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# Migration and gender empowerment: Recent trends and emerging issues

Jayati Ghosh

Jayati Ghosh is Professor at the Jawaharlal Nehru University, School of Social Sciences.  
E-mail: [jayatig@vsnl.com](mailto:jayatig@vsnl.com).

Comments should be addressed by email to the author.

# Abstract

Women are increasingly significant as national and international migrants, and it is now evident that the complex relationship between migration and human development operates in gender-differentiated ways. However, because migration policy has typically been gender-blind, an explicit gender perspective is necessary. This paper attempts this, beginning with an examination of recent trends in women's migration, internationally and within nations. It then considers the implications of the socio-economic context of the sending location for women migrants. The process of migration, and how that can be gender-differentiated, is discussed with particular reference to the various types of female migration that are common: marriage migration, family migration, forced migration, migration for work. These can be further disaggregated into legal and irregular migration, all of which affect and the issues and problems of women migrants in the process of migration and in the destination country. The manifold and complex gendered effects of migration are discussed with reference to varied experiences. Women migrants' relations with the sending households and the issues relevant for returning migrants are also considered. The final section provides some recommendations for public policy for migration through a gender lens.

Keywords: gender, female migration, policy reform

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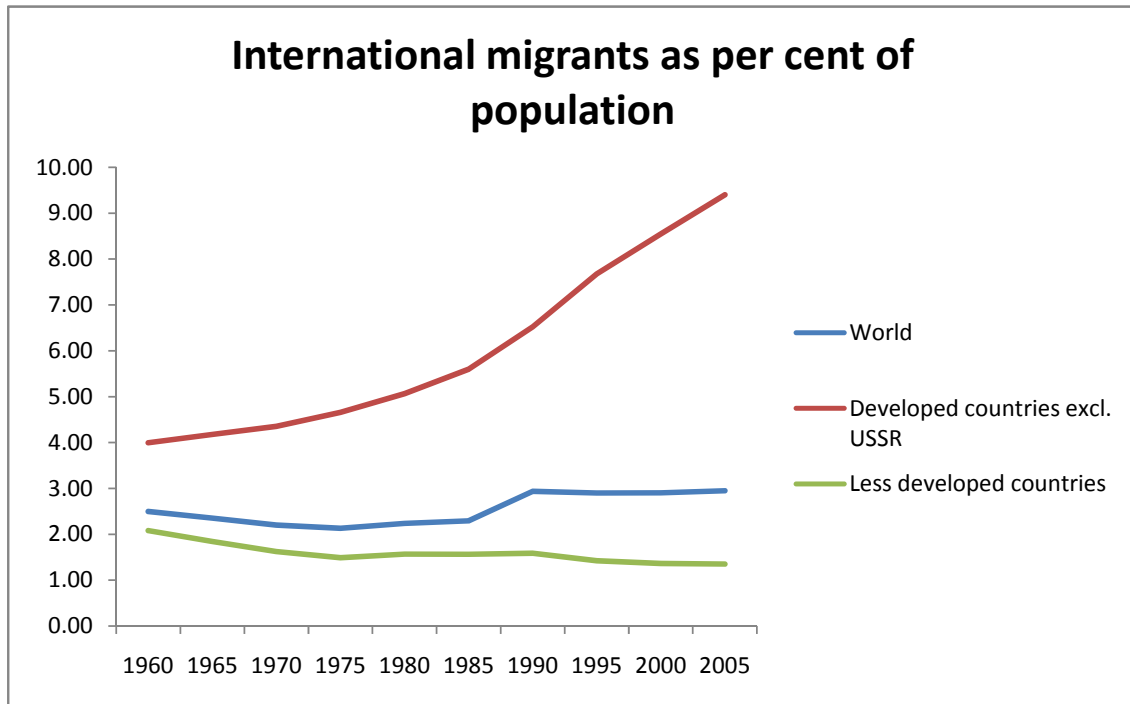
## **I. Introduction**

Migration is a multidimensional phenomenon, which can have many positive effects because it expands the opportunities for productive work and leads to a wider perspective on many social issues, among migrants and among the population of host countries. But it can also have negative aspects, dominantly in the nature of work and work conditions and possibilities for abuse of migrant workers by employers and others. Migration has a complex and multi-layered relationship with human development: while conditions of human development in the home country determine both the need for and the nature of economic migration, the process itself generates many and often differing human development effects upon the home country and the host country.

### *Recent patterns of women's migration*

Chart 1 shows that recorded international migration remained relatively constant as a share of the total population of the world. However, this average figure hides substantial differences between developed and developing countries: for the developed world (excluding the former USSR) has increased quite significantly as a proportion of the total population, and indeed more than doubled between 1960 and 2005, from 4 per cent to nearly 10 per cent. However, for less developed countries, the proportion of migrants in population, which was already quite low at around 2 per cent, had fallen to only 1.35 per cent by 2005. *It should be noted that the data in this and subsequent tables and charts are based on official data on recorded permanent immigrants (including those with refugee status) and therefore are likely to underestimate actual migratio, which also includes many irregular migrants and short-term migrants.*

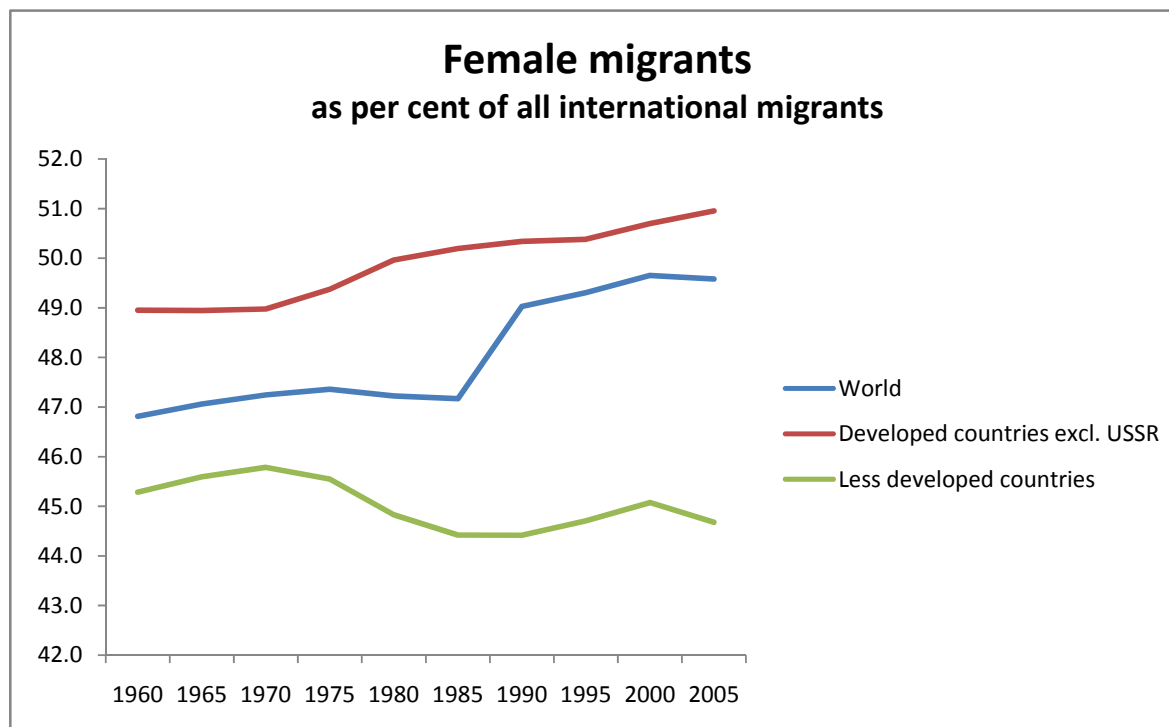
Chart 1



Source for this and subsequent charts and tables: UN-DESA Migrant Stock database

Gendered analyses of the process of migration, whether within or between countries, are fairly recent. Similarly, the migration of women has only just begun to be recognised in official statistics and independent analyses. But this does not mean that such migration by women is new. Women currently make up around half of the world's migrant population, and this is without taking into consideration short-term and seasonal movements, many of which are unrecorded. Zlotnik (2003) points out that globally, the number of female migrants has been large and increasing, both in terms of the sheer number of women involved and in terms of their share of the world's migrant stock. Chart 2 provides some indication of the quantitative significance of women immigrants in the total stock of immigrants in 1970 and 2000. (Note that, as before, the data refer to the permanent officially recorded immigrants in each country or region.)

Chart 2



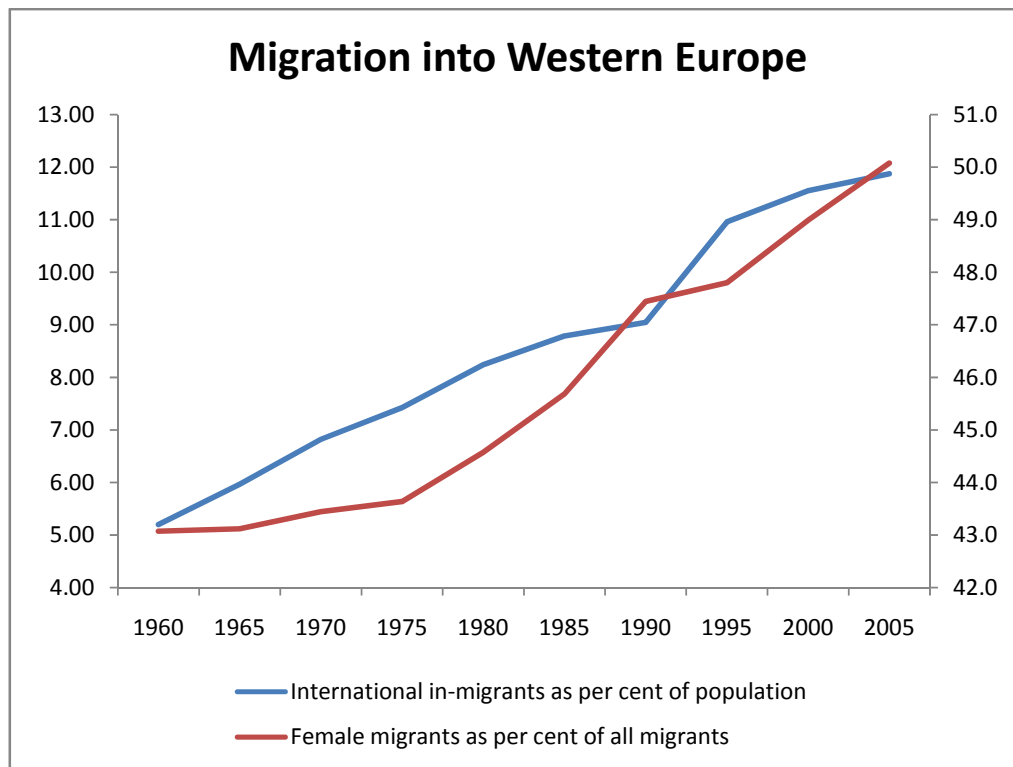
Within this overall pattern, there are significant differences by region, and a few regions and countries account for the bulk of both total and female migrants. Table 1 shows that Northern America, Western Europe and Asia accounted for 55 per cent of the stock of all migrants in 1990 and this proportion grew to more than 60 per cent in 2005. The share of these regions in the stock of female migrants has been slightly less, at 52 per cent and 57.5 per cent in these two years.

Table 1: International migrants by region

	Share of all international migrants (per cent)		Share of all women migrants (per cent)	
	1990	2005	1990	2005
Northern America	17.81	23.34	18.54	23.74
Western Europe	10.28	11.58	9.95	11.70
Southern Europe	2.60	5.62	2.84	5.83
Northern Europe	3.43	4.27	3.61	4.58
Eastern Europe	1.36	0.96	1.55	1.09
Western Asia	9.63	11.93	7.60	9.24
Other Asia	17.41	13.30	16.16	12.80
Oceania	3.07	2.64	3.07	2.73
Former USSR	19.36	13.93	22.24	16.20
Latin America & Caribbean	4.50	3.48	4.57	3.53
Africa	10.55	8.95	9.88	8.56

The regional patterns over time show substantial variation even in terms of the proportion of female migrants. The evidence on some of the more significant destination regions is described in the charts below.

Chart 3



As Chart 3 shows, both the proportion of migrants to total population (left hand scale) and the share of women migrants (right hand scale) in western Europe have increased steadily since the early 1970s. Nearly one out of every eight residents in this region is a migrant, and around half of them are now women. A similar trajectory is evident for northern Europe, as shown in Chart 4, where more than 53 per cent of recorded permanent migrants are women and where the trends have been of continuous increase. However, in southern Europe, indicated in Chart 5, in-migration appears to have been a more recent phenomenon, rising sharply in share of population since the early 1990s and nearly doubling between 1995 and 2005. (This is exemplified by the case of Italy, which moved from being a net emigration country to a net immigration country only in the late 1980s, and subsequently has experienced a dramatic rise in immigration.) Unlike other parts of Europe, however, the share of women migrants appears to have fallen as the total migrants have increased. Eastern Europe has moved from being a region of net in-migration to one of net out-migration.



Chart 4

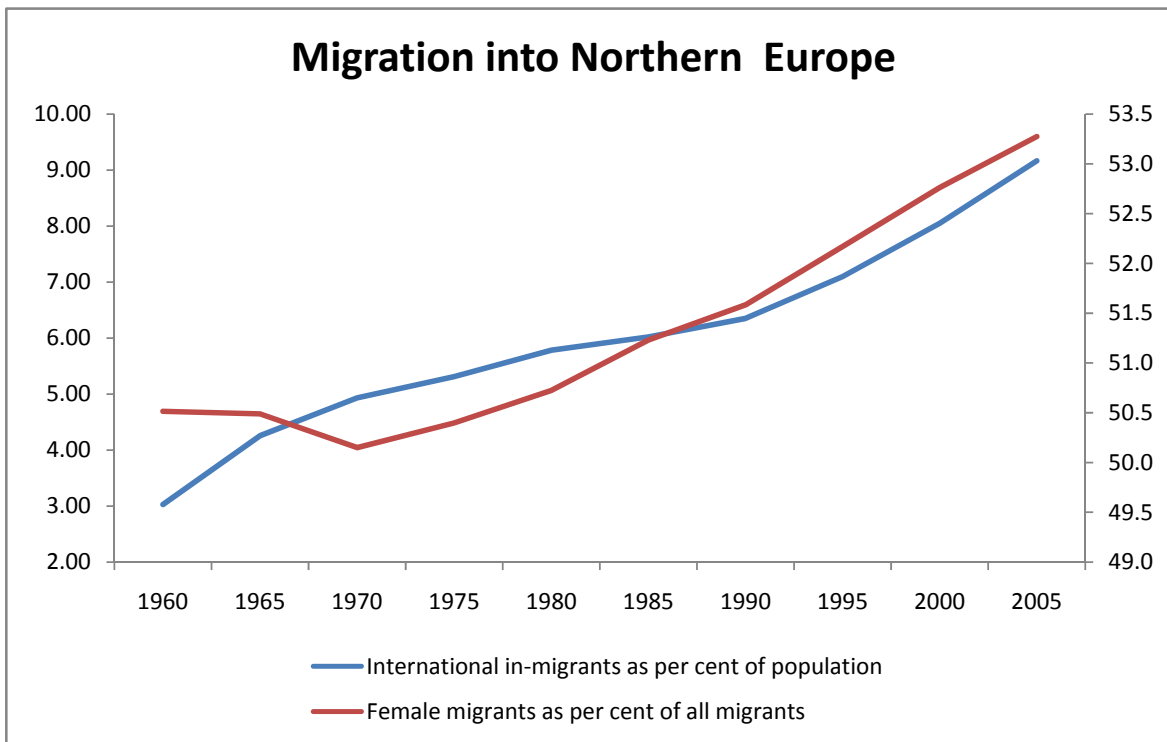
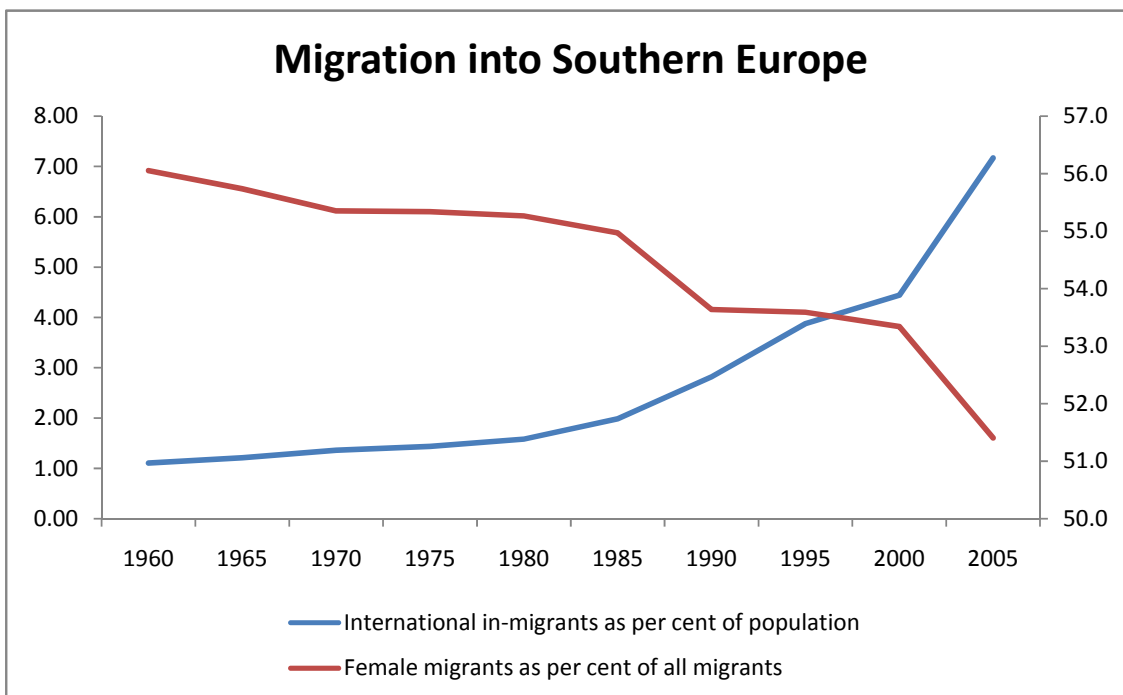
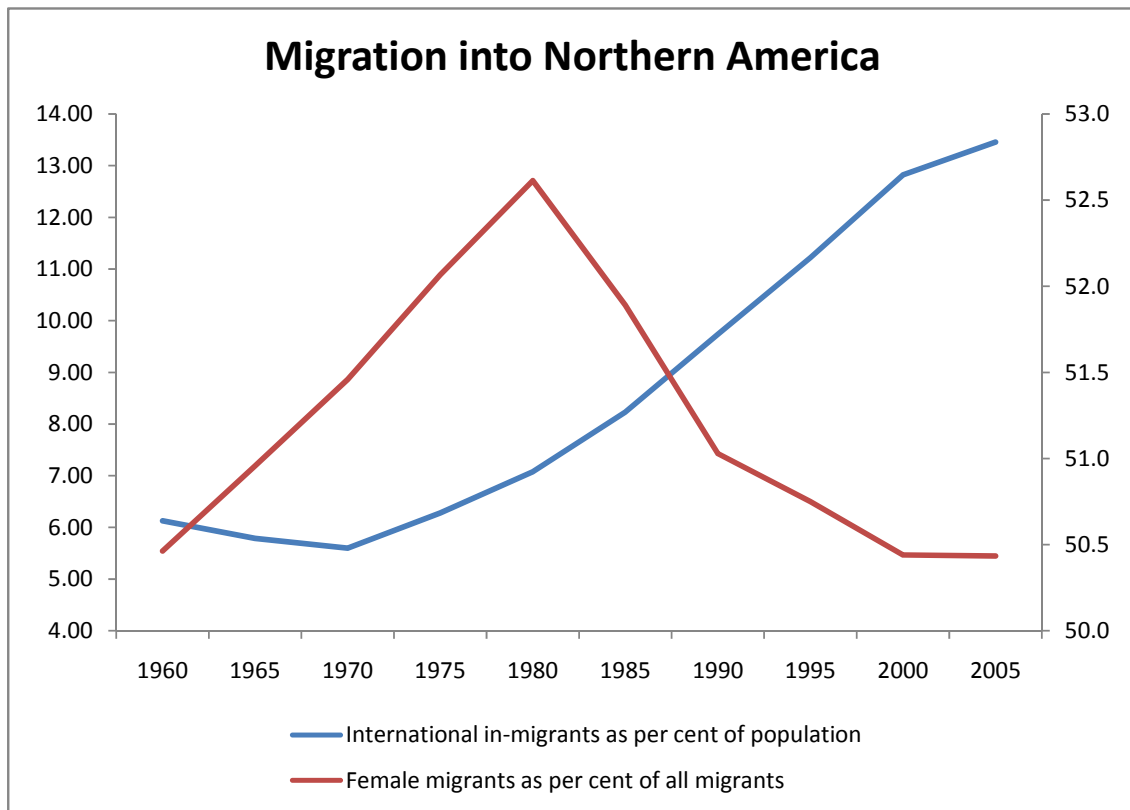


Chart 5



Northern America – essentially the USA and Canada – shows a pattern similar to that of southern Europe, with a significant increase in migrants as a proportion of population especially between 1990 and 2000, with a subsequent tapering off by 2005 as immigration rules have been tightened. Note that these data obviously exclude the presumably large numbers of illegal migrants into these countries, who are likely to be dominantly male. The proportion of females among the legal migrants has fallen since 1980s, but still remains more than half.

Chart 6



Australia and New Zealand (Chart 7) still account for relatively small shares of the total number of permanent migrants, as Table 1 showed, but in terms of their own population they became significant destination countries especially from the early 1980s. At the peak in 1990, permanent migrants accounted for more than one-fifth of the resident population. The share of women in such migration has increased steadily and quite substantially, such that they are now nearly 52 per cent of all migrants. The share of migrants in total population has subsequently fallen to less than 20 per cent. But even so, in 2005, one out of every five resident women in Australia and one out of six in New Zealand were likely to be women.

Chart 7

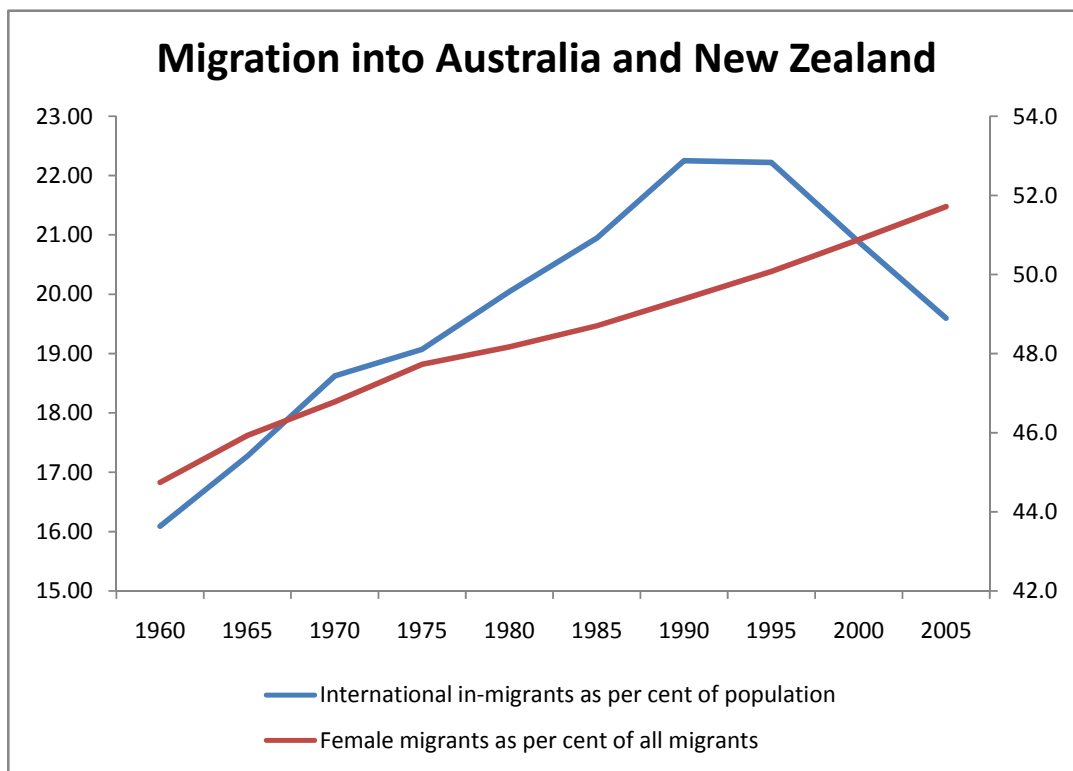
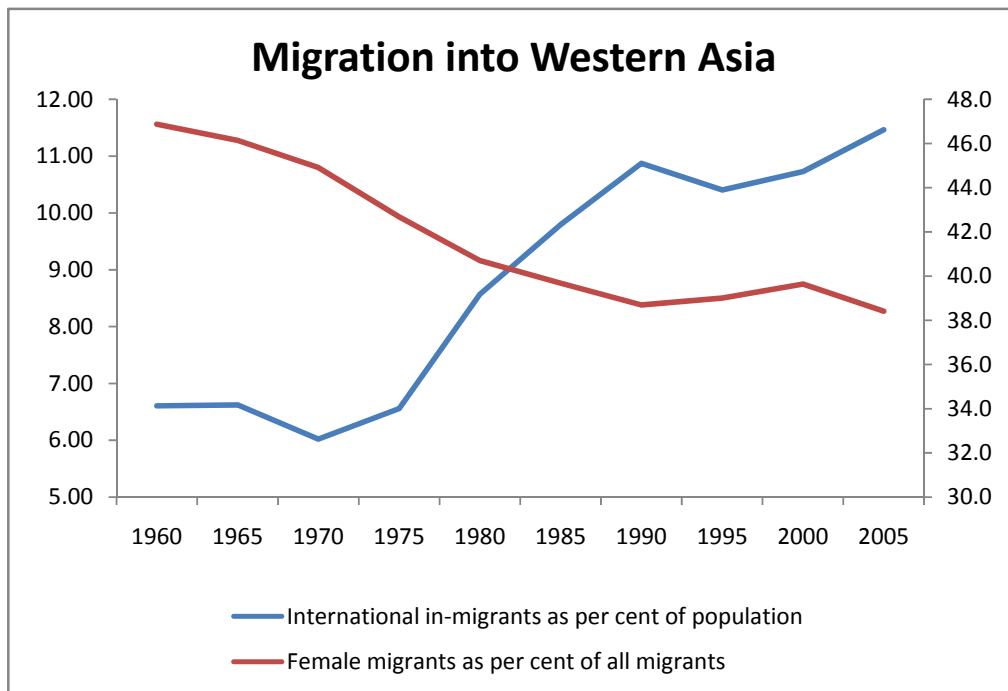


Chart 8



Migration into West Asia (Chart 8) shows somewhat different characteristics. Here too, rates of migration are high compared to total population, but since migration into these countries is typically strictly regulated and closely monitored, there is likely to be less illegal or irregular migration, and the data are more likely to capture non-permanent migration, in the form of contractual migration for work for periods of a few years. The proportion of females in such migration is relatively low compared to the other regions of high in-migration, and furthermore seems to have declined over time. This reflects a relative rather than an absolute decline: the number of female migrants in this region has nearly doubled between 1985 and 2005.

### *Features of women's migration*

While female migration is now more recognised, there are still some common stereotypes about its nature: that it is mostly women and girls accompanying their male heads of household, or dominantly by young, unmarried women, mostly for marriage or for some defined work enabled by contractors. Yet the migration of women for reasons other than marriage is both more widespread and more complex than is often suspected. Indeed, there is a remarkable diversity of migration patterns among women, and such diversity has increased along with recent economic and social changes in both sending and receiving locations. Women migrate for long and short periods, over short and long distances. They move for many reasons, of which marriage is only one and among which work is becoming increasingly significant. Young women dominate in migration, but older women migrate as well. They move with or without their families. Both single and married women migrate. Indeed, there is growing evidence of women who have borne children moving for work, leaving the care of their children with family members who remain at home.

Migration patterns are highly gendered, in terms of the causes and consequences of movement. A large part of female migration, whether internal or across borders, is for purposes of marriage or because the husband is moving. But international migration for work shows clear demarcations and separate niches for male and female labour. Male migrants tend to be concentrated in the production and construction sectors, and to a much lesser extent in service activities. Female migrants, by contrast, are dominantly found to be working in specific service activities – in the domestic work and care sectors, as well as in entertainment work.

### *Plan of the paper*

In this paper, specific issues that are important in creating a more gender-sensitive approach to migration, are explored in more detail. In the second section, the socio-economic context of the sending location for women migrants is examined. The process of migration, and how that can be gender-differentiated, is discussed in Section III. In the fourth section, the issues and problems of women migrants in the process of migration and in the destination country are discussed. The fifth section takes up the question of the manifold and complex gendered effects of migration, while the sixth section deals with migrant relations with the

sending households and the issues relevant for returning migrants. The final section provides some recommendations for public policy for migration through a gender lens.

## **II. Leaving home**

Women leave their homes for a wide range of reasons, in many different ways, and for varying periods of time. In this, of course, they are not dissimilar to male migrants. However, while marriage migration dominates, there is also growing evidence of women moving for reasons other than marriage or in forms and directions that are not only determined by the movement of their families. Economic, social and political conditions in the home location and in the destination countries all play roles in determining such movements.

Oishi (2002) argues that the state plays a major role in determining the patterns of international female migration. Emigration policies treat men and women differently. Some countries do not restrict male migration but do restrict and or even ban female migration. These countries tend to be “non-sending countries” of migrant women. On the other hand, major “sending countries” of migrant women seemed to have relatively open emigration policies for women. For example, in Asia the majority of female migration flows emanate from just three sending countries: Philippines, Sri Lanka and Indonesia. In all of these countries the laws have been more liberal and society is more relaxed with regard to independent migration by women, than in most other Asian countries. In these countries, women’s migration is enabled by laws that do not discriminate by gender and do not require adult women to take the permission of male relatives. In fact it is additionally facilitated by active state policies that provide information, assistance and networking opportunities to actual or potential migrants. By contrast, in several other Asian countries, especially in West Asia but also in Bangladesh, even adult women are legally required to take the permission of the father, husband or other male head of household for acquiring a passport, applying for a visa, and so on.

Of course this is particularly true with respect to legal migration, although it cannot explain the significant presence of illegal or irregular migration that occurs despite state policies. But in addition, to legal issues, social relations and in particular gender relations in the home location are important in determining the ability of women to migrate. Oishi (2002) notes the significance of social norms and context, especially the attitude towards sending women away from home, as well as the degree of individual autonomy and agency given by the home society to potential women migrants. She argues that for large-scale female migration to take place, women in the particular country have to have more autonomy and decision-making power within the household. Societies in which women are not encouraged to take independent decisions and are not given much freedom in mixing freely with people outside the immediate household or local community are typically not significant as sending countries for female migrants. In addition, women must feel comfortable with leaving their

community, and free from any fears of being socially ostracised on return. Thus the sending community has to provide an environment that does not penalise women who come back from living and working abroad.

Following upon and extending the analysis of the World Migration Report (2003: 9) several different types of migration can be identified, as follows:

- Orderly permanent migration, which is legal migration from one country or area to another without eventual return.
- Return migration, where migrants return to their country or area of origin, either voluntarily or involuntarily, after spending a period of at least one year in another country.
- Forced migration, in which the movement of the migrant is involuntary and usually the result of events such as natural disasters, armed conflicts or other displacement.
- Irregular migration, whereby migrants seek to gain a new country or area of residence through illegal means. This can reflect individual movement without intermediaries; or smuggling, which is the assisting in illegal migration to another country with the goal of receiving material benefit for the services provided; or trafficking, which is the forced migration of people through the use of coercion or fraud.
- Very short-term or seasonal migration, as a result of the search for livelihood and productive income opportunities, which is an increasingly prevalent feature of many developing societies. This includes seasonal migrants, frontier workers and even very long distance weekly commuters.

But even in each of these types of migration, the conditions facing women migrants and the implications for their lives are very different from those of their male counterparts. A critical question underlying such differences, and often determining the nature and effects of women's migration, is: why do women move in the first place? This in turn can give rise to another typology, based on the factors determining women's migration:

- Migration upon marriage, to husband's residence. This is typically permanent migration. It can occur within or (less commonly but still extant) across national political boundaries.
- Migration as part of a family, because of voluntary family movement, when the head of the household moves for economic reasons such as the search for work, or other voluntary reasons. While circular or seasonal migration can be observed among working families in many developing countries, in general such movement of families rather than individual workers tends to be associated with more permanent migration and less chance of eventual return.
- Migration by individuals but as part of family reunification, in case the head of household (typically father or husband) has already migrated. This is also typically permanent migration.

- Forced migration alone or as part of a family because of involuntary family movement, due to displacement caused by wars and other violence and strife, natural calamities, loss of land because of development or other projects.
- Migration for education. This is a still small but growing proportion of migration by young women. This is usually for a few years at most, but may translate into permanent migration as employment opportunities are found in the destination country or elsewhere as a result of the qualifications gained. Here too, conditions in home and host countries may affect the decision of women to migrate. For example, among the students entering France in 1996, 56 per cent were women. It has been argued that the higher than average share of women (at nearly one-third) among Algerian students was because young Algerian women sought to escape from the very oppressive and potentially dangerous conditions in their home country (Borgogno and Vollenweider-Andresen 1995, quoted in Kofman 2000).
- Voluntary migration for work. This can be long term or short term. Long term or permanent economic migration for based on projected wage differentials and opportunities for employment is more common among relatively skilled women migrants, largely because of the entry restrictions and immigration controls imposed by many countries, but it can also be found among less skilled workers. Short-term migration for work - currently considered as the “movement of natural persons” (MNP) under GATS – has been a rapidly growing feature of both national and international migration of women in recent decades (Flynn and Kofman 2004, Durano 2005).
- Involuntary migration for work, through coercive pressure, because of debt bondage, or as part of a trafficking network. While much of this is both desperate and oppressive, there is often a thin line between voluntary migration and trafficking especially where home conditions are difficult and oppressive. There is also some evidence of forced migration not only for work but also for marriage, which in turn may be seen as unpaid work for the women concerned (Torres 2002, Raymond et al 2002).
- Return migration after a period spent away from the home. This has received relatively little attention from researchers and policy makers, but it is also a growing phenomenon, often with quite different implications for the women concerned.

Each of these forms of migration may be legal and orderly, or illegal and irregular, and it may rely upon formal or informal intermediaries or individual initiative. In each of these alternatives, of course, the nature of the migration and its subsequent effects will also differ. While it is common to segregate migration for work from other forms of movement, such as marriage or family migration, forced displacement, flight from wars or violence, and so on, the reality is that in the destination countries these different types often intermingle in actual patterns of migrant life. Thus, while family migration may not be driven by women’s need to find work, once women have moved they may enter the labour market and face similar conditions to those who have moved with the express purpose of finding work. Also,

even women moving as economic migrants may do so for very different reasons: because they can command higher incomes for their skills and work in the destination country; or because they are simply desperate to flee from extremely poor and harsh conditions in the home location; or because they want to build a nest egg of savings (as dowry, for example, or to sustain family members back home) as part of the life cycle plan that involves eventual return.

Obviously, given such variation, any typology of women's migration based on causes alone will not fully capture the rich complexity of actual processes. Even so, such a typology can serve as a basis for more specific consideration of the nature of women's migration, since the basic causes do play an important role in determining the subsequent effects of such migration. Thus, the conditions of departure (whether voluntary or forced, whether because of autonomous choice or social determination, whether out of a need for basic survival or in active search for a better life, whether individual or in families or groups) strongly affect not only the process of migration but also what kinds of experience the migrant woman has on arrival and subsequently. This will be apparent from the section of the effects of migration.

### *Marriage migration*

In general women are more prone to migrate than men, especially in the form of permanent migration, simply because so many societies still have virilocal patterns of residence whereby women move to live in the husband's residence after marriage. In India, for example, women account for more than 70 per cent of permanent internal migrants, and marriage migration accounts for more than 90 per cent of actual migration by women (NSSO 2005). Marriage migration is also increasingly significant in international migration by women, and this often takes place across social, cultural and linguistic barriers. It is evident that the sheer presence of migrants in the host society, whether these are short-term or permanent migrants, generates greater likelihood of mixed marriages. But more recent tendencies suggest that the process of contracting marriages outside the home society – the phenomenon of “mail order brides” - is also gaining in importance. Typically, males in richer countries of Europe or more developed parts of Asia seek brides from poorer regions or less developed countries. This often tends to occur with any prior direct contact, on the basis of a contract determined by informal social networks such as family, extended kin and other acquaintance, or through agencies that specialise in dealing with such arrangements. Once again, there is often a hazy grey area between some such enabling agencies and traffickers of women, who provide women for a range of purposes including marriage. However, technology is changing the possibilities even in this area: the internet is apparently playing a much more important role in providing information and enabling contact between would-be spouses (IOM 2008).

The geographical trends in such marriage migration reflect a combination of social and economic forces: absolute differences in per capita incomes cross regions; differential rates of economic growth; varying sex ratios among the population of marriageable age;



different attitudes and expectations among men and women in the host and home societies with respect to marital roles. Economic disruptions can clearly play a major role in creating willingness for marriage migration in the sending location, as evidenced by the increased movement of women from Eastern Europe and the former Soviet Union to marry residents of Western Europe and the US. It is estimated that 80,000 Russian women have entered the US for such marriage migration over the decade 1995-2005 (UNFPA 2006) while an even larger number entered Western Europe. Within the developing world, more developed regions become magnets for such movement from poorer regions, aided by persistent patriarchal attitudes among men in the host society and adverse sex ratios for women due to son-preference. In Taiwan Province of China, more than half the migrant population consists of such women who have entered for marriage, including from Vietnam (Wang and Chang 2002). In rural areas of North India where sex-ratios are abysmally low, there have been recent reports of the “purchase” of brides from eastern India and Nepal, and such marriage migration occurs irrespective of linguistic and other differences.

This remains a problematic area for both immigration policy and domestic social policy. The possibility of “sham marriages” is increasingly highlighted not only because they are seen by officialdom to contravene the spirit of the immigration rules, but also because of concerns over the human rights and possibility of exploitation of the women migrants themselves. Easy generalisations in this respect are obviously impossible, especially when the women involved voluntarily engage in such movement to escape from even more socially oppressive or materially indigent circumstances at home.

### *Family migration*

As such, family migration is dominated by women. And women migrating as part of families, either with their parents or husbands, or as part of family reunification, still constitute a very important segment of migration by women. But increasingly, as women become independent migrants and move as heads of households, they also become initiators of family reunification processes that lead to the migration of their family members. Family migration has broader effects on labour markets, which are often not recognised because family migration itself is so under-studied. The movement of women as part of family migration changes the nature of social reproduction among migrants and creates new sources of labour that can enter formal or informal labour markets.

Family migration has been relatively under-studied, and much of the literature has tended to view it as a reflection of women’s dependent status, with little independent agency or volition granted for the women migrants themselves. The implications for future labour force participation in the destination location are also rarely considered. Yet such migration, especially under the legal category of “family reunification” accounts for the majority of recorded female migration into the developed countries (IOM 2008), while it is still more restricted in developing countries such as those in Asia that do not encourage much

permanent inflow of labour. Indeed it is the dominant cause of migration for women coming into Europe, United States, Canada, Australia and New Zealand.

Families are not constant over time: by their very nature they are constantly evolving with the family life cycle and changes in demographic composition, and they also inevitably change with the different socio-economic circumstances brought about by migration. Therefore it is a mistake to assume that such migration has no labour market implications. This is certainly true of migration of other family members (siblings, uncles and aunts, cousins, etc.) whose migration is enabled by relatively easy norms regarding the definition of family members in some countries such as Australia and Canada, compared to the more stringent norms in the European Union. However, labour market access of family members has often been impeded by laws within host countries. For example, in Germany until 2005, migrant spouses could only enter the labour market after a one-year waiting period, and even then were subject to tests to ensure that they would not be taking away employment from EU citizens (Liebig 2007). In several other countries, there are constraints on both the amount and the type of work that can be engaged in by migrant spouses who have entered the country through family reunification procedures – thus, in Spain, families and dependants of migrant workers are not automatically granted work permits and must apply separately through a prolonged process. Since the male breadwinner model remains the dominant underlying paradigm in most official policy in these matters, these rules essentially impact upon women.

The other process, of women becoming the initiators of migration for other family members, should not be overlooked either, since women migrating on their own or as heads of households now make up more than half of global flows (IOM 2008). In many cases, particularly in Europe and Canada, the entry of Asian women as service providers originally for a short period, has been followed after some time by family migration as such workers get permanent residence status (Piper and Roces, ed 2003).

There is very little evidence on the actual labour market outcomes of family migrants, although the likelihood is that over time there will be greater absorption into the local labour force. In general, work participation rates tend to be lower among family migrants than individual migrants or non-migrant locals (IOM 2008). Obviously, the degree of skills possessed by the family migrant will affect the prospects of employment, but in addition, social and cultural attitudes within migrant communities also play a role in determining the outside labour involvement of women. A survey of employment among native-born and foreign-born Australian residents in 2004 found that 57 per cent of migrant women in the age-group 15-64 years were employed, compared to 66 per cent of native-born women and 76 per cent of male migrants. Among women migrants, the highest employment rates were among skilled workers - 70 per cent for main applicants and 71 per cent for non-main applicants - and the lowest were for family migrants - 43 per cent for family migrants and 40 per cent for refugees (Leibig 2007:27). Longitudinal data have found that employment rates increase dramatically in the next generation for females in the same families, suggesting an

easing of both legal and socio-cultural constraints over a longer period of stay in the host country. This is confirmed by other studies (Pessar and Mahler 2003).

In other circumstances, family migration may be a proxy for actual labour migration, in which case work participation rates are likely to be as high or higher for family migrants as for others. For example, it has been argued that much of the migration to the US from Central and South America which comes in the form of family migration is actually the movement of workers who rely on sponsorship by kin in order to gain entry (Paral 2005). In 2001, family migrants comprised 95 per cent of the legal migrants from Mexico to US, 98 per cent of those from Dominican Republic, 94 per cent of migrants from Jamaica and 89 per cent of those from Colombia (US Immigration and Naturalisation Services Yearbook 2001). Much of this was in the form of discretionary entry of non-immediate family members, suggesting that employment considerations may have dominated in the migrants' choices.

### *Forced migration*

Forced migration refers to the movement of refugees and internally displaced peoples (IDPs) and differs from the other types of migration considered here because there is no prior desire or motivation to move. Women are around half of the total displaced population of the world, currently estimated at more than 50 million people, and women and children (who are typically in the care of women) account for around 75 to 80 per cent of all forced migrants (Torres 2002 using UNHCR data). This is generally due to disruptions in the home location, such as wars or ethnic, religious or other violence; natural disasters and calamities; natural forces causing loss of local land or livelihood, such as the movement of rivers or ecological destruction that affects incomes from natural produce such as fishing; or development-induced displacement as when large projects such as dams or other big land use changes cause the loss of land and associated jobs. While the pain of displacement may be common to all, the nature of the original cause of migration affects the subsequent experience of the process, and this is especially true of women who are forced migrants. Those forced to live in refugee camps with extremely inadequate facilities, dependent upon aid with no source of livelihood for extended periods, go through very different experiences from those whose movement may be originally forced by displacement but who are eventually able to build new lives in new locations with reasonable living standards. In addition to gender and age, both of which affect the vulnerability of forced migrants, factors such as race, ethnicity and religions have also been known to affect both the security and the overall conditions of forced migrants.

To consider war and conflict refugees first, it is obvious that women and children are especially vulnerable in such situations, even though they may not be directly involved in the conflict. This is particularly true not necessarily in open and declared wars, but in the informal and local conflicts that constitute the majority in the current context. Civil wars may kill mostly men and boys, but even that impact is felt subsequently by women. For example,

the genocide in Rwanda had a huge impact on sex ratios, such that after 1994, 54 per cent of the population was female and 34 per cent of households were headed by women, of whom 60 per cent were widows. Many of these women who were displaced by war had to cope with these losses in new physical locations where their older social networks could not provide any support. Despite this, returning refugee women in Rwanda, both Hutu and Tutsi, showed remarkable resilience and capacity to rebuild their lives (UNHCR 2001, quoted in Torres 2002).

The extra vulnerability of women refugees stems not only from their generally lower status in the home society but because of the greater possibilities of violence against them. Gender-based violence against refugees can take many forms: sexual assault, often associated with violent physical assault; mass, multiple, and gang rapes; early or forced marriage and forced pregnancies; enforced sterilisation; forced or coerced prostitution; military sexual slavery; human trafficking; and domestic violence. Rape and physical abuse of women and girls is often a deliberate strategy of armed violence, and is increasingly seen as an international crime to be punished (UNHCR 1993). This has been recognised by two UN Security Council Resolutions: the SC RES 1325, 2000 on women peace and security, which *is* the first resolution ever passed by the Security Council that specifically addresses the impact of war on women; and the recent SC RES 1820, 2008, which notes that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”.

Displacement also generates pressures upon women, in some cases forcing them to resort to prostitution or the exchange of sexual favours to obtain basic items and services for their survival and that of their families. This was noted in refugee camps of victims of internal violence in Sierra Leone (USCR 2002), where even return to their former homes was fraught with equally disturbing possibilities for the women concerned, because of the breakdown of traditional and earlier forms of social cohesion and protection.

Paradoxically, even in these apparently completely negative situations of armed conflict there may be some positive effects for women. For some women, especially those who can escape gender-based violence, the flux created by such instability may create chances of mobility and new social roles that would not have been otherwise possible, and thereby are empowering. For example, among displaced communities in Burundi (Turner in El-Bushra ed 2000) and Sri Lanka (Brun in el-Bushra ed 2000), it was observed that displaced women took on more and different roles as protectors and providers of families, and drew confidence and determination from these experiences. As a result, both their agency and their political participation were strengthened. However, men in similar situations often found themselves at a loose end, unable to depend upon their traditional more patriarchal roles.

However, such gains made in periods of are fragile and may be lost in peacetime. This tends to be exacerbated by the fact that women are rarely involved in peace negotiations.

There are some inspiring exceptions: for example, after peace was achieved in prolonged civil war in Guatemala, refugee women in Mexico became directly involved in repatriation negotiations and made sure that their equal rights to private and communal property were enshrined (Torres 2002).

The forced migration of women is typically made much more difficult because of the patriarchal attitudes of policy makers and aid workers and the gender discrimination that continues to determine life in refugee camps or other destinations. Even the recognition of the special needs of women in such circumstances is relatively new in international policy (El-Bushra 2000). For example, women fleeing out of their own country are typically given refugee status as dependents, not refugees in their own right. Gender-based violence is not explicitly recognised as an adequate cause to receive asylum in most countries, though Canada and the United States have recently included it. The distribution of food and other basic necessities in refugee camps and other settlements tends to be organised through male community leaders or male heads of households, and this may exclude women and children from access or deprive them of their due share. The design of camps – which are in any case usually cramped and uncomfortable – typically is not sensitive to the special requirements of women and girls refugees for privacy and security. There is little attention to the special reproductive health care needs of women in such circumstances. While some international organisations such as UNHCR, UNFPA, WHO and Red Cross do have special facilities for reproductive health, in most refugee conditions these are provided only minimally. According to a survey of 81 NGOs working with refugees and IDPs, only eight had specific policies or guidelines on providing reproductive health services, while only 38 supplied some of those services, mostly in the form of family planning and treatment of STDs, and even these did not cover the full gamut of special health care requirements of women (SWL 2002 quoted in Torres 2002).

**Box: Recognising the special needs of displaced women:  
Initiatives in the Balkans**

The conflicts in the former Republic of Yugoslavia in the 1990s killed tens of thousands and displaced millions, most of whom were civilian victims of the conflict. At the end of the war in Bosnia in 1995, there were more than 1 million IDPs and 1.3 million refugees abroad, while the conflict in Kosovo in the late 1990s displaced more than 1.5 million people. The displacement covered all ethnic groups as the conflicts in particular areas targeted different communities: Albanians, Serbs, Roma. While many people have since returned to their homes, even now more than 1 million people are said to be displaced.

The widespread use of sexual violence as an instrument of war and ethnic cleansing in these conflicts attracted international concern. Subsequent attempts at assistance therefore included special programmes to integrate women in the post-conflict return and reconstruction. Two such efforts were the Bosnia Women's Initiative (BWI) and the Kosovo Women's Initiative (KWI). Both these experiences indicate the positive possibilities of and

problems with such approaches, which are gender-sensitive and oriented towards women but still do not take account of all the specific conditions that can determine outcomes.

“The BWI was established in 1996 to promote the “empowerment of Bosnian women” through projects in psycho-social support, community services, education and income generation (WCRWC 2002). Assistance and funding have been generous. After the initial focus on emergency assistance and psycho-social work for reconstruction, most finance has been allocated to income-generating projects (73 per cent), in line with general donors’ priorities. While this appears to be desirable, it has been criticised by local women’s groups because many women are still suffering from wartime trauma and need support, especially those that have been affected by rape, sexual abuse, and other types of gender-based violence. As a result, protection and security remain key concerns for women in the reconstruction phase, but this has been underplayed by the programme.” Clearly, such initiatives require much greater involvement of local women in decision-making, so as to take into account real needs and desires, as well as to make the process self-sustainable.

The KWI, which was established later in mid-1999, learned some lessons from the Bosnia context. “Women and children in Kosovo had suffered disproportionately from displacement, with many pregnant and nursing women among those forced to flee. Many of the displaced were from poor regions, and the facilities for refugees and internally displaced people in camps and settlements in conflict-ridden Macedonia and impoverished Albania were extremely poor. During the conflict, there was lack of protection, support and medical care for the women affected by violence, and even after the war the levels of gender-based violence remained high.

Learning from the Bosnian experience, the KWI had a broader focus that included protection issues, gender-based violence, reproductive health, and support for capacity-building of local women’s groups. However, clearly some problems with donor-driven agendas and control remain in such initiatives, since despite these efforts, there have been criticisms regarding lack of respect for local agendas and failure to support local women in leadership roles. Some of this also stems from the continued marginalisation of local women in the development and peace plans for the region.”

Overall, the tendency to treat women solely as victims and the lack of recognition of their own agency may be important reasons why even gender-sensitive programmes for displaced women are not always as effective as they could be.

Source: Summarised from Torres 2002

Conflicts are only one source of displacement, and while other sources such as natural disaster and development-induced displacement may involve less physical threat and fears of gender-based violence, they may be equally traumatic and give rise to specific gender

concerns that are not covered in a more incorporative approach. Once again, many of the specific problems of the displaced women in such circumstances are created by the policy responses. One of the most important issues is that of *compensation*, which is still based in most countries on the male breadwinner model. As a result, women are typically denied compensation, and they also have a harder time proving that they earned livelihood from a certain area because they often do not have formal land rights or other recognised property. This is particularly important in the case of development-induced displacement and disaster-driven displacement, where displaced women who do not have land titles therefore are not included in the list of those who deserve compensation and rehabilitation, even when they are the sole breadwinners. Such cases have been noted in the Narmada Valley where peasants have been displaced because of dam construction (Friends of the Narmada 2008), as well as in Bangladesh where river movement and cyclonic disturbances have caused displacement (Briceno 2002).

Thus displaced women have additional difficulties compared to displaced men, who are assumed by officialdom to have rights to land and livelihood that deserve to be compensated. They are already disadvantaged because they tend to have less protection and fewer resources for recovery. Similarly, rehabilitation measures also are usually based on the male breadwinner model that does not provide for employment and income-earning opportunities for women. Even so, case studies find that the resilience of women in the face of displacement and hardship is often greater than their men folk and they are often able to cope with and adjust to changing circumstances more rapidly and flexibly. Indeed there are even cases where such displacement has actually altered gender roles within the family and relatively empowered the women, as men find it difficult to cope with the challenges to their traditional activity and identity (Briceño 2002).

In assessing the effects of forced migration because of violence or displacement, it is necessary to recognise the significant differentiation even among the women who comprise the displaced population, with very distinct and specific situations of children, youthful women, and the elderly. The complex and particular specificities of such situations “demands looking to the displaced community itself for answers” (Oloka-Onyango 1995). Public policy and those charged with the protection, compensation and rehabilitation of displaced persons, and particularly women, must be much more willing to listen to the felt needs and solutions of the displaced women they are dealing with.

### *Migration for work*

While the driver of the supply of migrant workers may be similar across men and women, the basic demand forces driving women’s migration for work are quite different from those of men. This is particularly true for short-term cross-border migration for work, because so much of it is driven by gender-differentiated demand for labour, determined in turn by the gender construction of work roles in most societies. This is what determines that

male migrant workers tend to be concentrated in production and construction sectors, while women migrants are usually service workers. Since female migrant workers are dominantly in the care and entertainment sectors, demand for such workers is less dependent upon the economic cycle and more dependent upon longer run demographic and social tendencies in the receiving countries. Aging societies require more care providers. Societies in which women are more active in paid work participation, especially in higher-income activities, need more domestic workers. However, male and female migration patterns are not completely unconnected. A wave of male migration often leads indirectly to a subsequent wave of female in-migration, not necessarily through marriage but because of changing labour markets. Thus, a male-centred culture of entertainment tends to create a demand for female entertainment workers, and this demand grows with the greater presence of male migrants in the destination area. It has been pointed out (CEDAW 2008) that this may be associated with the significant increase in the number of women migrating alone as wage workers.

Social norms and conditions are crucial in determining the ability of women to migrate alone. Many societies have very strong social controls on the movement of women, and these may be combined with legal bans or constraints on women's out-migration, based on such attributes as age, marital status, pregnancy or maternity status, requirement of permission to migrate from the male head of household or other male relative, and so on. In addition, the nature of gender relations in the sending society is a crucial determinant of both the ability of women to migrate and the pattern of migration. In a study based on Census data of five Latin American countries that lie along a continuum of gender relations ranging from patriarchal to matrifocal systems, Massey, Fischer and Capoferro (2006) found very different patterns of female migration relative to male migration. In the two highly patriarchal societies (Mexico and Costa Rica) female householders displayed very low rates of migration compared to males, and marriage dramatically reduced the chances of female out-migration. But in the more matrifocal societies of Nicaragua and the Dominican Republic, the ratio of female to male migration was much higher, in some case exceeding their male counterparts, and marriage or cohabitation seemed to have no effect upon the probability of female outmigration. Puerto Rico, which occupied a middle position in terms of gender relations, also seemed to blend the two migration patterns.

But even in patriarchal societies, patterns of female migration are changing. A study based upon a sample of 3,186 temporary migrant women from rural areas of two of the major sending provinces of China (Connelly, Zheng, and Xie 2004) found a remarkable diversity of migration patterns. Nearly two thirds of the women in the sample were already married on each of their first through third trips. The proportion of married women migrants accompanied by their husbands while migrating was about equal to those who migrated without their husbands. Having children did not seem to deter migration either: migrant women relied upon relatives and husbands to care for their children when they migrated, or simply brought them along.



The range of activity of migrant women workers is extremely wide. As noted by Martin (2004:20) several distinct categories of women who migrate for work purposes can be differentiated by their skills, the permanence of their residence in the host country and their legal status. "At the lower end of the skills spectrum, women migrants pick fruits and vegetables, manufacture garments and other items, process meat and poultry, work as nursing home and hospital aides, clean restaurants and hotels, and provide myriad other services... Women migrants from a wide range of countries provide domestic services in a wide range of receiving countries in almost all parts of the globe. ..At the higher end of the skill spectrum, women migrants engage in equally diverse activities. They fill jobs requiring specialized skills, run multinational corporations, teach in universities, supply research and development expertise to industry and academia, and design, build and program computers, to name only a few activities. Sizeable numbers of migrant women are in the health professions, particularly nursing and physical therapy."

There are two broad categories of highly skilled migrants: permanent settlers who are either recruited by companies or research institutions or have applied for positions on their own; and temporary migrants, individual service providers and specialists on specific assignments, short term or business visitors, and diplomatic and international personnel (de Dios 2005). The migration of highly skilled professionals depends on a number of internal and external factors, of which terms and conditions of work dominate, but social and political factors may also play roles. Better economic opportunities and a desire for higher education and research possibilities are some of the more common reasons for migrating. Immigration policies play a key role in attracting professionals to migrate. Other than nurses in the US, Canada and some other places, women are rarely specifically targeted as skilled migrants who should be attracted into countries.

A frequent observation is that women migrants on average tend to be working in activities that do not reflect their training and skill level. Non-recognition of credentials, language difficulties that can lead to devaluation of actual merit and experience as well as racial discrimination, cultural and systemic barriers to care and legal protection, social isolation and lack of political participation in community life, are all factors that can result in such trends.

### **III. The process of moving**

Piper (2005) has noted that two trends in contemporary labour migration, both involving male as well as female migrants, have intensified recently. The first is diversification, in terms of more source and destination countries, more skill levels and involvement in different occupations. The second is polarization, essentially between skilled and unskilled migration, often resulting in gender or ethnic stratification among migrants. Policies in the developed world often create or accentuate such polarization, by creating different economic and social status according to level of skill and type of occupation. Thus,

Piper (2005:2) points out that “while in Europe and North America IT workers and paid domestic workers are both in short supply, the former have enjoyed a considerable array of rights, while the latter have subsisted in low status employment with few entitlements.” This tends to have both a gender dimension (as the paid domestic workers are more likely to be female) and a legal dimension (with the latter also more likely to be irregular or undocumented).

These affect not only the process of migration but also the subsequent experience of it. It is generally acknowledged that women tend to be disadvantaged in the process of migration compared to men. Of course, this may reflect initial disadvantages in the home society, and the extent of disadvantage may in some circumstances be less than would have occurred if the woman had remained in what could be oppressive domestic surroundings in the home location. Nevertheless, it is evident that on the whole, differentials in previous education and training impact upon their ability to access or decide upon particular kinds of jobs in the destination. They are also less likely to get full and reliable information, which makes them more dependent upon recruiting agents as well as more vulnerable to exploitation by them. As a result, there are often cases reported of exploitative fees charged to potential women migrants, as well as physical and sexual abuse by recruiting agents. Since women generally have fewer assets, in cases where the migrant woman is not going as part of a household decision, she may be forced to take on large loans to pay for the expenses of the journey, implying greater liabilities in the future.

In addition, there are barriers to migration created by officialdom, which often operate disproportionately against women migrants, especially those who are less skilled and come from poorer households. McKenzie (2005) notes that passport costs (which vary greatly across countries, and in some cases were as high as half the per capita annual income of the country) and legal restrictions on emigration affect the ability of potential migrants to access job opportunities elsewhere. These barriers are likely to be higher for women, especially because of rules in several countries that require adult women to take the permission of a male relative for acquiring a passport and crossing borders.

The very process of migration may be quite different for women, especially when they are travelling on their own. Certainly there are specific problems that male migrants do not usually face. There are the well-known dangers of physical or sexual abuse by agents or escorts. When travelling alone without escorts, whether within or across borders, women are particularly susceptible to violence of different kinds and threats to personal security. In cases of illegal or undocumented migration, there are possibilities of being abandoned by escorts, or facing legal and other official barriers that can even lead to arrest or deportation.

In Asia, women migrants have come dominantly from three countries: the Philippines, Indonesia and Sri Lanka. In the Philippines, women migrants have outnumbered their male counterparts since 1992, and in all these countries women are between 60 to 80 per cent of all

legal migrants for work (Asis 2003). The majority are in services (typically low paid domestic service, as caregivers or housemaids) or in entertainment work. While Filipina women tend to travel all over the world, women from the other two countries go dominantly to the Middle East and Gulf countries in search of employment. Around 56 per cent of the migrant workers from Sri Lanka are women employed as housemaids, who go to work dominantly in Saudi Arabia, Kuwait and the United Arab Emirates. Legal migration from Indonesia is dominated by women taking up domestic work in Singapore, Malaysia and Hong Kong. Elsewhere in the region, restrictive regulations have in some cases reduced legal female migration, but may have increased illegal migration, or trafficking. This is because making it more difficult for women to find legal means of moving may force them to look for informal channels and smugglers, with greater risk of their own exploitation by such middlemen (Raymond et al).

It is undeniable that the growth of an "immigration industry" in many developing countries, particularly but not exclusively in Asia, has greatly facilitated both legal and illegal female migration. But while such intermediaries have enabled the growth of migration, they can also be the very cause of the greater vulnerability of women migrants. Because of the poor access to information that most women migrants face, they are much more likely to use recruitment agents and labour contractors to enable migration for work. These intermediaries often charge exorbitant fees, and patterns of dependence can create a range of exploitative practices. This in turn means that they are more likely to be burdened with large down-payments involving the accumulation of significant personal debt, and periodic payments out of wages, as well as greater dependence upon the intermediaries even when they are arrived at the destination employment. Also, because women migrants in general tend to be less educated and have more limited access to information, they are more likely to use informal or illegal channels, making them even more vulnerable.

The migration of skilled professional women is obviously less likely to be under exploitative conditions. However, it has been noticed that women are in a minority in most migration streams involving skilled occupations, except when there is a clear preference and specific policy measures in the host countries, for example the measures in the US, Canada and Japan to attract nurses from the developing world. A study of American professional workers of multinational companies based in Taiwan, for example, found that only 8 per cent were women, who also occupied the lower echelons of jobs compared to their male counterparts (Tzeng 1996 quoted in Kofman 2000). The proportion of female expatriate workers among all British expatriate workers in multinationals is apparently even smaller. What is more, women migrants are more likely to be involved in work that is lower than is justified by their professional qualifications. When women move as dependants, rather than on their own or as the principal breadwinner, they may be going to situations in which their own skills, qualifications and expertise are not adequately recognised, so that they are then forced to take on jobs that are well below their level of qualification or expertise. This can also inhibit their access to settlement services.

Even so, migration of skilled and professional women has been on the increase, especially to OECD countries, such that it has been suggested that women are now over-represented in the brain drain from developing countries (Dumont et al 2007). The medical profession – both doctors and nurses – is a particularly sharp example. The proportion of registered doctors in the United Kingdom who gained their qualifications in the UK was only 42 per cent in 1995, down from 61 per cent in 1986. And the evidence was that more and more of the foreign-qualified doctors were women (General Medical Council 1999 quoted in Kofman 2000). Women migrants also dominate over men migrants in the “intermediate” professions such as nursing and teaching (Kofman 2000). This means that source developing countries that have better and more flexible rules that enable female migration may also have greater shortages of skilled workers in these professions.

The role of networks in enabling skilled labour migration should not be underestimated. In here, too, gender plays a role, since “gender relations have much to do with conditioning who one’s contacts are, what one’s relationship to them is, and how networks are accessed, managed and taken advantage of” (Vertovec 2002: 5). Thus, whether the networks are based on social capital built up in the education process, or body shopping by recruitment agencies, it has been seen that male professionals tend to have access advantages compared to female counterparts.

#### **IV. Being away**

At the destination, migrant women are often subject to different kinds of discrimination. This is true especially in labour markets, because of highly gendered notions of what is appropriate work for women, which can result in women migrants being crowded into care activities, paid domestic work and informal sector occupations to an even greater extent than in the home situation, and often despite higher qualifications. In addition, since female migration is so little recognised in official discourse, this creates contexts in which women migrants are not provided the relevant information about employment opportunities and their own rights and entitlements in the destination area.

This domination in informal and care activities makes women migrants less able to ensure for themselves much of the legal protection of workers that would otherwise prevail in the destination area. Such work, especially domestic work, is often excluded from the legal framework surrounding work contracts. Thus this work does not come with legally enforceable contracts that protect the workers, and so allows for exploitative work conditions involving long hours without overtime payment, absence of other rights, and so on. Such women workers typically also do not benefit from freedom of association, even when it is legally permitted or encouraged in the destination country, and therefore do not have many of the rights that collective action by workers and trade unions would try to provide for workers.

This may be why it is so regularly found that women migrant workers on average experience lower wages than male migrant workers in similar situations, even when they are equally qualified and engaged in similar or identical activities (ILO 2004). Such gender wage gaps may reproduce the gender wage gaps found among local workers in both destination and source countries, but they tend to be greater in actuality because among migrant women, as already noted, the chances of being overqualified for the paid employment they undertake are greater. Migrant women workers are also apparently more likely to face problems such as delayed wage payment or even non-payment of full wages, or transfer of wages into accounts that they cannot access. Obviously, irregular immigration status exacerbates the risk of exploitation of women migrant workers, who may be more likely to accept very adverse conditions simply for fear of being exposed and possibly deported.

In addition, it has been found in a number of destination countries with migrant workers from different host countries, that labour markets exhibit wage discrimination by country of origin. For example, one study (Oishi 2005) found in that in the receiving countries of Asia, Filipina domestic workers received higher wages than those from Indonesia or Sri Lanka, at least partly because of their knowledge of English and awareness of local laws and regulations.

Women migrant workers are more likely to face more additional accreditation and employment hurdles than men, even though these are rarely documented (Iredale 2001). Typically such issues of accreditation and recognition of degrees are more serious for women migrants from developing countries, because of lack of standardisation and employer acceptance of qualifications earned in the home country (Khadria 2001). In some cases this is also because women who have been forced to move with male members of the family are forced to accept whatever job is available regardless of their own qualifications. There are also problems of skills recognition because of gender bias, or ethnic or national origin, or non-recognitions of qualifications earned in the home country. Nurses from developing countries who find work in countries like the US, UK and Canada have been found (ILO 2004: 57) to face problems like “lack of recognition of skills and previous experience leading to systematic deskilling, channelling into ‘non-career’ grades in unpopular specialties, and the ‘ethnic penalty’ which results in restricted access to training and poorer career progression.”

In OECD countries in general, women migrants from non-OECD countries are more likely to be unemployed or to be involved in jobs that are well below their level of qualification, than locally born women. For example, in 2004 (with the exception of Norway, Portugal and Switzerland), less than 60 per cent of immigrant women aged 15 to 64 years had a job (OECD 2007). In New Zealand, although Chinese and Indian immigrant women are more likely to have completed final school certificates or higher degrees than the national average, they have higher levels of unemployment and lower incomes (Badkar 2007). This reflects not only the difficulty in getting their foreign qualifications and training recognised in

the local job market, but also language problems and social factors such as effect of gender attitudes within the immigrant community and in the country of origin. Research in Britain has shown that mothers born in South Asia, the Middle East and North Africa are more likely to not be in paid work when their children are young (Vertovec 2006).

In general, even skilled migration tends to have quite distinct gender divisions. Men predominate among those moving within transnational corporations and in the information technology and scientific sectors (OECD 2002). This can partly be explained by the demand structure: for example, 88 per cent of the Green Card permits in Germany in 2000 were taken up by men (SOPEMI 2001, quoted in Badkar 2007). Of these, the vast majority were scientists from Eastern Europe, even though there is no gender imbalance in this regard in the sending countries, in that there are almost as many women scientists in Eastern Europe. Some studies have also found that skilled female migrants are particularly subject to ethnic and racial discrimination when seeking employment (Basnayake 1999).

The international division of household work:  
The case of migrant Filipina domestic workers

Domestic service is one of the most common occupations of women migrants from developing countries to developed ones. This is particularly true in some European countries like France, Italy, Spain and Greece, as well high and middle-income countries in Asia and the Gulf states. In the 1990s, this was also encouraged by official policies: a significant proportion of the migrants who entered Italy, Greece and Spain through the quota system were women domestic workers, and they also dominated among those migrants who were subsequently regularised. For some developing countries, this is now the major component of migration: in Sri Lanka between 1996 and 2001, housemaids were between 75-91 per cent of all female migrants, and more than half of all migrants (Siddique 2003).

The migration of women workers can lead to an international transfer of the job of providing care, as is illustrated by the example of migrant women workers from the Philippines. Many such women perform domestic tasks – the labour involved in social reproduction – that are still the lot of women in the more developed industrial societies in Europe or North America, or the more dynamic and rapidly growing developing parts of Asia such as Hong Kong, Singapore and South Korea, or the oil-exporting countries of West Asia and the Gulf. They thereby potentially free such female labour for more active participation in the paid labour market, and contribute to the economic growth of the receiving country. Kremer and Watt (2006) also argue that this type of migration increases the wages of low-skilled natives and provides a fiscal benefit by correcting tax incentives towards home-based production.

At the same time, the migrant women's own household responsibilities back home must be fulfilled by other women, since the gender division of labour at both ends of the migratory spectrum still leaves women primarily responsible for doing the domestic work. This housework back home is often performed by women relatives, such as mothers, sisters and daughters. But the very large wage differentials across sending and receiving countries can allow such migrant workers in turn to relegate their own domestic work by hiring poorer local women to care for their own children and perform necessary household tasks. In turn, such women may even be migrants from rural areas who have come into cities and towns in search of income.

Salazar Parrenas (2000: 571) describes the condition of one woman who is simultaneously a domestic worker of a professional woman in Rome and an employer of a domestic worker in the Philippines. "When coming here, I mentally surrendered myself and forced my pride away from me to prepare myself. But I lost a lot of weight. I was not used to the work. You see, I had maids in the Philippines. I have a maid in the Philippines who has worked for me since my daughter was born twenty-four years ago. She is still with me. I paid her three hundred pesos before and now I pay her one thousand pesos."

Several features of the process are highlighted by this example. First, the gender division of labour permeates and even drives the migration process, creating demand in the receiving society and enabling migration from the sending society. This reflects the fact that in both regions women have not been able to negotiate a more equal division of labour within the household, so that social reproduction remains their responsibility.

Second, this three-tiered involvement of women in the international transfer of domestic labour becomes an important, even if often unnoticed, feature of the accumulation process in the host society. It becomes an important factor driving economic booms, even if its role is not as explicitly evident as the feminisation of export-oriented manufacturing, for example. It also contributes to the growth of the sending economy through the mechanism of remittances.

Third, it leads to the social phenomenon of "diverted mothering", which has been defined as the process in which the "time and energy available for mothering are diverted from those who, by kinship or communal ties, are their more rightful recipients." Sau-ling Wong (1994: 69) Historically, this was observed among Black female domestic workers in the United States, who had to leave their children behind, saw them infrequently, and instead lavished their time, attention and love on other more privileged children whom they were paid to care for. But this description can now be just as easily valid for women from developing countries who perform paid domestic work and child care functions in rich industrial countries. And, in turn, their own children back home could then be the recipients of diverted mothering from even lower paid domestic workers. This is not always an easy process. Salazar Parrenas (2000: 576) quotes a Filipina woman working as a care-giver in

Italy, who is herself the mother of a two-year old and a five-year old child: “Sometimes when I look at the children that I care for, I feel like crying. I always think about how if we did not need the money, we would all be together and I would be raising my children myself.”

Women migrant workers are often also the victims of unequal access to basic public services, including most importantly health services. This is particularly important given the special needs of women especially with regard to reproductive health care. Especially in informal activities and domestic work, there is typically inadequate or no provision of maternity benefits and even the possibility of dismissal on pregnancy. There are also reports of overcrowding and poor conditions of housing, especially in women-dominated workplaces.

One important and emerging area of concern is the greater vulnerability of women migrants to HIV-AIDS infections, which has been already noted empirically in sub-Saharan Africa (UN-INSTRAW 2005). This reflects several features. Women are in any case biologically at greater risk of infection than men. The migration of both men and women often involves separation from partners and the greater possibility of engagement in short-term sexual relationships given migrant lifestyles. Women most often work in the informal trading sector or domestic work, which subjects them to poor working conditions and low pay, sometimes forcing them to resort to sex work to supplement their income. In such a context, gender discrimination can constrain women migrants’ ability to access information and testing related to HIV/AIDS or to negotiate the use of protective methods. All these features are of course greatly compounded by social contexts that migrants may face of gender-based violence, abuse and coercion. When there is trafficking, sexual exploitation, prostitution or forced marriage, the exposure of migrant women to the risk of infection increases significantly. Further, the study of sub-Saharan Africa found that just as migration has increased the spread of HIV, HIV-AIDS itself has increased population migration, as HIV infected persons migrate to obtain care from health facilities or relatives, or AIDS orphans migrate to live with relatives or seek income-earning opportunities.

Another study by UNDP-INSTRAW for the Arab region (2008) has found that limited preparedness and poor access to information and services render women vulnerable to HIV. Abusive and exploitative working conditions and lack of redress mechanisms trap women in a vicious cycle of poverty and HIV vulnerability. However, so-called corrective measures often exacerbate the problem: thus, HIV testing in both countries of origin and host countries may breach migrants’ rights and typically is not migrant-friendly when it is undertaken without consent, counselling, confidentiality or other support. Similarly, the deportation of HIV positive migrants by host countries and the absence of re-integration programmes in countries of origin can be devastating for the health, well being and livelihoods of migrants and their families.



These various difficulties faced by women migrants may be compounded by institutional constraints. Local trade unions typically do not concern themselves with migrant workers, and even less with female migrants. In some cases, migrants are explicitly not allowed to join local unions by law, and even when this is allowed, migrant women usually face additional obstacles in joining unions and face other kinds of resistance and hostility from other workers, because of perceptions that they are driving down wages and working conditions in the host countries. Usually the only substitute for such union protection is the through the NGOs that are focussed on providing services and protection to migrants, but their coverage is limited in geographical and quantitative terms.

Quite often, legal systems in host countries do not adequately provide rights to migrant women workers (Kawar 2004, Piper 2005). For example, in many countries, family reunification schemes are based on the male breadwinner model and exclude women migrants. In some European and Asian countries there are even formal constraints imposed on access by women migrants to the legal system, such as loss of work permit on filing a case against an employer. But in addition there are other social, cultural and economic barriers that can prevent them from accessing and benefiting from all their legal rights. One basic constraint is often lack of sufficient knowledge of the local language and consequent inability either to be fully aware of their own rights or lack of ability to go through the required channels to demand their rights. Women migrants, especially those in domestic work but also those engaged in factories and plantations, may be under the constant watch of employers and therefore not be able to communicate with others to compare situations or report abuse. There is the possibility of hostility or indifference of officialdom. Lack of outside contacts and isolation from peers, fear of reprisal and other methods such as withholding of passports by employers all contribute to a web of exploitation and have been found to be a major cause of prolonged exploitation of women migrants in some cases.

Several governments have recognised these problems and taken some positive legal steps and other policy measures to address them. (See ILO 2003 for examples provided below.) For example, the Canadian government has explicitly incorporated gender concerns into its national immigration programme, with every new immigration policy and legislative issue subject to the test of gender impact. The protection of domestic workers has been highlighted by several countries. In Jordan, the Ministry of Labour in 2003 endorsed a special working contract for non-Jordanian domestic workers, which strengthens the co-ordination between Jordan and sending countries, guarantees migrant domestic workers the right to health insurance, medical care, holidays and other rights in accordance with Jordanian workers and international human rights standards. The government of Chinese Taipei has endorsed punitive measures for employers who have committed wrongdoing such as non-payment for three months, violation of the terms of the contract, physical or other abuse, and has allowed such workers to transfer to other employers.

Adverse conditions of migrants are obviously much intensified and aggravated in conditions of forced migration and trafficking. But there is often a fine line between voluntary migration and trafficking in women (and girl children). Trafficking is a widespread problem which is on the increase, not only because of growing demand, but also because of larger and more varied sources of supply given the increasingly precarious livelihood conditions in many parts of the developing world. An increasing number of women trafficked to Europe, for example, are of central and eastern European origin (IOM 2003) reflecting the impact of economic destabilisation and high unemployment consequent upon the transition to capitalist economic systems. Indeed, it has been argued that there is a distinct relationship between trafficking for prostitution and similar activities and the level of unemployment in the source area (Siddique 2004). But trafficking is also on the increase from rural areas of the developing world where the peasantry has been hit by agrarian crisis, or in societies afflicted by violent conflict or ravaged by natural calamities (Asian Development Bank 2004).

A substantial amount of trafficking of both women and children occurs not only for commercial sex work, but also for use as slave labour in factories and other economic activities such as domestic or informal service sector work. It is true, of course, that the worst and most abusive forms of trafficking are those which relate to commercial sexual exploitation and child labour in economic activities. Nor is it the case that trafficking occurs mainly through coercion or deception: as noted below in the case study on women from eastern Europe, there is significant evidence to indicate some voluntary movement by the women themselves, especially when home conditions are already oppressive or abusive, or at least voluntary sending by the households of such individuals, given the poverty and absence of economic opportunities in the home region.

Traffickers lure their victims by means of attractive promises such as high paying jobs, glamorous employment options, prosperity and fraudulent marriages. When there is employment, however badly paid, precarious and in terrible conditions, it may still be preferred to very adverse home circumstances. This in turn means that those who are employed through trafficking may not always desire to return home, if the adverse economic and social conditions that drove the original movement persist. Also, the possibilities of return to home communities with safety and dignity are often limited, given the chances of being stigmatised and not easily reintegrated into the home society.

Typically in popular discourse, male migrants are portrayed as central characters of border-crossings, and especially in informal “trafficked” migration, women figure not as protagonists but as characters endowed with little or no agency. However, the easy correlation that is generally drawn between trafficking and entirely coercive criminality, and the perceived need to respond to it simply with greater regulation and monitoring, may also be too facile. Recent feminist scholarship has in fact pointed to a much more complex interaction, whereby women may even choose to be trafficked because that is the only way to migrate in certain conditions given restrictions on entry. Andrijasevic (2008) draws on

accounts by eastern European migrant women trafficked into Bologna, Italy to reveal some of the intricate processes that constitute the conditions for trafficking. Her study covered young women from Romania, Ukraine, Moldova, Russia, Croatia, and FR Yugoslavia who arrived in Italy through trafficking networks and worked as street prostitutes under different degrees of confinement and in conditions of economic exploitation by one or more third parties. She notes that, as has been found in several other studies, the majority of women who migrated through trafficking systems knew beforehand about the type of work, even though they were often unaware of the very adverse conditions they would work under. For her respondents, entering into a prostitution contract emerged as part of a bigger migratory project, and at the time of the interviews, all of the respondents had already exited prostitution.

Andrijasevic argues that trafficking as such is an inadequate category to account for the complexity of current social-political transformations in Europe and women's experiences of international migration. Rather, it is necessary to tackle the issues of migration in relation to the formation of the European Union and its enlargement eastward. In this context, trafficking emerges as intrinsically linked to the interception of undocumented migration, the enforcement of border-regimes, and the tightening of immigration regulations, such that making use of trafficking networks becomes one of the few available means of informal labour migration for the women. Stricter immigration controls may increase the costs for intermediaries, but they also increase the amount of migrants' debt and raise the level of control such third parties exercise over migrants. "Quite paradoxically then, increased control over migrants' mobility is likely not to lessen but rather to heighten the involvement of organized crime." This shows the ways in which "borders – created through material and juridical means of controlling the movement of people — create the conditions for the existence and proliferation of trafficking. In this respect, the juridico-material formation of borders and its impact on migrants' lives constitutes a crucial element to be considered in the analysis of the trafficked women's accounts of migration."

All this makes the problem of dealing with trafficking much more complex than is generally appreciated. Quite apart from the juridico-legal aspects of border control, there is the need to attack the causes of such informal migration. Thus, it is important to address the issues of economic vulnerability, marginalization and attitudes to women, which encourage such movement. The specific home economic contexts and sudden changes in economic environment that lead to desperation for livelihood are obviously important. Environmental disasters and development-induced risks such as displacement are also known to play a role in increasing the incidence of trafficking.

## **V. The effects of migration**

The picture of women's migration today is complex, reflecting the apparent advantages to women of higher incomes and recognition of work, as well as the dangers and

difficulties associated with migrating to new and unknown situations with the potential for various kinds of exploitation. The desperation that drives most such economic migration, and the exploitative conditions that it can result in, should not be underestimated. But it is also true that the sheer knowledge of conditions and possibilities elsewhere can have an important liberating effect upon women, which creates a momentum for positive social change and gender empowerment over time. Similarly, Chant (1992) notes that where there is heavy male out-migration, as in Costa Rica, Kenya, and Indonesia, the women become more autonomous, whether the absence is temporary or long term. Of course, when the main earner is absent, it is also true that survival may be jeopardized when access to resources is limited.

In most labour-surplus developing countries, labour migration – especially temporary migration for work – can have very positive effects on the economy of the sending country, on the balance of payments, and also upon the lives and income opportunities of women migrants. There are positive human development implications as well, emanating partly from the material improvements consequent upon remittance incomes which can raise families out of poverty and enable more expenditure on health care and education of the young in the household, and partly from the greater awareness and cultural exposure associated with the very process of migration. Such migration can also be beneficial to host economies in terms of reducing cyclical or structural labour shortages, avoiding bottlenecks due to specific labour shortages, and so on.

At the same time, there are also costs and dangers involved to sending countries, to the women migrants themselves and even to host countries. There can be shortages, especially of skilled and professional workers, which create “brain drain” problems in sending countries. Women migrants, especially those who are less skilled, less educated and migrating as part of a survival strategy of sending households, may be subject to varying degrees and forms of exploitation and discrimination in host countries, as outlined in the earlier section. Indeed, several studies (Espiritu 1997, Kibria 1993) have critiqued the view that engagement in paid employment directly leads to the empowerment of migrant women. This is because of the simultaneous prevalence of disempowering forces, such as gender ideologies in immigrant communities, and women’s disadvantaged labour market location in the host countries. Clearly, the issue is complicated and cannot be treated in a uni-dimensional manner.

One reason why employment cannot be directly tied to empowerment is because of the terms of employment. “Enclave employment” in activities in which low-paid migrant women are concentrated, for example, can lead to few benefits. Gilbertson (1995), on the basis of a study of Dominican and Colombian women in New York City, found that enclave employment in Hispanic-owned and Hispanic-managed industries provided women with low wages, few benefits and little opportunities for advancement, thereby reinforcing their inferior position within the home as well. The women in her survey were found to be earning lower wages than migrant men from these countries even though they typically had higher levels of education and were not recent arrivals. This corroborates a study of Chinese migrant

women workers (Zhou and Logan 1989) which also found low returns to human capital for such women. Gilbertson argues that such discrimination is not explained by labour market dynamics alone: rather, the class position, family resources, legal status, occupational segregation by gender, traditional or culturally determined forms of discrimination, lack of access to information and other networks, and even the demand of multiple roles as wife, mother, all affect labour market patterns of migrant women as well.

This point emerges very strongly in Kabeer (2000) whose comparative study of Bangladeshi women in Dhaka and London shows how cultural norms combine with locational influences to determine women's labour market choices. She finds that women living in Bangladesh paradoxically had greater labour market choice than their migrant counterparts in London, something that is unexpected given the overall socio-economic status of women in Bangladesh and England. Thus, the women in Dhaka could renegotiate the practice of *purdah* (involving restrictions on the attire and appearance of women in public and concealment of physical attributes especially to non-household men) with their husbands and local community to legitimise their work in garment factories, whereas in London the migrant Bangladeshi women were forced by this cultural practice to restrict their employment to home-based work. This latter choice was also at least partly affected by the fact that in London, male and female workers from Bangladesh would be competing for the same jobs, whereas in Bangladesh, these jobs were typically assigned to women. It also reflects the time-warp that many migrant communities can be caught in, wherein the cultural and social practices that dominate are those that prevailed in the home country at the time of migration, rather than those which are contemporary to the home society. The issue of agency of migrant women is therefore a complex one, that cannot be assumed to be automatically determined by either length of stay in the host country or current practices in both home and host countries, but it critically affected by community responses to the Diasporic experience.

Based on a study of Korean immigrant women in the United States, Park (2007) argues that that "the contradictory co-existence of empowerment and disempowerment not only describes structural and ideological conditions of immigrant women's changed lives, but also is embedded in and produced by women's efforts to make sense of and cope with new realities in the host society... women's own agency is involved in organizing meanings of their changing realities. Simultaneous workings of empowerment and disempowerment which are pervasively present as dual sides of immigrant women's everyday reality not only reflect their precarious locations in systems of inequality in the host societies, but also their resourcefulness and agency to resist assimilation into disadvantageous locations in the U.S. economic and racial hierarchy."

The extent to which migration is empowering or simply reinforces oppressive and patriarchal patterns depends upon the nature of the migration. This is evident from studies that differentiate the impact of migration depending on the nature of the migrants and their pattern of movement. Yamanaka and Piper (2005) identify six types of cross-border

migration of women in Asia: domestic workers; entertainers and/or sex workers; unauthorised workers; immigrant wives; skilled workers; and workers who share an ethnic heritage with that of the host population (such as Japanese-Brazilians in Japan and Korean-Chinese in the Republic of Korea). These different categories obviously differ from one another in the conditions of their border crossing, employment and legal protection, and they therefore differ in the ways in which they resist the unequal and discriminatory practices they encounter at their destinations. The first three categories are clearly the most vulnerable in a variety of ways, and are also typically denied the basic labour rights available to other migrant workers because of the separate legal or immigration status in many receiving countries, which either does not recognise the existence of such people at all (when they are unauthorised entrants) or does not define their activity as regular work.

Yamanaka and Piper argue that international migration is a complicated and often contradictory process, which provides women with opportunities for social and economic mobility but also can subject them to new forms of exploitation and abuse. According to them, the transfer of foreign women within the region from the low-income economies of Asia (such as the Philippines, Indonesia, Viet Nam, Pakistan, Bangladesh among others) to the high-income ones (Singapore, Malaysia, Hong Kong Special Administrative Region (SAR), Taiwan Province of China, the Republic of Korea and Japan) has intensified existing gender inequality, economic injustice and ethnic discrimination. However, since the majority of Asia's migrant women are independent contract workers seeking employment abroad in order to augment family incomes and personal savings, empowerment can and does result not only from the opportunity to accumulate individual resource and contribute to household or community resources, but also from their everyday resistance to power structures.

There is some evidence that the pattern of economic migration may be changing in ways that are based on more empowerment of women. Inglis (2003) points out that whereas earlier the migration of women into Australia was dominated by less-skilled women accompanying their husbands or entering as part of family reunification programmes, the pattern has been changing in recent years to allow the entry of more professional and skilled female entrants on their own. Thus, in 1989-1990, women accounted for just over 40 percent of those classified as "principal applicants" for settlement in Australia, but this proportion increased to 52 per cent in 2002. This has been further accentuated by the shift in Australian immigration policies away from encouraging manual labour towards more skilled activities as well as care work, in which women are more significant. These have been reinforced by some erosion of traditional constraints upon such women in their countries of origin, typically in Asia. Inglis notes the greater role of "women's involvement in developing their family's strategy for emigration, as well as the strategy whereby some individual women establish marital relationships with Australian men as a basis for migrating."

There are other potential benefits of women's migration which are not so immediately apparent. Fargues (2006) makes the interesting point that migration may have direct and

indirect effects on fertility and therefore on demographic changes. He notes that most recent migration has been from high to low birth-rate countries, and since migrants typically adopt and send back ideas that prevail in host countries, they are potential agents of the diffusion of demographic modernity to their country of origin. His study uses data from three countries of origin: Morocco and Turkey (where emigration is bound for the West to a more demographically “advanced” destination), and Egypt (where emigration is bound for the Gulf, to a less demographically advanced location). For these countries, time-series data on birth rates and migrant remittances (reflecting the intensity of the relationship between the emigrants and their home country) are strongly correlated, negatively for Morocco and Turkey, and positively for Egypt. On this basis he argues that Moroccan and Turkish emigration has been accompanied by a fundamental change of attitudes regarding marriage and birth, while the opposite holds for Egyptian migration.

Within countries, internal female migration has often driven the economic boom. This is particularly the case in export-oriented activities. The exporting zones of countries as far apart as Southeast Asia and Central America have been dominated by female labour, a significant proportion of which have migrated from rural areas within the country. In Bangladesh, for example, the garments industry is dominated by female migrant workers from rural areas, who typically receive less than 30 per cent of male wages in the same industry (ADB 2001).

Kawar (2005) points out that the aspirations and expectations of women shape both the process of migration and its results. According to her, “From an individual perspective, most women migrate to overcome poverty and limited viable employment opportunities in their home country. Most see their employment as temporary to achieve certain personal/family objectives (e. g. savings to establish a business, build a house, pay debts or for the education of the children). However, these objectives are difficult to achieve in the short term or over a single contract period due to a variety of reasons: problems with debt bondage, withholding of wages, receiving less wages than original contract, lack of knowledge on money management and savings, among many others. This means that the women stay longer than anticipated or go back and forth in migration cycles between source and destination countries.”

But the delayed return is not always only because inadequate savings or other constraints. It is possible that migrant women workers start appreciating the freedom and autonomy that come from earning their own livelihood and are willing to continue in the destination area even when it involves significantly lower wages than those received by local workers and adverse and demanding working conditions. In a study of migrant women from Veracruz working in *maquiladoras* in Reynosa, a border town of Mexico, Petros (2006: 21) found that the process of moving had other attractions and created changed perceptions among the young women themselves. “Not a single woman I interviewed at the border expressed a desire to return home permanently. Women shared with me that they were proud

of having 'gotten ahead' and progressed in life by going to work in the *maquiladoras*. The majority of my female interviewees had never worked outside of the home before relocating to Reynosa. Most of the women expressed contentment and satisfaction with their work and had acclimated themselves to the lifestyle *en la frontera*. Despite a palpable nostalgia and longing to reunite with family members back home, returning to Veracruz was out of the question for these women."

Similarly, Mills (1997) documents the complexity of emotions and goals that determine and condition the desire to migrate and experience of migration of women from rural Thailand who go to Bangkok to find work. She notes that they "confront significant social and economic constraints as low-wage, low-status migrant labour: yet experiences of exploitation in the workplace are widely mediated by aspirations for and participation in new patterns of commodity consumption". She argues that among Thai migrant workers, participation in Bangkok's mass market commodity culture is one of the most salient aspects of their time in the city, and aspirations for it (which may be more important than just the freedom of city life) are significantly influenced by cultural transmission through television. This allows the young women workers to perceive that they have somehow compensated for the poor wages, long hours and often oppressive work, urban congestion and unsanitary residential conditions that they experience as migrants.

In general, despite adverse conditions of work and life, most female migration (except in very adverse and oppressive trafficking circumstances) provides some redeeming features for the women concerned, mainly through an increase in their own autonomy, agency and self-confidence. Numerous studies have found migrant women declaring that "my life changed", as expressed by the rural women of Ecuador who had come into the city of Guayaquil (Zambrano and Basante, ed. 2005). Hugo (2008) finds that empowerment is more likely to occur when the migration draws women from rural to urban areas, separates them from a family group, engages them in employment outside the home in formal sector occupations, and takes place within the legal framework for an extended period. Thus, in a specific context migration can be empowering for women. Incidentally, migration can also have an empowering affect on men, especially younger men who are thereby able to challenge intergenerational patriarchal structures within the family (Piper 2005).

Migrant women not only experience many challenges but also find awakened or renewed self-confidence in taking up these challenges, and in resisting their identity as subordinate subjects. In consequence, there is growing evidence of collective action and mobilisation among migrant women in different parts of the world, suggesting that their empowerment has come from a combination of external impetus and internal transformation.

All this suggests that easy generalisation about the effects of migration are neither possible nor very illuminating. The potential for migration to be a source of women's empowerment clearly exists, even in cases of forced migration or movement in very adverse



social and economic circumstances. Thus, it has been seen that even amongst refugees and displaced persons, who are clearly migrating in the worst possible circumstances and often with clear threats to personal security and potential violence, the associated disintegration of previously oppressive patriarchal relations may even be a source of empowerment. But such positive outcomes are not inevitable, and there is a complex dynamic between socio-economic conditions in both sending and receiving locations and public policies, which determines the actual outcomes. Further, even cases of migration that are apparently highly positive – for example, the movement of professional women in response to wage differentials - may have some less positive implications that are not immediately obvious – as when the migration is also associated with some deskilling in terms of work, or feelings of loneliness or alienation in the host society.

## **VI. Links with home**

The same patterns of gender discrimination that affect the ability of women migrants to travel at all or to take advantage of the new location, also affect their ability to send their savings home in the form of remittances. There are a number of constraints that are typically experienced particularly by women migrants, in terms of saving from their wage incomes and transmitting savings safely through regular channels. First, many women migrants have to make larger payments to recruitment agents and middlemen, often incurring large debts that they have to repay out of their earnings. Since women migrants typically earn less than men, this obviously reduces their ability to save or remit money home. In addition, there are other problems that affect the ease of money transfer, such as to isolation (particularly for domestic workers), cumbersome procedures, language barriers, and high transaction costs. This is a great problem since they are in general earning less than men. Then again, women may further face familial obligations to remit all their earnings to their families in ways that may not be expected of men. For example, single women may be expected to financially support even extended family members at home. It has also been found that on marriage women shift the pattern of sending remittances away from their natal households to their newly acquired affinal relatives or to the husband's household (UN-INSTRAW 2008).

Piper (2005) refers to a study that has shown that married men give less than 20 per cent of their remittances to their wives when there is more than one receiver in the family and that the wife is the last one to receive these remittances. On the other hand, when husbands are the receivers of remittances, they are the first to receive, regardless of the existence of other family members.

Initial findings of an ongoing UN-INSTRAW (2008) study indicate that gender patterns and family dynamics influence the ways in which decisions are made on migration and remittances. While remittances in Albania and Morocco constitute an important factor in the alleviation of poverty, the persistence of patriarchal attitudes

within households mean that men tend to be the recipients and managers of family remittances, leaving women with little capacity to independently manage the allocation of household resources. However, in the Philippines, migration and remittances have had a number of positive impacts on gender equality in the Philippines, and not only because they have increased and diversified the employment opportunities available to women. It was found that women were actually often chosen over men to receive and manage regular household remittances, because of women's traditional role as caregivers and domestic administrators in the Philippines and their consequent in-depth knowledge of the household's basic needs. Of course, the fact that a majority of migrants from the Philippines are women must have affected this trend. In turn, it was found that the investment of remittances in children's studies has increased their levels of educational attainment, particularly among the daughters of migrants, opening up new opportunities for future generations of women (UN-INSTRAW 2008 for this and next two examples).

In Lesotho, patterns have varied substantially as a result of the decline of the mining industry and growing textile and clothing industries in South Africa. Remuneration for male migrants continues to be higher than for women, but the availability of jobs for men is much more limited. Women migrants, on the other hand, face more obstacles in sending money home to their families due to their lower wages. Field studies in the Dominican Republic demonstrate the role of remittances in guaranteeing the food security of migrants' home households, particularly in households in which older adults depend on their children's remittances.

Of course, the migration of male members of the household can also have adverse implications for the families left behind. Chaney and Lewis (1980) have argued that the migration of males to cash earning opportunities off the farm can be a major factor endangering smallholder agriculture, particularly the production of local food. The absence of able bodied men places great burdens on the women left behind to carry on the agricultural work and care of their families. Further, with cash remittances, the family left behind shifts production and consumption patterns and thereby creates a dependency on remittances, resulting in loss of self sufficiency both in food production and material necessities.

There can be other non-material consequences of both male and female migration, for family dynamics. The UN-INSTRAW study finds that spouses of male migrants report uneasiness and feelings of loneliness and miss the help of their partners for decision making affecting the family or for the organization of life with the children. They can also experience high levels of anxiety and stress associated with the unknown life conditions of their partners abroad. Problems of families separated by the migration of working mothers can be particularly acute, especially when the children are young. On the other hand, the absence of the male head of household can also be empowering for the wife and other female relatives left behind, as they are forced to interact more outside the household, run the household budget and negotiate other social institutions. So once again the outcomes may be complex: in addition to the double burden of work and the loneliness and insecurity brought about by

the absence of the spouse, there could also be greater freedom and ability to be in charge of household decisions, which can emerge as positive effects of such separation.

The problems of returning migrants also show some gender differentiation. Some of these result from legal and official procedures: thus, in several countries women migrant workers face sex and gender-based discrimination, which can include compulsory HIV and AIDS testing for women returnees and even moral 'rehabilitation' for young women returnees who are seen to be victims of trafficking. There is also evidence of high increased personal and social costs of return for women migrants, as compared to men, without adequate gender-responsive services. For example, men may return to a stable family situation whereas women may find disintegration of the family on return, with their very absence from home being regarded as the cause of such disintegration. At the other end of the migration spectrum, when skilled women return home, they often face a range of problems associated with tensions resulting from a disjuncture between their own aspirations as highly skilled and educated returnees and local gendered perceptions and modes of discrimination that inhibit their full economic, social and political participation in their own communities and societies, in accordance with their own aspirations (Rozario and Gow 2003).

## **VII. Migration and public policy**

The discussion in this paper indicates that migration can be both a source and an effect of greater empowerment of women, but neither linkage can be taken for granted. The economic and social status of women in the sending locations determines the ability of women to move as well as the nature of their migration; the conditions prevailing in the destination and the often complex interactions between the host society and the migrant community affect the extent to which women can reap advantages of the migration process in terms of greater autonomy and enhanced incomes, as well as other effects. The manner in which migration affects those left behind also depends significantly upon these two features, but what is inevitable is that there are changes in social relations in such situations. All of these effects are crucially affected by public policies in both sending and destination locations, and indeed public intermediation in various ways may be the crucial factor that makes migration enabling and empowering for women.

Obviously, therefore, there is need for more pro-active policies regarding migration, which are sensitive to its various gendered dimensions. It is unfortunate that most national and international policies with respect to migration are still designed with the male breadwinner model in mind. While the phenomenon of growing migration is now more widely recognised, the absence of comprehensive statistics, the poor monitoring of actual migrants and the relative invisibility of women in the official statistics, all remain crucial problems that constrain the capacity for effective policy formulation, simply because not

enough is known about the extent and nature of the processes of migration and especially about women migrants.

Currently, very few host countries have legislation specifically designed to protect migrant workers, and there is little official recognition of the problems faced by women migrants in particular. The same is true for the sending countries, which accept the remittances sent by such migrants, but without much fanfare or gratitude, and tend to make little attempt to improve the conditions of these workers in the employment abroad. Women migrants, who typically are drawn by the attraction of better incomes and living conditions or by very adverse material conditions at home, are therefore in a “no-woman’s land” characterised by a generalised lack of protection. It is notable that the lack of recognition of migrants’ problems, and the specific concerns of women migrants, are evident not only for cross-border migration but even for internal migration within countries, which in many places can be as fraught and problematic as international migration.

In this context, official policy has to draw a fine balance between increasing opportunities for women migrant workers, protecting and regulating the conditions of their migration and ensuring social harmony in the host countries. There are several levels of intervention that are required, and the role of different social actors and agencies in enabling and improving the conditions of women’s migration all need to be specified. CEDAW (2008) has already made a number of excellent recommendations with respect to these issues, which are described in more detail in the Appendix. All of them deserve speedy implementation. Some of the most important proposals, as well as additional proposals that have emerged from the discussion in this paper, are highlighted here:

**1. Emphasise adequate data collection and quantitative and qualitative research**, first of all to identify women’s long-term, short-term and seasonal migration patterns, and then to identify the specific needs of and problems faced by women migrants at every stage of the migration process, including return.

**2. Ease the legal barriers constraining the access to migration of women.** Sex-specific bans and discriminatory restrictions on women’s migration on the basis of age, marital status, pregnancy or maternity status should be repealed, as well as restrictions that require women to get permission of the spouse or male guardian to obtain passports or to travel. Also, many laws that are apparently designed to protect women (such as those that require official emigration clearance for unskilled workers) can operate to create another source of oppression and exploitation for women migrants, so they need to be adjusted and made gender sensitive. Essentially, the point is to provide an enabling environment for women’s migration, which recognises and respects the agency of the women themselves.

**3. Make the laws and policies with respect to internal and cross-border movement more gender-sensitive** and conscious of the specific problems faced by women. Since many laws

implicitly assume the male breadwinner model of migration, they do not provide easy access or legal protection to adult women in an independent manner. Similarly, official policies often do not recognise or cater to the specific needs of women who are independent migrants or initiators of family migration.

**4. Encourage more public awareness and recognition of the important productive roles played by both paid and unpaid women's work, especially in the context of migration.**

This requires encouraging the mass media and other forms of dissemination to contribute to awareness-raising on migration issues, including on the contribution of women migrant workers to the economy and their vulnerability to exploitation and discrimination.

**5. Regulate and monitor recruitment agencies and broaden the access of women migrants to other channels.**

In addition to preventing recruitment agencies from exploiting women migrants, it is necessary to develop other channels, both governmental and non-governmental, to provide or facilitate free or affordable gender and rights-based pre-departure information and training programmes that increase awareness about legal rights and entitlements, job opportunities and nature of contracts, problems that may arise in the journey or in the destination, possibilities of protection at each stage of the migration process and agencies that provide help or support in the destination. In countries of high actual or potential emigration by women, wider access to knowledge about destination countries, conditions of work and forms of migration is very important, but when it is restricted to commercial recruitment agencies it may not meet the needs of the migrants themselves. Therefore a multiplicity of recruitment channels, including not only private agencies but also governmental offices and NGOs, should be encouraged. The experience of Vietnam, which has enabled group migration through officially-sponsored and recognised private migrant recruitment agencies, may be relevant in this regard.

**6. Ensure access of all migrants to basic rights.**

This is important even for migrants within countries because typically many citizenship rights are residence-based, requiring some paper proof of local residence. This affects not only political rights (such as the ability to vote) but also socio-economic rights such as access to crucial public services such as health, nutrition and education. Short-term and seasonal migrants within countries thereby get excluded, as do cross-border migrants without sufficient local tenure of residence. These problems are particularly acute for women migrants who require greater support in terms of nutrition and reproductive health services.

**7. Encourage international recognitions of degrees and qualifications earned in sending countries,**

so as to ensure that migration does not involve a de-skilling process for women who cannot put their capacities to full use.

**8. Make health monitoring systems more gender-sensitive.**

For example, when pre-departure or post-arrival HIV/AIDS testing and other health examinations are required, they

must be respectful of the human rights of women migrants, and be sensitive to ensuring voluntary compliance, providing free or affordable services and avoiding stigmatization.

**9. Ensure access to information about rights and legal redress to women migrants** in the destination areas. These include information about access to all public services, especially health services, as well as availability of legal assistance when required. This will also require making the provision of such services more women-friendly, for example by positing more women officers in the required offices.

**10. Ensure equal access to all legal and other rights to women migrants in destination areas.** States must ensure that the laws and labour codes provide to women migrant workers, the same rights and protection that are extended to all workers in the country, including the right to organize and freely associate. This includes ensuring the legal validity of contracts of women migrant workers and special attention to creating and implementing labour laws in occupations dominated by women migrants such as domestic work and entertainment.

**11. Reduce the isolation of women migrants in particular occupations, such as domestic work.** This includes monitoring to ensure that passports are not confiscated by employers, that all labour laws and regulations are upheld and that the women migrants have access to support groups and networks. These support groups and the independent mobilisation associated with them, whether they are informal or part of a governmental or NGO-driven exercise, can even be a way of developing a more formal status for those granted some form of protection and a means of integration into the host society, as in the case of Somali women from a local Refugee Organisation who now work with social services in London (Sales and Gregory 1998). Such support groups can also become means whereby women asylum seekers or refugees can express their own political agency and escape from the dominant representations of themselves as merely “victims”, as in the case of the All African Women’s Group in the UK (Freedman 2008).

**12. Ensure full legal rights of women migrant workers in destination countries.** This involves repealing laws and rules that prevent women migrant workers from using the courts and other systems of redress. Such laws can include loss of work permit that result in loss of earnings and possible deportation by immigration authorities when a worker files a complaint of exploitation or abuse and while pending investigation. Free legal aid should be provided to ensure that poor migrants have access to legal assistance.

**13. Make the remittance of income easier and safer for women migrants.** Women migrants tend to use informal channels of remittance more because of inadequate knowledge or lack of public access, so special measures need to be taken to provide assistance to women to access formal financial institutions to send money home and to encourage them to participate in saving schemes.

**14. Remove gender discrimination in legal aspects of immigration and in family reunification schemes.** Bans and discriminatory restrictions on women's immigration should be done away with, such as visa schemes that restrict the employment of women migrant workers in certain jobs where men predominate, or exclude certain female-dominated occupations from visa scheme, or prohibit women migrant workers from getting married to nationals or permanent residents, or forbid becoming pregnant or securing independent housing. Similarly, family reunification schemes for migrant workers should not be directly or indirectly discriminatory on the basis of gender.

**15. Ensure that laws are sensitive to the needs of women in trafficked conditions and provide special services for trafficked women.** There are specific concerns about the extent of regulation of cross-border movement: very easy immigration policies can create routes for easier trafficking; but conversely, tough immigration policies can drive such activities underground and therefore make them even more exploitative of the women and children involved. Legal and official attempts to criminalise trafficking must be particularly careful to avoid the criminalisation of the trafficked women themselves, which is often an unfortunate fallout. The specificities and complexities of the trafficking processes, as well as the economic forces that are driving them, need to be borne in mind continuously when designing the relevant policies. Furthermore, policies towards trafficked women need to go beyond treating them as helpless objects, to recognising their own needs, difficulties and aspirations. It is necessary to avoid moralistic judgements as well as to make sure that paternalistic and patriarchal socio-cultural attitudes are not imposed upon the women themselves, their activities or future movement.

**16. Facilitate the legal, social and economic conditions for returning women migrants.** Women who wish to return to their countries or places of origin should be able to do without threat of coercion or abuse. There should be special socio-economic, psychological and legal services aimed at facilitating the reintegration of women who have returned. These have to be different for similar services provided for returning male migrants because the problems are quite different. For example, in the Philippines, there are some efforts made by government-recognised NGOs aimed at ensuring that returning women migrants are able to integrate without discrimination in the home society and are able to put their accumulated savings into purposes that they wish without complete control from the men in their families. In rural Bangladesh, some NGOs have monitored the return to the villages of women who got work in the garment factories and domestic service sectors in Dhaka, to ensure that they were able to keep their saved earnings from being appropriated by extended family members.

In conclusion, one final point needs to be made in what has become a rapidly changing global economic environment. The spread of the global financial and economic crisis from the developed countries to many emerging markets and other developing countries has had direct effects on employment. The evidence thus far indicates that declines in employment across the world have been very sharp and rapid, much more so than would have

been predicted on the basis of previous employment elasticities of output growth. Such negative effects on employment have three significant effects on migration and its results. First, migrant workers, especially those on casual or short-term contracts and those operating as irregular migrants, are often the first to be affected and to lose their jobs. Second, in many countries (as is unfortunately already evident) there is a social backlash against migrant workers, creating social and political tensions and possible conflicts. Third, the problems of returning migrants become more intense because of the bunching in a period of economic downswing, when income and livelihood opportunities in the sending locations are also reduced. It is true that women migrant workers, being dominantly employed in service sector activities that are less sensitive to the business cycle than production workers, are likely to be less affected than their male counterparts. But they cannot remain unaffected by the broader tendencies, and of course they will be affected by the changing fortunes of male migrants in their households.

The complexities of public policy are greatly heightened in such a context. On the one hand, it is important for host country governments to be aware of and resistant to demands for expulsion of migrant workers, which are more likely as unemployment makes the issue of migration more politically charged. Similarly, they must oppose the false perceptions that migrants extract more from host countries in the form of welfare and access to public services, than they contribute in terms of labour, skills and cosmopolitanism. Instead, it is important to highlight the significant contributions made by migration, and emphasise the ways in which it will continue to benefit host societies even in periods of economic downswing. On the other hand, source country governments also need to prepare for the possibility of greater numbers of returning migrants, and to work out ways to use the accompanying remittances in the most productive ways as well as facilitate the social reintegration and employment of returning migrants.

What is clear is that the rapidly changing global economic context will affect both patterns of migration and their effects, often in unforeseen and unpredictable ways, and that the gender-differentiated impacts of such changes are also likely to be significant. This is therefore a world in which pro-active policies to enhance the positive human development outcomes of migration are more necessary than ever before.



## **Appendix: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

### **Recommendations with respect to Women Migrants, for State Parties**

#### **I. Common responsibilities of countries of origin and destination**

##### *a. A comprehensive gender sensitive and rights based policy*

States Parties should use the Convention and the general recommendations to formulate a gender sensitive rights based policy on the basis of equality and non discrimination to regulate and administer all aspects and stages of migration, to facilitate access for women migrant workers to work opportunities abroad, promoting safe migration and ensure the protection of the rights of women migrant workers.

##### *b. Active involvement of women migrant workers and relevant NGOs*

States Parties should seek the active involvement of women migrant workers and relevant NGOs in such policy formulation, implementation, monitoring and evaluation.

##### *c. Research, data collection and analysis*

States Parties should conduct and support quantitative and qualitative research, data collection and analysis to identify the problems and needs faced by women migrant workers in every phase of the migration process in order to promote the rights of women migrant workers and to formulate relevant policies.

#### **II. Responsibilities specific to countries of origin**

Countries of origin must respect, protect and fulfil the human rights of their female nationals who migrate for purposes of work. Measures that may be required include, but are not limited to the following:

##### *a. Lifting of discriminatory bans or restrictions on migration:*

State Parties should repeal sex-specific bans and discriminatory restrictions on women's migration on the basis of age, marital status, pregnancy or maternity status. They should lift restrictions that require women to get permission of their spouse or male guardian to obtain passports or to travel.

##### *b. Education, awareness-raising and training with standardized content*

States Parties should develop an appropriate education and awareness raising programme in close consultation with concerned NGOs, gender and migration specialists, women workers with migration experience and reliable recruiting agencies. In this regard, States parties should:

- (i) Deliver or facilitate free or affordable gender and rights-based pre-departure information and training programmes that raise prospective women migrant workers' awareness of potential exploitation, including: recommended contents of labour contracts, legal rights and entitlements in countries of employment, procedures for invoking formal and informal redress mechanisms, processes by which to obtain information about employers, cultural conditions in countries of destination, stress management, first aid and emergency measures including emergency telephone numbers of home embassy, and services; information about safety in transit including airport and airline orientations and information on general and reproductive health, including HIV/AIDS prevention. These training programmes should be targeted to prospective women migrant workers through an effective outreach programme and held in decentralized training venues so that they are accessible to women
- (ii) Provide a list of authentic, reliable recruitment agencies and create a unified information system on jobs abroad that are available.
- (iii) Provide information on methods and procedures for migrating to work if women workers wish to migrate independently of recruitment agencies.
- (iv) Require recruitment agencies to participate in awareness-raising and training programmes and sensitize them on the rights of women migrant workers and the forms of sex and gender-based discrimination, exploitation women could experience and their responsibilities towards the women.
- (v) Create community awareness-raising concerning the costs and benefits of all forms of migration for women and conduct cross-cultural awareness raising activities addressed to the general public, which should highlight the risks, dangers and the opportunities of migration, the entitlement of women to their earnings in the interest of ensuring their financial security and the need to maintain a balance between women's familial responsibility and their responsibility to themselves. Such an awareness raising programme could be carried out through formal and informal educational programmes.
- (vi) Encourage the media, information and communication sectors to contribute to awareness-raising on migration issues, including on the contribution of women migrant workers to the economy, women's vulnerability to exploitation and discrimination and the various sites at which such exploitation occurs.

*c. Regulations and monitoring systems:*

- (i) States Parties should adopt regulations and design monitoring systems to ensure that recruiting agents and employments agencies respect the rights of all women migrant workers. States Parties should include into their legislation a comprehensive definition of irregular recruitment along with the provision of legal sanctions for breaches of the law by recruitment agencies.
- (ii) States Parties should also implement accreditation programmes to ensure good practices among recruitment agencies.

*d. Health services*

States Parties should ensure the provision of standardized and authentic health certificates if required by countries of destination and require prospective employers to purchase medical insurance for women migrant workers. All required pre departure HIV/AIDS testing or pre-departure health examinations must be respectful of the human rights of women migrants. Special attention should be paid to voluntariness, the provision of free or affordable services and to the problems of stigmatization.

*e. Travel documents*

States Parties should ensure that women have equal and independent access to travel documents.

*f. Legal and administrative assistance*

States Parties should ensure the availability of legal assistance in connection with migration for work. For example, legal reviews should be available to ensure work contracts are valid and protective of women's rights on a basis of equality with men.

*g. Safeguard of remittances of income*

States parties should establish measures to safeguard the remittances of women migrant workers and provide information and assistance to women to access formal financial institutions to send money home and to encourage them to participate in saving schemes.

*h. Facilitating the right to return*

States Parties should ensure that women who wish to return to their countries of origin are able to do so free of coercion and abuse.

*i. Services to women upon return*

States Parties should design or oversee comprehensive socio-economic, psychological and legal services aimed at facilitating the reintegration of women who have returned. They should monitor service providers to ensure that they do not take advantage of the vulnerable position of women returning from work abroad, and should have complaints mechanisms to protect the women against reprisals by recruiters, employers, or former spouses of the women.

*j. Diplomatic and consular protection*

States Parties must properly train and supervise their diplomatic and consular staff to ensure they fulfil their role in protecting the rights of women migrant workers abroad. Such protection should include quality support services available to women migrants including timely provision of interpreters, medical care and counselling, legal aid and shelter when needed. Where States Parties have specific obligations under customary international law or treaties like the Vienna Convention on Consular Relations, those obligations must be carried out in full in relation to women migrant workers.

### **III. Responsibilities specific to countries of transit**

States Parties through which migrant women travel, should take all appropriate steps to ensure that their territories are not used to facilitate the violation of the rights of women migrant workers. Measures that may be required include, but are not limited to, the following:

*a. Training , monitoring and supervision of government agents*

State Parties should ensure that their border police and immigration officials are adequately trained, supervised and monitored for gender sensitivity and non-discriminatory practices when dealing with women migrants.

*b. Protection against violations of migrant women workers' rights that take place under their jurisdiction:*

States Parties should take active measures to prevent, prosecute and punish all migration-related human rights violations that occur under their jurisdiction whether perpetrated by public authorities or private actors. States Parties should provide or facilitate services and assistance in situations where women travelling with an agent or escort have been abandoned, make all attempts to trace perpetrators and take legal action against them.

### **IV. Responsibilities specific to countries of destination.**

States Parties in countries where migrant women work, should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are not limited to, the following:

*a. Lifting of discriminatory bans or restrictions on immigration*

States Parties should repeal outright bans and discriminatory restrictions on women's immigration. They should ensure that their visa schemes do not indirectly discriminate against women by restricting permission to women migrant workers to be employed in certain job categories where men predominate, or by excluding certain female-dominated occupations from visa schemes. Further, they should lift bans that prohibit women migrant workers from getting married to nationals or permanent residents, to becoming pregnant or to securing independent housing.

*b. Legal protection for the rights of women migrant workers*

States Parties should ensure that constitutional and civil law, as well as labour codes provide to women migrant workers, the same rights and protection that is extended to all workers in the country including the right to organize and freely associate. They should ensure that contracts for women migrant workers are legally valid. In particular, they should ensure that occupations dominated by women migrants workers such as domestic work and some forms

of entertainment, are protected by labour laws including wage and hour regulations, health and safety codes, holiday and vacation leave regulations. These laws should include mechanisms by which to monitor work place conditions of migrant women especially in the kinds of jobs they dominate.

*c. Access to remedies:*

State Parties should ensure that women migrant workers have the ability to access remedies when their rights are violated. Specific measures include, but are not limited to the following:

(i) Promulgate and enforce laws and regulations that include adequate legal remedies and complaints mechanisms, and put in place easily accessible dispute resolution mechanisms, protecting both documented and undocumented women migrant workers from discrimination or sex-based exploitation and abuse.

(ii) Repeal or amend laws that prevent women migrant workers from using the courts and other systems of redress. These include loss of work permit that result in loss of earnings and possible deportation by immigration authorities when a worker files a complaint of exploitation or abuse and while pending investigation. States Parties should introduce flexibility in the process of changing employers or sponsors without deportation in cases of workers complaining of abuse.

(iii) Ensure that women migrant workers have access to legal assistance and to the courts and regulatory systems charged with enforcing labour and employment laws, including through free legal aid.

(iv) Provide temporary shelters for women migrant workers who wish to leave abusive employers, husbands or other relatives as well as provide facilities for safe accommodation during trial.

*d. Legal protection for the freedom of movement*

States Parties should ensure that employers and recruiters do not confiscate or destroy the travel or identity documents belonging to women migrants. States Parties should also take steps to end the forced seclusion or locking in the homes of women migrant workers, especially those working in domestic service. Police officers should be trained to protect the rights of women migrant workers from these abuses.

*e. Non-discriminatory family reunification schemes*

States Parties should ensure that family reunification schemes for migrant workers are not directly or indirectly discriminatory on the basis of sex.

*f. Non-discriminatory residency regulations:*

When residency permits of women migrant workers is premised on the sponsorship of an employer, or spouse, States Parties should enact provisions relating to independent residency status. Regulations should be made to allow for the legal stay of a woman who flees from her abusive employer or spouse or is fired for complaining about abuse.

*g. Training and awareness-raising*

States Parties should provide mandatory awareness-raising programmes concerning the rights of migrant women workers and gender sensitivity training for relevant public and private recruitment agencies and employers and relevant state employees, such as criminal justice officers, border police, immigration authorities, border polices, social service and health care providers.

*h. Monitoring systems*

States Parties should adopt regulations and design monitoring systems to ensure that recruiting agents and employers respect the rights of all women migrant workers. States parties should closely monitor recruiting agencies, and prosecute them for acts of violence, coercion, deception, or exploitation.

*i. Access to services*

States Parties should ensure that linguistically and culturally appropriate gender sensitive services for women migrant workers are available, including language and skills training programmes, emergency shelters, health care services, police services, recreational programmes, and programmes designed especially for isolated women migrant workers such as domestic workers and others secluded in the home, in addition to victims of domestic violence. Victims of abuse must be provided with relevant emergency and social services regardless of their immigration status.

*j. The rights of women migrant workers in detention whether they are documented or undocumented*

States Parties should ensure that women migrant workers who are in detention do not suffer discrimination or gender-based violence, and that pregnant and breastfeeding mothers as well as women of ill-health have access to appropriate services. They should review, eliminate or reform laws, regulations, or policies that result in a disproportionate number of women migrant workers being detained for migration-related reasons.

*k. Social inclusion of women migrant workers*

States Parties should adopt policies and programmes with the aim of enabling women migrant workers to integrate into the new society. Such efforts should be respectful of the cultural identity of women migrant workers and protective of their human rights in compliance with the Convention.

### *l. Protection of undocumented women migrant workers*

The situation of undocumented women needs specific attention. Regardless of the lack of immigration status of undocumented women migrant workers, States Parties have an obligation to protect their basic human rights. Undocumented women migrant workers must have access to legal remedies and justice in cases of risk to life or to cruel and degrading treatment or if they are compelled into forced labour, face deprivation of fulfilment of basic needs including in times of health emergencies or pregnancy and maternity, or if they are abused physically and sexually by employers or others. If they are arrested or detained, the States Parties must ensure that undocumented women migrant workers receive humane treatment and have access to due process of the law including through free legal aid. In this regard, States Parties should repeal or amend laws and practices that prevent undocumented women migrant workers from using the courts and other systems of redress. If deportation cannot be avoided, States Parties need to treat each case individually with due consideration to the gender related circumstances and risks of human rights violations in the country of origin.

## **V. Bilateral and regional cooperation:**

Measures that are required include but not limited to the following:

### *a. Bilateral and regional agreements*

States Parties who are sending, receiving and transit countries should enter into bilateral or regional agreements or memoranda of understanding protecting the rights of women migrant workers as elaborated in this general recommendation.

### *b. Best practices and sharing of information*

(i) States Parties are also encouraged to share their experience of best practices and relevant information to promote the full protection of the rights of women migrant workers.

(ii) States Parties should cooperate on providing information on perpetrators of the violations of the rights of women migrant workers. When provided with information regarding perpetrators within their territory, States Parties should take measures to investigate, prosecute and punish them.

## **VI. Recommendations concerning monitoring and reporting**

States Parties should include in their reports information about the legal framework, policies and programs they have implemented to protect the rights of women migrant workers taking into consideration sex and gender-based human rights concerns and guided by the recommendations given above.

Adequate data should be collected on the enforcement and effectiveness of laws, policies and programmes and the *de facto* situation of women migrant workers so that the information in

the reports is meaningful. This information should be provided under the most appropriate articles of the Convention guided by the suggestions given against all the recommendations.

## **VII. Ratification or accession to relevant human rights treaties**

State Parties are encouraged to ratify all international instruments relevant to the protection of the human rights of migrant women workers, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

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