices (WCAR Dec, para 16.)</p> <p>We recognize with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of various forms of racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers and internally displaced persons, among others, continue (WCAR Dec, para 53)</p> <p><u>Calls upon</u> States to recognize the racism, racial discrimination, xenophobia and related intolerance that refugees may face as they endeavour to engage in the life of the societies of their host countries and encourages States, in accordance with their international obligations and commitments, to develop strategies to address this discrimination and to facilitate the full enjoyment of the human rights of refugees. States parties should ensure that all measures relating to refugees must be in full accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (WCAR PoA, para 35)</p> <p><u>Urges</u> States to take effective steps to protect refugee and internally displaced women and girls from violence, to investigate any such violations and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent organizations (WCAR PoA, para 36)</p> <p>Avoiding stereotyping in all its forms, and particularly the promotion of false images of migrants, including migrant workers, and refugees, in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people, events and history (WCAR PoA, para 144 (e))</p>

* Language/issue reflected in the Asia Pacific NGO Forum Recommendations, Tehran, Iran, February 17-18, 2001

Table 25	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination Against All forms of Discrimination Against Women (CEDAW)
<p>Mobilize all parties involved in the development process, including academic institutions, non-governmental organisations and grass-roots and women's groups, to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women, such as rural and indigenous women, female heads of households, young women and older women, refugees and migrant women and women with disabilities, recognizing that social development is primarily the responsibility of Governments (BPFA, para 60 (a))</p> <p>Ensure that the rights of refugee and displaced women are protected and that refugee and displaced women are made aware of these rights; ensure that the vital importance of family reunification is recognised (BPFA, para 147 (k))</p> <p>Provide, as appropriate, women who have been determined refugees with access to vocational/professional training programmes, including language training, small-scale enterprise development training and planning and counselling on all forms of violence against women, which should include rehabilitation programmes for victims of torture and trauma; Governments and other donors should contribute adequately to assistance programmes for refugee women, other displaced women in need of international protection and internally displaced women, taking into account in particular the effects on the host countries of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing (BPFA, para 147 (l))</p> <p>Raise public awareness of the contribution made by refugee women to their countries of resettlement, promote understanding of their human rights and of their needs and abilities and encourage mutual understanding and acceptance through educational programmes promoting cross-cultural and interracial harmony (BPFA, para 147 (m))</p> <p>Protect women and children who migrate as family members from abuse or denial of their human rights by sponsors and consider extending their stay, should the family relationship dissolve, within the limits of national legislation (BPFA, para 148 (b))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(a) To participate in the elaboration and implementation of development planning at all levels;</p> <p>(b) To have access to adequate health care facilities, including information, counselling and services in family planning;</p> <p>(c) To benefit directly from social security programmes;</p> <p>(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;</p> <p>(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;</p> <p>(f) To participate in all community activities;</p>

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<p>Provide gender-sensitive human rights education and training to public officials, including, inter alia, police and military personnel, corrections officers, health and medical personnel, and social workers, including people who deal with migration and refugee issues, and teachers at all levels of the educational system, and make available such education and training also to the judiciary and members of the parliament in order to enable them to better exercise their public responsibilities (BPFA, para 232 (i))</p> <p>Take measures to ensure the protection of refugees, especially women and girls, and their access to and the provision of gender-sensitive appropriate basic social services, including education and health (B+5, para 99 (m))</p>	<p>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</p> <p>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p>
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Chapter 9

THE TRAFFICKING OF WOMEN AND GIRLS

Traffickers Have Not Been Deterred By The Imposition Of Restrictive And Exclusionary Immigration Policies By Host Countries

(Point of Concern (1) in APWLD Issues Paper)

A major concern regarding the issue of the trafficking of women and girls is that traffickers have not been deterred by the imposition of restrictive and exclusionary immigration policies by host countries. On the contrary, such policies account for the increasing number of undocumented women migrant workers who have been trafficked or are most vulnerable to trafficking.

In response to this concern, APWLD lobbied for multilateral agreements between sending, transit and receiving countries in order to eliminate the trafficking of women from racial and ethnic minorities and to create measures for repatriation, extradition and prosecution of traffickers, and protection and compensation of victims.

The WCAR recognised that women were particularly vulnerable to trafficking (WCAR Dec, para 30). It recommended that States enact and implement laws against trafficking and ensure law enforcement, protect the rights of the victims, and reinforce bilateral cooperation (WCAR PoA, para 69). It urged States to “consider” signing and ratifying the UN instruments relating to the trafficking of persons (WCAR PoA, para 78), and to conclude bilateral and multilateral agreements to address the problem (WCAR PoA, para 186). It further called for: education campaigns on migrants’ rights, targeting women in particular (WCAR PoA, para 175); the legal documentation of all persons (WCAR PoA, para 37); and human rights training programs for law enforcement, immigration and other relevant officials (WCAR PoA, para 139). All except for para 37 recognised women as a group of particular concern.

The language in the WCAR generally reflected and strengthened the BPFA language relating to this concern. B+5, however, went further and urged States to prevent the prosecution of victims of trafficking for their illegal entry or residence (B+5 para 70 (c)) and “support ongoing negotiations on a draft protocol to prevent, suppress and punish trafficking in persons” (B+5 para 97 (c)). This language is not reflected in the WCAR.

Impunity

(Point of Concern (2) in APWLD Issues Paper)

Another area of critical concern to the issue of trafficking is the impunity of police, military and immigration authorities and politicians in facilitating the trafficking of persons.

The APWLD recommended the establishment of policies to monitor the involvement of state agents, politicians and non-state actors in the facilitation of trafficking, in order to strengthen accountability.

The BPFA and B+5 called for the dismantling of national, regional and international networks in trafficking (BPFA para 130c), and urged States to intensify cooperation to

prevent, suppress and punish trafficking (B+5 para 97a). They also emphasised the legal prosecution of perpetrators through international cooperation, particularly those responsible for organised exploitation of women and children (BPFA para 130 (n); B+5 para 97 (c)).

The WCAR called upon States to “condemn and penalize traffickers and intermediaries” (WCAR PoA para 88), but failed to recommend policies, programmes or strategies that would ensure that such measures were in place or that they were enacted and enforced, with consideration for the needs of persons who are trafficked.

The language in this paragraph fails to specify international cooperation targeting trafficking networks, or legal provisions to facilitate the prosecution of traffickers. It therefore loses a lot of the imperative of the BPFA/B+5 language.

Internet Providers and the Tourist Industry

(Point of Concern (3) in APWLD Issues Paper)

Another contributing factor to the continuing trend of the trafficking of women and children is the involvement of internet providers and the tourist industry.

The APWLD recommended that States develop codes of conduct with the business sector with a view to protecting the human rights of trafficked persons, to be monitored by independent civil service committees.

WCAR adopted the outline of this paragraph, but did not place obligations for monitoring on the State thus limiting the accountability of governments. It also omitted the requirement for independent civil service committees to monitor compliance (WCAR PoA, para 63).

Further, WCAR failed to reflect the BPFA target of sex tourism as one of the causes of trafficking.

Vulnerable Groups

(Point of Concern (4) in APWLD Issues Paper)

The overwhelming majority of trafficked persons are women and girls from certain groups that are already marginalised due to a history of discrimination. Indigenous women, Dalit women, and women of ethnic minorities are some of the most vulnerable groups of women trafficked. Women and children are far more vulnerable to trafficking than are men.

In response to this situation, APWLD lobbied WCAR for recognition of this fact, and called for studies to address the root causes of trafficking.

The WCAR urged States to address the root causes that make women and children vulnerable to trafficking (WCAR PoA, para 174), and also recognised that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance (WCAR PoA, para 38). The only reference to racism and gender discrimination as root causes of trafficking, is the suggestion that some root causes “may be associated with discriminatory practices” (WCAR PoA, para 174). The

language in these paragraphs fails to recognise the extreme vulnerability of Indigenous women, Dalit women and women of ethnic minorities to trafficking, or that this itself constitutes a recurring pattern of racism.

B+5 called for attention to the root factors of trafficking, as well as the protection of vulnerable groups of women and girls (BPFA para 130 (b); B+5 para 70 (a), 70 (d), 97 (c)).

Violations of Basic Rights

(Point of Concern (5) in APWLD Issues Paper)

A final but serious concern is the violation of the basic rights of trafficked women and children. Their rights to self-determination and freedom of movement, as well as their reproductive and health rights, are usually denied. They are removed from their home countries, forced into prostitution or sexual or domestic service, and exposed to health risks, HIV/AIDS, gender based violence and exploitation. In addition, trafficked women and children face racist violence, hostility and disrespect in their receiving countries and in the hands of their exploiters.

APWLD recommended the creation of laws that respect the human rights of trafficked persons. It called upon States to promote and protect the health rights of trafficked persons, with a focus on women's health services. It also urged governments to "pay special attention to protecting the safety" of trafficked women in potentially exploitable situations.

WCAR called for "comprehensive programmes designed to provide assistance to, protection for, healing, reintegration into society and rehabilitation of victims [of trafficking]" (WCAR PoA, para 64). It specified that "special attention should be given to protecting people engaged in domestic work and trafficked persons from discrimination and violence" (WCAR PoA, para 67), and demanded "special attention" for "the case of trafficked persons and smuggled migrants, which makes them more vulnerable to ill-treatment" (WCAR PoA, para 105). While these recommendations recognise some of the serious human rights violations trafficked persons face, they fail to adequately reflect the gendered pattern of these abuses, in particular due to the grossly disproportionate incidence of the sexual exploitation, prostitution, and sexual slavery of women and children.

The WCAR language generally reflected and strengthened the language set out in the BPFA and B+5 addressing this concern (BPFA para 130d; B+5 para 97c). Several paragraphs in WCAR related to this issue, although none of them reinforced the specific provision of job training, legal assistance and confidential health care, social, medical and psychological care recommended in the BPFA.

CEDAW Article 6 directly addresses women and girls who have been trafficked. Many of the issues of trafficked women and girls are similar to migrant women and girls. However, most of the articles which cover socio-economic, education, health and access to legislative, policy and political decision making are also relevant for trafficker women and girls.

**Summary of the Recognition of Intersectionality
in the WCAR Declaration and Programme of Action**
(Intersectionality can be observed in each issue and across issues)

Issue: The Trafficking of Women and Girls

Successes: The PoA recognises that women and girls are particularly vulnerable to trafficking (which reflects the compound effects of multiple layers of discrimination). It calls on states to implement a wide range of concrete measure to address this. The PoA calls for comprehensive programmes to address the consequences of trafficking to the victims, including healing and reintegration into their own societies, with special attention paid to domestic workers and those exposed to violence.

Stepping Stones: The PoA urges states to **consider** signing and ratifying instruments relating to trafficked persons rather than urging or encouraging them to do so. While overall it strengthened the language of BPFA it fails to call for states to prevent the prosecution of victims. It calls for states to develop codes of conduct with the business sector to protect the rights of trafficked persons. It does not however establish monitoring mechanisms to enforce this.

Limitations: Paragraphs calling upon states to “condemn and penalise traffickers” fail to recommend policies and programmes to implement this, or that the needs of trafficked persons should be taken into consideration. It also fails to specify international co-operation targeting trafficking networks. Sex tourism is not recognised as one cause of trafficking, and the high incidence of sexual exploitation, prostitution and sexual slavery of women and children is not adequately addressed. The document fails to recognise the extreme vulnerability of Indigenous women, Dalit women, and women to trafficking, nor does it acknowledge racism as a root cause of trafficking.

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Following this section are Tables 26 – 30 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 26 : Traffickers Have Not Been Deterred By The Imposition Of Restrictive And Exclusionary Immigration Policies By Host Countries

Table 27 : Impunity

Table 28 : Internet Providers and the Tourist Industry

Table 29 : Vulnerable Groups

Table 30 : Violations of Basic Rights

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

Table 26 : Traffickers Have Not Been Deterred By The Imposition Of Restrictive And Exclusionary Immigration Policies By Host Countries

Point of Concern (1) in APWLD Issues Paper

Trafficking is of continuing and increasing concern, and **has not been deterred by the imposition of restrictive and exclusionary immigration policies by host countries**. On the contrary, such policies account for the increasing number of undocumented women migrant workers who have been trafficked or are most vulnerable to trafficking.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>States are urged to sign bilateral and/or multilateral agreements between sending, transit and receiving countries to create measures for safe and voluntary repatriation, extradition and prosecution of traffickers, and protection and compensation of victims. (APWLD Issues Paper)</p> <p>The World Conference encourages all States to develop bilateral and cross-border cooperation to eliminate trafficking in persons and to recognize that Indigenous women, Dalit women, and women of ethnic minorities are some of the most vulnerable groups of women in trafficking. (APWLD Lobby Doc PoA, para 61)</p>	<p>We affirm the urgent need to prevent, combat and eliminate all forms of trafficking in persons, in particular women and children, and recognize that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance (WCAR Dec, para 30)</p> <p><u>Urges</u> States to take all possible measures to ensure that all persons, without any discrimination, are registered and have access to the necessary documentation reflecting their legal identity to enable them to benefit from available legal procedures, remedies and development opportunities, as well as to reduce the incidence of trafficking (WCAR PoA, para 37)</p> <p><u>Urges</u> States to enact and implement, as appropriate, laws against trafficking in persons, especially women and children, and smuggling of migrants, taking into account practices that endanger human lives or lead to various kinds of servitude and exploitation, such as debt bondage, slavery, sexual exploitation or labour exploitation; also encourages States to create, if they do not already exist, mechanisms to combat such practices and to allocate adequate resources to ensure law enforcement and the protection of the rights of victims, and to reinforce bilateral, regional and international cooperation, including with non-governmental organizations that assist victims, to combat this trafficking in persons and smuggling of migrants (WCAR PoA, para 69)</p> <p><u>Urges</u> those States that have not yet done so to consider signing and ratifying or acceding to the following instruments: ... (c) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949; ... (m) United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention of 2000; It further urges States parties to these instruments to implement them fully (WCAR PoA, para 78)</p>

Table 26	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Adopt specific preventive measures to protect women, youth and children from any abuse – sexual abuse, exploitation, trafficking and violence, for example – including the formulation and enforcement of laws, and provide legal protection and medical and other assistance (BPFA, para 107 (q))</p> <p>Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery (BPFA, para 130 (a))</p> <p>[R]ecognise the need to combat illicit arms trafficking, violence, crime, the production and use of and trafficking in illicit drugs, and trafficking in women and children (BPFA, para 143 (d))</p> <p>Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organised and other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution, and sex tourism (BPFA, para 1230 (n))</p> <p>Devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in women and girls through a comprehensive anti-trafficking strategy consisting of, <i>inter alia</i>, legislative measures, prevention campaigns, information exchange, assistance and protection for and reintegration of victims and prosecution of all the offenders involved, including intermediaries (B+5, para 70 (b))</p> <p>Consider preventing, within the legal framework and in accordance with national policies, victims of trafficking, in particular women and girls, from being prosecuted for their illegal entry or residence, taking into account that they are victims of exploitation (B+5, para 70 (c))</p> <p>Support the ongoing negotiations on a draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, to supplement the draft United Nations Convention against Transnational Organised Crime (B+5, para 97 (c))</p> <p>[S]trengthen national legislation by further defining the crime of trafficking in all its elements and by reinforcing the punishment accordingly (B+5, para 97 (c))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 6. <i>States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</i></p> <p>Article 9. 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.</p> <p>2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p>

	<p><u>Urges</u> States to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society (WCAR PoA, para 139)</p> <p><u>Encourages</u> States, in cooperation with non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking (WCAR PoA, para 175)</p> <p><u>Encourages</u> States to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and children, in particular girls, as well as the smuggling of migrants (WCAR PoA, para 186)</p>
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Table 27 : Impunity

Point of Concern (2) in APWLD Issues Paper

A major obstacle in the elimination of trafficking is the **impunity of police, military, immigration authorities and politicians** in facilitating the trafficking of persons.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>* The World Conference urges States to establish policies that would strengthen the accountability of migrant-sending and receiving countries while also enabling States to monitor the activities of state agents such as the police, military, immigration authorities, politicians and non-state agencies such as private recruitment agencies and trafficking syndicates that promote or facilitate trafficking in persons. (APWLD Issues Paper)</p>	<p><u>Calls upon</u> States to criminalize all forms of trafficking in persons, in particular women and children, and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking, with full respect for their human rights (WCAR PoA, para 88)</p>

Table 27	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional, and international networks in trafficking (BPFA, para 130 (c))</p> <p>[P]rovide legal and social services to the victims; this should include those provisions for international cooperation to prosecute and punish those responsible for organised exploitation of women and children (BPFA, para 130 (n))</p> <p>Intensify cooperation between States of origin, transit and destination to prevent, suppress and punish trafficking in persons, especially women and children (B+5, para 97(a))</p> <p>[P]rosecute perpetrators of trafficking (B+5, para 97 (c))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women.</p>

Table 28 : Internet Providers and the Tourist Industry

Point of Concern (3) in APWLD Issues Paper

The **involvement of internet providers and the tourist industry in the trafficking of women and children for sex work/prostitution** is a main contributing factor in the continuation of trafficking.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>States should develop codes of conduct with the business sector, in particular the tourist industry and Internet providers, with a view to promoting and ensuring the human rights of trafficked persons, especially those in prostitution, against gender-based and racial discrimination and promoting their rights, safety and security. States should encourage the establishment of independent civil society committees to monitor compliance with such codes of conduct. (APWLD Lobby Doc PoA, para 60)</p>	<p><u>Encourages</u> the business sector, in particular the tourist industry and Internet providers, to develop codes of conduct, with a view to preventing trafficking in persons and protecting the victims of such traffic, especially those in prostitution, against gender-based and racial discrimination and promoting their rights, dignity and security (WCAR PoA, para 63)</p>

Table 28	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children (BPFA, para 130 (e))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 6. <i>States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</i></p>

Table 29 : Vulnerable Groups

Point of Concern (4) in APWLD Issues Paper

Racism is manifest in patterns of trafficking in women and girls of certain groups that are already marginalised due to a history of discrimination. Indigenous women, Dalit women, and women of ethnic minorities are some of the most **vulnerable groups** of women in trafficking. Women and children are far more vulnerable to trafficking than are men.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference calls for studies to address the effects of economic globalisation on migration trends and the resurgence of racism, racial discrimination, xenophobia and related intolerance and to recognize the reality of the feminisation of migration and the heightened vulnerability of Indigenous women, Dalit women, and women of ethnic minorities to trafficking. (APWLD Lobby Doc PoA, para 56)</p> <p>* The World Conference calls on States to address the exploitation of migrant labor, particularly of women and children, and the continuing destitution of vulnerable sectors of society in the context of globalisation, and to investigate root causes of migration and trafficking including poverty, political and social oppression, ethnic, religious and gender based discrimination and situations of violence and armed conflict. (APWLD Lobby Doc PoA, para 56 bis.)</p>	<p><u>Recognizes</u> that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance. States shall ensure that all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress (WCAR PoA, para 38)</p> <p><u>Urges</u> States to take or strengthen measures, including through bilateral or multilateral cooperation, to address root causes, such as poverty, underdevelopment and lack of equal opportunity, some of which may be associated with discriminatory practices, that make persons, especially women and children, vulnerable to trafficking, which may give rise to racism, racial discrimination, xenophobia and related intolerance (WCAR PoA, para 174)</p>

Table 29	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures (BPFA, para 130 (b); B+5, para 70 (a))</p> <p>Consider setting up or strengthening a national coordinating mechanism, for example, a national Rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organisations, to encourage the exchange of information and to report on data, root causes, factors and trends in violence against women, in particular trafficking (B+5, para 70 (d))</p> <p>As appropriate, pursue and support national, regional and international strategies to reduce the risk to women and girls, including those who are refugees and displaced persons, as well as women migrant workers, of becoming victims of trafficking; ... enact social and economic policies and programmes, as well as informational and awareness-raising initiatives, to prevent and combat trafficking in persons, especially women and children (B+5, para 97 (c))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 6. <i>States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. (emphasis added)</i></p>

Table 30 : Violations of Basic Rights

Point of Concern (5) in APWLD Issues Paper

Trafficking violates the basic rights of women and children to self-determination and freedom of movement, as well as their sexual, reproductive and health rights. They are removed from their home countries, forced into prostitution or sexual or domestic service, and exposed to health risks, **HIV/AIDS, gender based violence and exploitation**. In addition, trafficked women and children face racist violence, hostility and disrespect in their receiving countries and in the hands of their exploiters.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>* States are called upon to create laws related to trafficking that respect the human rights of trafficked persons and their right to choose their own future. In doing this, special attention must be paid to the legal and other needs of trafficked persons. (APWLD Issues Paper)</p> <p>The World Conference calls upon States to promote and protect the health rights of migrant women workers and trafficked persons, including providing access to adequate maternal and reproductive health services and occupational safety measures. (APWLD Issues Paper)</p> <p>Governments are urged to prohibit degrading practices such as trafficking in women, adolescents and children and exploitation through prostitution and pay special attention to protecting the rights and safety of those who suffer from these crimes and those in potentially exploitable situations such as migrant women, women in domestic service and schoolgirls. (APWLD Lobby Doc PoA, para 55 ter.)</p>	<p><u>Urges</u> States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls, through comprehensive anti-trafficking strategies which include legislative measures, prevention campaigns and information exchange. It also urges States to allocate resources, as appropriate, to provide comprehensive programmes designed to provide assistance to, protection for, healing, reintegration into society and rehabilitation of victims. States shall provide or strengthen training for law enforcement, immigration and other relevant officials who deal with victims of trafficking in this regard (WCAR PoA, para 64)</p> <p><u>Urges</u> States to design or reinforce, promote and implement effective legislative and administrative policies, as well as other preventive measures, against the serious situation experienced by certain groups of workers, including migrant workers, who are victims of racism, racial discrimination, xenophobia and related intolerance. Special attention should be given to protecting people engaged in domestic work and trafficked persons from discrimination and violence, as well as to combating prejudice against them (WCAR PoA, para 67)</p> <p><u>Urges</u> States to seek full respect for, and compliance with, the Vienna Convention on Consular Relations of 1963, especially as it relates to the right of foreign nationals, regardless of their legal and immigration status, to communicate with a consular officer of their own State in the case of arrest or detention (WCAR PoA, para 80)</p> <p><u>Urges</u> States to give special attention, when devising and implementing legislation and policies designed to enhance the protection of workers' rights, to the serious situation of lack of protection, and in some cases exploitation, as in the case of trafficked persons and smuggled migrants, which makes them more vulnerable to ill-treatment such as confinement in the case of domestic workers and also being employed in dangerous and poorly paid jobs (WCAR PoA, para 105)</p> <p><u>Recommends</u> that the General Assembly consider declaring a United Nations year or decade against trafficking in persons, especially in women, youth and children, in order to protect their dignity and human rights (WCAR PoA, para 201)</p>

* Language reflected in the Asia Pacific NGO Forum Recommendations, Teheran, Iran, February 17-18, 2001

Table 30	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and take measures to cooperate with non-governmental organisations to provide for the social, medical and psychological care of victims of trafficking (BPFA, para 130d)</p> <p>[P]rovide measures to support, assist and protect trafficked persons in their countries of origin and destination; and facilitate their return to and support their integration into their countries of origin (B+5, para 97c)</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 4. 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.</p> <p>Article 6. States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</p> <p>Article 9. 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p> <p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p>

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	<p>Article 12.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p>
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Chapter 10

WOMEN AND GIRLS IN THE CONTEXT OF GLOBALIZATION

Exploitation of the Labour of Women and Girls of Vulnerable Ethnic Groups

(Point of Concern (1) in APWLD Issues Paper)

a. Globalisation is resulting in the exploitation of the labour of women and girls of vulnerable ethnic groups. This vulnerability arises from a history of discrimination, oppression and exploitation. These groups often include migrants from racially or ethnically marginalised groups working in the informal sector performing domestic or factory labour. Women and children may be trafficked across and within borders and work in slave-like conditions.

The WCAR recognised that interregional (in particular south to north) and intra-regional migration has increased because of globalisation and that migration policies should not be based on racism or related intolerance.

b. The APWLD lobbied WCAR to urge the UN to conduct research into the shift of labour from the formal to informal sectors and from the regulated to unprotected, sub-contracted labour and the findings to be disaggregated by race, gender and descent. The UN and intergovernmental regional bodies should establish monitoring mechanisms for human rights violations by multinational corporations, international financial institutions and companies.

The WCAR addressed the issue of regular monitoring of “acts of racism, racial discrimination, xenophobia and related intolerance in the public and private sectors, including those committed by law enforcement officials (WCAR PoA para 95). It also urged States to promote and conduct long term studies to all aspects of migration which “deal effectively with both its causes and manifestations” (WCAR PoA para 96). However, it did not specifically address the establishment of monitoring mechanisms.

c. The APWLD lobbied that multi-national corporations (MNCs) and companies should be urged to prevent and eliminate racially discriminatory policies and practices and recognise the gender-differentiated experiences of women with respect to access to employment and occupation. This should be in accord with accepted labour standards as set out in various ILO conventions.

The WCAR urged States to support the creation of workplaces free of discrimination but made no specific recommendations as regards women or children. The prospects of groups facing the greatest obstacles in finding and keeping work, in particular those of people subject to multiple discrimination should be improved. It urged the ILO to carry out activities to combat racism and related intolerance and to support the actions of states, employers’ organisations and trade unions in this field. The WCAR urged States to take measures, including legislative if appropriate, to ensure that trans-national and foreign enterprises conform to practices of non-racism and non-

discrimination. States should promote the application and observance of international instruments and norms on workers' rights.

d. The APWLD urged States to guard against the adverse results of globalisation like the increased economic disparity between communities and men and women. It should also prevent the perpetuation of economic and socio-political hierarchies like those that arose historically from colonialism and slavery. States should resist the reinforcement of conflicts over resources along ethnic, religious, racial and caste lines, but also resist cultural homogenisation, which by marginalizing certain groups, could maintain and strengthen racist attitudes.

The WCAR recognised that poverty, underdevelopment, marginalisation, social exclusion and, cultural homogenisation and economic disparities along racial lines between and within States were effects that could be aggravated by globalisation.

The WCAR did not address the issue of conducting research nor did it address specifically the establishment of monitoring mechanisms. However, the B+5 document asked States to analyse policies and programmes from a gender perspective and their impact on poverty and inequality, then adjust them to promote equitable distribution of wealth generation resources and have a positive impact on employment of women in the formal and informal sectors. It proposed that a gender perspective be a key component in macroeconomic, external debt issues and social development policies and be incorporated into budgetary processes. Analytical tools for monitoring and evaluation of the degree of incorporation should be developed. While the BPFA does not specifically identify globalisation as a cause of poverty, the actions identified focus on mitigating the impacts of globalisation on women.

The B+5 outcomes suggested states allocate increased resources to support the social sector, in particular education and health, to achieve gender equality and women's empowerment as a central strategy for addressing poverty eradication. It proposed that social protection systems take account of the needs of women in poverty and provide safeguards against changes in working conditions associated with globalisation and proposed that ILO conventions with respect to women's rights at work should be ratified. It proposed the protection of the rights of women through removal of legal and other barriers and the development of programmes to enhance women's access to quality employment through vocational training and education.

The APWLD lobbied that the world conference express its deep concern over the exploitation of the labour of women and children and the destruction and appropriation of lands traditionally inhabited by Indigenous peoples, in the context of globalisation. It urged the recognition that the exploitation of the labour of women of certain ethnic and descent groups has become the fuel for the global economic engine and that states should affirm and address the economic political and socio-cultural barriers faced by them.

The WCAR did not express concern on these specific issues, but expressed that policies should be encouraged to eliminate racism, racial discrimination, xenophobia and related intolerance. The WCAR limited its discussions in WCAR PoA paras 157-159, to taking measures to address poverty etc., while failing to recognise current economic globalisation policies of privatisation and liberalisation as the source for many of these problems.

The B+5 outcomes proposed that measures be established to ensure that rural women's work in providing food, especially in the informal sector, is recognised.

The B+5 outcomes proposed facilitating the employment for women through increasing access to risk capital and other funding to enable the establishment of micro and medium sized enterprises. It also proposed taking other measures to promote women's entrepreneurship.

Poor Working Conditions and Salaries *(Point of Concern (2) in APWLD Issues Paper)*

The policies of multi-national corporations have resulted in poor working conditions and salaries, especially for women. The privatisation of public services, deregulation of economies, the withdrawal of subsidies and substitution of food production by cash crops has resulted in unemployment and the shift of labour to the informal unprotected sector. Women and girls from marginalised groups are disproportionately affected by these policies.

The APWLD urged the world conference to promote the participation of minority groups, including women, in economic and social decision making, to ensure that women of any race, ethnicity, religion, descent or Indigenous community are not excluded from the benefits of development.

The WCAR urged States to sign, ratify or accede to various ILO conventions including those to eliminate discrimination against women, the rights of the child, migrant workers, Indigenous and tribal peoples and combat of racial discrimination, xenophobia and related intolerance. It urged the private sector and international and regional development banks to promote participation by victims of racism and related intolerance in economic, cultural and social decision-making particularly in the development of poverty alleviation strategies. States were urged to promote equal access of all members of the community, especially those subject to racism or related intolerance, to decision making processes

The B+5 outcomes said that measures should be taken to guarantee the equal participation of women, particularly those from developing countries, in macroeconomic decision-making and ensure new approaches based on stability, growth and equality are devised to reduce poverty and gender based inequality. It proposed that an integrated gender perspective on solutions to debt servicing problems of developing countries was required, in order to allow the financing of programmes including those concerned with the advancement of women.

Fostering of Deregulated Economies and Export-Processing Zones *(Point of Concern (3) in APWLD Issues Paper)*

The WTO fostering of deregulated economies and export-processing zones increases the number of women living in poverty. States are obliged to provide the means for people to achieve humane living standards. However, globalisation, privatisation and the weakening or removal of social safety nets undermine this right; minority, immigrant and Indigenous women being particularly adversely affected. Cuts in social spending and public sector jobs disproportionately affect women at the intersection of race and gender. The APWLD supports calls for debt cancellation instead of the highly indebted poor countries initiative.

The APWLD lobbied the WCAR to urge States, multinational corporations, international financial institutions and companies to eliminate discriminatory policies and practices and recognise the gender-differentiated experiences of women in access to employment, in accordance with standards set out in ILO conventions.

The WCAR urged the World Bank and IMF, WTO and regional development banks, in particular, to promote participation by all members of the international community in decision-making to facilitate development projects and trade and market access programmes. However, there was no explicit recognition of the impacts of current policies of the World Bank, IMF, WTO, regional development banks and MNC's that are contributing to the number of women who are living in poverty, the removal of social safety nets, specific gender issues with respect to employment conditions of women and higher debt levels in countries.

The B+5 outcomes proposed that multilateral financial and development institutions strengthen their analytical capacity to better incorporate gender perspectives into lending programmes. They should look at innovative approaches to assist low-income countries and how to alleviate their debt burden. They should ensure that the negative effects of structural adjustment programmes on vulnerable groups is minimised and devise measures to ensure they can gain access and control over economic resources. Governments, multilateral and bilateral development organisations were urged to support financial institutions that support large numbers of low-income women in forms that foster self-sufficiency and entrepreneurship.

The expanding global influence of Trans-National Corporations (TNC's) and Multi-National Corporations (MNC's) and increasing pressures of a global market system has resulted in a shift from the formal to the informal sectors of employment and a swing from the regulated to un-protected, sub-contracted labour. It is vital that the international community hold TNC's and MNC's accountable for discriminatory practices on the basis of racism, race discrimination, xenophobia, related intolerance and gender discrimination which perpetuate marginalisation. Impunity of these actors must not be allowed to happen.

CEDAW can be used to support participation in economic, cultural and social decision-making. States are obliged to provide the means for people to achieve humane living and work standards, in many countries globalisation, privatisation and the weakening or removal of social safety nets undermine this right.

Women and girls suffer from the intersection of racist attitudes manifested in immigration policies and sexist ideologies which frame the current international division of labour, contributing to the feminisation of poverty and leaving women open to exploitation. CEDAW can be used to promote women's participation in economic, cultural and social decision-making, and promote women's rights in employment in accordance with standards set out in ILO, the Beijing Platform for Action and other Human Rights Conventions.

**Summary of the Recognition of Intersectionality
in the WCAR Declaration and Programme of Action**
(Intersectionality can be observed in each issue and across issues)

Issue: Women and Girls in the Context of Globalisation

Successes: The PoA recognises that interregional migration has increased , and that migration policies should not be based on racism or related intolerance. The PoA calls for the regular monitoring of acts of racism and racial discrimination .. in the public and private sectors. It also urges the ILO and States to take , including legislation, to address racism and racial discrimination in trans national and foreign enterprises and to include the rights of women and of children in this recognition. It recognises that poverty, underdevelopment, marginalisation, social exclusion, cultural homogeneity and economic disparity along racial lines could be aggravated by globalisation. It further urges states to promote equal access of all members of the community, in particular those subject to racism and related intolerances the decision making processes.

Stepping Stones: The PoA calls for workplaces free of discrimination, but does not specifically mention women and children. It suggests steps to address issues of poverty, but not to recognise the impact of current global practices on the feminisation of poverty

Limitations: The PoA does not address the establishment of monitoring mechanisms for the public and private sector workplaces. Nor does it encourage research into the impacts of globalisation on women.

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Following this section are Tables 31 – 33 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 31 : Exploitation of the Labour of Women and Girls of Vulnerable Ethnic Groups

Table 32 : Poor Working Conditions and Salaries

Table 33 : Fostering of Deregulated Economies and Export-Processing Zones

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

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Table 31 : Exploitation of the Labour of Women and Girls of Vulnerable Ethnic Groups

Point of Concern (1) in APWLD Issues Paper

Globalization, as did colonialism and slavery, relies on the **exploitation of labor**, particularly the labour of women and girls of certain ethnic groups whose vulnerability results partly from a history of discrimination, oppression and exploitation. Consequently **women whose economic survival is endangered by racism are further disadvantaged because their labour has become the fuel of the global economic engine**. There are numerous documented cases of discrimination and human rights violations, some of which include trafficking across and within borders in persons who find themselves in slave-like working conditions. These cases most often include migrant laborers and/or women and girls from racially or ethnically marginalized communities who often work in the informal sector of labour as domestic or factory workers. Indigenous women, **Dalit women, women of ethnic and religious minorities and economically disadvantaged women are some of the vulnerable groups most harshly effected by the negative impacts of globalization and related privatization.**

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference urges the UN to conduct research disaggregated by race and gender and descent into the links between the shift of labour from the formal to the informal sector and from regulated to unprotected, sub-contracted labour. (APWLD Issues paper)</p> <p>The World Conference urges States, multi national corporations, international financial institutions and companies to prevent and eliminate, where they exist, racially discriminatory policies and practices, recognizing the gender differentiated experiences of women, in access to employment and occupation in accordance with accepted labour standards as set out by various ILO conventions. (APWLD Lobby Doc PoA para 29)</p> <p>The World Conference urges the UN to conduct research disaggregated by race and gender and descent into the links between the shift of labour from the formal to the informal sector and from regulated to unprotected, subcontracted labour. (APWLD Lobby Doc PoA para 29 bis)</p> <p>We recognize that although globalization, as an ongoing process, is a powerful and dynamic force with the potential to help achieve the goal of development and prosperity for all of humankind, there is a need to regulate the vehicles of globalisation to ensure the just and equitable distribution of the world’s resources and to guard against adverse trends, including growing economic disparity between communities and between men and women, the reproduction of historical economic and socio-political hierarchies related to the legacy of colonialism and slavery, the reinforcement of conflicts over resources along ethnic, religious, racial and caste lines, and cultural homogenization, which, by marginalizing certain countries and groups, could, inter alia, contribute to maintaining and strengthening racist attitudes; (Reg Conf Tehran Cf. Reg Conf Dakar) (APWLD Lobby Doc Dec para 17)</p>	<p>We note that the process of globalization constitutes a powerful and dynamic force which should be harnessed for the benefit, development and prosperity of all countries, without exclusion. We recognise that the developing countries face special difficulties in responding to this central challenge. While globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed. We thus express out determination to prevent and mitigate the negative effects of globalization. These effects could aggravate, <i>inter-alia</i>, poverty underdevelopment, marginalisation, social exclusion, cultural homogenization and economic disparities which may occur along racial lines, within and between States, and have an adverse impact. We further express our determination to maximize the benefits of globalization through, <i>inter-alia</i>, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, which can contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance. Only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, can globalization be made fully inclusive and equitable; (WCAR Dec para 11)</p> <p>We recognise that interregional and intraregional migration has increased as a result of globalization, in particular from the South to the North, and stress that policies towards migration should not be based on racism, racial discrimination, xenophobia and relater intolerance; (WCAR Dec para 12)</p>

Table 31

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>
<p>By Governments: (b) Analyse, from a gender perspective, policies and programmes – including those related to macroeconomic stability, structural adjustment, external debt problems, taxation, investments, employment, markets and all relevant sectors of the economy – with respect to their impact on poverty, on inequality and particularly on women; assess their impact on family well-being and conditions and adjust them, as appropriate, to promote more equitable distribution of productive assets, wealth, opportunities, income and services;</p> <p>(h) Generate economic policies that has a positive impact on the employment and income of women workers in both the formal and informal sectors and adopt specific measures to address women’s unemployment, in particular their long-term unemployment; (BPFA paras 58(b), (h))</p> <p>(a) Mainstream a gender perspective into key macroeconomic and social development policies and national development programmes;</p> <p>(b) Incorporate a gender perspective into the design, development, adoption and execution of all budgetary processes, as appropriate, in order to promote equitable, effective and appropriate resource allocation and establish adequate budgetary allocations to support gender equality and development programmes that enhance women’s empowerment and develop the necessary analytical and methodological tools and mechanisms for monitoring and evaluation;</p> <p>(c) Increase, as appropriate, and effectively utilize financial and other resources in the social sector, particularly in education and health, to achieve gender equality and women’s empowerment as a central strategy for addressing development and poverty eradication; (B+5 paras 73 (a), (b), (c))</p> <p>(b) Create and ensure access to social protection systems, taking into account the specific needs of all women living in poverty, demographic changes and</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p>

We express deep concern about the reliance of Globalisation on the exploitation of labour, particularly the labour of women and girls, and on the destruction and removal of lands traditionally inhabited by indigenous peoples. We recognise that women members of certain ethnic and descent groups are systematically disadvantaged because their labour has become the fuel of the global economic engine, and emphasise the fundamental need for states to affirm and address the economic, political and socio-cultural barriers faces by such persons. (APWLD Lobby Doc Dec para 17 bis)

WCAR urges States and encourages non-government organisations and the private sector:

(a) To support the creation of workplaces free of discrimination through a multifaceted strategy that includes civil rights enforcement, public education and communication within the workplace, and to promote and protect the rights of workers who are subject to racism, racial discrimination, xenophobia and related intolerance;

(b) To foster the creation, growth and expansion of business dedicated to improving economic and educational conditions in underserved and disadvantaged areas, by increasing access to capital through, *inter alia*, community development banks, recognizing that new business can have a positive, dynamic impact on communities in need, and to work with the private sector to create jobs, help retain existing jobs and stimulate industrial and commercial growth in economically distressed areas;

(c) To improve the prospects of target groups facing, *inter alia*, the greatest obstacles in finding, keeping or regaining work, including skilled employment. Particular attention should be paid to persons subject to multiple discrimination. (WCAR PoA para 104 (a), (b), (c))

d. WCAR urges States to avoid the negative effects of discriminatory practices, racism and xenophobia in occupation by promoting the application and observance of international instruments and norms on workers' rights (WCAR PoA para 106)

e. WCAR calls upon States and encourages representative trade unions and the business sector to advance non-discriminatory practices in the workplace and protect the rights of workers, including, in particular, the victims of racism, racial discrimination, xenophobia and related intolerance. (WCAR PoA para 107)

f. WCAR encourages States, regional and international organisations, including financial institutions, as well as civil society, to address within existing mechanisms, or where necessary to put in place and/or develop mechanisms, to address those aspects of globalization which may lead to racism, racial discrimination, xenophobia and related intolerance. (WCAR PoA para 152)

g. WCAR urges the International Labour Organization to carry out activities and programmes to combat racism, racial discrimination, xenophobia and related intolerance in the world of work, and to support actions of States, employers' organizations and trade unions in this field (WCAR PoA para 155)

h. WCAR urges States to take measures, including, where appropriate, legislative measures to ensure that transnational corporations and other foreign enterprises operating within their national territories conform to precepts and practices of non-racism and non-discrimination, and further encourages the business sector, including trans-national corporations and foreign enterprises, to collaborate with trade unions and other relevant sectors of civil society to develop voluntary codes of conduct for all businesses, designed to prevent, address and eradicate racism, racial discrimination, xenophobia and related intolerance (WCAR PoA para 215)

<p>changes in society, to provide safeguards against the uncertainties and changes in conditions of work associated with globalization, and strive to ensure that new, flexible and emerging forms of work are adequately covered by social protection;</p> <p>(c) Continue to review, modify and implement macroeconomic and social policies and programmes, <i>inter alia</i> through an analysis from a gender perspective of those related to structural adjustment and external debt problems, in order to ensure women's equal access to resources and universal access to basic social services. (B+5 paras 74 (b), (c))</p> <p>Facilitate employment for women through, <i>inter alia</i>, promotion of adequate social protection, simplification or administrative procedures, removal of fiscal obstacles, where appropriate, and other measures such as access to risk capital, credit schemes, micro credit and other funding, facilitating the establishment of micro enterprises and small and medium-sized enterprises. (B+5 para 75)</p> <p>(c) Provide national machineries with the necessary human and financial resources, including through exploring innovative funding schemes, so that gender mainstreaming is integrated into all policies, programmes and projects; (B+5 para 76 (c))</p> <p>(a) Promote and protect the rights of women workers and take action to remove structural and legal barriers as well as stereotypical attitudes to gender equality at work, addressing, <i>inter alia</i>, gender bias in recruitment; working conditions; occupational segregation and harassment; discrimination in social protection benefits; women's occupational health and safety; unequal career opportunities and inadequate sharing by men, of family responsibilities.(B+5 para 82 (a))</p> <p>(e) Develop policies and programmes to enhance the employability of women and their access to quality jobs, through improving access to formal, non formal and vocational training, lifelong learning and retraining, long-distance education, including in information and communications technology and entrepreneurial skills, particularly in developing countries, to support women's empowerment in the different stages of their lives;</p> <p>(f) Take action to increase women's participation and to bring about a balanced representation of women and men in all sectors and occupations in the labour market, <i>inter alia</i> by encouraging the creation or expansion of institutional networks to support the career development and promotion of women;</p> <p>(g) Develop and/or strengthen programmes and policies to support women entrepreneurs, including those engaged in new enterprises, through access to information, training, including vocational training, new technologies, networks, credit and financial services;</p> <p>(h) Initiate positive steps to promote equal pay for equal work or equal value and to diminish differentials in income between women and men. (B+5 paras 82 (e), (f), (g), (h))</p>	<p>(d)The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p> <p>Article 11.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p> <p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p>
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(a) Take measures to develop and implement gender-sensitive programmes aimed at stimulating women's entrepreneurship and private initiative, and assist women-owned business in participating and benefiting from, *inter alia*, international trade, technological innovation and investment.

(b) Respect, promote and realize the principles contained in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, and strongly consider ratification and full implementation of International Labour Organization conventions which are particularly relevant to ensuring women's rights at work;

(c) Encourage the strengthening of existing and emerging micro credit institutions and their capacity, including through the support of international financial institutions, so that credit and related services for self-employment and income-generating activities may be made available to an increasing number of people living in poverty, in particular women and to further develop, where appropriate, other microfinance instruments;

(e) Adopt measures to ensure that the work of rural women, who continue to play a vital role in providing food security and nutrition and are engaged in agricultural production and enterprises related to farming, fishing and resource management and home-based work, especially in the informal sector, is recognized and valued in order to enhance their economic security, their access to and control over resources and credit schemes, services and benefits, and their empowerment. (B+5 paras 94 (a), (b), (c), (e))

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 14.

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

What does the WCAR mean for Asia Pacific Women?

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	<p>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</p> <p>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> <p>Article 15.</p> <p>1. States Parties shall accord to women equality with men before the law.</p> <p>2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.</p> <p>3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.</p> <p>4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.</p>
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Table 32 : Poor Working Conditions and Salaries

Point of Concern (2) in APWLD Issues Paper

The **policies and practices of multi national corporations continue to adversely contribute to the number of people living in poverty.** These policies and practices have resulted in poor working environments, inadequate salaries and the displacement of many peoples from employment by new technologies. The implementation of policies which favour the privatisation of public services, trade liberalisation, deregulation of economies withdrawal of subsidies, downsizing of governments, substitution of food production by cash crops and the inflow of foreign capital and enterprise has increased the number of men, women and children in the Asia Pacific Region living in poverty. These policies have resulted in unemployment, under-employment, retrenchment, the shift of labour from the formal to the informal sector and from regulated to unprotected, sub-contracted labour. **Women and girls from marginalised groups including Indigenous women, women from ethnic and religious minorities and women displaced by ethnic conflicts are disproportionately affected by these policies.**

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference urges Governments, the private business sector and international financial institutions, particularly the World Bank, the IMF and the WTO, to promote participation by minority groups including women in these groups, in economic and social decision-making at all stages and levels and ensure that benefits of trade, investment and development policies do not exclude women of any race, ethnicity, religion, descent, or indigenous community from equal benefits from all profits and development (seminar of experts Warsaw) (APWLD Lobby Doc PoA para 30)</p>	<p>WCAR urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:</p> <ul style="list-style-type: none"> (b) International Labour Organization Migration for Employment Convention (Revised), 1949 (No 97); (e) International Labour Organization Discrimination (Employment and Occupation) Convention 1958 (No 111); (g) Convention on the Elimination of all Forms of Discrimination against Women of 1979, with a view to achieving universal ratification within five years, and its Optional Protocol of 1999; (h) Convention on the Rights of the Child of 1989 and its two Optional Protocols of 2000, and the International Labour Organization Minimum Age Convention, 193 (No 138) and Worst Forms of Child Labour Convention, 1999 (No 182); (i) International Labour Organization Migrant Workers (Supplementary Provisions) Convention, 1975 (No 143); (j) International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No 169) and the Convention on Biological Diversity of 1992; (k) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990; <p>(WCAR PoA paras 78 (b), (e), (g), (h), (j) (k)).</p> <p>WCAR urges States to make every effort to apply fully the relevant provisions of the International Labour Organization Declaration on Fundamental Principles and Rights at Work of 1998, in order to combat racism, racial discrimination, xenophobia and related intolerance; (WCAR PoA para 83)</p>

Table 32

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>
<p>(a) Take effective measures to address the challenges of globalization including through the enhanced and effective participation of developing countries in the international economic policy decision-making process, in order to, <i>inter alia</i>, guarantee the equal participation of women, in particular those from developing countries, in the process of macroeconomic decision-making;</p> <p>(b) Take measures, with the full and effective participation of women, to ensure new approaches to international development cooperation, based on stability, growth and equity, with the enhanced and effective participation and the integration of developing countries in the globalising world economy, geared towards poverty eradication and the reduction of gender-based inequality within the overall framework of achieving people-centered sustainable development.</p> <p>(c) Design and strengthen poverty eradication strategies, with the full and effective participation of women, that reduce the feminization of poverty and enhance the capacity of women and empower them to meet the negative social and economic impacts of globalization (B+5 paras 101 (a), (b), (c))</p> <p>(i) Identify and implement development-oriented and durable solutions which integrate a gender perspective to external debt and debt-servicing problems of developing countries, including least developed countries, <i>inter alia</i>, through debt relief, including the option of official development assistance debt cancellation, in order to help them to finance programmes and projects targeted at development, including the advancement of women;</p> <p>(j) Support the Cologne initiative for the reduction of debt, particularly the speedy implementation of the enhanced Heavily Indebted Poor Countries Debt Initiative; ensure the provision that funds saved should be used to support anti-poverty programmes that address gender dimensions; (B+5 paras 101 (i), (j))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p>

	<p>WCAR urges States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote participation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty alleviation strategies, development projects and trade and market assistance programmes; (WCAR PoA para 112)</p> <p>WCAR urges States to promote, as appropriate, effective and equal access of all members of the community, especially those who are victims of racism, racial discrimination, xenophobia and related intolerance, to the decision-making process in society at all levels and in particular at the local level, and also urges States and encourages the private sector to facilitate their effective participation in economic life (WCAR PoA para 113)</p>
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	<p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p> <p>Article 11.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p>
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	<p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p> <p>3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.</p> <p>Article 12.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Article 14.</p> <p>1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p>
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2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 15.

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

Table 33 : Fostering of Deregulated Economies and Export-Processing Zones

<p>Point of Concern (3) in APWLD Issues Paper</p> <p>The agreements and practices of the World Trade Organisation continue to adversely contribute to the number of women living in poverty through the fostering of deregulated economies and the existence of export processing zones. International human rights law recognises the right to an adequate standard of living and the State's obligation to provide the means for women and men to achieve humane living standards. However, globalisation, privatisation, structural adjustment policies, and the weakening or removal of social safety nets undermine this right, with a particularly adverse impact on minority, immigrant and Indigenous women, as well as for women in countries that are recently decolonised or continue to experience forms of neocolonialism. The cuts in social spending and public sector jobs that have accompanied structural adjustment and welfare reform policies, for example disproportionately affect women at the intersection of race, class and gender. Moreover, the multiple roles women play and the burden of working harder to find clean water, fuel, food supply and health care as a result of these policies are complicated for women of disadvantaged racial, ethnic, immigrant and indigenous groups in societies. Recognising the intersectionality of gender and race in matters relating to the negative impact of international finance, trade and investment law – including international law on the nationalization of property – on women of the south by supporting calls for debt cancellation instead of the Highly Indebted Poor Countries (HIPC) initiative.</p>	
<p>Suggested language in Issues Paper and APWLD Lobby Document</p>	<p>Language included in the WCAR Outcomes Document</p>
<p>The World Conference urges States, multi national corporations, international financial institutions and companies to prevent and eliminate, where they exist, racially discriminatory policies and practices, recognising the gender-differentiated experiences of women, in access to employment and occupation, in accordance with accepted labour standards as set out by various ILO conventions. Regional Conference, Tehran (APWLD Issues paper)</p>	<p>WCAR urges all multilateral financial and development institutions, in particular the World Bank, the International Monetary Fund, The World Trade Organization and regional development banks, to promote, in accordance with their regular budgets and the procedures of their governing bodies, participation by all members of the international community in decision-making processes at all stages and levels in order to facilitate development projects and, as appropriate, trade and market access programmes: (WCAR PoA para 114)</p>

Table 33

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>
<p>By multilateral financial and development institutions, including the World Bank, the International Monetary Fund and regional development institutions, and through bilateral development cooperation;</p> <p>(b) Strengthen analytical capacity in order to more systematically strengthen gender perspectives and integrate them into the design and implementation of lending programmes, including structural adjustment and economic recovery programmes,</p> <p>(d) Invite the international financial institutions to examine innovative approaches to assisting low-income countries with a high proportion of multilateral debt, with a view to alleviating their debt burden</p> <p>(e) Ensure that structural adjustment programmes are designed to minimize their negative effects on vulnerable and disadvantaged groups and communities and to assure their positive effects on such groups and communities by preventing their marginalisation in economic and social activities and devising measures to ensure that they gain access to and control over economic resources and economic and social activities; take actions to reduce inequality and economic disparity (BPFA paras 59 (b), (d), (e))</p> <p>By multilateral and bilateral development cooperation organizations. Support through the provision of capital and/or resources, financial institutions that serve low income, small-scale and micro-scale women entrepreneurs and producers, in both the formal and informal sectors (BPFA para 64)</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p>

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<p>By Governments and multilateral financial institutions, as appropriate: Support institutions that meet performance standards in reaching large numbers of low-income women and men through capitalization, refinancing and institutional development support in forms that foster self-sufficiency. (BPFA para 65)</p>	<p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p> <p>Article 11. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p>
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	<p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p> <p>3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.</p> <p>Article 12.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Article 14.</p> <p>1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(a) To participate in the elaboration and implementation of development planning at all levels;</p> <p>(b) To have access to adequate health care facilities, including information, counselling and services in family planning;</p>
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	<p>(c) To benefit directly from social security programmes;</p> <p>(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;</p> <p>(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;</p> <p>(f) To participate in all community activities;</p> <p>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</p> <p>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> <p>Article 15.</p> <p>1. States Parties shall accord to women equality with men before the law.</p> <p>2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.</p> <p>3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.</p> <p>4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.</p> <p>Article 16.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:</p> <p>(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;</p>
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Chapter 11

HOW TO USE THIS BOOK FOR FUTURE ADVOCACY⁵

As a tool for future advocacy, it is useful to understand the status of the various documents discussed in relation to international human rights law, and how the lobbying and advocacy that we do relates to international law.

In preparation for WCAR APWLD worked with member organisations to identify key issues of concern and to lobby to have language, or recommendations relating to those issues included in the final WCAR Declaration and Program of Action. This is necessary because the international human rights framework is porous. This has occurred because it is open to interpretation, because new human rights abuses constantly emerge, because the way in which the social world is viewed differs in place and time and because of shifts and changes in power structures and the world order. There are gaps and cracks in the wall of protection it should provide to ensure the universal and indivisible human rights of all women.

The work of women's groups at the WCAR, as well as at other UN Conferences, UN agency meetings, such as the Commission for the Status of Women (CSW), the UN Commission on Human Rights (UNCHR) and the United Nations High Commission for Refugees (UNHCR), aims to include language in the outcomes documents which will address these gaps, cracks and omissions.



Even when women's groups succeed in having their language reflected in UN documents, a further challenge emerges, because outcomes of these UN conferences and annual meetings of UN agencies are not enforceable by law. They are commitments made by Governments to undertake a range of actions to address the issues tabled at the meetings, but they carry little more than the weight of moral imperative.

⁵ This chapter was written by Eileen Pittaway, 2003.

However, they do carry the status of 'soft law' and the potential to become part of international customary law.

The more often the same demands are repeated and incorporated into the text of such documents the "firmer" this soft law can become. If various countries begin to use this language and reflect it in their domestic law, it becomes "hard law". If the outcomes from these meetings are taken to the General Assembly of the United Nations and accepted there, then they become Resolutions of the General Assembly. These have much greater enforceable status than outcomes of UN meetings, or even UN conferences.

Each step strengthens the status and the potential of transforming soft law to become customary international law. If enough pressure is applied, eventually it may be formally incorporated into the international legal framework. As the International Court of Justice and the International Criminal Court fulfil their mandates and develop further jurisprudence, the commitments made at UN conferences and UN meetings have more potential for real implementation to become reality.

Thus when NGO's are lobbying for the inclusion of a particular set of words, or a concept at a UN conference or UN agency meeting, they are not only lobbying to seek commitment from Governments at this level. They are also lobbying to have the issues taken through the UN process and, hopefully, to finally be reflected in international human rights law.



This publication can help NGO's contribute to this process of advancing the development of international human rights law. Linking the demands made by APWLD at the WCAR and at Beijing + Five, and matching those to the articles of CEDAW, is a process of charting how these conceptualisations and interpretations of women's human rights are recognised at a higher level.

For example, by referring to the commitments already made by Governments who have ratified CEDAW, women's groups can use CEDAW to strengthen the language and demands made in UN conference documents. Another way, is for women's