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For immediate release

UN Guidance on protection of Migrant Domestic Workers welcomed as advanced unedited version is released

GENEVA, 10 December 2010—On International *Human Rights Day*, the human rights community is celebrating the new UN guidance that offers specific recommendations on regulating and monitoring recruitment processes and working conditions for migrant domestic workers, avoiding sponsorship and other high-risk immigration policies, and increasing access to justice and family unity.

As the world commemorates International Human Rights Day today, 10 December, the International Catholic Migration Commission joins NGOs, migrant associations, labour and trade groups, and domestic workers everywhere in celebrating the release of the new UN guidance on protecting the human rights of migrant domestic workers.

The guidance was adopted 2 December as a “General Comment” by the UN Committee on Migrant Workers to provide States with guidance on how to implement their obligations under the 1990 Migrant Workers Convention—one of the nine core international human rights treaties. The Comment notes that millions of people—as much as 10% of all workers in some countries—perform domestic work.

“This guidance”, says John Bingham, ICMC Head of Policy, “provides one more ‘Yes’ to the questions: Are human rights for everybody? Are there practical ways to implement and protect those rights?” “The resounding ‘hurray’ among domestic workers worldwide speaks not only to how long they have waited for attention to their rights and protection, but to the great hope and expectation that this guidance has created.”

ICMC, together with Caritas Internationalis and the International NGO Platform on the Migrant Workers Convention, led the civil society effort in the development of the guidance, which points to the lack of reference to domestic work and domestic workers in a broad range of national and international frameworks of law and, over the course of its thirteen pages, makes thirty-eight recommendations for change in both laws and practice.

“It is important to recognize that this guidance applies to migrant workers throughout the entirety of their migration experience, and further to members of their families,” explains Bingham. Ratified or signed by 59 States, the Convention defines migrant workers as “any person who *is to be engaged, is engaged or has been engaged* in remunerated activity in a State of which he or she is not a national,” i.e., the whole period of “preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return.”

After a brief introduction, the General Comment is organized in four sections: problems faced by migrant domestic workers and members of their families, gaps in legal protection, gaps in practical protection, and practical recommendations to States. Among the recommendations, States of origin are urged to develop pre-departure training and “know your rights” awareness-raising, and to regulate and monitor recruitment processes.

In States of employment, “labour protections in national law should be extended to domestic workers”, with migrant domestic workers entitled to working conditions on the basis of equal treatment with nationals. Specific

subsections present recommendations for implementing the rights of migrant domestic workers to health and social services, including emergency health care and basic education regardless of immigration status, as well as their rights to organize for collective bargaining and protection, freedom of religion or belief and freedom of expression, access to justice and remedies and access to regular migration status. There is a special focus on respect for family unity, protections for children, and the importance of a gender perspective in policies and practice regarding migrant domestic workers.

The advance unedited version of General Comment no. 1 on Migrant Domestic Workers can be found at: <http://www.icmc.net/article/un-guidance-protection-migrant-domestic-workers-welcomed-advanced-unedited-version-released>, and from the UN High Commissioner for Human Rights (www.ohchr.org).

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