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Committee on Migrant Workers
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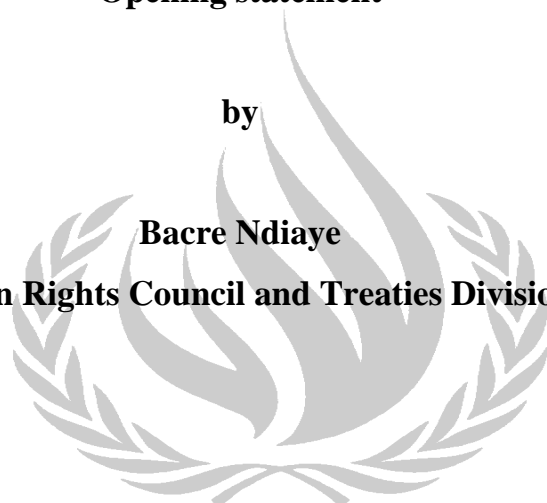
Day of General Discussion on Migrant Domestic Workers

Opening statement

by

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Palais Wilson – First Floor Conference Room
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Mr. Chairman,
Distinguished members of the Committee,
Ladies and Gentlemen,

It is with great pleasure that I join you this morning to open the Committee on Migrant Workers' Day of General Discussion on migrant domestic workers. I bring you warm greetings from the High Commissioner, who unfortunately is not able to be here this morning.

Your discussion here today is very timely—too little attention has been focused on migrant domestic workers although they constitute a large portion of today's migrant worker population—whether in regular, documented status, or not.

A number of factors make migrant domestic workers a very vulnerable group: they are in a job which, by its nature, offers them very little contact with the outside world; in some cases, the legislation in the country of employment and recruitment methods make them heavily dependent on their employer. As non-nationals in the countries where they work, they are unfamiliar with the laws and practices, sometimes unable to speak the language, and often without any social network to which they can resort in case of need. Furthermore, in many countries domestic employment is not recognized as part of regular employment, nor covered by labour legislation, allowing employers to unilaterally impose working conditions that fall woefully short of international standards.

Women, who constitute the majority of migrant domestic workers, often suffer a further vulnerability to abuse. This vulnerability is even greater for undocumented women, as they often have no recourse to justice and other forms of assistance in case of abuse or violations of their rights.

Today's discussion is also very relevant, given the fact that next year's International Labour Conference in Geneva will address the development of an international instrument dealing with domestic workers. But even without a specific ILO instrument, migrant domestic workers are not left out of the international protection framework. General labour and human rights norms and standards do apply to them and States are under an obligation to ensure that migrant domestic workers can enjoy these rights. In a few moments, the distinguished ILO representative Ms. Manuela Tomei, Director of the ILO's Conditions of Work and Employment Programme (TRAVAIL) and later in this morning's panel, my colleague, Ibrahim Salama, and ILO colleague Kaat Landuyt will go into more detail about these standards. I would just like to take this opportunity to recall that all human rights are universal and apply to all, including – and in particular – to the most vulnerable. I know that no one among you challenges this principle – the problem lies in its implementation.

Ladies and Gentlemen,

By way of example, I would like to mention a project that OHCHR supports in Lebanon together with the ILO. As you may be aware, domestic work is the single most important category of employment among women migrants to the Gulf States,

Lebanon, and Jordan. In order to alleviate the hardship of women domestic workers in Lebanon, the Government, ILO and OHCHR joined hands to draft a unified contract. This contract for the first time provides a common set of standards to protect migrant domestic workers. It was signed by the Lebanese Ministry of Labour in February of this year and is now effective. Henceforth, all contracts for migrant domestic workers need to comply with the protection standards set out in the unified contract – otherwise, no permit is being issued by the Ministry. This of course, is only a first step – albeit a very important one. The Government, with support of ILO and OHCHR, is already advancing on the next step, which will be the drafting of a new law that clearly spells out all the rights and duties of migrant domestic workers and will provide the necessary legal framework for their employment.

Distinguished members of the Committee,

As you are aware, Migration is one of the 6 priorities that have been defined by the High Commissioner Pillay for 2010-2011. It is one of OHCHR's priorities to bring human rights at the forefront of any discussion on migration policies. We will strive to make the international community more responsive to the human rights dimensions of migration, particularly in the areas of economic, social and cultural rights; migration detention and criminalisation of irregular migration; as well as the effects of the current economic crisis which brings not only economic hardship to migrants, who are often the first to lose their jobs, but which also has led to increased manifestations of xenophobia and discrimination against them.

The current economic crisis has shown us how important international standards are in the protection of the rights of the most vulnerable. Especially in the context of migration, where migrants are being blamed for taking away jobs from national workers, we see the rights of migrants being undermined. Often national legal systems do not provide enough protection for non-nationals. This is why international standards and monitoring mechanisms are so important. In particular, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides a detailed framework designed to give concrete guidance to States on how to apply general human rights norms to migrants. Our host for today, the Committee on Migrant Workers monitors the application of the Convention by its States parties and thus ensures that the rights of migrant workers and members of their families are not being bargained away in difficult times.

It is imperative that more States join this important treaty. I call upon all States that have not yet done so to consider becoming a party to the Migrant Workers Convention. My colleagues and I will be happy to discuss with any State representative on how to set this process in motion.

Mr. Chairman,

In a context where domestic migrant workers often remain excluded from the protection of current labour legislation how do we ensure that:

- the legal system, and in particular labour law, *applies* to domestic work?
- migrant domestic workers *know* about their rights?
- a migrant domestic worker can *access* justice and other support mechanisms?

- an *effective inspection mechanism* is created that would combat abuses?

These are the kind of challenges that you will discuss today – and I am very much looking forward to hearing the outcome of your discussions. I wish you a fruitful discussion.

Thank you.