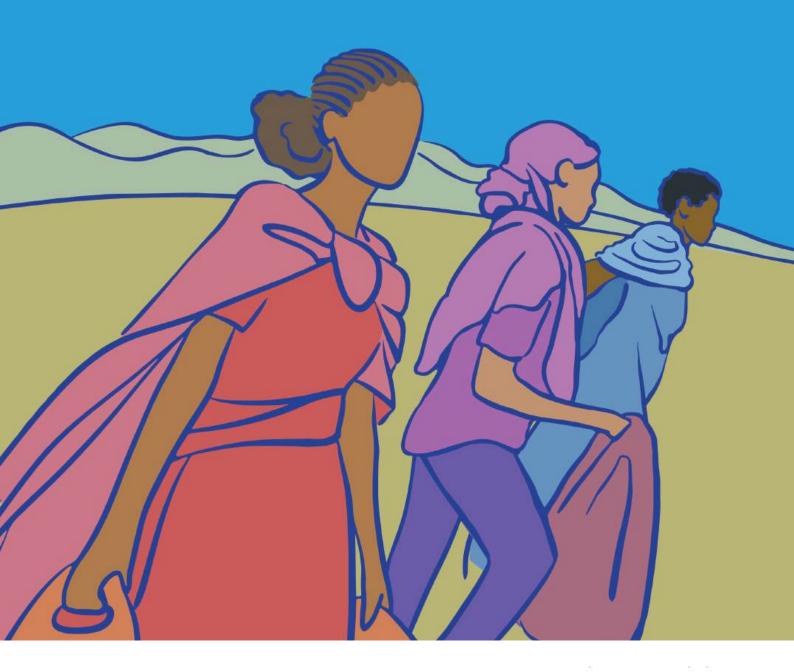
# COMPREHENSIVE INFORMATION AND ORIENTATION PROGRAMMES:

A Gender-Responsive Approach for Supporting the Empowerment of Women on the Move









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## ABBREVIATIONS AND ACRONYMS

**CBO** Community-based organization

**CEDAW** Convention on the Elimination of All Forms of Discrimination against Women

**CIOP** Comprehensive Information and Orientation Programme

**CMW** Committee on the Protection of the Rights of All Migrant Workers and Members of

their Families

**CSO** Civil society organization

**EIGE** European Institute of Gender Equality

**FBO** Faith-based organization

**FGM** Female genital mutilation

**IEC** Information, education and communication

**ILO** International Labour Organization

**IOM** International Organization for Migration

**PAO** Post-arrival orientation

**PDO** Pre-departure orientation

**PEO** Pre-employment orientation

**PRO** Pre-return orientation

**SOGIESC** Sexual orientation, gender identity and expression, and sexual characteristics

Sexually transmitted infection

**TNA** Training needs assessment

**UN** United Nations

**UN Women** United Nations Entity for Gender Equality and the Empowerment of Women

### **GLOSSARY**

**Coercive control**: This term reconceptualizes the concept of gender-based violence by shifting the focus from incidents of physical violence to a pattern of coercion and control, involving tactics to intimidate, degrade, isolate and control victims, including control over material necessities, such as food, transportation and money. Coercive control has been demonstrated to be present in cases of trafficking in persons and the vast majority of domestic violence cases.

**Gender**: The socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for individuals based on the sex they were assigned at birth.

**Gender-based violence**: Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion and other deprivations of liberty. These acts can occur in public or in private.

**Gender discrimination**: The differential treatment, often prejudicial and based on a gender stereotype, of individuals on the basis of their gender.<sup>2</sup>

**Gender diversity**: Equitable or fair representation of people of different genders.

**Gender equality**: Gender equality refers to the equal rights, responsibilities and opportunities of all people. Gender equality implies that the interests, needs and priorities of all genders are taken into consideration, recognizing the diversity of different groups. Gender equality is not a women's issue but should concern and fully engage all genders.<sup>3</sup>

**Gender evaluation**: Evaluation applied as a method of gender mainstreaming that integrates gender equality concerns into the evaluation objectives, methodologies, approaches and uses.<sup>4</sup>

**Gender identity**: While concepts of gender identity vary greatly across the world, it is generally defined as each person's deeply felt internal and individual experience of gender, which may or may not correspond with their sex assigned at birth or the gender attributed to them by society. It includes the personal sense of the body, which may or may not involve a desire for modification of appearance or function of the body by medical, surgical or other means.<sup>5</sup>

**Gender mainstreaming**: A strategy for assessing the gendered implications of any planned action, including policies, programming or legislation, and for ensuring gender concerns and experiences are an integral consideration in the design, formulation, implementation, analysis and monitoring of planned actions.<sup>6</sup>

**Gender parity**: The proportionate representation of men and women in a given group.

**Gender-responsive**: Consistent, systematic attention to gender-based differences and inequalities between women and men, with a view to addressing systemic and structural constraints to gender equality, as well as underlying causes of gender inequality, discrimination and exclusion; gender-responsive laws, policies,

<sup>1</sup> See Evan Stark. 1995. "Re-Presenting Women Battering: From Battered Woman Syndrome to Coercive Control". Albany Law Review, Vol. 59.

<sup>2</sup> IOM subscribes to the IASC definition — "Gender-based violence" is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion and other deprivations of liberty. These acts can occur in public or in private.

<sup>3</sup> Adapted from UN Women. 2022. <u>Handbook on Gender Mainstreaming for Gender Equality Results</u>.

<sup>4</sup> EIGE. Glossary and thesaurus: gender evaluation.

<sup>5</sup> UN Women. 2023. <u>LGBTIO+ Equality and Rights: Internal Resource Guide</u>.

<sup>6</sup> IOM. 2020. IOM: Full Glossary of Terms to describe sexual orientation, gender identity, gender expression and sex characteristics.

programmes, services and other inputs that are formulated, planned and delivered in a manner that facilitates the achievement of gender equality.<sup>7</sup>

**Gender roles**: Learned behaviours in a given society that condition perceptions of certain activities, tasks and responsibilities as male or female, which change over time.

**Gender segregation:** Differences in patterns of representation of persons of different genders in the labour market, public and political life, unpaid domestic work and caring, and in choices of education by young persons of different genders.<sup>8</sup>

**Gender statistics**: Statistics that adequately reflect differences and inequalities in the situation of women and men in all areas of life.<sup>9</sup> Gender statistics can also be used to show the differences and inequalities experienced by gender-diverse people.

**Gender stereotypes**: Over-generalized beliefs that all men, women and gender-diverse people possess distinct psychological and behavioural characteristics.

**Information ecosystem**: A loose and dynamic constellation of diverse sources, flows, producers, consumers and sharers of information that interact within a defined community or social space.

**Intersectionality**: The ways in which sex and gender intersect with other personal characteristics and identities, such as ethnicity or race, class, indigeneity, sexuality, geography, age, disability, migration status and religion, among others, and how these intersections contribute to unique experiences of discrimination.

**SOGIESC**: An acronym for sexual orientation, gender identity, gender expression and sex characteristics, which groups these distinct but related terms together for ease of use, to describe the factors that make some people different than others ("diverse") and subject to discrimination and exclusion.

**Sex**: The classification of a person as having female, male and/or intersex sex characteristics. While infants are usually assigned the sex of male or female at birth based on the appearance of their external anatomy alone, a person's sex is a combination of a range of bodily sex characteristics.

**Sex-disaggregated data:** Any data on individuals broken down by sex. Gender statistics rely on sex-disaggregated data and reflect the realities of the lives of women and men and policy issues relating to gender.

**Sexual orientation**: An individual's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, persons of a different gender, the same gender or more than one gender.<sup>10</sup>

Sexual violence: Any sexual act performed on the victim without consent."

**Trafficking in persons**: The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception or abuse of power or position of vulnerability, or giving or receiving payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.<sup>12</sup>

<sup>7</sup> UN Women. 2022. Handbook on gender mainstreaming for gender equality results, citing UN E/RES/1997/66.

<sup>8</sup> EIGE. Glossary and thesaurus: gender segregation

<sup>9</sup> UN Statistics Wiki. What are gender statistics?

<sup>10</sup> See EIGE, Glossary and thesaurus: sexual orientation.

<sup>11</sup> See EIGE, Glossary and thesaurus: sexual violence.

<sup>12</sup> Article 3, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

### 1. INTRODUCTION

People migrate for a variety of reasons, including for work and educational opportunities. For women, factors in their decision to migrate may include deeply entrenched gender inequalities that manifest in discriminatory laws and social norms, resulting in systemic barriers to education, employment, health and social protection.

Labour migration is most likely to be empowering for women when they can make informed choices, and when they have access to decent work, legal protection, services and social networks in countries of origin and destination. Where undocumented, migrant women face an increased risk of rights violations, GBV and exploitation.

The provision of accurate, comprehensive and timely information has been shown not only to mitigate a range of risks that migrant women face over the course of the labour migration cycle, but it also empowers them, contributing to their overall well-being and to that of their families. Conversely, a lack of information and misinformation may negatively affect migrant women's decision-making, heightening their exposure to risks and human rights violations, often with dire consequences.

Migrant women do not represent a homogenous group. Effective social inclusion requires addressing the experiences of migrant women in all their diversity in the design and implementation of information provision and orientation programmes for migrant workers.

It is important to avoid automatically linking migrant women with vulnerability. Women migrant workers - who constitute approximately half of all migrant workers - exercise agency in the multiple decision-making processes involved in seeking employment abroad. They are drivers of solutions for their own professional, personal and economic needs and the needs of their families. They are also sources of support and empowerment for others. At the same time, women migrant workers are often made vulnerable by structural barriers to gender equality and direct and indirect forms of discrimination that manifest as unequal labour force participation, occupational segregation, and unequal working conditions and remuneration.

Gendered social norms - shared ideas about the different capabilities and "natural" roles of women - also create situations of vulnerability, as do institutional failures to address GBV and discrimination. <sup>14</sup> Such social norms constitute the root causes of gendered divisions of labour, gender-based violence and barriers to women's participation in public and private life. Moreover, migrant women often have less access to information and fewer options for regular migration, which puts them at greater risk of exploitation and abuse, including trafficking in persons. Girls migrating alone are particularly vulnerable to rights violations. <sup>15</sup>

#### Purpose of the guidance note

The purpose of this guidance note is to support the development and provision of labour migration orientation programmes that are responsive to and inclusive of women migrant workers. Adopting a gender perspective, <sup>16</sup> it identifies specific issues affecting women at all stages of the labour migration cycle. While

While sex and gender are considered characteristics constituting grounds for protection from discrimination, to consider all women as "vulnerable" is a gender stereotype. See Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). 2018. General Recommendation No. 37, CEDAW/C/GC/37, para 7.

<sup>14</sup> ODI. 2016. Women on the move: Migration, gender equality and the 2030 Agenda for Sustainable Development.

This guidance note references the phenomenon of migration of minor girls and adolescents to reflect the reality in many regions. It does not endorse child labour.

Gender is enshrined in international human rights law as the term used to describe "the sociocultural constructs that assign roles, behaviours, forms of expression, activities and attributes according to the meaning given to biological sex characteristics". See: UN Women. 2022. <u>LGBTIO+ Equality and Rights: Internal Resource Guide</u>. New York.

recognizing that men and migrants with diverse SOGIESC also experience specific gender-based challenges and discrimination, this guidance focuses specifically on the needs of women migrant workers in light of identified gaps in information provision that is responsive to women's needs and concerns. Although there remains a significant need to understand how gender affects the experience of all migrant workers, such a comprehensive analysis is beyond the scope of this guidance note.

Addressing the gendered differences throughout the labour migration cycle contributes to eliminating the reproduction of gendered inequalities by protecting and promoting migrant women's rights and ensuring they enjoy access to the labour market and to services.

#### This guidance note aims to:

- Assist practitioners to identify gaps related to the different types of information needed by women to make informed decisions about migration, including on the gender-specific risks they may face, and information on how to access support services, while taking into account gendered differences in access to information.
- Support efforts to mainstream gender equality considerations into information gathering and analyses that inform the logistics, structure and content of labour migration orientation programmes at each stage of the migration cycle by identifying significant gender-specific variations in fundamental aspects of the migration experience.
- Ensure that orientation programmes empower women migrant workers through an increased awareness of gendered issues of concern and the specific risks they face at each stage of migration, as well as information pertaining to their rights and where to seek assistance.

The overall aim of this guidance is to support information provision to migrant workers that is genderresponsive, human rights-based, culturally sensitive and adolescent-friendly, as well as accessible and easy to understand.

This guidance note provides advice for the organizers of orientations, and the trainers who are providing the orientations. To set the context, the guidance note first describes how to mainstream gender into the Comprehensive Information and Orientation Programme (CIOP) process.

For each of the four main types of orientation: pre-employment orientation, pre-departure orientation, postarrival orientation and pre-return orientation, it provides guidance on how to integrate a gender-responsive approach to strengthen the empowerment of women migrant workers. This includes an overview of the required subjects for each orientation, with discussion on how to deliver information and facilitate discussions in a manner that is gender responsive.

Checklists are provided at the end of the sections, summarizing the previous discussion and providing the organizers and trainers with a useful reference of the key actions to prepare and the information that should be provided to orientation participants. Text boxes with additional resources are also included.

The final section discusses monitoring and evaluation of the orientation programmes.

#### The Comprehensive Information and Orientation Programme approach

This guidance note builds on the International Organization for Migration's (IOM) Comprehensive Information and Orientation Programme (CIOP) approach, which advocates for migrant-centred information accessible at four key stages of the labour migration cycle: Pre-Employment Orientation (PEO), Pre-Departure Orientation (PDO), Post-Arrival Orientation (PAO) and Pre-Return Orientation (PRO).



Pre-Employment Orientation (PEO): Equips prospective migrant workers with information to support well-informed decision-making processes on foreign employment and provides accurate information on safe and ethical recruitment.



Pre-Departure Orientation (PDO): Supports outbound migrant workers to ensure their departure process is safe while also providing information on the upcoming journey, adjustment period and how to access support and assistance.



Post-Arrival Orientation (PAO): Provides newly arrived migrant workers in the country of destination with information regarding national labour laws, sociocultural norms and practices, workplace expectations and good conduct.



Pre-Return Orientation (PRO): Helps prepare returning migrant workers before leaving the country of destination with useful information to support their access to social protection schemes, skills development opportunities and related resources.

According to the CIOP approach, accurate and timely information is essential for all those involved in the labour migration process, including those making the decision whether or not to migrate. It aims to ensure that the information provided throughout the labour migration cycle is based on evidence and tailored to the specific technical, administrative and personal needs of migrant workers. Orientation programmes should strive to be geographically specific, reflecting different economic, labour, cultural, gender and other factors relevant to the specific migration corridor. Migration corridors can be country-to-country as well as regional. Information tailored to specific corridors will contain different content on labour market realities, emergency and other contact information, and the types and availability of services for women and people with diverse SOGIESC, to name a few examples.

IOM has produced comprehensive regional guides on orientation for labour migration for North Africa, Asia and the Gulf States that contain information specific to countries, corridors and stages, tailored to regional process frameworks, including a regional guide focused on core orientation for labour migration in North Africa, and regional guides and management systems for orientations in Abu Dhabi Dialogue countries.

The CIOP process typically involves several steps including:

- A needs assessment
- Development of the orientation programme
- Training needs assessment
- Development of training programmes for CIOP resource persons
- Training of programme managers
- Training of trainers
- Rollout of the orientation programme
- Monitoring and evaluation.

## 2. MAINSTREAMING GENDER INTO THE CIOP PROCESS

The main steps of the Comprehensive Information and Orientation Programme process are:

- 1. Information needs assessments
- 2. Development of orientation materials and programme
- 3. Conducting training needs assessments (TNAs) and trainings for trainers and programme managers
- 4. Implementation and management of orientation programmes



As gender plays a crucial role in shaping every aspect of labour migration, so should gender be mainstreamed into each step of the CIOP process.

#### Information needs assessments

Information needs assessments represent a crucial first step in the CIOP approach, laying the foundation for developing evidence-based orientation programmes that address the specific needs of migrant workers. This process helps build an understanding of the information ecosystem at all stages of the labour migration cycle, identifying information gaps and needs while mapping existing infrastructure, such as current programmes and information initiatives, within a specific labour migration stage and corridor.

Access to accurate migration-related information is often more challenging for women migrant workers due to their limited access to technology, smaller social networks, restricted mobility and lower educational levels. Information provision must address these gender-specific barriers. Formal information channels should provide accessible gender-sensitive content through websites, printed materials and dedicated information points along migration routes.

Information needs assessments explore both formal and informal information flows, including those within community and kin networks, on social media and by word of mouth. They examine how the availability or lack of information affects the well-being of migrant workers. Moreover, they consider the broader context of the information ecosystem, including migration and labour market trends within the corridor, relevant institutions, legal and policy frameworks, data collection practices, good practices, common challenges, stakeholder roles, and available resources.

Applying an information ecosystem approach prioritizes the lived experiences of information users, especially by focusing on:

- 1. The information needs of the target community;
- 2. Barriers to migrant workers' access to critical information;
- 3. Information production and flow;
- 4. How information is used;
- The impact of information on individual and community well-being.

The information needs assessments will then be used as the basis for developing the orientation programmes and materials, and for the training sessions for how to implement the programmes.

#### A gendered approach to the design of information needs assessments

Incorporating a gender lens into the framework of information needs assessments involves addressing women's access to formal and informal information channels, understanding the gendered norms that limit women's access to information, and exploring women's often systemic exclusion from power structures and their role, if any, in the production of information.

Incorporating a gender-responsive approach into the design of the information needs assessment requires the active involvement of a staff member, external consultant or technical specialist with expertise in gender and labour migration. The information needs assessment can be conducted through both quantitative and qualitative methods, depending on the scope of the study and the specific objectives to be achieved.

#### Data collection tools and methods for information needs assessments

Data collection tools	Qualitative method	Quantitative method
Desk review	Content analysis of policy documents, research studies, programme reports, training materials and other documents	Statistical analysis of existing data, administrative records and reports
Surveys and questionnaires	Open-ended surveys to explore experiences, needs and perceptions	Structured questionnaires with closed-ended questions and Likert scales
Key Informant Interviews (KIIs)	Semi-structured or in-depth interviews with key informants, migrant workers and other stakeholders	Structured interviews with standardized response options
Focus Group Discussions (FGDs)	Guided discussions with target groups to explore shared experiences or challenges	
Observations	Participant observations to capture behaviours, practices and interactions	Systematic observations with checklists or frequency counts
Case studies	Detailed case studies of individual or group experiences	
Social media and online analysis	Thematic analysis of social media content and discussions	Metrics analysis (e.g. engagement rates, sentiment scores)

A gender lens can be applied to all steps of data collection for the information needs assessments.

For example, the *desk review* should analyse the following types of materials:

- Legal and policy frameworks on labour migration from a gender perspective. This involves identifying any disparate impact on women of apparently neutral migration policies (e.g. family reunification or health testing policies), and the extent to which gender equality considerations are addressed.
- Laws and policies that directly impact migrant women, such as those on violence against women and domestic violence, trafficking in persons, anti-discrimination, health care, and sexual and reproductive health and rights.
- Mapping of grievance and justice mechanisms, including those related to gender-based violence with up-to-date contact information.
- Publications offering insights into the experiences of women migrant workers throughout the entire process of labour migration, including their decision to migrate, the journey itself, and the subsequent return and reintegration.

The design of *questionnaires, surveys, KIIs* and *FGDs* should also use a gender lens, while substantively addressing gender and diversity concerns.

- Questions can focus on differences and inequalities in the situation of women and men in all areas of life, as well as the role of stereotypes and social and cultural factors.<sup>17</sup>
- Both quantitative and qualitative data should be collected and disaggregated by income, sex, age, race, ethnicity, migratory status, disability and geographic location, or other characteristics. This will enable an intersectional analysis of the data, that is, an analysis of the ways in which gender and other identity categories can differently affect the experiences of women migrant workers.

Qualitative data more closely reflect the lived experiences of migrant workers and the stakeholders with whom they are engaged. It is recommended for the collection of qualitative data, for example, through semi-structured KIIs and FGDs, that they involve the participation of government officials including diplomatic missions; governmental and other bodies that address women's rights, needs and interests, for example, ministries of women's affairs; private employment agencies and employers; orientation providers; women's rights and migrant women's non-government organizations (NGOs) and civil society organizations (CSOs); academics; and migrant workers themselves, including women migrant workers and returnees. It is further suggested that gender parity be ensured across all categories of respondents in institutions and organizations.

#### Collecting relevant data with a gender lens

By incorporating gender-responsive methods and tools, data collection can highlight inequalities, identify specific vulnerabilities, and ensure that interventions are inclusive and responsive. This approach also promotes ethical data practices, in particular by ensuring that those voices which are often marginalized are amplified and that their perspectives inform policy and programme development.

Given the often-limited availability of official sex-disaggregated data and gender statistics, 18 the following strategies could increase access to such data:

- Requests for official data sharing should explicitly seek sex-disaggregated and gender statistics to the extent that they are available.
- Seek data from CSOs and other partners engaged with the process of labour migration more generally as well as those working directly with women migrant workers.

Formal requests for data might explore the following thematic areas:

- Disaggregated data on formal and informal remittances of migrant women.
- Data on social remittances of migrant women and the social and economic costs of migration.<sup>19</sup>
- · Disaggregated data on diaspora and migrant women's engagement with and contributions to countries of origin and destination.
- Data collection on informal sectors of the labour market (e.g. domestic work).
- The impact of gender roles on migration-related decision-making dynamics within the family.
- Data on the gender equality impacts of migration both for women remaining at home and those who migrate.

#### A gender analysis of the information

A gender analysis of the information obtained through the information needs assessment can ensure that:

- The orientation programme meets the information needs of migrant workers of all genders by identifying and addressing gender-specific inequalities and discrimination that may limit or prevent participation in the orientation programme.
- The programme does not cause unintended negative consequences to participants and addresses protection needs by identifying areas and issues in which targeted information may be needed to remove barriers to equality, mitigate the gendered risks of migration, and highlight opportunities for strengthening the rights and empowerment of women migrant workers.
- The programmes are designed in line with the Do No Harm principles to ensure they do not worsen a participant's situation, either in the short term or in the long term.
- The programme adopts tailored approaches to address the particular needs, priorities, aspirations, expectations and challenges of different groups of migrant workers, especially women, in the context of international labour migration.20

Gender statistics are defined as statistics that adequately reflect differences and inequalities in the situation of women and men in all areas of life.

See IOM. 2021. Gender and Migration Data.

<sup>20</sup> UN Women. 2022. <u>Handbook on Gender Mainstreaming for Gender Equality Results.</u>

#### **Additional resources**

IOM. 2021. <u>Post-arrival information needs of migrant workers in the East and Horn of Africa-Gulf corridor.</u>

IOM. 2021. <u>Pre-departure information needs of migrant workers in the East and Horn of</u> Africa-Gulf corridor.

IOM. 2022. <u>Pre-employment information needs of migrant workers in the East and Horn of Africa-Gulf corridor.</u>

IOM. 2022. <u>Pre-return information needs of migrant workers in the East and Horn of Africa-Gulf corridor.</u>

IOM. 2024. IOM Intersectional Gender Analysis Toolkit. Geneva: IOM.

#### **Development of orientation materials and programmes**

Gender should be used as a lens in the development of the orientation programme and materials, based on the information needs assessment. The following considerations should be applied to orientation programmes provided at all phases of the labour migration cycle: pre-employment, pre-departure, post-arrival and pre-return. They are described here to avoid repetition in the sections in this guidance document specific to each labour migration stage.

Gender-specific modules can also be incorporated into orientation programmes covering key gender concepts (e.g. gender roles, social norms and discrimination), as well as offering concrete details about specific gendered concerns that might not be sufficiently covered through the broader mainstreaming of inclusion.<sup>21</sup> Dedicated orientation modules may be developed specifically for certain occupations or industries that are typically occupied by women migrant workers. With respect to mainstreaming specific issues related to SOGIESC, some CSOs suggest stand-alone programmes, while others recommend mainstreaming them throughout the orientation programme to preclude individuals from having to identify themselves to seek specific information.<sup>22</sup>

Practitioners are advised to prioritize accessibility in the development of orientation materials. Women migrant workers may have varying levels of literacy, learning styles or cultural backgrounds. Information should be presented in a way that is easy to understand and engaging. Using simple, clear language and incorporating visual aids such as infographics or videos enhances comprehension. Offering materials in multiple formats, including audio and video, can further support inclusivity. Regularly seek feedback from users to identify areas for improvement and ensure the content remains relevant, effective and inclusive.

All materials should avoid using examples and images that reinforce traditional gender roles and stereotypes, which contribute to gender-based discrimination. It is crucial to show gender and other diversity in all materials. Suggested approaches include:

- Providing information disaggregated by sex and other diversity categories.
- Portraying women and men in different roles: leaders, experts, spokespersons and ordinary people; from diverse backgrounds: rural, urban, wealthy and less wealthy; and in different contexts: in their family, work and community life.
- Citing a diversity of experts, ensuring regional diversity.

<sup>21</sup> IOM suggests three possible uses of a gender-specific training module: (1) to go deeper on the gender issues already touched upon in other modules; (2) to use the gender module to summarize previously discussed issues and then go into depth on additional ones; and (3) to work in-depth on gender concepts.

<sup>22</sup> UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

 Not portraying women only as vulnerable or as victims.<sup>23</sup> Women are not inherently more vulnerable than men. Patriarchal systems of oppression (manifested in gender discriminatory laws, policies and practices) create situations in which women are more vulnerable to discrimination and gender-based violence.

A key recommendation is to use gender-inclusive language during the development of orientation materials. Language is a powerful tool through which sexism and gender-based discrimination can be reproduced. It both reflects and shapes unconscious perceptions, biases and social attitudes. Gender-inclusive language should also be consistently used in the delivery of training, curriculum and materials such as handouts and presentations.24

#### **GENDER-INCLUSIVE LANGUAGE**

- > All attempts should be made to use people's preferred pronouns. Use of the pronouns "she/he" and "him/her" reflect binary identities; some persons prefer to use they/them/theirs as a non-gendered alternative.
- > Avoid gender-specific pronouns when making general references. For example:
  - "Each participant should bring his notebook every day" can be replaced with "Each participant should bring their notebook every day".
  - Use plural forms for nouns and reference words: "All participants should bring their notebooks".
- > Avoid gender-specific nouns when making general references, for example:
  - "spokesperson" instead of "spokesman"
  - "owner" instead of "landlord"
  - "Flight attendant" instead of "steward" or stewardess"
  - "workforce" instead of "manpower"
  - "humankind" instead of "mankind"
- Avoid reproducing stereotypes about gender roles, for example:
  - "Prime Ministers and their spouses" instead of "Prime Ministers and their wives".
  - · "Antonio and Fatemeh share the housework, as they both work outside their home" instead of "Antonio helps Fatemeh with the housework, as they both work outside their home".
- Avoid unnecessarily referencing gender by using "cleaner" instead of "cleaning lady", "nurse" instead of "male nurse", etc.
- Respect equality in the use of names, honorifics and titles for participants and others (unless it is for safety reasons). For instance, avoid using "Mr X" for men and the first name only for women, etc.
- Use honorifics for women that do not disclose information on their marital status: use "Ms" instead of "Miss" or "Mrs" unless the woman herself has expressed a preference.
- Avoid patronizing and sexist terms and expressions, such as referring to women as "bossy" or "the weaker sex".25
- IOM. 2020. Gender-responsive communications toolkit.
- IOM. 2019. Mainstreaming Gender in Pre-departure Orientation: Guidelines for Practitioners.
- Ibid., citing UN Women, GenderTerm.

To ensure meaningful participation, it is also essential to target diverse groups and provide information that meets their specific needs. This information should be delivered in simple, clear language, accessible to participants with varying education levels. Multiple formats - oral, written and electronic - help enhance accessibility. Given that women in many countries have lower literacy rates than men and less access to ICT and devices, visuals such as graphics, icons and colours can improve comprehension. For online training, ensuring access to devices and reliable internet is crucial.

Information must also accommodate persons with diverse needs, including neurodiverse individuals and those with developmental, sensory or intellectual limitations. These differences, even without formal diagnoses or self-identification, significantly affect educational attainment and career opportunities. The length, format and delivery of sessions should be adjusted to promote an inclusive learning environment.

During the content development phase, and in line with the CIOP's multi-stakeholder approach, consider involving relevant stakeholders from diverse groups, including CBOs working on gender and labour migration issues, as well as migrant women returnees. It is important to consider involving both women and men from the community to identify key issues and the range of possible responses.

When planning sessions, it is essential to consider gendered cultural and social differences related to interactive participation. Gendered social norms may influence how participants engage in presentations or group work during break-out sessions. Women may feel uncomfortable participating actively, or their contributions may be dismissed by men. In some religious and cultural contexts, the mixing of men and women may not be permitted. Recognizing and addressing these dynamics ensures a more inclusive and respectful learning environment.

#### **Additional resources**

IOM. 2020. Gender-responsive communications toolkit.

IOM. 2021. IOM Guidance on Gender-Inclusive Communication.

UN Women. 2022. <u>LGBTIQ+ Equality and Rights: Internal resource guide.</u>

UN Women. GenderTerm: UN Women online resources on the use of gender-inclusive language.

#### **Conducting training needs assessments and trainings**

Training needs assessments (TNAs) help identify and address the capacity-building needs of master trainers, trainers and programme managers. These key resource persons are responsible for developing, delivering and managing CIOP in accordance with the guiding principles of the CIOP approach.

The TNA process supports the following objectives:

- Clearly defining the specific needs and objectives of the training.
- Identifying sensitivities and risks.
- Ensuring that the training programme is responsive and sustainable for future use.
- Developing indicators to evaluate the effectiveness of meeting the training goals.

Gender awareness and mainstreaming should be included as one of the objectives of the TNA process. Technical specialists can assist in the gender mainstreaming process and/or in the provision of gender trainings to those engaged in the TNA process.

While the TNA process is tailored for each labour migration corridor and stage, CIOP practitioners can develop a standard gender assessment tool that can be adapted as needed. To measure knowledge and awareness of gender issues, assessment questions should cover various aspects of gender equality and women's

empowerment. These include basic concepts such as gender roles, stereotypes and types of gender-based violence, as well as how gender affects the specific migration phase, region or corridor being addressed in the training.

CIOP organizers should be prepared to address resistance to gender mainstreaming if it arises. Efforts to highlight gender issues may expose or trigger sensitivities related to challenges against patriarchal norms. Resistance might manifest as questioning the relevance of applying a gender perspective, assertion of the need to maintain gender "neutrality" or rejecting gender-responsive approaches. Anticipating such opposition and preparing strategic responses is crucial for each step in the development of the orientation programmes.

#### Selection of and trainings for CIOP resource persons

Gender-balanced representation and gender expertise should be considered in the selection of CIOP resource persons.<sup>26</sup> The terms of reference (ToR) for the CIOPs could include:

- A resource person(s) to ensure gender training is included in the training of trainers.
- A resource person(s) to ensure that sex-disaggregated data are added to monitoring and evaluation.
- Explicit mention of data analysis which captures a gender perspective.

To ensure a diversity of CIOP resource persons, it is important to take into consideration their profiles, including their ages, gender, respective positions, and any background and experience working on gender issues. Competency in gender issues should be included in the terms of reference of selected trainers, main trainers and programme managers, including by incorporating the following elements:

- A solid understanding of gender concepts and theories.
- Ability to implement gender mainstreaming into the elements of the training.
- Ability to analyse information, evidence and sociopolitical contexts using a gender lens.
- Familiarity with methods, tools and techniques for gender analyses to integrate gender into policies and programmes.
- Ability to reflect and understand context-specific gendered practices, perceptions, beliefs and attitudes.

Gender balance ensures that various gender perspectives are shared, and that women are not limited to support functions. CIOP practitioners should avoid using exclusively men as trainers and/or limiting women's participation to covering only gender issues. Gender parity among trainers, managers and interpreters fosters greater inclusivity and helps to deconstruct gender stereotypes.

Capacity-building trainings should equip CIOP resource persons with basic gender competencies related to labour migration, as outlined in this guidance note. These competencies include knowledge of risk factors, gender-based violence and labour migration, and health care rights that disproportionately affect women, among other key topics. Additionally, the training should emphasize the use of gender-inclusive language and its practical application when conducting orientation sessions with women migrant workers. Trainers should also be equipped with skills to manage challenging situations that may arise during sessions, ensuring a safe and supportive learning environment. Capacity-building efforts should also extend to programme managers, enhancing their ability to effectively oversee and manage orientation programmes with a strong gender-sensitive approach.

#### **Additional resources**

European Institute of Gender Equality (EIGE). Gender Institutional Transformation. Step 9: Developing gender equality competence.

UN Women. Developing gender-sensitive competencies: Ouick tips for managers.

#### Implementation and management of orientation programmes

There are various considerations for implementing and managing orientation programmes, including how to ensure active participation of women migrant workers in the sessions, how to create a safe space for open discussions on gender-related issues, and how to ensure participants receive the necessary information to make informed decisions and protect their rights throughout the labour migration process.

#### Accessibility

Fostering the participation of women migrant workers in orientation programmes requires addressing various challenges, such as mobility restrictions, information and venue accessibility, costs, and caregiving responsibilities. Collaborating with civil society organizations (CSOs) and community-based organizations (CBOs) can expand outreach to participants from diverse backgrounds, including those of different ethnicities and those living in rural areas.

Accessibility, literacy and mobility barriers - both physical and circumstantial - should be carefully considered when developing orientation materials and organizing sessions. Venues must be accessible and free of charge, including for parents and guardians. Where possible, it is helpful to use locations close to women's residences or offer transportation subsidies to facilitate their attendance.

To enhance accessibility, it is important to address the specific needs of women participants, many of whom may shoulder most unpaid care and domestic work in addition to paid employment. Providing on-site childcare, lactation rooms, meals, separate prayer rooms, and adequate toilet facilities for women and men is considered good practice<sup>27</sup> (two toilets for women for each one provided for men is generally considered parity). Depending on local social norms and cultural contexts, offering gender-segregated seating or creating safe, women-only spaces may also be necessary.

Venues should be equipped to accommodate persons with physical disabilities, and sign language interpretation should be available for participants with hearing impairments. When working with translators, trainers must meet them to ensure that gender-inclusive and neutral language is fully and accurately translated into the target language. Not all terminology related to gender concepts, including the word "gender" itself, has a direct translation into other languages, which can lead to misinterpretation or loss of meaning. Therefore, it is important to agree on appropriate terms and explanations that convey the intended message accurately, ensuring that the translated content remains inclusive and contextually relevant.

#### Presentation and facilitation

Trainings on gender equality often challenge deeply engrained social and cultural norms and may provoke intense reactions. It can be helpful to introduce information in a gradual, non-confrontational manner, while acknowledging long-standing traditions and beliefs about gender. An active learning approach should be taken which encourages reflection and participation rather than delivering the material in the form of a lecture or presentation.

<sup>27</sup> See, e.g. IOM. 2019. Mainstreaming Gender in Pre-departure Orientation: Guidelines for Practitioners.

When addressing more challenging concepts and ideas, trainers should possess the skills and flexibility to adapt their delivery to participants' abilities and needs while ensuring key messages are conveyed and objectives are met. Ideally, trainers should be capable of observing and identifying issues and gender dynamics that were not identified during the information and training needs assessments, incorporating these into orientation evaluations and lessons learned.

Trainers should be prepared to react swiftly and effectively to address inappropriate and/or sexist comments and behaviour by participants, and challenge resistance and prejudices. Trainers can encourage reflection by asking why the participant thinks in a particular way, what principles and/or legal grounds lie behind the comment or behaviour, and the impact of such beliefs on women's equality of opportunity and life experience.28

Practitioners are recommended to always use people's preferred pronouns and to pay close attention to creating content that is free from assumptions about gender roles. It is important to provide examples, case studies and scenarios that reflect the diverse experiences of different genders, helping everyone to feel represented and valued.

#### Engaging multi-stakeholder partnerships

Key stakeholders operating in the labour migration information ecosystem include governments of countries of origin, transit and destination - including their embassies, consulates, labour ministries and departments, and in some regions government-run Migrant Worker Resource Centres;<sup>29</sup> private recruitment agencies; CSOs including women's organizations and CBOs; employers' and workers' organizations; religious institutions and leaders; diaspora networks; social media platforms; and informal social networks of migrant workers.

Active collaboration should be sought with women migrant workers' organizations and networks, as well as those working on labour rights, women's rights, the rights of people with diverse SOGIESC (where they exist)30 and youth, among others. CSOs with gender expertise could be engaged in orientation programmes, as well as capacity-building initiatives for CIOP resource persons.

While institutional partners and stakeholders should participate in gender mainstreaming efforts, the engagement of other actors depends on the stage of the labour migration process. For example, CSOs and CBOs may be particularly central to the pre-employment stage, while the participation of recruitment agencies becomes more relevant at the pre-departure and post-arrival stages. CSOs working on migrant women's rights or women's rights in general could be invited to participate in orientation programmes, leading specific sessions on topics within their fields of expertise.

Moreover, a multi-stakeholder approach to gender mainstreaming in migrant orientation programmes can foster effective collaboration and buy-in, and at the same time build institutional capacity. It is important to develop a common understanding with partners on the need to promote gender equality, involving agreement on a wider mandate to prioritize gender issues, beyond the orientation programme, including information provision and policymaking for the sustainability of orientation programmes.

<sup>29</sup> Migrant Worker Resource Centres may be run by governments, worker organizations and CSOs.

<sup>30</sup> Specialized SOGIESC migrant associations may not exist in all countries or may work only at subnational levels on a small scale. In some countries, they operate in environments affected by the criminalization of adult consensual same-sex sexual activity and face harassment and stigmatization. See: UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

#### Monitoring and evaluation

CIOP sessions should be monitored and evaluated so it is ensured they are effective and achieving their aims. Moreover, incorporating a gender perspective into monitoring and evaluation helps to ensure that programmes are inclusive, equitable and responsive to the different needs and experiences of all migrants. This approach helps identify gender-specific barriers, challenges and outcomes that might otherwise go unnoticed. It involves collecting and analysing sex-disaggregated data, assessing how interventions affect all migrants differently and tracking progress on gender equality goals. It also highlights power dynamics, access to resources, and potential barriers faced by women and by men. By integrating gender-sensitive indicators and feedback mechanisms, monitoring and evaluation promotes more effective, accountable, and inclusive programming while contributing to long-term social change.

Gender should be incorporated into monitoring and evaluation indicators at all levels (output, outcome and impact). Suggested indicators include:

#### **Output level**

- Availability of dedicated gender training for CIOP resource persons
- Number of TNAs that conducted a gender capacity assessment
- Number of CIOP master trainers that are women
- CIOP resource persons received specialized gender training
- Number of orientation programmes mainstreamed by gender
- Proportion of men and women (gender parity) among training participants in Training of Trainers
- Number of training participants with a clear understanding of gender and migration issues related to the specific stage of migration and corridor.
- Number of women migrant workers who demonstrate increased knowledge about their rights.

#### **Outcome level**

- Number of CIOP resource persons that can effectively mainstream gender issues into orientation programmes.
- Number of women migrant workers who report enhanced preparedness and protection as result of orientation programmes.

#### Impact level

• Percentage of women migrant workers who report experiencing positive changes in their lives as a result of participating in the orientation programmes.

#### **Broader information dissemination**

Women migrant workers require more than just the information provided in orientation programmes. Not all migrants take official migration routes, and women, in particular, may face increased risks when migrating via irregular pathways. While the CIOP approach encourages regular migration, it is also essential to offer a range of sources of information applicable to all contexts. While broader information dissemination is not technically a part of the CIOP process, it is recommended, where possible, to provide information more broadly to reach women migrant workers who cannot or do not participate in CIOPs.

The key means for reaching women migrant workers are through websites, applications and platforms; social media; and community media.

Accessible websites, applications (apps) and other platforms should function as centralized hubs of information in multiple relevant languages to provide comprehensive information to migrants on topics including:

- Country-specific immigration laws and policies
- Visa requirements
- Application formalities
- Fees and conversion criteria
- Employment permit requirements
- Professional qualification requirements
- Credential assessment and equivalences
- Training and study opportunities
- Living costs and conditions.31

These information sources should include gender-specific information, as detailed throughout this guidance, including relevant social and cultural norms, gender-specific social protection concerns and gendered health needs, national employment and migration law, especially related to the forms of employment disproportionately undertaken by women, and the risks faced by migrant women, among other issues. Links to other useful sources of information and service providers should also be provided.

Social media is one of the primary ways through which many prospective and active migrants share and receive information within local, diaspora and migrant communities, across a range of issues, from social events and job vacancies to official notices and service provision contact information, during their labour migration journey. Social media can also be an important method of targeted information-sharing for migrants. It can also be used to respond to complaints and for referring individuals to specific resources needed.

Yet it should be noted that the use of social media involves dangers and limitations. It is often a key means of circulating misinformation. It facilitates a range of gender-based violence, including cyber stalking and harassment, sexually explicit and other harmful content, and the recruitment of victims of trafficking. In contexts where women have restricted access to technology and devices, they may not be able to access information disseminated through social media.

It is important to make relevant information available on the reliable social media platforms of government entities, including embassies, and other stakeholders such as civil society organizations. Efforts should be made to make migrant workers aware of these available reliable social media platforms.

In light of the digital gender divide, information should also be made available through community media, for example, printed materials available in community centres, religious institutions, schools and libraries. Materials should cover options for obtaining legal status (asylum, residency and work permits), education, decent work, and justice and health services, including sexual and reproductive health-care services and mental health.32

United Nations General Assembly. 2018. Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195). Objective 3.

UN Women. Policies and practice: A guide to gender-responsive implementation of the Global Compact for Migration.

#### Additional resources

UN Women. 2015. How to Manage Gender-responsive Evaluation: Evaluation Handbook.

#### CHECKLIST FOR MAINSTREAMING GENDER INTO THE CIOP PROCESS

#### Information needs assessments

- ✓ Map CSOs and CBOs that work with migrant workers, people with diverse SOGIESC and persons with disabilities.
- ✓ Map women's rights in the migration corridor, country or province.
- ✓ Involve the participation of governmental and other bodies that address women's rights, needs and interests, including ministries of women's affairs, women's rights and migrant women's NGOs and women migrant workers, including returnees.
- ✓ For information gathering:
  - Ensure gender parity across all categories of respondents in institutions and organizations.
  - Ensure participation of migrant workers from diverse occupations and skill levels.
  - Consider gender and diversity issues (restrictions on mobility, literacy, technology access, gendered social norms) and venue choice for information gathering (within easy reach of participants).
  - Consider the availability of women migrant workers in terms of their employment and any caregiving responsibilities.
  - Consider migrant women's digital literacy.
- Design questions for key informant interviews that consider the specific issues faced by women migrant workers, including:
  - The impact of gender norms and gender discriminatory legal and policy frameworks in countries of origin on decisions to migrate.
  - Characteristics of the specific forms of work undertaken by women migrant workers (domestic work, agricultural work) and the impacts on access to information and their experiences (e.g. isolation).
  - Gender-specific risks for women migrant workers (e.g. gender-based violence and/or sexual harassment at home, work or in public places).
  - Gender-specific forms of stigmatization (e.g. as survivors of gender-based violence, perceptions of women living abroad, family separation).
  - Psychosocial needs due to social isolation, family separation and experiences of violence, harassment and/or discrimination.
- ✓ Include questions for the purpose of collecting sex-disaggregated data and gender statistics.
- ✓ Incorporate questions to enable effective disaggregation by other diversity categories.

- Employ staff with relevant expertise on gender and migration issues to perform analyses of data collected.
- Employ distinct methodological approaches to analyse the information obtained (e.g. a narrative analysis could be used to understand the subjective perceptions and experiences of women migrant workers).
- Reflect women's specific needs, including those occurring in their private lives (e.g. family reunification, sexual and reproductive health) in the content of formal information provision.

#### **Development of orientation materials and programmes**

- ✓ Develop a separate module on gender issues in international labour migration.
- Provide dedicated occupation and industry-specific modules within orientation programmes that address those that primarily employ women migrant workers, such as domestic work, while also challenging gender stereotypes related to certain labour sectors.
- ✓ Use gender-inclusive language in all orientation materials and throughout all trainings.
- Use simple and approachable language for the materials so that they can be easily understood by those with lower levels of education, non-native speakers or people with other accessibility needs. Use graphics, icons and other visual imagery to facilitate transmission of information.
- Remove examples and images that reinforce traditional gender roles.
- Partner with CSOs and CBOs representing a diversity of constituent groups to conduct outreach and target a wide range of potential migrants.
- Consult with different groups prior to choosing a venue to ensure its appropriateness and accessibility for women, including those with disabilities and mobility constraints, and ensure that accommodations are provided.
- Prevent barriers to access, including by providing childcare, meal arrangements, gender-segregated seating and other factors, as needed.
- ✓ Share training materials and meet with interpreters prior to the training to clarify terminology related to gender.
- ✓ Maintain a roster of trained interpreters to ensure they are available during the orientations.

#### Conducting training needs assessments and trainings for trainers and programme managers

- Include gender competencies in the selection of trainers, master trainers, programme managers and other key positions for CIOP resource persons.
- Ensure gender balance and diverse representation of trainers, master trainers and programme managers.
- Develop standardized gender assessments to evaluate the gender competencies of CIOP resource persons.
- ✓ Incorporate dedicated gender sensitivity and mainstreaming training into all training programmes.

- ✓ Provide gender mainstreaming and sensitivity training to staff, trainers and key partnering stakeholders who will be engaged in conducting TNAs, data collection and analysis, and the design, development and delivery of orientation programmes.
- Ensure that trainings cover core gender equality standards, gender mainstreaming, gender sensitivity, and gender and diversity analysis.
- Anticipate and prepare for challenges to the application of the principles of gender equality and a gender lens, and prepare trainers to address challenging and inappropriate comments related to gender during orientation sessions.

#### Implementation and management of orientation programmes

- ✓ Ensure gender parity among trainers, interpreters and cultural mediators.
- ✓ Invite CSOs and CBOs with gender expertise to conduct one or more training sessions.
- ✓ Invite a protection officer to discuss the gendered elements of protection.
- ✓ Engaging multi-stakeholder partnerships: Identify the range of partners and stakeholders that can be engaged in the gender mainstreaming of orientation programmes. Engaging these partners during the inception stages can contribute to reducing risks of gender-based violence and discrimination experienced by women migrant workers during their labour migration journey. They may include:
  - Government institutions: embassies, consular services, labour attachés and ministries (e.g. of foreign affairs, interior, labour, women's affairs)
  - Recruitment agencies
  - Employers' organizations
  - CSOs and CBOs, including women's NGOs
  - Women migrant workers, women migrant workers' organizations and migrant workers with diverse SOGIESC
  - Workers' organizations and trade unions, especially those representing women workers, and those that include women in their leadership structures or have active women's sections
  - Development partners, especially those with a commitment to gender equality
  - Diaspora groups, in particular those with active women's participation
  - Academics with a focus on gender and migration.
- ✓ Identify and invite the active participation of CSOs working in the fields of:
  - The rights and concerns of women migrant workers
  - Women's rights more generally
  - The rights of people with diverse SOGIESC.
- Carry out trainings on gender mainstreaming CIOP orientation programmes for key partners and stakeholders.

✓ Incorporate gender into indicators developed for monitoring and evaluation purposes.

#### **Broader information dissemination**

- ✓ Provide relevant and useful information through websites, apps, social media and community media.
- ✓ Ensure that the information is gender-specific when necessary and covers relevant issues for women.

#### 3. PRE-EMPLOYMENT ORIENTATION

Pre-employment orientation (PEO) targets prospective migrant workers who have not yet decided whether to migrate. The information should be provided in a gender-responsive manner and should support well-informed decision-making processes on working abroad. It should assist women migrant workers to gain a realistic understanding of both the costs and benefits of migration. Mainstreaming gender across thematic areas, PEOs should highlight the gender-specific risks, dangers and opportunities of migration; safe and ethical recruitment; decent work, including women's entitlement to their earnings and ensuring financial security; and the ways to balance family and caregiving responsibilities.

PEOs are particularly effective when embedded in communities and include the participation of community leaders. PEOs often take the form of community awareness-raising on the costs and benefits of all forms of migration. Outreach programmes can target prospective migrant women. Holding PEOs in decentralized training venues can foster their accessibility for women, who may face additional care burdens, lack accessible transport and face significant opportunity cost restrictions, impeding their access to travel.<sup>33</sup>

#### Gender-specific considerations motivating labour migration

Gender has a significant influence in the considerations motivating labour migration, which may not be readily apparent to prospective migrants, nor labour migration stakeholders charged with providing them with the information needed to make migration-related decisions. This section highlights gendered factors influencing migrants' decisions to migrate and the gendered impacts of migration, making explicit what often passes as assumptions related to personal, familial and social factors.

#### Discriminatory social norms

Discriminatory and oppressive gendered social norms in countries of origin can constitute motivations for women to migrate and can influence the outcomes of their migration. Discriminatory social norms, such as restrictions on movement and disproportionate unpaid care and work responsibilities for women and girls, can limit their access to education and training. Limited development of skills may further curtail employment opportunities both in countries of origin and destination. Gender norms may limit women's migration for societal fear of "moral corruption" or fears of encountering difficulties in marrying.<sup>34</sup> Harmful practices and gender-based violence may lead survivors to accept risky opportunities and unsafe migration pathways in a bid to escape violence, which paradoxically increases their risks of violence and abuse along the journey and upon arrival.

#### **Discriminatory laws**

As one of the inputs to the information assessment process, stakeholders should identify gender-specific discrimination in legal frameworks in countries of origin that impact motivations to migrate and experiences during the cycle of migration. For example, laws may impose travel bans based on a person's age, assigned sex or pregnancy status. Discriminatory legal frameworks create structural forms of social and economic

<sup>33</sup> CEDAW, General Recommendation No. 26 on women migrant workers, para 24(b).

ODI. 2016. Women on the move: Migration, gender equality and the 2030 Agenda for Sustainable Development.

vulnerability for migrant women, which can also function as drivers of migration. Laws may fail to guarantee equal access for women to economic resources, including access to ownership and control over land and other forms of property, productive assets, financial services, bank accounts, insurance and inheritance.

Structural inequalities supported by legal frameworks not only push individuals to migrate, but also impose limitations on their ability to capitalize on their migration experience, for example, through increased remittance costs and institutional challenges to economic reintegration and investment. Social discrimination, for example in educational and workplace settings, increases their risks of rights violations, including sexual harassment and impedes the development of women's skills and career advancement.

#### Violence, exploitation and abuse

Some adolescent girls, women and people with diverse SOGIESC migrate in order to escape harmful practices, such as forced or early marriage or female genital mutilation (FGM), as well as to escape other forms of gender-based violence and exploitation occurring within their families, communities, schools and the workplace.

Women and people with diverse SOGIESC experience violence at home, including domestic violence and exploitation. Domestic violence is often cited as a push factor and can result in trafficking in persons, as survivors often accept risky opportunities to escape the violence. Domestic violence, including child sexual abuse, normalizes violence and can desensitize survivors to subsequent and more extreme forms of abuse.<sup>35</sup>

It can be difficult to distinguish between normalized social and cultural practices especially when they are grounded in traditional patriarchal norms and/or involve harmful practices and exploitation, even trafficking in persons. Women's cross-border labour migration occurring in the contexts of arranged and early marriage or family accompaniment can often cross the line into sexual and labour exploitation. The threat of female genital mutilation is a recognized ground for gender-based asylum in some countries.

Youth with diverse sexual orientations describe being "disowned" or forced into a heterosexual marriage by their families upon "coming out," rendering them homeless and particularly vulnerable. The absence of meaningful institutional responses to gender-based violence, by providing protection, services and access to justice, renders survivors increasingly vulnerable, fuelling the acceptance of risky work opportunities that can result in sexual and labour exploitation, among other forms of trafficking in persons.

PEOs could develop and offer stand-alone information, education and communication (IEC) materials on the risk of gender-based violence and how to access services, and provide contact information for CSOs and CBOs specializing in working with survivors of gender-based violence. Such materials should be made visible in orientation spaces, directing survivors to resources and service providers. Survivors of gender-based violence may need information and referrals to services in both countries of origin and destination. Specialized CSOs and CBOs could be invited to attend orientation sessions to lead sessions on the risk of and responses to gender-based violence.

#### Discriminatory health care

Lack of access to gender-responsive, non-discriminatory health-care services for women and girls and those with diverse SOGIESC-specific health-care needs, can be a factor in motivations to migrate to specific destination countries.<sup>36</sup> Women may encounter discriminatory treatment and violence when accessing health care and lack of confidentiality by service providers. They may not have access to sexual and reproductive health services, including safe and effective methods of modern contraception, emergency

<sup>35</sup> UNODC. 2020. <u>Female victims of trafficking for sexual exploitation as defendants.</u>

<sup>36</sup> UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

contraception, safe and accessible abortion care, maternal health care, pre- and post-natal care, testing and treatment for sexually transmitted infections (STIs) and specialized care for sexual violence survivors. They may, however, also lack these health services in countries of destination, particularly when they are in irregular situations, and PEOs should cover the topic of gender-responsive health services. Irrespective of labour migration and marital status, access to maternal health care for women migrant workers who have migrated independently is very often limited. Information should also include legal considerations, such as the illegality of abortion and consequences of pregnancies out of wedlock, that only impact women in certain countries.

#### Gendered pressures to provide economic support

It has long been recognized that men's decisions to migrate tend to be linked to fulfilling the traditional male role of economic provider to support the family. Women and girls face similar pressures, such as in contexts that prioritize the educational advancement of male family members. Eldest daughters may be expected to migrate to earn money to provide for their parents and send their siblings to school, for example.<sup>37</sup>

Gender also impacts how much money the migrant is expected to send home. Social expectations of women's self-sacrifice can result in familial pressure to remit their earnings to a degree unexpected of men. For example, single women may be expected to support not only immediate but also extended family members at home.<sup>38</sup>

Information pertaining to the longer-term financial and other benefits of regular migration pathways should be explained to prospective migrant women. Information on the sending of remittances has the potential to ease some financial pressure on women migrant workers.

#### Involvement of family members in decision-making

Women often have less control over the decision to migrate than men, and decisions may be taken by family members, rather than by the migrant herself. Gendered expectations regarding men's and women's roles often guide such family decisions.

In cases in which women and girls lack sufficient decision-making autonomy, they may migrate without informing their parents or other family members prior to their departure. When they have limited power to make their own decision whether to migrate or not, the distinction between forced and voluntary migration becomes blurred, especially for adolescent girls. The identification of potential cases of forced migration (and the multiple vulnerabilities related to this) by trainers may give rise to the need to refer the potential migrant to available social and protection services, including child protection.

Materials and content on the gendered aspects of forced migration should be incorporated into orientation programmes, as those living in deeply patriarchal communities and/or survivors of gender-based violence may not initially identify themselves as forced migrants. Specialized CSOs can lead discussions and/or be available to provide referrals for assistance. Individuals can be referred to the focal points of international organizations that work with gender, gender-based violence and protection from sexual exploitation and abuse (PSEA).

<sup>37</sup> ODI. 2016. Women on the move: Migration, gender equality and the 2030 Agenda for Sustainable Development.

<sup>38</sup> CEDAW, General Recommendation No. 26 on women migrant workers, para 16.

#### The impact of men's migration on women

Men's migration changes women's roles at home. Women may assume traditionally male responsibilities at home and in their community.<sup>39</sup> Women and girls remaining behind when male relatives (husbands, brothers or parents) migrate may experience restrictions to their freedom of movement outside the home by other male relatives. In some regions, male or other relatives of the male spouse will decide how to spend remittances, which can have the effect of rendering wives and children more vulnerable to both poverty and abuse, including sexual abuse, from the family and the community.<sup>40</sup> Conversely, when wives either make or are consulted in financial decisions, or are the direct recipients of remittances, they can experience greater economic empowerment.

Women and girls may be required to engage in income-generating activities, in order to compensate for the income lost by the departure of their male relatives, especially if they do not send remittances on a regular basis. Adding financial obligations onto raising children or other care and domestic responsibilities can generate stress. At the same time, work opportunities can also increase women's autonomy, capacity for decision-making and economic empowerment.

Orientation programmes at the PEO stage can and should involve family members of potential migrants. Sessions should explicitly address the impact of migration on remaining family members, and offer good practice examples to foster women's participation in financial decision-making. They can also provide gender-responsive financial literacy and/or business training for beneficiaries of remittances to assist migrants and their families to capitalize on the benefits of migration.

#### Shifting family care responsibilities and family member accompaniment

Employment contracts and residency laws may prevent migrant workers from bringing their families with them to the country of destination. Women's migration often means that other female family members, such as mothers, grandmothers and eldest daughters, must take on additional unpaid care and domestic work responsibilities. Within the migrant's family, it is often female relatives who assume the female migrant's unpaid care and domestic work obligations, based on prevailing social norms. This, in turn, limits their own ability to pursue economic or educational opportunities. In sessions dedicated to shifting family dynamics, attention should be drawn to the importance of men's roles as carers.

Women's migration can also have an impact on longer-term financial benefits. Realizing the benefits of remittances depends on who receives and controls them. Women are more likely to invest in children's education and health, while male recipients tend to invest in depreciable assets.<sup>41</sup>

PEOs should disseminate reliable and accurate gender-responsive information to migrants and remaining household members on the possibilities for sending, receiving and investing remittances, with a specific focus on promoting control over resources by women left behind.

<sup>39</sup> ICDD. 2014. <u>Visibility and Voice for Union Women: Country case studies from Global Labour University researchers</u>. Akua O. Britwum and Sue Ledwith (eds.).

<sup>40</sup> IOM. 2015. Gender, Migration and Remittances.

<sup>41</sup> ODI. 2016. Women on the move: Migration, gender equality and the 2030 Agenda for Sustainable Development.

#### Transnational parenting

Leaving children behind is one of the major social costs of labour migration for parents. It requires significant consideration, including agreement and collaboration by affected family members. Information should be provided on the effects of migration on family life, such as separation from family members, the right to family visits or return, and pregnancy during employment.<sup>42</sup>

Transnational parenthood disrupts the traditional dynamics of parent–child relationships, which are often characterized by face-to-face relationships, physical contact and a shared daily presence. It involves both short- and long-term impacts for the children and the parent–child relationship.<sup>43</sup> A range of strategies have been adopted by long-distance parents to help maintain ties with their children while separated, including through ICT, and how to parent transnationally should be discussed during PEOs.

#### **Ethical recruitment**

Ethical recruitment means hiring workers lawfully and in a fair and transparent manner that respects and protects their dignity and human rights.<sup>44</sup> The PEO stage should introduce the concept of ethical recruitment, summarizing the international recruitment process, enabling potential migrants to differentiate between good and bad labour recruitment practices and foreign employment opportunities and helping them to identify signs of danger.

It is important to highlight early in the process those countries and sectors that are more likely to discriminate against migrant women, to inform women's decision-making as they compare opportunities. For example, family reunification schemes may not extend to workers in sectors dominated by women, such as domestic and care work.

Given that recruitment practices vary between and even within countries and sectors and can change over time, trainers should seek to familiarize themselves with and keep up to date on the gendered implications and discriminatory practices within specific recruitment processes, migration corridors and employment sectors that are relevant to women migrant workers.

International recruitment involves complex processes and multiple stakeholders, many of which operate with little oversight and accountability. Prospective migrant women may face obstacles in navigating this process alone. In the absence of comprehensive legal and regulatory protection, the rights of women migrant workers to decent working and living conditions and access to justice can be better protected through employment contracts. Yet many women migrant workers have limited bargaining power due to discriminatory gender norms and do not benefit from the protection of gender-responsive contracts.

Orientation programmes should highlight the fact that recruiters may engage in discriminatory practices that exclude worker applicants based on their assigned sex, gender, age, religion, ethnicity and sexual orientation, among other grounds, regardless of the employer's requirements. They may also provide offers that discriminate on the terms and conditions of employment. For example, the practice of tying migrant worker visas to a specific employer can not only limit longer-term residency and access to family reunification, but also increases risks to workers, especially where there are no agreed conditions for termination of employment or repatriation.

<sup>42</sup> Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), General Comment No. 1 on migrant domestic workers, CMW/C/GC/1, 2011, para 28(ii).

<sup>43</sup> IOM. 2015. Migrant women and gender violence: Strategies and perspectives for interventions.

<sup>44</sup> IOM. 2023. <u>Global Guidance For Comprehensive Information And Orientation Programmes – How to incorporate ethical recruitment into new or existing programmes</u>. IOM, Geneva.

Recruitment agencies can play an important role in facilitating access to decent work, and in providing information to migrants on the working and living conditions in countries of destination. Yet, many of these agencies exploit women migrant workers by charging unauthorized fees and by providing misleading information. Recruitment agencies and intermediaries sometimes charge exorbitant fees, while failing to provide migrant women with written contracts, meaningful preparation prior to departure and accurate information, especially on their rights and how to report abuse.

Unscrupulous and corrupt recruiters may also use coercion and control, a common form of gender-based violence - to coerce or pressure prospective women migrant workers to sign employment contracts. Reports have emerged of recruitment agencies detaining women in pre-departure trainings, where they were subject to financial, physical, sexual or psychological abuse. Finally, recruiters' failure to either provide or participate in effective and prompt remediation when harm has occurred can exacerbate pre-existing, gender-based obstacles to access to justice and effective remedies, an example of intersectional discrimination with discrimination based on migration status and gender.

PEOs should highlight that good labour recruitment practices will never involve coercion or mislead a prospective migrant worker to take a job abroad; request a deposit to be paid upfront to cover the cost of recruitment; or withhold a prospective migrant worker's passport, bank details or deeds to land as a form of collateral or control.

#### A list of legitimate and reliable recruitment agencies

Providing a list of legitimate and reliable recruitment agencies helps potential migrant women avoid scams. The high prices typically charged by recruitment agencies has a disproportionate impact on women who have fewer assets than men, causing greater financial hardships and increased dependence on borrowing from family, friends or moneylenders at unfairly high rates. <sup>46</sup> High recruitment fees that lead migrants to assume debt can result in various forms of debt bondage, rendering them more vulnerable and decreasing the likelihood that they will report labour and other human rights violations which could result in them losing their contracts.

PEOs should provide information related to migration-related fees and debt, with an emphasis on those linked to recruitment agencies. Understanding the legal limitations on recruitment fees enables migrants to avoid paying illegal and exorbitant fees. It is important for prospective migrant workers to receive guidance on recognizing signs of trafficking and to find ethical recruiters who can assist them in exploring job opportunities that align with their skills. It is also important to highlight common illegal practices such as contract substitution.<sup>47</sup> Fostering the use of Standard Terms of Employment (STOEs) and sharing model contracts can improve employment conditions in the absence of protective laws and regulations. Information could also be shared on existing country regulation and monitoring of recruiting agents, definitions of irregular recruitment, applicable sanctions for violations, any existing accreditation programmes and possible remedies.<sup>48</sup>

<sup>45</sup> CEDAW, General Recommendation No. 26 on migrant women workers.

<sup>46</sup> Ibid., paras 10, 24(b)(ii), (iii).

Refers to the practice of not providing migrant workers with an employment contract prior to their departure and instead forcing them to sign a different contract in the country of destination with less favourable employment conditions than the ones promised.

<sup>48</sup> See CEDAW, General Recommendation No. 26 on women migrant workers, para 24(c)(i),(ii); UN Women. 2018. Promoting the rights of women migrant workers through employment contracts: For Women Migrant Workers from South Asia. Policy Brief #2.

#### Additional resources

UN Women. 2019. <u>Gender-Responsive Guidance on Employment Contracts for Migrant Domestic Workers from South Asia.</u>

IOM. 2023. <u>Global Guidance for Comprehensive Information and Orientation Programmes – How to incorporate ethical recruitment into new or existing programmes.</u>

#### Gender-specific risks of labour migration

CIOP trainers should provide information related to the gendered risks of labour migration during transit and on arrival, as well as potential employment risks. This informs migrants' decisions about whether to migrate, for which employment opportunities and their chosen means of doing so. At the PEO stage, the information provided should cover the risks associated with both regular and irregular migration pathways.

Realistic descriptions of the hardships of irregular migration and clandestine forms of border crossing should be addressed. Providing prospective migrants with ways to identify suspicious employment offers by labour recruiters or their subagents, and fraudulent offers by traffickers and migrant smugglers, can serve to reduce the risk of violence and other forms of exploitation.

With respect to employment risks, women migrant workers face a higher risk of sexual abuse, harassment and physical violence, especially in sectors in which women predominate.<sup>49</sup> Worker schemes tied to one employer can increase risks of violence and exploitation for women migrant workers, in particular domestic workers, due to limitations on their ability to change employers without jeopardizing their migration status.

The incorporation of presentations in the PEOs made by returned migrant women on the risks of migration, including on gender-based violence, the heightened risks on irregular routes and other subjects, is a way of incorporating migrants themselves into the design and content of the orientations.

#### **Labour market information**

The provision of timely and accurate information early in the labour migration cycle can have profound impacts on migrants' decision making. Information detailing possible employment opportunities and risks abroad, including characteristics of the labour market in targeted countries of destination, will be essential for supporting potential migrants' preparation.

#### Labour market trends

Gendered divisions of labour mean that women and men participate differently in the global economy. Opportunities for migrant workers tend to be highly segmented by gender, class and ethnicity, and are influenced by prevalent gender stereotypes. For instance, men may be more likely to work in mining, industry, transport, trade and construction because of perceptions around their propensity for manual labour, whereas women are often concentrated in so-called "feminized" sectors related to domestic and care work (e.g. health, teaching, cleaning, cooking and the service industries), in factory positions needing "nimble", meticulous workers or in entertainment.<sup>50</sup> Such gender stereotypes often determine the job opportunities available for migrant workers in countries of destination. Gender segregation in the labour market further results in gender pay gaps and curtails opportunities for women workers through deskilling. In migrant-run small businesses, female family members may work without remuneration.

<sup>49</sup> CEDAW, General Recommendation No. 26 on women migrant workers, para 20.

<sup>50</sup> ODI. 2016. Women on the move: Migration, gender equality and the 2030 Agenda for Sustainable Development.

Orientation programmes should use data on gendered labour market trends in the specific corridor identified during the information assessment<sup>51</sup> and cover skill development opportunities for prospective migrants, with the aim of overcoming the discriminatory impact of gender segregation in the labour market, and promoting a diversity of employment opportunities, irrespective of gender.

#### Working in the informal economy

Many migrant women work without the necessary residency documents and/or work permits. They often work in the informal economy where they occupy jobs requiring few qualifications and in sectors considered "female," including domestic work, care work, street commerce, agricultural labour and in the sex industry. These jobs generally are low paid, do not come with binding employment contracts and have limited or no labour protections pertaining to working hours, overtime and benefits. The informal sector tends to have high levels of sexual harassment and gender-based violence. During PEO orientations, the risks of irregular migration and working in the informal economy for migrant women should be emphasized and information on the relevant available services provided.

#### **Gender-transformative skills training**

PEOs provide an opportunity for prospective migrant workers to recognize their current skill set and learn about obtaining competitive skills, including soft skills, if necessary, prior to their migration to increase their likelihood of accessing decent work. Information on existing vocational training programmes open to women should be provided to enable skills building, including in sectors that predominantly hire men.

Official migrant worker training programmes often offer training opportunities to women to perform lower-skilled jobs that are often among the lowest paid and the least recognized. Providing information on programmes that promote women's engagement in sectors or roles typically considered as "male" may increase their earning capacity and provide improved career opportunities. This can also be in the form of online courses, where available.

#### Access to decent work and social protection

PEOs should equip potential migrant women with information on how to access decent work and social protection in countries of destination and how to negotiate fair working conditions and labour contracts. PEOs should also outline what steps can be taken when migrant women workers face labour rights abuses. Migrant workers are sometimes placed in heightened situations of vulnerability by abusive labour practices that give employers control over the migration status of migrant workers or tie them to a specific employer.

#### Information on general travel requirements

Prospective women migrant workers require practical guidance on the necessary documents for their journey if they choose to migrate, including the paperwork required for securing employment and safe travel. Migrant women and girls must have access to individual and independent documentation. Documentation that is tied to a male spouse or guardian or otherwise not available on gender discriminatory grounds inhibits

IOM's comprehensive regional guides - including the regional guide of core orientation for labour migration in North Africa and the regional guides and management systems for orientations in Abu Dhabi Dialogue countries - contain information on regional and corridor-specific labour market trends.

women's freedom of movement and may increase their exposure to gender-based violence and other human rights violations. Holding legal identity documentation also facilitates access to regular migration pathways as well as key public services and prevents the breach of rights.<sup>52</sup>

#### Information on available services

At the pre-employment stage, prospective migrant workers who decide to seek overseas employment should be provided with information on the range of available services, including financial services, as well as specialized and essential services for survivors of gender-based violence.

#### Financial services

Women may face discrimination in accessing financial services in countries of origin and destination, and/ or have a limited understanding of financial management owing to their limited financial literacy. Gender gaps in digital literacy and barriers to women's access to modern technologies make them more dependent on in-person, informal or micro-level cash transfer services that charge more in transfer fees than online options.<sup>53</sup> Existing evidence suggests that women tend to remit a larger portion of their earnings than men even though women typically earn less and pay more in transfer fees.<sup>54</sup>

Migrant women workers need assistance and information on accessing formal financial institutions to send money home, measures to safeguard their remittances and participation in savings schemes.<sup>55</sup> At the preemployment stage, reliable and accurate gender-responsive information should be disseminated to migrants and remaining household members on the options for sending, receiving and investing remittances, with a specific focus on promoting control over resources by women remaining in countries of origin. Information on the longer-term financial and other benefits of regular migration pathways should also be explained to prospective migrants as they consider their options.

#### Essential services for survivors of gender-based violence

Even within their countries of origin, prospective migrants may have limited awareness of the availability of essential services for survivors of gender-based violence in terms of health, justice and social services. They may lack information on how to access assistance when experiencing gender-based violence, such as how to file a complaint and find health care, shelter, therapeutic support and legal services.<sup>56</sup>

Prior to PEOs, the full range of services available in relevant locations in the country of origin should be identified, in order to provide prospective migrants with IEC materials listing service providers and their contact information.<sup>57</sup> Trainers should apply a survivor-centred, trauma-informed approach and be prepared to refer participants to focal points on gender, gender-based violence (GBV) or protection from sexual exploitation and abuse (PSEA), who would then take necessary measures such as referrals to specialist services and/or specialized CSOs, should they become aware of indications of violence or the protection needs of a minor.

<sup>52</sup> CEDAW, General Recommendation No. 26 on migrant women workers, para 24(e); UN Women. Policies and practice: A guide to gender-responsive implementation of the Global Compact for Migration.

<sup>53</sup> UN Women. <u>How migration is a gender equality issue</u>.

<sup>54</sup> IOM. 2023. Women & girls on the move: A snapshot of available evidence, Thematic Brief, Issue Nr 2, March, citing UN Women. 2020. Migrant women & remittances: Exploring the data from selected countries. Policy Brief.

<sup>55</sup> CEDAW, General Recommendation No. 26 on migrant women workers, para 24(g), in the implementation of Articles 3 and 11 of CEDAW.

<sup>56</sup> IOM. 2015. Migrant women and gender violence: Strategies and perspectives for interventions.

<sup>57</sup> The UN Essential Services Package for Women and Girls Subject to Violence details the types of services that should be available and the applicable standards for service provision.

#### CHECKLIST FOR MAINSTREAMING GENDER INTO PRE-EMPLOYMENT ORIENTATION

#### Integrating gender-specific considerations motivating labour migration

- ✓ Provide a comparative analysis of women's rights (e.g. economic, financial, labour, sexual and reproductive health care, gender-based violence protection and enforcement) in countries of origin and destination as part of PEOs.
- ✓ Provide information on critical elements of the legal frameworks in specific countries of destination (and as compared to countries of origin) related to the basic human rights of people with diverse SOGIESC, including:
  - Criminalization of consensual same-sex adult relations
  - Anti-discrimination law coverage including legal issues for women migrant workers, particularly those related to pregnancies out of wedlock and the associated consequences, such as detention and deportation, while on an employment visa.
  - Civil registration of gender identities and the legalization of same-sex marriage.
- Create space within trainings to discuss decision-making within families about which member migrates, forced migration, domestic violence as a motivation to migrate and the implications of shifting family care and domestic responsibilities, including transnational parenthood and domestic work and care responsibilities for remaining family members.
- ✓ Provide information on the effects of migration on family life, including separation from family members, possibilities for family visits, return and pregnancy during employment.
- ✓ Provide reliable and accurate gender-responsive information to migrants and remaining household members on sending, receiving and investing remittances.
- ✓ Provide information on health-care provision (critical gaps and benefits) in specific countries of destination related to the health-care needs of women, adolescent girls and people with diverse SOGIESC.
- ✓ Where possible, offer a separate safe space to discuss the multiple and intersecting forms of discrimination experienced by migrants with diverse SOGIESC.
- ✓ Invite, if possible, returned migrants to share their experiences.
- Provide IEC materials on protection and services for survivors of gender-based violence with referrals to essential services.
- Refer individuals for any assistance, as necessary, to gender/GBV/PSEA focal points who can take the required steps to ensure specialist services are provided to the survivors.
- ✓ Invite CSO and CBO service providers to attend the PEO, make presentations and/or facilitate discussions on the risks and responses to gender-based violence, as well as to be available for persons in need of service referrals.

#### Integrating gender-specific risks of labour migration

- Ensure that trainers are familiar with the gendered implications of and discriminatory practices within specific recruitment processes and the challenges associated with migration corridors and sectors that are relevant to women migrant workers.
- ✓ Provide a list of authentic, reliable recruitment agencies.
- ✓ Provide information on the methods and procedures for migrating to work for women who wish to migrate independently of recruitment agencies.
- ✓ Disseminate information pertaining to any existing unified information system on employment abroad.
- ✓ Provide information on identifying unethical recruitment practices, including:
  - The legal limits on recruitment fees
  - The implications of assuming debt
  - The legality of deducting debt from salaries in countries of destination
  - Contract substitution.
- Provide prospective women migrant workers with ways to identify suspicious employment offers.
- ✓ Underscore the gendered nature of the risks of irregular migration.
- Highlight the risks of gender-based violence including trafficking in persons, rape, sexual violence and sexual slavery and exploitation associated with unethical recruitment processes.
- ✓ Highlight the gendered risks of violence and discrimination at work including sexual harassment, rape and other forms of sexual violence and exploitation.
- Equip prospective women migrant workers with information related to their rights and services they can access in the country of destination.
- Consider inviting returned migrant women to share their experiences of irregular migration, labour exploitation, gender-based violence and trafficking in persons in a safe environment. Consider making this a women-only discussion due to the sensitive nature of experiences.

#### **Providing labour market information**

- Outline the gendered divisions and structures of the labour market in targeted destination countries, and the impact of deskilling, in particular for migrant women.
- ✓ Highlight the challenges and risks of working within the informal economy.
- Provide information on the different types of domestic or other categories of work, clearly identifying the gendered differences for the relevant corridor. Provide information on the practical implications and risks of temporary worker schemes that are tied to one employer.
- ✓ Share official databases on employment opportunities abroad.
- Provide gender-responsive vocational training and skills-building opportunities including language skills for prospective women migrant workers.
- Provide training on contract negotiation and what steps to take in the case of labour rights abuses.

#### Providing information on general travel requirements and available services

- ✓ Provide information on and assistance with obtaining the required documents to secure employment and travel, including on visas and their costs, health care and financial services.
- ✓ Provide basic financial literacy trainings to facilitate migrant women's access to formal financial institutions for sending remittances and participating in savings schemes.
- ✓ Make available contact information and referrals for potential and actual victims and survivors of gender-based violence to organizations and institutions offering essential services.
- ✓ Refer survivors of gender-based violence to gender/GBV/PSEA focal points, if necessary.



# 4. PRE-DEPARTURE ORIENTATION

Aligned to the CIOP approach, pre-departure orientations (PDOs) target outbound migrant workers in their countries of origin before departure. The PDO prioritizes regular migration channels to align with the Global Compact for Migration's objective of fostering safe, orderly and regular migration. Access to PDOs may serve as encouragement and incentive for migrants to pursue regular migration routes. PDOs provide information and support to ensure a safe departure, adjustment periods and how to access support and assistance. The aim is to equip outbound migrant workers with the skills and information they will need during transit and upon arrival in the country of destination. Pre-departure information should be gender-responsive, inclusive of migrants with diverse SOGIESC, rights-based and accessible. 59

PDOs provide an opportunity to reinforce migrants' understanding of the risks and realities of regular and irregular migration channels. The aim is to prepare them with an orientation on the cultures and laws in countries of destination and training on work-related skills, <sup>60</sup> such as: confidence building, conflict management and negotiation, understanding and analysing contracts, and identifying, documenting and reporting rights violations, as well as information on how to access services, including consular services.

#### Safe departure and travel processes

One of the principle aims of PDOs is to foster safe travel and departure processes. General information, such as orientation related to travel by air and other means and on border crossings should be offered for those without international travel experience.<sup>61</sup> The particular risks and challenges experienced by migrant women should be specifically outlined.

#### Gender-specific migration risks

PDOs should provide migrant workers with information related to gender-specific migration risks at predeparture, during transit and at destination, whether migrating through structured programmes or via irregular routes. Migrant women and girls are at particular risk of sexual and physical abuse. Within the employment context, gender-specific risks in destination countries may include workplace harassment, sexual harassment and violence and exploitation, including on farms and in the industrial sector.<sup>62</sup> Information should detail the range of actors that perpetrate discriminatory treatment and violence such as traffickers, smugglers, border and police officials, doctors and health professionals, drivers, fellow travellers and recruitment agents, among others.

<sup>58</sup> See, e.g. United Nations General Assembly. 2018. <u>Global Compact for Safe, Orderly and Regular Migration</u> (A/RES/73/195), Objective 3; ILO. 2006. <u>ILO Multilateral Framework on Labour Migration</u>: <u>Non-binding principles and guidelines for a rights-based approach to labour migration</u>.

<sup>59</sup> CEDAW, General Recommendation No. 26 on migrant women workers, para 24(b).

<sup>60</sup> IOM distinguishes between pre-departure training, which is concerned with competence and preparing outbound migrants for work, and pre-departure orientation, which focuses on rights and responsibilities. They are complementary, however, and should both be incorporated into the practical design and delivery of comprehensive pre-departure programmes.

<sup>61</sup> CEDAW, General Recommendation No. 26 on migrant women workers, para 24(b).

<sup>62</sup> Ibid., para 20.

#### Accessing assistance and support during transit and on arrival

At the pre-departure phase, practical information should be provided to migrants on where to seek emergency assistance in transit and once in the country of destination, which is corridor-specific. This includes national hotlines, embassies and consular services and other national emergency contacts in transit and destination countries. In particular, information must be provided on safe, confidential and accessible essential services (health, police, justice and social services) and on referral pathways for survivors of gender-based violence. Names and contact information of relevant CSOs and other service providers should be offered.

#### **Ethical recruitment**

At the PDO stage, orientation should enable departing migrants to clearly understand their rights and obligations and the procedures related to migration and deployment travel; the terms and conditions of their employment contracts; the living and working conditions in the destination country; and the grievance mechanisms available to them in both origin and destination countries. They should also be able to identify "red flags", or signs of danger, in the recruitment process. 63

#### **Recruitment process**

Given the complexity of cross-border recruitment processes and the potential number of actors involved, it is important for departing migrants to understand the process upon their arrival in the destination country. They should have a clear understanding of the business relationships between labour recruiters, and be able to identify red flags in the recruitment process, such as excessive recruitment fees and contract substitution, among others.

#### Recruitment fees

While recruitment agencies charge fees for their services, charging recruitment fees where they are not permitted, or charging fees exceeding the legal limits are common concerns that migrants should be made aware of. Migrants should also understand any regulations related to recruiters or employers paying costs upfront and then deducting them from the migrant's salary and/or requiring deposits. Some countries limit the percentage employers can deduct from wages for reimbursement. Exorbitant fees often result in debt bondage. Migrant women may experience heightened inequalities in bargaining power with recruiters and intermediaries.

#### Contracts and contract substitution

It is critical that migrant workers receive and understand their employment contracts prior to their departure to the country of destination, as well as be provided with sufficient time to consider the offer, review the employment contract and ask any questions. Migrant workers should not travel to the country of destination without an employment contract, even if one has been promised to them on their arrival. Providing migrant workers with an employment contract only when their departure is imminent (such as at the airport) constitutes coercion and is an unethical recruitment practice.<sup>64</sup>

Some recruitment agencies engage in contract substitution, in which the terms of the contract agreed upon prior to departure are changed upon arrival in the country of destination, resulting in migrants working under much less favourable conditions. Trainers should inform migrant workers of their rights in the country of destination, including the existence or non-existence of any laws and policies that prohibit and sanction

<sup>63</sup> IOM. 2023. Global Guidance For Comprehensive Information And Orientation Programmes – How to incorporate ethical recruitment into new or existing programmes.

<sup>64</sup> Ibid.

the practices of contract substitution. PDOs should provide model contracts and/or use standard terms of employment to ensure departing migrants are familiar with the terms to be included in a necessary contract. They should also be informed of remediation mechanisms.

#### Grievance mechanisms

At the PDO stage, orientation programmes should ensure that departing migrant workers have knowledge of the available grievance mechanisms in both the country of origin and destination in the event of the infringement of their rights. This requires explanations of procedures of formal and informal redress mechanisms available in the country of origin for victims of unethical recruitment practices. Key procedural elements should be highlighted, including filing deadlines, the length of the proceedings from start to finish and any implications related to migrants' departure.

PDOs should also provide information on grievance mechanisms for other rights violations, including poor working conditions and exploitation, withholding of wages, confiscation of passports or personal documents, restrictions on freedom of movement, discrimination and gender-based violence. Information on essential services for survivors of gender-based violence should also be provided.

#### Health testing

Official employment schemes often require migrants to obtain a health certificate prior to departure and upon arrival. Information should be provided to prospective migrants on the required health documentation, which may include discriminatory mandatory pre-departure and post-arrival pregnancy testing and HIV status screening in some countries. Migrant workers should be informed that health and testing results may not be treated as confidential, but rather shared across health, employment and immigration bodies and may result in the loss of a job or deportation if test results are positive.<sup>65</sup> An explanation should also be provided on the need to have proper documentation in some countries of destination in order to access health care for those who may be considering irregular channels.

#### Additional resource

IOM. 2023. Global Guidance For Comprehensive Information And Orientation Programmes – How to incorporate ethical recruitment into new or existing programmes.

#### Legislation and rights awareness

PDOs should raise awareness of rights in relation to migration, labour and family law, and applicable grievance mechanisms. Not knowing one's rights can be a source of uncertainty and stress. Migrants with irregular status may be in situations of heightened vulnerability as they cannot fully enjoy their rights and legal protections. They may choose not to seek assistance to which they have a right for fear of being arrested or deported from the country of destination, or of losing custody of their children, among other concerns.<sup>66</sup>

#### Labour law

PDOs should also cover key concepts of relevant labour law in destination countries, workers' legal rights and entitlements, and the responsibilities of employers and employees. PDOs should mitigate migrants' lack of awareness of labour violations which contribute to impunity among recruiters and employers, and a level of acceptance among migrants themselves that exploitation is inherent to labour migration.

Pregnancy and HIV testing have a disparate impact on women and people with diverse SOGIESC and are thus considered discriminatory. CEDAW, General Recommendation No. 26 on migrant women workers, para 17.

<sup>66</sup> IOM. 2015. Migrant women and gender violence: Strategies and perspectives for interventions.

#### Gendered workplace risks

PDOs offer an opportunity to ensure that migrant workers are aware of potential gender-specific workplace discrimination and violence. Domestic workers, most of whom are women, should be provided with information on the risks of multiple forms of workplace violence and possible solutions to address such issues, including verbal and physical abuse, sexual violence and harassment, as well as confiscation of documents and abusive working conditions, including sleep deprivation, long working hours, no or little time off, forced seclusion or being locked in homes and other violations of freedom of movement.

#### Worker accommodation

Some migrant workers are obliged to use employer-provided accommodation, with gender-specific impacts. In certain sectors, such as factory, farm or domestic work, living conditions may be poor and overcrowded, without running water and adequate sanitary facilities, lacking privacy and hygiene and without safe spaces for women.<sup>67</sup> Because of using worker accommodation, migrants may have limited social networks outside of their linguistic or ethnic group.<sup>68</sup>

Some migrants can face gender-based violence in their living quarters. Women migrant workers, especially domestic workers who are required to reside in their employers' homes, face an increased risk of genderbased violence including physical, sexual and psychological abuse.

Migrant workers should be informed of some of the potential challenges and rights violations common to employer-provided housing. Practical information on alternative housing options should be provided, including on any bans on securing independent housing. Practical guidance on communal living with a focus on well-being should also be provided.

#### Restrictions on family life

PDOs provide an opportunity to remind migrant workers that employment contracts may impede them from marrying a national of the country of destination and preclude family accompaniment. Pregnancy out of wedlock may also result in dismissal and deportation, as set forth in individual contracts or labour legislation. When people relocate to countries or communities where people with diverse SOGIESC face high risks of discrimination or even violence, it presents huge personal, familial and even legal challenges. Providing access to full information, including on related cultural sensitivities and legalities in the country of destination, can help migrants make informed decisions that do not potentially put them and their families at risk.

#### Parental leave

Information on paid parental leave in destination countries can assist all migrants in planning for the care of a child. Most countries only offer maternity leave (and not paternity leave). It is important for migrants to know what is provided by law, in order to understand whether their contract and/or employer policy is in accordance with the law.

<sup>67</sup> CEDAW, General Recommendation No. 26 on migrant women workers, para 17.

<sup>68</sup> UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

#### **Social protection**

Trainers should provide detailed information on access to gender-responsive social protection measures including eligibility and portability requirements for migrants traveling to destination countries that offer social protection to them. Trainers should highlight administrative requirements as well as relevant discriminatory criteria, aspects that are not gender-responsive and limitations to portability, to ensure that prospective migrants clearly understand key elements of the applicable legal and policy frameworks.

Depending on the country of origin, migrant welfare funds may be available and accessible to migrant workers while abroad. Information should be provided to migrant workers on the possibility of accessing such funds, where relevant, since not all eligible migrant workers will have been informed of them.

#### Workers' compensation, insurance and social security schemes

Information pertaining to mandated worker compensation, leave, employer-sponsored insurance schemes, and social security and its portability should be provided. Domestic and other categories of workers may find that they are not covered by such schemes. Specific information should be provided where migrant workers can file a complaint related to insurance and worker compensation schemes within the destination country.

#### Migration laws

PDOs are an important opportunity to provide outbound migrants with information related to national labour migration laws, including regulations related to visas, residency requirements and permits, status adjustments and registration with the authorities, required documentation and any legal limitations on migrants' right to access health services, including for survivors of gender-based violence. Attention should be drawn to gender-discriminatory provisions of migration law, such as the exclusion of specific categories of women-dominated occupations from visa schemes.

#### Family accompaniment and unification schemes

The information provided to migrants should highlight any legislation in the countries of destination that bars family accompaniment, including barring women migrant workers from being accompanied by their husbands and/or children. It should also detail any laws and regulations that make it difficult for migrants to achieve family reunification. Information should also be provided on the possibilities of arranging authorization for accompanying children to travel with migrants to their countries of origin, such as required permission from the absent parent.

#### **Health care**

Some countries impose mandatory health insurance schemes for migrant workers. PDOs should explain who is required to pay (employers or employees), and whether they cover sexual and reproductive health services, including family planning, maternal, pre- and post-natal and abortion care (depending on the legality of abortion in the destination country, which should be clarified as part of the training).

Differences in the quality of standards between state-run and employer-run systems might be noted, where applicable. Contact information for sexual and reproductive health services should also be provided, as well as for any CSOs that can provide support and assistance to migrants in the field of health.

Reproductive and sexual health practices of some migrants may differ from and sometimes conflict with those of the host community, such as the practice of female genital mutilation (FGM), which can seriously impair physical, mental and reproductive health, and endanger women's survival and that of future

children.<sup>69</sup> FGM poses both immediate and longer-term health risks, which increase with the invasiveness of the procedure. Meeting the special health-care needs presented by FGM can be challenging in destination countries as doctors may lack exposure, awareness and medical knowledge.

#### Adjustment in countries of destination

Addressing integration challenges early can facilitate the adaptation process for migrants in the countries of destination. PDOs should offer sessions to build coping skills, including those specifically designed for migrant women.

#### **Cultural** orientation

Migrant workers require information on the cultural conditions in countries of destination. Separation from family and friends, language barriers, and employment in domestic and agricultural work can leave migrants feeling socially isolated. Cultural differences and misunderstandings also pose a challenge to successful adaptation and integration. Many experience "culture shock" and lack information and tools to support their adjustment to a new culture and way of life. Orientation should be tailored, gender-responsive, cross-cultural and destination-specific.70

#### Gendered social and cultural norms

Differences in the gendered social and cultural norms between countries of origin and destination can be confusing, whether reflecting more conservative, traditional values or those more progressive and gender equal. Information should be provided related to both scenarios. Some countries maintain customary laws that criminalize women and children who are survivors of gender-based violence. Public displays of affection are seen as inappropriate in some country contexts. Women may not be allowed to go out in public with men who are not members of their immediate family or to receive them at home. This can be in direct contrast with the norms in countries of destination.

Dress codes may be another significant difference. Information pertaining to culturally appropriate dress codes for both men and women should be provided. In some country contexts, it is appropriate for women to cover their heads, upper arms and knees, and to wear loose clothing. Less restrictive norms regarding dress may also cause consternation among migrant workers coming from more conservative cultures. It is also important to provide information about family structures and customs, especially gender roles within the family, as well as dietary restrictions and religious practices. This is especially important for domestic workers.

#### Family dynamics

Orientation sessions should address the distinct gendered impacts on women migrant workers engaged in caregiving, especially mothers. Departing migrant workers who leave behind children face the logistical and emotional challenges of transnational parenting. To address the situation where an entire family or multiple family members migrate at the same time, a youth-centred approach should be incorporated to consider the intergenerational dynamics by which children adjust quicker than their parents in destination countries, including building social ties with peers and language acquisition. Adults often face greater hurdles in integrating. The different speeds of cultural adaptation can cause family tensions. It is imperative that there

<sup>69</sup> FGM is defined as "all procedures which involve partial or total removal of the female external genitalia or other injury to the female genital organs for cultural and other non-therapeutic reasons". WHO et al., 2008. Eliminating Female Genital Mutilation, An Interagency Statement.

<sup>70</sup> See CMW, General Comment No. 1 on migrant domestic workers, CMW/C/GC/1, 2011, para 30(c).

are dedicated youth-centred sessions, curricula and resources that help youth process the disconnection and overcome difficulties related to adaptation to their new communities and interaction with their families.

#### Soft skills

It is recommended that PDOs be linked with opportunities for soft skills development including language, conflict management and negotiation skills, vocational and life skills including handing remittances and financial management, and more.

#### Language skills

Language skills have the potential to greatly improve the ability of migrant workers to adapt to their new living and working environments. Basic language preparation should be provided at PDOs whenever possible. In circumstances where PDOs are delivered shortly before migrant workers leave for their country of destination, it is essential to provide information on available institutions or avenues (both online and in-person) in their country of destination, in order to support migrant workers to access language services upon their arrival.

#### Conflict management and negotiation skills

Basic knowledge on methods of conflict resolution should be included within the orientation programme. Conflict may arise between workers and employers due to their different cultural backgrounds. Related training topics include the psychology that drives conflicts and effective, practical skills and strategies to address conflict in the workplace when it occurs. It is important not to recommend conflict negotiation in situations involving forms of gender-based violence and harassment. Such cases should be reported to the authorities.

#### Financial management

Remittances from migrant workers make a vital contribution to household income, the well-being of migrants' families and the economies of their countries of origin. Gender, along with other factors, including age, education, marital status and position in the family, as well as opportunities in the destination country, influence the amount and frequency of remittances that migrants send home, and how the money is used.<sup>71</sup>

Migrant women tend to send money more regularly and for longer periods of time than men and remit larger portions of their earnings. By sending smaller amounts more often, it results in women spending more on transfer fees. Women are also more likely to use private, less regulated and in-person money transfer businesses rather than banks because of the barriers they face in accessing the formal banking system, including in opening accounts and in situations where they may have limited freedom of movement. Migrant women may have limited information on and access to secure and affordable remittance services, as well as to telecommunication technologies such as mobile phones and the Internet.<sup>72</sup>

Therefore, where possible, orientations should include training on vocational and life skills such as handling remittances and financial management. Information on alternative transfer methods to reduce transfer fees and how to access them would benefit women migrant workers and maximize the positive impact of remittances on their families and communities. Gender-responsive financial literacy for migrants should also cover management, savings plans, investments, accessing formal banking and financial services for women.

<sup>71</sup> IOM. 2015. <u>Gender, Migration and Remittances</u>.

<sup>72</sup> UN Women. 2020. Migrant women & remittances: Exploring the data from selected countries. Policy Brief.

#### CHECKLIST ON MAINSTREAMING GENDER INTO PRE-DEPARTURE ORIENTATION

#### Mainstreaming gender into safe departure and travel processes

- Offer information related to safe means of transportation and border crossing.
- ✓ Highlight gender-specific migration risks at each migration stage (pre-departure, during transit and upon arrival), including forced labour, physical violence, gender-based violence, trafficking in persons and discrimination.
- Provide corridor-specific practical information on where to seek emergency assistance in transit and once in the country of destination, including contact information for national hotlines, embassies and consular services and essential service providers (health, police, justice and social services) for survivors of gender-based violence.

#### Mainstreaming gender into ethical recruitment processes

- ✓ Provide information on ethical recruitment, including legal limitations on recruitment fees and the implications of assuming debt to pay such fees.
- Provide an explanation of contract substitution, and information related to legal sanctions and remedial mechanisms in case of labour rights violations.
- Ensure departing migrants understand the available grievance mechanisms in countries of origin and destination for a range of possible rights violations, including incidents of gender-based violence.
- ✓ Offer referral contacts for the appropriate filing of complaints and legal services.
- Provide information on required health documentation, including mandatory pre-departure and post-arrival pregnancy testing and HIV-status screening.
- ✓ Warn of the possible lack of confidentiality of health-care testing, and the implications of positive results.

#### Mainstreaming gender into legislation and rights awareness processes

- Provide an overview of key migration, labour laws and worker protections in countries of destination and highlight gender-discriminatory and gender-neutral provisions.
- Review the recommended contents of labour contracts in specific countries of destination, and highlight common violations, such as wage theft.
- Enumerate the protected grounds and recognized forms of discrimination under national law, highlighting the protected categories.
- Highlight contract-specific and legal restrictions related to marriage and family life, including:
  - Prohibitions on marrying
  - Family accompaniment
  - Pregnancy out of wedlock as grounds for termination and deportation
  - Parental leave

- Overtime pay and public holidays.
- ✓ Draw attention to potential gender-specific concerns related to the conditions and safety of employer-provided accommodation.
- Provide practical information on alternative housing options as well as on any bans on securing independent housing.
- ✓ Provide detailed information on eligibility requirements for accessing social protection for relevant destination countries and limitations on portability. Highlight gender-discriminatory criteria with a potential impact on the enjoyment of rights and entitlements.
- ✓ Provide information pertaining to mandated worker compensation and employer-sponsored insurance schemes, their portability and where to file complaints in countries of origin and departure. Note whether domestic workers are covered.
- ✓ Provide information on the process of obtaining work and residency permits, status adjustments and registration with the authorities.
- ✓ Offer information and support for pre-departure grievance reporting, noting key procedural elements, such as filing deadlines, the length of the proceedings from start to finish, and any implications related to migrants' outbound departure.
- ✓ Provide an overview of family law in countries of destination.

#### Mainstreaming gender into health-care services and information

- ✓ Provide information on any mandatory health-care coverage, including on who is required to pay (employers or employees), and whether it covers sexual and reproductive health services, including family planning, maternal, pre- and post-natal and abortion care.
- ✓ Provide information on the legality of abortion, applicable conditions and regulations.
- ✓ Note any significant differences in state- and employer-run health-care schemes.
- ✓ Provide contact information on sexual and reproductive health service providers.
- Provide explanations on cultural differences between reproductive and sexual health practices of migrants and those of the host community, with attention to FGM where relevant.
- ✓ Provide information on CSOs that can provide health-care support and assistance to migrants.

#### Mainstreaming gender into adjustment support in destination countries

- ✓ Provide information on the phenomenon of "culture shock" and how to mitigate such shocks.
- Information should be provided on gendered cultural differences, where relevant, including:
  - Customary laws that criminalize women and children who are survivors of gender-based violence;
  - Restrictions on women's freedom of movement;
  - Differences in dress codes;
  - Appropriateness of public displays of affection;
  - Gender roles within the family;
  - Differences in dietary restrictions and religious practices;
  - Challenges for men in operating in more gender-equal contexts.

- ✓ Address the logistical and emotional challenges of transnational parenting.
- ✓ Offer separate discussions for adults and youth on intergenerational differences in cultural adaptation.
- ✓ Include basic language skills acquisition and offer possibilities for continued learning opportunities up until departure.
- ✓ Include a session on basic conflict resolution.
- ✓ Provide a gender-responsive session on financial literacy, to include:
  - Alternative transfer methods to reduce transfer fees for remittances;
  - Savings plans;
  - Accessing formal banking and financial services for women.

# 5. POST-ARRIVAL ORIENTATION

Post-arrival orientation (PAO) is designed to facilitate the labour market and social integration of migrant workers upon arrival in destination countries by providing comprehensive information on:

- Ethical recruitment;
- Rights and obligations at work;
- Practical information on cultural norms, customs and living conditions;
- The labour migration process;
- Sources of support and assistance, including access to social protection, mechanisms for redress, avenues to address incidents of gender-based violence, and education and training opportunities.

The responsibility for conducting PAOs should lie with host governments in destination countries, working closely with the diplomatic missions of countries of origin and their ties to diaspora communities.<sup>73</sup> Governments can cooperate in the organization of post-arrival orientations, linking content related to services for migrants and their families to that provided at the pre-employment orientation and/or predeparture orientation stages.

PAOs can set the tone for newly arrived migrants and should ideally be welcoming, positive and gender-responsive, ensuring content that is applicable to the full array of needs and concerns of migrant women. Post-arrival information should be available beyond official PAO programmes, targeting diaspora grassroots and community-level actors from whom migrants seek support, including through CSOs, CBOs, NGOs, faith-based organizations (FBOs) and churches, and social media, among others. Outreach to diaspora community organizations can be critical for communication related to gender issues.

At the same time, diaspora communities may play a role in maintaining and reproducing gender discriminatory social norms from the country of origin in the country of destination. Attention should be paid to the gendered implication of outreach by FBOs, which may be open or resistant to challenging traditional gender norms.<sup>74</sup>

### Living and working abroad

PAOs should ensure that women migrant workers have the necessary information to adapt to living and working abroad, including an understanding of local labour laws, sociocultural norms and practices, workplace expectations and good conduct. As detailed in the previous PEO and PDO sections, they should cover the following topics:

- The terms and conditions of their employment contracts.
- The national labour laws of the country of destination.
- The conditions of their visas and work permits.
- The cultural norms and customs of the country of destination.

<sup>73</sup> Some countries, such as Bangladesh, Canada, Israel and the Philippines, have ministries dedicated exclusively to diaspora relations.

<sup>74</sup> UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

- Their responsibility to abide by local laws and respect local customs.
- The available grievance mechanisms and support services.

#### **Ethical recruitment**

The PAO stage provides an opportunity to provide information to migrant workers that have not received PEO and PDO orientations and to ensure that sufficient information has been provided to adequately prepare them for living and working abroad; to identify any unethical recruitment practices to which they may have been subjected; and to ensure knowledge of available grievance mechanisms and support services in the destination country.

#### Identification of unethical recruitment practices

Knowledge of relevant laws, regulations and the concept of ethical recruitment can aid migrants in discerning whether they have already been subject to unethical recruitment practices, as well as prevent them from occurring in the future. Common concerns include charging illegal recruitment fees or fees exceeding legal limits and migrants being heavily burdened by debt from recruitment fees and as a result are unable to leave abusive employment situations. To Contract substitution, in which the terms of the contract agreed upon prior to departure are changed upon arrival in the destination country, is another common concern, as well as coercive and controlling tactics by recruitment agencies.

#### Grievance mechanisms

In the event of a rights violation or when harm has occurred, women migrant workers must be provided with appropriate remediation proportional to the severity of the violation and adapted to the circumstances of each case. Orientation programmes should empower them to seek remediation through available mechanisms, including those that are state-led and/or offered through the support of a CSO. Grievance mechanisms may also be available through labour recruiters and/or employers. Information and support for post-arrival grievance reporting and explanations on redress mechanisms should be offered, especially to those who have been unwitting victims of unethical recruitment practices.

#### **Additional resource**

IOM. 2023. <u>Global Guidance for Comprehensive Information and Orientation Programmes – How to incorporate ethical recruitment into new or existing programmes.</u>

#### Health testing

Women migrant workers are frequently subjected to mandatory health testing related to sexual and reproductive health without either their consent or counselling. Fregnancy and HIV testing have a disparate impact on women, and as such are considered discriminatory. Test results are often shared between agents and employers. Migrants should be provided with information related to the potential lack of confidentiality and the consequences of testing positive.

<sup>75</sup> CEDAW, General Recommendation No. 26 on migrant women workers, para 15.

<sup>76</sup> CMW, General Comment No. 1 on migrant domestic workers, CMW/C/GC/1, 2011, para 22.

#### **National legal framework**

Migrants should be provided with the information and resources necessary to have a clear understanding of the national legal framework and frameworks that promote social inclusion of women migrant workers in countries of destination as it affects their rights, including in the fields of labour, migration and family law, social protection, health, education, gender equality and gender-based violence.

#### **Labour rights violations**

It may be important to clarify to arriving migrants which forms of labour exploitation and working conditions are considered legally impermissible, such as:

- Excessive working days or hours
- Unsafe, unsanitary, overly crowded living conditions
- Hazardous work
- Low or no salary
- Violations of labour laws and/or signed contracts
- No social protection (e.g. contracts, social insurance)
- Bad working conditions
- Wage manipulation.

When migrant workers have limited or no bargaining power and are unable to review and agree to the terms of their contracts, this is a form of labour exploitation. In the most extreme cases, it may constitute forced labour.

#### Absence of labour protection

Depending on the types of occupations in which women migrant workers are engaged, they may not receive adequate legal protection under labour laws, especially if they work in the informal sector. They must be made aware of any such legal limitations. For example, domestic workers are often excluded from standard labour law protections, and when such protections do apply to domestic work, there is often little or no enforcement.

Employment and anti-discrimination laws have the potential to protect migrant workers from workplace discrimination and harassment. Trainers should outline the various forms of discrimination which migrant workers may face and the recourses to which they are entitled. It is important to stress that laws seeking to eliminate workplace discrimination might not be implemented in practice, leaving little recourse for migrant workers, especially women migrant workers.

#### **Contract information**

Prior to departure, migrant workers may be unaware of the terms and conditions of their employment contract, and the consequent implications for their daily lives and earning and saving capacity. They may have no knowledge of the contents of a standard employment contract for comparison. The recommended content of labour contracts in specific countries of destination should be provided, using model contracts or standard terms of employment.<sup>77</sup>

Basic information should be provided on working hours, periods of rest, days off and annual leave, pursuant to the contract and applicable labour legislation. Information on pay periods, overtime pay and public holidays could also be provided. Wage theft (e.g. unpaid overtime and arbitrary deductions), including depositing the worker's wages into an account in the employer's or spouse's name, and failure to provide time off are common concerns.

#### Grievance mechanisms and access to justice

Information should be provided to migrants on arrival on available grievance mechanisms and access to justice, including courts, to address labour rights violations, violence and harassment. The perpetrators of workplace violence and discrimination can be employers, clients, third parties and co-workers, including migrant workers of the same country of origin or ethnicity.

#### Reporting

Trainers should ensure that upon arrival in destination countries, women migrant workers understand the available options for reporting employment and other rights violations. Information and contact details should be provided on the existing mechanisms for redress, such as through consulates, labour ministries, migrant resource centres, trade unions and recruitment agencies, as well as contact information for obtaining assistance from service providers, such as legal aid lawyers, including for those working informally. Women migrant workers need information on how to file a complaint and related procedures. It is important to engage consulates in any interventions relating to situations of violence experienced by migrant women.<sup>78</sup>

Women migrant workers will likely need contact information for legal and other support services given the complex interplay between labour and migration law, including situations when a migrant worker may become undocumented after losing a job. CSOs can provide free or low-cost legal advice on employment contracts. Contact information should be provided for those that specialize in working with women migrant workers.

#### Understanding barriers to reporting

Women migrant workers can face numerous obstacles to reporting violations of labour and human rights. In some countries, restrictions are imposed on their use of the legal system to obtain remedies for discriminatory labour standards, employment discrimination and gender-based violence. Moreover, in some countries women migrant workers lose their work permits upon reporting abuse or discrimination. PAOs should provide information on any such restrictions on reporting violations and the use of the legal system.

Arriving workers should be informed of other reporting impediments, such as unresponsive and hostile officials and collusion between officials and the perpetrators of the offence, especially in sectors linked to criminal networks. Some women migrant workers may be prevented from reporting due to restrictions on their mobility. For example, they may be confined by their employers to their work or living sites, prohibited from using telephones or banned from joining groups or cultural associations. Practical impediments also include language barriers and limited awareness of rights. Migrant workers may suffer violence and abuse for long periods before the situation is exposed. Page 182

<sup>78</sup> IOM. 2015. Migrant women and gender violence: Strategies and perspectives for interventions.

<sup>79</sup> CEDAW, General Recommendation No. 26 on migrant women workers.

<sup>80</sup> Ibid., para 21.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

Cost can be a significant limiting factor for accessing justice. Migrant workers might not be eligible for free government legal aid. In addition to legal representation, there may be costs associated with forensic examinations required for violence-related complaints, as well as court fees and transportation costs. It should be explained to them that by filing charges for rights violations, they may run the risk of countersuits for false accusation or defamation.<sup>83</sup> Migrant workers who have limited social contacts due to gendered social norms, such as restrictions on freedom of movement, may lack social and family support and accompaniment in their engagement with complaint mechanisms or the justice system processes, which are often very stressful to go through alone.

#### **Migration laws**

Arriving migrants need critical information regarding the destination country's migration law, in particular the rules and regulations around visas and residency requirements, including family reunification schemes, if available, and limitations on the right to marry. A clear explanation of the relevant legal provisions, potential options for regularization, and contact information for legal services specialized in migration law, including those provided by CSOs, should be provided.

#### Family reunification schemes

Short-term labour migration schemes tied to one employer not only limit longer-term residency but also family reunification schemes. Family reunification schemes may not extend to workers in some sectors dominated by women, such as domestic and care workers.<sup>84</sup>

#### Residency

In cases in which the residency permits of women migrant workers are premised on the sponsorship of an employer or spouse, escaping an abusive employment situation or domestic violence may result in the immediate revocation of residency.<sup>85</sup> Such provisions should be made clear, and contact information for specialized legal assistance and referrals for support services should be provided.

#### Marriage

Some countries maintain bans that prohibit migrant workers from marrying nationals or permanent residents. Women migrant workers should be informed of such restrictions on arrival.

#### Changing and conferring nationalities

Some destination countries may provide for the rights of migrants to acquire nationality, and possibly to confer it to their children; others do not and in such situations, women migrant workers may face challenges in passing on their statehood or religion to their children. Information should be provided on the options for migrant workers to confer the nationality of the destination country to their children. Such information includes legislation on migrant births, the requisites for obtaining a birth certificate from the parents' country of origin and/or the destination country and the regulations for conferring the parent's nationality, if it changed since migrating.

<sup>83</sup> UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia, noting countercharges in a case involving an employer acquitted for rape.

<sup>84</sup> CEDAW, General Recommendation No. 26 on migrant women workers, para 19.

See, CEDAW, General Recommendation No. 26 on migrant women workers, para 26(f), calling for the enactment of "independent residency status" that would allow for "the legal stay of a woman who flees her abusive employer or spouse or is fired for complaining about abuse".

#### **Family law**

Information on relevant family law provisions should be shared during PAOs, tailored to the situation of transnational families and situations in which several family members are present in the country of destination. For transnational families, information pertaining to the regulations and requirements for international travel with children (e.g. requirements for permission from the absent parent) should be provided. Information could also be made available on filing international demands for child support and/or maintenance from overseas parents.

Family law is often heteronormative. Limitations on the recognition of same-sex couples and implications for the transference of social benefits and the rights of children should be highlighted. Information related to child protection services and available contact information should be offered for unaccompanied adolescent migrants.

#### **National laws on gender equality**

Newly arrived migrants should receive key information related to gender equality considerations. Such information should be mainstreamed throughout the orientation programme and also be provided in greater detail in a separate module on gender equality.

Notable differences between the advancement of gender equality in countries of origin and destination should be identified, including restrictions on women's mobility and other rights and privileges (e.g. driving, travel), the criminalization of sex work and legal restrictions on abortions. Trainers should cover any legislation that ensures protection, response and remedies to survivors of all forms of violence, including the criminalization of harmful practices, such as child marriage and female genital mutilation.

Key legal provisions related to gender-based violence should also be provided. Where applicable, highlight the existence of firewalls between justice and domestic violence service providers (including shelters) and immigration authorities, in order to encourage reporting. The right to protection, in the form of emergency barring orders and protection orders, should be highlighted, as well as the provision of hotlines on domestic violence, and trafficking in persons.

#### **Social protection**

Trainers should provide detailed information on how to enrol in social protection schemes and explain any limitations relating to portability. Gender-discriminatory criteria should be highlighted.

Migrants face challenges in accessing social protection in both countries of origin and destination. For migrant women, this is sometimes based on marital status. Migrant workers face a myriad of barriers in accessing public social protection systems. They may be legally excluded due to eligibility requirements or other obstacles, such as disability, language barriers and the lack of clear and easily accessible information on administrative procedures.

The need for accessible information on social insurance and health-care coverage quickly became apparent with the onset of the COVID-19 pandemic, which resulted in widespread unemployment, loss of earnings and an acute need for health-care assistance among migrant populations.

Where they exist, migrant welfare funds - unilateral mechanisms established by countries of origin to provide some benefits to their migrant workers in countries of destination - may serve as a short-term lifeline for migrants and their families.<sup>86</sup> In practice, however, social protection in destination countries often does not address the specific needs and situations of women migrant workers, who are disproportionately relegated to informal, low-paid employment, undermining their access to social protection and with limited or no childcare arrangements.

#### Health care

Upon arrival, migrant women need information related to accessing necessary health-care services, including urgent care hotlines and details about the scope of employer-provided coverage. Specific reference should be made to sexual and reproductive and mental health.

Depending on the limitations of social security schemes, health care may not be accessible to migrants without proper identity documents. This may result in limited or no access to a broad range of public health-care services (where provided), such as maternity protection, abortion care, hormone treatment, and testing for HIV and sexually transmitted infections (STIs).

Information should be provided on the right to an interpreter as well as contact information for organizations assisting migrant women within the health sector. This can help improve health outcomes, given the risks of poor understanding of the information provided by health-care staff due to migrant women's often lower levels of language proficiency and/or education, and possible discrimination on the basis of gender, migration status and other grounds.

#### Sexual and reproductive health care

Studies have demonstrated that migrant women in some countries have more unplanned pregnancies, use less contraception and are less likely to go for screening and check-ups. They also experience higher rates of cervical cancer, and a higher frequency of unplanned adolescent pregnancies and sexual abuse.<sup>87</sup> In most cases, health care related to menopause and pre-menopause are not covered under the free health-care options available to migrant women. These can be hugely discomforting if women have no recourse to medical and social support during these times and may curtail their migration experiences unnecessarily.

Upon arrival, women migrant workers should be provided with information on their access to maternal and reproductive health services, including maternity and abortion care and forensic, STI and HIV testing. Restrictions on the right to abortion should be noted. Contact information for sexual and reproductive health services should also be provided, as well as for organizations assisting migrant women in terms of sexual and reproductive health care, including for assistance in reporting obstetric violence.

#### Barriers to health-care accessibility

Women migrant workers may be unable to access health services, including reproductive health services, because insurance or national health programmes are not available to them, or due to unaffordable fees. Biscrimination may be especially acute in relation to pregnancy. In addition to mandatory pregnancy tests followed by deportation if the test is positive, migrant women workers may face coercive abortion or lack of access to safe reproductive health and abortion services. Employment contracts may not provide, or provide inadequate, maternity leave and benefits. Unaffordable obstetric care may result in serious health risks. By

<sup>87</sup> IOM. 2015. Migrant women and gender violence: Strategies and perspectives for interventions.

<sup>88</sup> CEDAW, General Recommendation No. 26 on women migrant workers.

<sup>89</sup> Ibid.

#### Mental health care

Migrant workers who have experienced any form of exploitation or deception and/or workplace violence, including survivors of gender-based violence, may face trauma and other mental health concerns. They may suffer from mental health symptoms such as depression, anxiety and post-traumatic stress disorder (PTSD). Contact information for mental health service providers, including CSOs, should be disseminated. Victims and survivors of violence and exploitation, such as trafficking in persons, have the right to access psychosocial support and counselling services, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol).90

#### Access to services and assistance

At the PAO stage, emergency contact information should be provided for use in the destination country. This might include emergency hotlines linked to first-line responders, embassy and consular contact information, legal aid offices and CSOs working with survivors of violence and women migrant workers. Any information on where to seek free or low-cost assistance and legal redress in situations of distress and/or emergencies should be provided.

#### **Contact information**

Providing contact information for national, regional and local organizations that provide services to women migrant workers in the countries of destination can assist them to obtain tailored information and support. It is important to note that organizations providing generalized services for all diaspora or migrant workers may not provide services and support tailored to the needs of women or people with diverse SOGIESC.91

#### Essential services for gender-based violence survivors

In line with international standards, gender-based violence survivors should have the right to access essential services in line with the UN Essential Services Package. Service provider pathways should encompass health, justice, police and specialized services, as well as family and community networks.92 All migrants should be advised how to access the available resources and benefits, and to clarify any requirements.

Trainers should address the information gaps faced by survivors of gender-based violence, who often decline to report it. Migrant women are likely to be unfamiliar with the bureaucratic rules and administrative procedures of relevant institutions and are also likely to lack time and financial resources, impeding their ability to seek services. Migrants', women's or other organizations may provide information, support and assistance (including translation) at a local level to migrant women survivors of violence. Trainers should note whether and which of these described services are available to women migrant workers and undocumented migrants.

#### Financial services and management

When providing information to women migrant workers on financial management, it is important to understand the multiple obstacles some may face in accessing financial services and products, in order to offer solutions that are viable and gender responsive. Common gendered obstacles include:

<sup>90</sup> Supplementing the UN Convention against Transnational Organized Crime.

<sup>91</sup> One assessment in the Southeast Asia region found that only 4 per cent of organizations had tailored support for diverse SOGIE persons and that SOGIESC-diverse migrants remained uninterested in engaging with migrant worker and other specialist organizations in destination countries due to discriminatory attitudes, in addition to language barriers and fears of employer recriminations. UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

<sup>92</sup> IOM. 2015. Migrant women and gender violence: Strategies and perspectives for interventions.

- Isolation or mobility constraints
- Distance and safety impediments
- Cumbersome procedures
- Language barriers
- Discriminatory treatment
- · High transaction costs
- A lack of financial literacy
- Limited access to technology.<sup>93</sup>

These barriers particularly impact migrant women working in low-skilled sectors who are more often confined to secluded accommodation and workplaces and might not be in possession of valid documents. Banks may not recognize low-skilled migrant women, who tend to make small transfers of funds, as valued clients.<sup>94</sup>

Upon arrival in the destination country, women migrant workers require practical information on available formal banking services, opening a bank account and modalities for transferring remittances. They may also need support to access financial services, including savings schemes.

#### Remittances

Women migrant workers face challenges in both saving and transmitting their earnings safely through regular channels. Women often send a higher proportion of their salaries than men (partly due to salary disparities), sacrificing their personal well-being, career advancement and future savings. Compared to men, women support more members of their extended households. This deepens economic inequalities, as in general women earn less than men.<sup>95</sup>

#### **Education and training opportunities**

Highly skilled sectors often have tailored avenues for labour migration, which tend to be lacking for low-skilled employment, predominantly affecting women. PAOs are an opportunity to provide migrants with industry-specific skills.

Information related to opportunities for personal and professional development can assist migrant women in improving their skills and earning capacities with the potential for long-term benefits for individual migrants, their families, and host and home countries. Women migrant workers could benefit from information and awareness on educational and training opportunities, such as those provided by embassies, CSOs, CBOs and the private sector.

Language, digital and soft skills, such as communication, negotiation and networking can support the training and skills development of women migrant workers and in turn improve their access to decent work.

<sup>93</sup> IOM. 2023. Women & girls on the move: A snapshot of available evidence, Thematic Brief, Issue Nr 2, March, citing UN Women. 2022. Progress on the Sustainable Development Goals: The gender snapshot 2022; CEDAW, General Recommendation No. 26 on women migrant workers, para 16.

<sup>94</sup> IOM. 2015. Gender, Migration and Remittances.

<sup>95</sup> IOM. 2015. Migrant women and gender violence: Strategies and perspectives for interventions.

#### CHECKLIST ON MAINSTREAMING GENDER IN POST-ARRIVAL ORIENTATION

- Include cooperation with government and with stakeholders working with women and on gender issues.
- ✓ Set a welcoming, gender-responsive tone.
- ✓ Provide tailored programmes for migrant domestic workers.
- Pay specific attention to gender equality considerations when targeting diaspora grassroots and community-level actors from whom migrants seek support, including CSOs, CBOs, NGOs, FBOs and social media.

#### **Ethical recruitment**

- Provide information related to any legal limitations on recruitment fees, and the implications of assuming debt to pay such fees.
- Provide an explanation of contract substitution and coercive and controlling tactics, such as confiscation of documents, requiring deeds or other deposits, and restriction on freedom of movement.
- ✓ Offer concrete information related to remedial mechanisms and legal sanctions.
- ✓ Offer referrals and contact information for the filing of complaints and legal services.
- Explain implications of health-care testing and the possible lack of confidentiality of the results.

#### **Legislation and rights awareness**

- Provide information on the recommended contents of labour contracts in the specific country of destination
  - Highlight provisions in which permission to stay may be severely restricted upon termination of employment.
  - Explain complaint procedures for challenging contracts or practices that are not legally valid.
  - Signal provisions that ban becoming pregnant and potential employment and migrationrelated consequences.
  - Explain provisions related to the absconding of domestic workers.
- Provide information on basic labour law legislation, covering working hours, periods of rest, days off, overtime, annual leave, national holidays and rights pertaining to parental leave.
- Offer information about common violations of national labour law, covering workplace safety (including with respect to transport), the confiscation and destruction of identity and travel documents, confinement, wage theft, gender-based violence, harassment and labour exploitation, forced labour and trafficking in persons.
- Provide practical information on protective legislation, including sector-specific information, such as basic occupational health and safety protections, applicable labour legislation and related criminal provisions.

- ✓ Detail laws and policies that prohibit retaining identity documentation and provide information on mechanisms of redress and contact information for assistance, including to obtain replacement documents.
- ✓ Offer practical information on housing options, including any bans on securing independent housing, required employer accommodations and any concerns related to living conditions and the gendered implications of these arrangements.
- ✓ Provide information on filing complaints and the existence of grievance mechanisms, including courts, to address labour rights violations, including violence and harassment, and contact information in multiple languages for institutional support (consulates, labour ministries, migrant worker resource centres, trade unions and recruitment agencies), CSOs and legal aid service providers (if available to migrant workers).
  - Identify any restrictions on the rights of women migrant workers to file labour-related complaints, including through the rescinding of employment contracts.
  - Highlight the financial costs of pursuing complaints (e.g. forensic documentation, court fees) and realistic time frames.
  - Note the possible threat of countersuits by employers or perpetrators of violence.
- ✓ Provide concrete information on the rules and regulations around visas, residency, procedures for obtaining national identity documents, potential options for regularization and contact information for legal services specialized in migration law within the destination country.
  - Provide specific information on obtaining identity documents for children.
  - Note whether family reunification schemes extend to workers in female-dominated sectors.
  - Clarify any limitations to legal rights (labour and migration) for women migrant workers whose residency permits are based on the sponsorship of an employer or spouse, including as related to complaints and services concerning gender-based violence or labour rights violations.
  - Identify the application of any marriage bans.
  - Provide information on the requirements for conferring the nationality of the destination country to children in countries that provide for this option.
- ✓ Provide information on family law legislation, targeted to transnational families.
  - Clarify the regulations and requirements for international travel with children (e.g. any requirements for permission from the absent parent).
  - Identify international demands for filing child support or other maintenance from overseas parents.
  - Provide information on child protection and domestic violence service provision.
- ✓ Provide information on legal limitations to the rights of same-sex couples, including the implications for the transfer of social benefits and adoption.

- ✓ Provide information on key laws and rights related to gender equality in the country of destination, including sex or gender-based restrictions on basic privileges and rights, criminalization of gender-based violence, criminalization of survivors of sexual violence, criminalization of sex work and the legality of abortion.
- ✓ Highlight protection mechanisms for survivors of gender-based violence victims (e.g. emergency barring orders and protection orders) and explain whether a firewall exists between law enforcement protection authorities and immigration authorities.
- ✓ Provide contact information for gender-based violence service providers and hotline numbers, including for survivors of trafficking in persons, and explain whether a firewall exists between gender-based violence service providers and immigration authorities.
- ✓ Provide information on enrolment in social protection and its portability.
- ✓ Signal the existence of welfare migrant funds, where relevant.

#### **Health care**

- Provide practical information on accessing basic health-care services, such as urgent care hotlines, and details on the scope of employer- and State-provided coverage.
  - Note whether health care is accessible to migrants without proper identity documents.
  - Note whether employer- or state-funded coverage applies to forensic, STI and HIV-testing, maternal and reproductive health, abortion care, sick leave, FGM care, hormone treatment and the health-care needs of persons with disabilities.
  - Note whether health-care coverage includes the right to an interpreter.
- Provide information on the legality of and procedural requirements for obtaining an abortion.
- ✓ Provide contact information for sexual and reproductive health services, including CSOs and CBOs that assist migrant workers within the health sector, such as for assistance in obtaining sexual and reproductive health care and abortion care (if legal), reporting obstetric violence or obtaining FGM-related care.
- ✓ Disseminate contact information for mental health service providers, including CSOs.
- ✓ Disseminate contact hotline and service provider information dedicated to survivors of trafficking that includes psychosocial counselling and health-care services.

#### Access to services and assistance

- Provide contact information for national, regional and local organizations that provide services to women migrant workers.
- Provide contact information for essential services for gender-based violence survivors (hotlines, criminal justice, protection, health care, shelters, psychosocial counselling, social welfare assistance, legal aid, employment and education). Try to find these services in the language that the worker understands or those that offer translation services.

- Provide information related to both state-sponsored and specialist CSOs.
- Confirm the availability of such services for women migrant workers irrespective of their migration status.
- ✓ Provide practical information and support on accessing formal banking services, opening a bank account, modalities for transferring remittances and savings schemes.
- ✓ Provide information on the educational and training opportunities for migrant workers, such as those provided by embassies, CSOs, CBOs and the private sector, including language, digital, communications, negotiation and networking.

## 6. PRE-RETURN ORIENTATION

Pre-return orientation is designed for migrant workers who are considering returning to their countries of origin or embarking on onward migration. This can be for various reasons including having finalized or terminated employment contracts, reached the age of retirement, achieved financial goals, or for reasons of personal well-being and mental health and a desire to return to their families. Access to information can play a key role in migrants' decisions and experiences related to return and reintegration. PROs offer guidance in navigating the practical process of return and/or onward migration, including familial, sociocultural and economic factors.

PROs provide information and assistance to migrants to ensure safe pathways for their voluntary return or onward migration, as well as to assist migrant workers to exercise, to the fullest extent possible prior to their departure and upon their return, rights related to end-of-service benefits that have accrued to them. These benefits may be the result of employment contracts, social security or other benefit schemes; late payments through claims pending before redress mechanisms; and justice processes related to labour exploitation, violence and harassment.

Whatever the reason for return or onward migration, the continuity of livelihoods will often remain a fundamental necessity for women migrant workers. Information on employment options, financial aid opportunities and support channels in countries of origin or other countries of destination can inform decision-making and reduce vulnerabilities. PROs also aim to foster successful reintegration through reflection on skills development and its application in countries of origin or third countries and possible future employment opportunities.

PROs also provide an opportunity to provide guidance to returnees and build balanced expectations for the return process. Concrete information should be provided on services, programming and resources available in countries of origin that could support migrant women upon their return. PROs can also provide an opportunity to reflect on possible challenges, particularly with respect to reintegrating into changed family dynamics and communities.

Gender considerations can have an important impact on all of these processes, from reintegration challenges to access to relevant resources and services. Gender should thus be mainstreamed into PRO content, including related to:

- End-of-service benefits and grievance mechanisms
- Ethical and safe recruitment for onward migration
- Skills development and recognition
- Employment opportunities
- Financial education
- Reintegration services
- Re-acculturation
- Social protection in countries of origin.

#### End-of-service benefits and grievance mechanisms

Timely information on accessing end-of-service benefits and social protection prior to departure gives migrant workers the opportunity to avail themselves of entitlements while still present in the country of destination. PROs should offer information on accessing the end-of-services benefits to which migrant workers are entitled. Tailored approaches will often be necessary to address the acute lack of information pertaining to end-of-service benefits for migrants working in isolated contexts, such as domestic workers.

Given the challenges for many migrant women in accessing end-of-service benefits, seeking redress for violations of employment contracts and claims involving exploitation and other criminal complaints, information should be provided on the full array of grievance mechanisms available to migrants, as well as the applicable costs, time frames for decision-making, the scope of remedies provided and the possibility of pursuing such complaints from countries of origin or other destinations.

PROs should provide practical information related to filing complaints or grievances with the governments of countries of destination, including the provision of sample complaint forms and the addresses for submissions. Such information gives migrants the opportunity to access such entitlements before they return. Information should also support those with grievances to activate processes that allow them to continue following their cases even after their return back home, particularly for the recovery of unsettled end-of-service benefits.

In addition to end-of-service benefits, many migrant women may need assistance in filing claims for workplace violations related to injuries, exploitative practices, diverse forms of gender-based violence and trafficking in persons. Information should be provided during PROs to assist migrant workers to understand the nature and definition of such illegal practices, especially those which have been normalized as inherent to overseas employment programmes. Even in the extreme case of trafficking in persons, many survivors do not identify themselves as being victims.

In addition to detailing the nature and illegality of such practices, contact information for legal aid and other service providers should be offered, as well as realistic expectations related to costs, time frames and possible remedies. Information should also be provided related to possibilities for pursuing justice in countries of origin. Survivors of trafficking can require additional support, such as a reflection period, the provision of specialized services and protection.<sup>96</sup>

#### **Ethical and safe recruitment for onward migration**

Given that many migrants will seek opportunities for onward migration, information provided at the PRO stage should revisit ethical recruitment issues. In contexts without structured and formal PEO programmes, PROs could incorporate refresher materials with key messages on how to engage in ethical recruitment and safe labour migration, with references to additional available resources. Some migrant workers may remain unaware of their legal rights and thus of violations that they may have experienced over the course of their recruitment and employment. Those who have experienced rights violations should be encouraged to seek remedies.

### Skills development and recognition

PROs can be a space for migrants to meaningfully reflect on the skills they acquired while working abroad. Resources to support self-assessment can help returnees identify potential employment opportunities and/or other possible avenues for economic reintegration. PROs should offer concrete information on skills

certification schemes as well as additional opportunities for skills development and vocational training. Given that the employment opportunities open to women migrant workers often result in deskilling, identifying the skills they developed and opportunities for building skills can significantly improve their livelihood options.

#### **Employment opportunities**

PROs should offer information on the labour market, job opportunities and any skills-matching programmes in countries of origin, with attention to sectors in which migrant women can use their newly acquired skills. To ensure the accessibility of this information, it should also be decentralized with the support of CSOs, recruitment agencies and training centres, among others. Up-to-date information on various social media platforms could also help maximize outreach.

Attention should be paid to gender segregation in the labour market when providing information on job opportunities, given its impact on workplace conditions and wages. Skills-matching and job placement programmes should promote opportunities for women in all sectors. Migrant workers with diverse SOGIESC may need greater assistance in finding jobs upon their return and links to supportive CSOs should be provided, where available.97

#### **Financial education**

Men often allocate more of their earnings to business investments or land purchases in countries of origin while women remit a higher proportion of their salaries, leaving them with less money for longer-term investments.98 Women often face limited access to credit or land ownership and low financial literacy due to education gaps. Therefore, to address these issues and more, gender-responsive financial literacy support and/or business training should be provided to returning or returned women and men migrant workers on such topics as: savings plans, access to credit and land ownership, and business development skills. Where available, information should be provided on entrepreneurship initiatives and financial aid programmes to set up small-scale businesses, including those targeting women.

#### **Reintegration services**

Some countries of origin provide returnee migrants with access to relevant reintegration support services. PROs should provide information on these socioeconomic, psychological and legal services, livelihood support, employment opportunities and support for establishing small businesses, including those targeted to women and/or people with diverse SOGIESC. Returning migrants may need gender-responsive health-care services, including sexual and reproductive health services, as well as mental health services.99 Migrant women returnees who are survivors of violence also require access to essential services. Information on available reintegration services and procedures to access such services can help guide returnee migrant workers to get the maximum benefit from them. As discussed above under grievance mechanisms in countries of destination, it will be useful for returnees to know about the reintegration services in their country of origin.

<sup>97</sup> UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

<sup>98</sup> IOM. 2015. Gender, Migration and Remittances.

<sup>99</sup> UN Women. Policies and practice: A guide to gender-responsive implementation of the Global Compact for Migration.

#### **Re-acculturation**

After adapting to a host country's culture, returning home often implies a "reverse culture shock". Labour migration can increase women's autonomy, self-esteem and social standing. The personal, professional and economic resources gained through migration often change power dynamics within families and households upon their return. Women and migrants with diverse SOGIESC may equate migration with increased personal freedom more than men do. Returning migrants may influence their home communities to adopt more equitable norms around education, marriage, fertility rates and gender roles in the household and community. 101

Conversely, women returnees may face stigma and challenges to reintegrate into their families and communities.<sup>102</sup> Women returnees may be subject to "moral rehabilitation" based on stereotyped presumptions that they engaged in sex work while overseas.<sup>103</sup> For people with diverse SOGIESC, return to their countries of origin can mean losing freedoms enjoyed in destination countries, and returning to "closeted" lives, with pressures to conform reimposed upon them.<sup>104</sup> The end of economic support through their remittances may reverse any positive impact they had on family relations.

Perceptions of success and failure related to their time abroad, lack of preparedness for the return and facing stigma also complicate migrants' experience of return, especially for returnee women migrant workers in the care and domestic work sector.

PROs should provide guidance and practical coping tools on how to address stigma, accompanied by information on any psychosocial support programming or services, including grassroots initiatives led by previous returnees.

#### Social protection in country of origin

PROs should also provide information on processes to (re)enrol and access social protection and security schemes after migrants return to their country of origin. Social protection may not be accessible to migrant workers, who need social security schemes that they can coordinate across two or more countries, including the payment of applicable benefits while abroad. Information should be provided on the portability of benefits and the requisite administrative mechanisms for doing so. Attention should be paid to the equal access and gender-responsiveness of social protection for migrant women and people with diverse SOGIESC, including coverage for health care, maternity and sick leave.<sup>105</sup>

<sup>100</sup> ODI. 2016. Women on the move: Migration, gender equality and the 2030 Agenda for Sustainable Development.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> CEDAW, General Recommendation No. 26 on women migrant workers, para 11.

<sup>104</sup> UN Women and ILO. 2022. A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia.

<sup>105</sup> ILO Social Protection Floor Recommendation, 2012 (No. 202), requiring that it be provided irrespective of sector and of migration status in destination countries.

#### CHECKLIST ON MAINSTREAMING GENDER IN PRE-RETURN ORIENTATIONS

#### Mainstreaming gender into end-of-service benefits and grievance mechanisms

- Provide practical information on exit requirements and the processes for accessing end-of-service benefits.
- ✓ Apply tailored approaches to provide pre-return orientation information to hard-to-reach migrant workers, such as domestic workers.
- Provide practical information on complaint and grievance mechanisms related to accessing endof-service and other benefits and entitlements for migrant workers.
- ✓ Provide information on other complaint mechanisms, including courts, to assist migrant women in accessing remedies for workplace violations related to exploitative practices, gender-based violence and trafficking in persons. Also share limitations, if any, that might exist in accessing services or mechanisms.
- Provide practical and realistic information on time frames, costs and expectations for actual redress.
- Offer contact information for accessing legal and other forms of assistance for victims of such illegal practices, including CSOs specialized in working with victims and survivors of genderbased violence and/or trafficking in persons.

#### Mainstreaming gender into ethical recruitment processes and skills development for return and onward migration

- Revisit issues related to ethical recruitment for women migrant workers considering onward migration.
- ✓ Enable migrants to identify red flags signalling unethical recruitment practices.
- ✓ Offer opportunities for reflection on skills developed while overseas and resources for further skillsbuilding opportunities.
- Provide information on job opportunities in return countries that do not reproduce gender segregation in the labour market.
- Provide information on programmes offering livelihood support to returning migrants.
- Provide concrete information on targeted support for women entrepreneurs, including on savings plans, access to credit and business development skills.

#### Mainstreaming gender into reintegration and re-acculturation services and support

- Provide information on available multisector services provided by the state or CSOs for returning migrants, highlighting gender-responsive programmes.
- Provide contact information for complaint mechanisms for discrimination and for service providers for returning women and migrants with diverse SOGIESC in the country of origin.
- ✓ Discuss gender-based discrimination faced by migrant women upon return and coping strategies.

- ✓ Provide practical information on the portability of social protection benefits, and the requisite administrative mechanisms for doing so.
- ✓ Provide information on migrant welfare funds, where applicable.
- ✓ Provide information on any gender-responsive social protection programmes, including those targeting women migrant workers and/or vulnerable groups such as domestic workers.

# 7. MONITORING AND EVALUATION OF ORIENTATION PROGRAMMES

Gender-responsive indicators tend to be lacking in the monitoring and evaluation (M&E) of migrant labour orientation programmes. To ensure the programmes' successful implementation, it is critical to develop indicators that measure and monitor their gender-responsiveness and to identify any gaps and/ or weaknesses. Several forms of evaluation can be undertaken, including pre- and post-training knowledge assessments for participating migrant workers; post-orientation evaluations administered to both migrant workers and orientation trainers; and pre- and post-orientation questionnaires for trainers.

#### Post-orientation evaluations

Evaluations constitute a key step in improving programming, providing critical analysis and identifying challenges and lessons learned about what worked and what did not. Upon conclusion of the orientation programme, an evaluation should be undertaken to measure the participants' level of satisfaction. Various methods can be employed, including reflections and debriefing sessions with participants, or by asking them to restate information or demonstrate what skills they learned (using a simulation or role play, for example).<sup>106</sup> To the extent possible, feedback should be sought from *all* participants in orientation programmes.

The evaluation should address the relevance of the training contents and methodology for each participant. Specific feedback should be requested on participants' perceptions of the programme, including gendered elements and any separate modules on gender. Questions should address the importance and relevance of the specific topics covered, missing topics and possible useful additions. Gender-inclusive language should be used during the evaluation process.

Evaluation responses can be collected in several ways. Some options include:

- Verbally, in groups, at the end of the orientation.
- Placing sticky notes or drawing happy/sad faces or +/- symbols on flipcharts to indicate which topics and activities were interesting and worked well, and which did not.
- An anonymous evaluation form can be completed by literate participants, which should have space for participants to provide information about their assigned sex and age.

Sex- and age-disaggregated data, among other categories, should be integral parts of the evaluation. This requires gathering disaggregated data on orientation participants and requesting these data on evaluation forms. During the orientation, there may be participants with diverse SOGIESC. It is important to remember that attempting to identify their identities is likely to put them at risk and further harm them, especially in societies where there is stigma and strict laws around SOGIESC. Disclosure of identity should be completely voluntary for participants. It is advised to NEVER ask individuals about their SOGIESC or try to collect prevalence data on persons of diverse SOGIESC. It is recommended to conduct key informant interviews with specialists working on addressing the needs of persons with diverse SOGIESC as part of the evaluation.

When reviewing participant evaluations of orientation programmes, specific attention should be paid to:

- The gender of the participant.
- Whether the participant gained an understanding of legal, illegal, acceptable and unacceptable behaviours related to gender.
- Whether the participant gained gender-related skills and knowledge and whether there have been any changes in assumptions about gender roles and stereotypes.
- Whether the participant understands what constitutes gender-based violence, the forms of gender-based violence, and where to seek support.
- Whether the methods used to discuss sensitive gender issues were appropriate.

Other possible gender-related indicators that can provide critical lessons learned to inform future orientations are:

- A comparison of orientation attendees (by gender) with those who were invited but did not attend.
- Data on participation in specific sessions (present or absent).
- How many respondents took part in the evaluation.
- Which sessions were of more interest to whom. 107

#### Pre- and post-orientation knowledge assessments

Pre- and post-knowledge assessments provide information on the uptake by migrant workers of information offered during orientation programmes. The pre-assessment offers baseline data to subsequently gauge the impact of the information provided during the orientation session. Specific questions and indicators should be developed to assess the uptake of the gendered issues and aspects of the session.

## Pre- and post-orientation self-assessments by CIOP trainers

Gender can be incorporated into self-assessments by CIOP trainers both before and after orientation sessions by including questions related to:

- Knowledge and interest in gender equality issues
- Gender competencies
- Prior experience working with migrant women
- Specialized gender trainings received
- Referencing the specific training needs on the status of women in origin and destination countries
- Techniques used for promoting gender equality during the orientation.

An evaluation report should be completed by the trainer after every orientation session, with the support of interpreters and/or cultural facilitators, if applicable. The evaluation report should involve the trainer's self-assessment of performance and an analysis of the effectiveness of the programme's contents and methods, identifying good practices, lessons learned and challenges for each course delivered. Gender should be mainstreamed into the evaluation report, and it should include specific gender-related objectives. It should assess the following key issues:

<sup>107</sup> See, for example, IOM. 2019. Mainstreaming Gender in Pre-departure Orientation: Guidelines for Practitioners.

- The content of the gender-related knowledge and skills obtained by the participants.
- Whether the materials were suitable for the audience on gender issues.
- Whether the content was delivered appropriately.
- Whether everyone benefited equally from the course, and if not, the main obstacles to and differences in their learning.
- Whether the orientation challenged gender roles and whether it had an impact on the perceptions of gender roles and understanding of gender equality among participant groups, disaggregated by age and gender.
- How the orientation contributed to empowering migrants, disaggregated by gender.<sup>108</sup>

#### **Additional resources**

IOM. 2021. IOM Monitoring and Evaluation Guidelines.

IOM. 2021. Pre-departure orientation evaluation toolkit.

UN Women. 2015. How to Manage Gender-Responsive Evaluation: Evaluation Handbook.

