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Gender and migration

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Introduction

International migration has become an established feature of contemporary social and economic life globally. It has both positive and negative features and opportunities for the countries and individuals involved. As a result, cross-border mobility has, in general, attracted a great deal of international policy attention in recent years. Two global reports were recently published (by the World Commission on the Social Dimension of Globalization in 2004 and the Commission on Human Security in 2003) that both placed migration issues firmly among their recommendations for a global policy agenda. Although not completely ignored, gender issues were not the focus of either report. By contrast, the recently launched (March 2005) report “Gender Equality: Striving for Justice in an Unequal World” by the UN Research Institute for Social Development (UNRISD) discusses a number of subject areas from a clear gender perspective, and one chapter is devoted to the issue of work migration. In addition, there are two UN reports focusing on women and migration: one by the Division for the Advancement of Women (2004); and the latest World Survey on the role of women in development by the UN devoted to the issue of ‘women and international migration’ (2004).

Scholarly research on migration has also changed considerably in the past decade, with women-centred research shifting more toward the analysis of gender. This change in focus reflects two important developments: 1. scholars have succeeded in bringing female migration out of the shadows in many disciplines; 2. migration is now viewed as a gendered phenomenon that requires more sophisticated theoretical and analytical tools than sex as a dichotomous variable. Theoretical formulations of gender as relational, and as spatially and temporally contextual have begun to inform gendered analyses of migration (Donato et al. , forthcoming).¹

The identification of gendered ramifications of migratory processes has meant greater attention has been paid by policymakers and scholars alike than has been done previously. There are a number of reasons why it is important to understand the economic and social ramifications of migratory processes. Among these, gender-differentiated population movements deserve particular attention because they act like a mirror for the way in which gender divisions of labour are incorporated into spatially uneven processes of economic development. In addition, an analysis based on gender highlights the social dimensions of migration. On the other hand, these cross-border movements – whether by women/men on their own or jointly with their spouses – have the potential to reconfigure gender relations and power inequalities. Migration can provide new opportunities for women and men to improve their lives, escape oppressive social relations, and support those who are left behind. But it can also expose people to new vulnerabilities as the result of their precarious legal status, abusive working conditions, exposure to certain health risks, etc. (UNRISD 2005).

Even where migration involves economic betterment for the individual concerned—obtaining a job in another country, and earning a wage that may be much higher in real

¹ For a detailed summary and classification of existing theoretical and analytical approaches to ‘gender and migration’, see Carling (2005).

terms than what was available at home—the successful migrant may be subject to deep gender, ethnic and racial discrimination in the host country. Although the bulk of both female and male migrants occupy the lowest jobs at the destination due to their migration status and skill level, gender inequalities frequently combine with those of race/ethnicity, and of being a non-national, to make many migrant women “triple disadvantaged”, and most likely to be over-represented in marginal, unregulated, and poorly paid jobs. Qualifications may not be recognised, skills may be eroded by working in jobs that are below acquired skill levels, access to social rights may be heavily constrained, and the migrant may be subject to sexual and racial harassment. But at the same time several studies have explored the *contradictory* class positioning in which some labour migrants find themselves. This results from the simultaneous experience of upward and downward mobility in migration which is not necessarily the same for men and women. Discrimination, loss of status, and erosion of skills in destination areas may be combined with upward mobility at home, as remittances are invested in small businesses, housing, and children’s education.

In addition, it is important to underline the fact that developed country policies often create stratified patterns of migration, by selectively opening up their economic routes of entry and providing differential rights and entitlements according to the migrant’s apparent utility to the economy and his/her social esteem. Hence, 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. What is important to understand are the key axes of differentiation and stratification. Some of the crucial axes demarcating the bundle of rights are those between “skilled” and “unskilled”, and the “legal” compared to the “illegal” or undocumented. The two are connected since the lesser skilled are far more likely to slip into an irregular status during the migration process. In turn a migrant’s position in relation to these axes influences access to the entitlement of family reunification (Kofman 2004; Boyd and Pikkov 2004).

It is important to know how women circulate differently from men, and how their modes of entry tend to be different which impacts upon their place within the labour market and access to social services. In both North America and Western Europe where ‘family reunification’ is an important mode of entry, migrant women often enter as wives and dependents of men who sponsor their admission, and they are usually less likely than men to enter on economic and humanitarian grounds. However, the effects of gender stratification do not end there. In addition, many migrant women (regardless of their mode of entry) do engage in paid work, but like their native-born counterparts, immigrant women face a gender-stratified labour market where they frequently find themselves in the bottom strata. Also, the disengagement of many governments from the provision of social benefits has been accompanied to some extent by diminished entitlements available to all residents, and by moves towards stratified entitlements according to the legitimacy of perceived membership in the nation-state. Legal residency, gender and race all can be used as stratifying, exclusionary criteria in these circumstances. Gender, class, and race/ethnicity biased policies, regulations and practices further increase the risk to migrants’ human security and rights.

On the whole it can be said that although policies governing the different categories of migrant workers are expressed in gender-neutral terms, in reality they affect men and women differently for three principle reasons: firstly, the concentration of men and women in different migratory flows based on gender segregated labour markets; secondly gendered socio-economic power structures; and finally socio-cultural definitions of appropriate roles in the origin as well as destination countries.

This paper discusses the main issues that have been highlighted in the literature on gendered migration in the context of eight broad themes set out by the Global Commission on International Migration (GCIM): 1. migrants in the global labour market; 2. migration, development and poverty reduction; 3. irregular migration, state security and human security; 4. migration, development and poverty reduction; 5. migrants in society; migration and human rights; 6. migration and health; 7. the legal and normative framework of international migration; 8. governance of migration.

Scale and general patterns of gendered cross-border flows

Global estimates by sex confirm that for more than 40 years since 1960, female migrants reached almost the same numbers as male migrants. By 1960, female migrants accounted for nearly 47 out of every 100 migrants living outside their countries of birth. Since then, the share of female emigrants among all international migrants has been rising steadily, to reach 48 percent in 1990 and nearly 49 per cent in 2000. By 2000, female migrants constituted nearly 51 per cent of all migrants in the developed world and about 46 per cent of all migrants in the developing countries (ILO 2003: 9).

Just as women's economic contribution to their families and communities has become increasingly significant, so too has women's presence in migration flows. This is reflected in the increasing percentages of women in migration flows to all world regions.

Box 1					
Percentage of female migrants among the total number of international migrants, by major area, 1960-2000					
Major Area	1960	1970	1980	1990	2000
World	46.6	47.2	47.4	47.9	48.8
More developed regions	47.9	48.2	49.4	50.8	50.9
Less developed regions	45.7	46.3	45.5	44.7	45.7
Europe	48.5	48.0	48.5	51.7	52.4
Northern America	49.8	51.1	52.6	51.0	51.0
Oceania	44.4	46.5	47.9	49.1	50.5
Northern Africa	49.5	47.7	45.8	44.9	42.8
Sub-Saharan Africa	40.6	42.1	43.8	46.0	47.2
Southern Asia	46.3	46.9	45.9	44.4	44.4
Eastern and South-eastern Asia	46.1	47.6	47.0	48.5	50.1
Western Asia	45.2	46.6	47.2	47.9	48.3
Caribbean	45.3	46.1	46.5	47.7	48.9
Latin America	44.7	46.9	48.4	50.2	50.5

Source: H. Zlotnik, "Data Insight The Global Dimensions of Female Migration", in United Nations, International Migration Report: 2002. No. E. 03. XIII. 4 (New York, United Nations, 2002).

These global trends indicate new developments in terms of the scale of international migration and entry of women into migration streams that used to be dominated by men (i. e. women as independent migrants and main income earners) (UN World Survey 2004). Yet, statistics on international migration by gender that make it possible to identify the characteristics of migrants are scarce as well as uneven across countries. Moreover, much of the available data refers to stocks rather than flows. Inevitably most surveys also underestimate those entering in an irregular manner and the undocumented as well as the extent of transient circulation (Kofman 2004). The undervaluing of women's labour (e. g. domestic labour) and restrictions on their right to work, and involvement in activities that are deemed to be criminal offences or against public order (e. g. prostitution) means that a higher proportion of women are statistically invisible and are, or become, undocumented. Gender, however, should not be limited to statistics broken down by sex, but raise our awareness about broader social factors that influence women's and men's roles, access to resources, facilities and services (UNRISD 2005).

Place within the labour market and type of job is also linked to mode of entry and immigration policies. In Europe, North America, Australia and New Zealand, migrating under the family reunification category is still clearly dominated by women, and there is evidence of women encountering difficulties finding work commensurate with their qualifications once they entered as 'dependent spouses'. However, in the EU as elsewhere, increasingly more and more women are entering in search of jobs. The 'traditional settler' countries are experiencing a new trend toward admitting increasingly numbers of temporary skilled/business migrants, and this category is clearly dominated by male migrants (and in Australia, men from English speaking countries) (Khoo et al. 2005). Among student migrant population, however, there is an almost equal gender balance, but it is unclear what the gender break-down is of those who remain in the countries of study by switching their student status to a work permit after graduating.

In Europe, women predominate in migratory flows from Eastern Europe, Latin America and the Philippines. In 2002, the proportion of legal migrants to the US was 54%. In Southeast and East Asian countries that admit migrants exclusively for temporary labour purposes, the share of independent women in the labour migration flows has been increasing sharply since the late 1970s (ILO, 2003: 9), and in some cases women clearly dominate over their male counterparts. The Philippines have now surpassed Mexico as the world's largest labour exporting country. South Asia is mainly a labour exporting sub-region where women's (official) mobility is subject to serious restrictions (with the notable exception of Sri Lanka). Hence, countries such as Bangladesh predominantly send male migrants.

The feminisation of labour migration seems least evident in Africa, although the proportion of female migrants is also increasing, but with sub-regional differentiations: Southern Africa, e. g. has the lowest percentage of female migrants. Intra-regional migration can be broken down into long-range/longer term and short-range/short-term migration streams, whereby men still dominate the former. The percentage of women crossing borders into neighbouring countries for trading is larger and so is the rate of women participating in inter-regional migration. This pattern seems to be similar in Latin

America. It therefore depends not only on types of jobs and available mode of entry whether or not women make up substantial numbers in international migration streams, but also on socio-cultural factors.

Migrants in the global labour market

Changing labour markets globally have increased both opportunities and pressures for women and men to migrate internationally in larger numbers. Their labour market positioning and experiences have to be analysed in relation to gender segregated labour markets in the countries of origin as well as destination. In addition, the rising number of independently migrating women in these streams has been referred to as ‘feminisation’ of migration. This ‘feminisation’ is sometimes characterized by an over-representation of women migrants in extremely vulnerable positions (ILO 2003) and to a large extent linked to the ‘feminisation of poverty’.

Contemporary changes in the economic sphere – attributed by many scholars to the global trend towards neo-liberalism (e. g. Gills and Piper, 2002) – experienced by many countries has resulted in an increasing burden being placed upon women on account of rising male unemployment, the reduction in demand for male labour due to economic slowdowns of certain sectors, and the shift in economic emphasis to the service industries in countries of origin as well as destination. Studies conducted in the context of Latin America and Europe have observed the decline in female inactivity versus the growth in the inactivity of men in the domestic labour market (Farah et al. 2002), resulting in one point of convergence between home-state (i. e. non-migrant) and migrant women: their growing economic activity as part of the general feminisation of the workforce, albeit accompanied by re-growth of inequalities and insecurities as the result of the informalisation of many sectors (Chaib 2003). Yet, the opposite trend has been observed in the case of women from Eastern Europe: the changes during the 1990s led in fact to a loss of local employment for women who had experienced a high labour force participation rate during the communist period (Kofman 2004). This lack of opportunities has increased the push to migrate for these women.

There are also qualitative differences between home-state and migrant women at the destination. The significant increases in female labour force participation of home-state women across the OECD countries, as well as in certain destination countries in Southeast/East Asia (such as Hong Kong, Singapore, Taiwan) and in Latin America (e. g. Costa Rica, Argentina), has created a need for social services, especially where mothers of young children work full-time. Most migrant women thus tend to be concentrated to a greater extent than their home-state peers in non-skilled personal service work. Globally, most women migrants generate income through jobs which are considered unskilled, are poorly paid and often performed in the domestic/private domain or related to the expansion of the service industry – all jobs that tend to be looked down upon socially and devalued economically. By contrast, male migrants classified as unskilled are to be

found in construction, mining (as in South Africa) and agriculture², i. e. in sectors which tend to be more either more regulated or more visible (Garcia et al. 2002). At the same time, agriculture and construction (especially where it is structured by a sub-contracting system) are sectors with large numbers of undocumented migrants who are as a consequence of their 'illegal' status rendered invisible (Kahmann 2002; Bell 2004). This suggests that one should investigate discrimination and exploitation not only according to gender but also to labour market sector. In addition, there are other sectors where migrant labour predominates over home-state workers which are under-researched, such as restaurant/hotel (Kofman 2004). Another aspect adding to the invisibility of migrant labour is, thus, lack of research.

Despite the overwhelming presence in unskilled job categories, two trends in contemporary labour migration have intensified, both involving male as well as female migrants: *diversification* (more source and destination countries; more skill levels/different occupations) and *polarization* (between skilled and unskilled migration) resulting in an ethnic stratification among migrants. For instance, in Costa Rica it is Nicaraguan women who perform the lowest income jobs at the bottom of the job hierarchy, whereas migrants of other nationalities are mainly comprised of middle class individuals (Garcia et. al. 2002). In Australia, the temporary business visa goes mainly to the highly skilled from English-speaking countries in the global north (Khoo et al. 2005), and in Europe EU-nationals constitute the most privileged migrant workers. Out-migration from South Africa is dominated by white professionals whereas incoming unskilled migrants are from neighbouring countries (Dodson 2002). The overall proportion of skilled women, however, is still far lower than that of their male counterparts. Thus both skilled and unskilled female migrants being typically incorporated into a gender segregated labour market internationally in the same manner as nationally. In addition, both streams (skilled and unskilled) are further stratified along ethnic lines.

Globally, it is the case that most women who migrate in the unskilled category labour as domestic or care workers, so-called 'entertainers', in manufacturing (esp. garment) and to a lesser degree in agriculture (in manufacturing, male migrants are often part of higher management levels and women concentrated at low levels; see Dias and Wanasundera 2002). In Southern Africa, unskilled women tend to be petty traders who typically are pendular³ migrants (Dodson 1998). In France and Italy, e. g. , over 50% of migrant women are believed to be engaged in domestic work (ILO 2003:11), and in Spain domestic service is the main and almost obligatory gateway for 63% of non-Community foreign women (Colectivo Ioé 2003) – a situation not so different in Canada and its 'live-in-caregiver' programme also (McKay 2003). Domestic work is also the single most important category of employment among women migrants to the Gulf States, as well as to Lebanon and Jordan (Esim and Smith 2004).

² Men dominate in agriculture in North America, but not in Southern Europe where this sector is in fact female dominated (Kahmann 2002).

³ These are migrants who cross international borders only for a very short period and then return to their origin community; this usually happens on a daily or weekly basis.

Whilst the majority of female migrants fill the less skilled jobs upon entry, they are not absent from the ranks of the skilled. Skilled migration is heterogeneous in its gender divisions, occupations and conditions of work (Iredale 2004). Men overwhelmingly form the mass of those moving within transnational corporations and in the Information Technology and Scientific sectors (HRST), upon which the notion of the highly skilled and the knowledge society has been constructed (OECD 2002). Other male migrant dominated professions are accounting and engineering. Within national workforces fewer women have been entering IT sectors but for migrant women, this is often compounded by the work demand for constant physical mobility and flexibility between different places amongst software specialists (UNRISD 2005). This raises questions about the gender implications involved in the accreditation and recognition of skills. Furthermore, it can be a gendered demand structure that explains the dominance of a certain sex in specific migration streams. For example, 88% of the Green card permits in Germany in 2000 were taken up by men (SOPEMI 2001), with the vast majority of scientists from Eastern Europe where there are almost as many women in the same profession (thus the gender imbalance does not necessarily already exist in the sending countries). According to a study carried out by the Equal Employment Opportunity (EEO) Trust in New Zealand, skilled female migrants have been reported to be subject to ethnic/racial discrimination when seeking employment (Basnayake 1999).

Skilled women have globally tended to go into what can be broadly classified as the welfare and social professions (education, health, social work) – traditionally female jobs. Nursing is the most female dominated sector, with 90% or more of the nursing workforce being comprised of women (Buchan and Calman 2004). An analysis of UK work permit data for 2000 showed that sectors with high proportions of female staff constituted some of the fastest growing sectors of migrant employment. All professional health occupations and education are currently posted on the Work Permits UK website as priority areas, unlike IT which has been demoted. Recourse to foreign nurses in response to the crisis in nursing has constituted a truly global labour market, especially in the UK and Ireland, as well as in Canada and the US. Above all, it is the Philippines which supplies the overwhelming number. Ireland too has become heavily dependent on overseas nurses with Filipinas supplying the largest contingent (UNRISD 2005).

Migrant women's integration into the labour market

Indicators of immigrant women's labour market marginality include lower labour force participation, low status occupations and jobs, poor working conditions, and low earnings. In North America foreign-born women were the least likely of all groups, defined by birth-place and gender, to be in the formal labour force in the 1990s. In northern Europe too the average rate of participation in the labour force of migrant women (excluding citizens of migrant origin) is lower than for national women but has increased substantially during the 1990s. While some of the disparity between groups may be explained by such factors as greater numbers of children in immigrant families and cultural-conditioned choices with regard to female employment, these rates are also partly reflective both of difficulties in finding employment among recently arrived

women, and the quality of employment on offer. This is thus related to women dominating in the immigration category of family unification, and refugee women finding it particularly difficult to enter the labour market. Within each country there are also large variations between nationalities (Kofman 2004).

While immigrant women, including those from the developing world, are present among highly skilled workers, they are disproportionately visible at the bottom rungs of stratified services, retail and manufacturing sectors. In the US there are variations by ethnicity or race, with African, Latin American, or Hispanic groups most likely to be in low skill jobs (Boyd and Pikkov 2004). In Australia, migrant women from South Asia and Southeast Asia had better qualifications and higher English language ability than the Northeast Asian and Pacific Islander women (Khoo et al. 2005). In Germany and Austria, Eastern European women typically perform cleaning and domestic work; in France women of African and Asian origin are far more likely to be assigned dirtier work and where they are less likely to come into contact with clients (Chaib 2003). But even within a specific sector, there are stratifications by nationality, religion, race and language skills resulting in different conditions and pay. This is particularly noticeable in Southeast and East Asia with regard to domestic work, where Filipino domestic workers (unlike their Indonesian and Sri Lankan counterparts) generally get the best deals being regarded the most valuable and prestigious workers, being well educated, English speaking and Christian (Yamanaka and Piper 2004).

As welfare and social professionals, migrant women are often forced to accept subordinate and less secure employment. Studies on international nurse recruits in the UK and Canada have shown that many felt their skills were not appreciated or respected and that they faced considerable degree of downgrading. Furthermore experiences varied considerably between the National Health Service, judged in more positive terms, and the private independent sector where they were frequently used as care assistants (Kofman 2004, Boyd and Pikkov 2004). Whilst the most publicised, nurses are not the only area of shortages. In the UK, for example, overseas doctors (non-EEA qualified) form a large percentage of the medical labour market; in 2000 they constituted 26% of the hospital medical workforce. Most women had come to obtain further qualifications and training, and were, as with male doctors, in the lower and middle grades. In an increasingly feminised occupation, women form a significant proportion of migrant doctors with over half of those seeking registration with the General Medical Council in 1998 being female.

As mentioned above, domestic work and care in households constitutes together with nursing the most female dominated sector.⁴ The most widespread problems with domestic work are the low pay and long working hours, the inferior positions of domestic workers and highly personalized relationships with employers which make it difficult for workers to receive their agreed pay or get time off. The health and safety situation in the home is not satisfactory, and if they are ill they do not get paid and may even lose their

⁴ Male domestic workers do exist, but their numbers seem small. There is some evidence that they perform the same jobs as female domestics (Shinozaki, n. d.) but also different (e. g. garden work and vehicle maintenance rather than cooking and cleaning; see Pe-Pua 2004). Little research exists on male domestic workers.

jobs. Psychological, physical and sexual abuse are common. Domestic workers not considered a competitor in employment market which is a sector shunned by local women because of its social stigma. Thus, what we observe is not only the feminisation of an entire sector, but also the connections between sexism and racism (Lazardis 2003). Reforms in France aimed to professionalize domestic service sector have shown limited results (Scrinzi 2003: 88)⁵.

Research also highlights the significant degree of deskilling and disqualification that many migrant women with full high school and even university degrees experience. This seems to apply particularly to women from the Philippines, Eastern Europe and Latin America. Many of these women may have entered the host country as a student or a tourist and then over-stayed. Likewise, better educated migrants often opt for any channel that will secure a position overseas, with domestic work being the most obvious. One of the clearest examples of “deskilling” to be found in the literature are female domestic workers in Hong Kong and Canada (Skeldon 2004; McKay 2003). Related to this are two other factors which affect all highly-trained immigrant workers in e. g. Canada, including nurses: the devaluation of educational credentials received abroad through licensing and re-certification requirements of professionals. Regulated occupations, such as those in certain trades, law, engineering, and health areas, require certification and/or licensing, primarily through professional associations, often based on government statutes. While the purpose of licensing and certification is to assure public health and safety, these practices also are the defining characteristics of segmented labour markets which create monopolies on products and/or services by controlling labour supply. In Canada, certification requirements are often described as a form of systemic discrimination, in that criteria are created which are applied to the Canadian-born and foreign-born alike, but which disproportionately restrict the access of the foreign-born to trades or professions. Devaluation of education credentials becomes part of this systemic discrimination when professional associations do not recognize foreign degrees as equivalent to those obtained within the country. Deskilling is not only experienced by women, but also by men, such as Chinese in Canada (Salaff et al. 2001), although it appears that women’s loss of status is more related to social recognition of career paths (Salaff and Greve 2003). There is also anecdotal evidence of Filipino doctors re-training as nurses to obtain overseas employment as there is a more pronounced shortage of nurses than fully qualified doctors. What the gender break-down is of such doctors is not known.

Another area migrant women have ventured into is entrepreneurship. Women often use this as a way out of “no point” jobs; to gain independence from exploitative practices and threat of deportation. Working flexitime gives them a better chance to combine work and family responsibilities (those married to locals). Immigrant women, thus, gravitate

⁵ It seems that it is more common in France for EU-nationals (French, Spanish, Portuguese) to work as domestic workers than it is the case in other EU countries. At the same time, domestic work is also an area of employment for non-EU migrant women. As a result, a two tier system has emerged: on the one hand a professionalized domestic service with employment rights and skills recognition (where EU nationals work), and on the other, an employment of undefined responsibilities and hours where skills and experience are not recognized and employers pay below the minimum wage.

toward self-employment because of a lack of alternatives, blocked mobility, and inability to find a job that fits their skills. Among the problems they encountered are: complicated procedures; no information about potential sources of help; lack of fluency in local language; everyday racism (Lazardis 2003). This type of work has been increasing especially in Southern European countries. One area where still little research has been conducted is community and inter-cultural level and range of activities such as advocacy, mediation, interpreting and general community work. Also, the professional aspirations of women who entered under family unification scheme are very much unknown based on the assumption that they are trailing wives and not workers (Kofman 2004).

Migration, development and poverty reduction

The linkages between development and migration have received increasing attention by international institutions and donor agencies alike. Migration has historically represented a major development opportunity and does so still today (World Commission 2004). With approximately half of all migrants being women, the impact of financial and social remittances – and ultimately on development - is presumably mediated by gender relations. In fact, it has been suggested that gender dimensions of migration are salient to the achievements of the Millennium Development Goals (Murison 2005). In this sense, there is a need for bridging ‘gender and migration’ with ‘gender and development’ perspectives.

The debate revolving around migration’s impact on development and poverty reduction usually aims to propose policy which encourages “fairer flows of people, money, skills and knowledge” by minimising negative impacts of emigration on developing countries⁶ On the whole, there has been a lack of research regarding access to emigration opportunities from a poverty or equality perspective. From the data that do exist, findings suggest that for instance migration has become a ticket out of poverty (as in Mexico) but has resulted in increasing inequality between the migrant and non-migrant population (as in Pakistan) (Tamas 2003).

Current thinking by policymakers and donor agencies in developed countries as well as among many academics is to view migrants as potential agents of development by not only sending remittances but also returning with newly acquired skills and valuable knowledge to their country of origin. Yet, most existing analyses of the migration-development nexus still focus exclusively on *economic* development in the countries of origin, and there is a clear lack of research on the impact of migration on broader *social* development as it relates to issues of education, health, social welfare, political participation and the link between social development and democratisation of human relations (anti-discrimination in terms of class, caste, and gender).

Recent research on remittances has taken a positive view of the overall volume of remittances celebrating migrants’ role as ‘agents of development’ in connection with the formation of ‘diasporas’ or ‘transnational communities’. What has been largely ignored

⁶ See background paper by Sriskandarajah, Global Commission on International Migration, 2005.

is the heterogeneous (and fluid) nature of such migrant communities based upon types of visa/legal status, destination country's policies, and gender.

As inspired by Murison (2005), the remaining sections attempt to capture the gender dimensions of migration and development by investigating two relevant themes: 1. the migration journey; and 2. resource flows.

Migration journeys

The migration process involves three main phases: pre-departure, stay at the destination and return. Although the principle driver of international migration appears to be relative poverty, this not always or not simply so. Gender discriminatory practices and attitudes in the pre-migration phase play a significant role also. Women's employment opportunities, educational levels, health care and other services in their home communities are often less well advanced or provided for than in the case of men. In addition, there is often no, or only insufficient, safety nets for women who are single beyond an age at which it is expected of them to get married; for single mothers; and women who are divorced, separated or widowed. For men and women, an emerging 'culture of migration' that functions almost like a 'rite of passage' to social recognition, as it has been suggested in the case of the Philippines, is another element that pushes especially men into migration. In this sense, it is economic *and* social development that is the best long-term solution to lower the pressures that push people into migration (UN 2004). From a gender perspective, socio-cultural aspects are very important because – although clearly related to an economically weaker position - negative attitudes towards divorced, widowed, childless or single women also contribute to a stronger push into out-migration than that experienced by men. All of this impacts upon the level of choice that women have – as to whether to migrate at all, by which means, to which destination, and for what kind of employment. Restrictions on travel of unskilled women, as in Bangladesh e. g. , seem to have the effect of restricting the positive impact on national development and increasing illegal flows.

Research has shown that although overseas migration has raised the standard of living of individual families, most overseas workers have no substantial savings despite years of working abroad and are often caught in the debt trap. They are lacking skills and relevant information. This is now gradually being addressed by non-governmental organisations' (NGO) activity at the destination, and in certain contexts simultaneously at the origin as well. But the question is whether these new programs meet the interests and needs of individual migrants, how male and female migrants are able to translate these into successful 'action' related to social and economic development, and how governments respond by creating enabling environments that are sensitive to gender differences.

To maximize the development impact of migration, a holistic approach to the migration process needs to be taken. Pre-departure and in-country training on rights, savings, financial instruments etc. is something both men and women benefit from. Recent studies from the Philippines have shown that many returned migrants do not know about

the supporting infrastructure in place and that there are agencies such as the Department of Trade, the Commission on Overseas Filipinos etc. , and even governmental financial institutions, that have facilities and loanable funds that can be tapped for small business ventures. ⁷ Post-return support, advice and services accessible to women and men are critical.

Migrant returnees can be categorised in a number of ways, with one sub-group being comprised of premature returnees who have given up overseas employment for a number of reasons. While attention paid to the post-migration phase by policymakers and scholars alike is generally very much less than to the other stages in the migration cycle, premature returnees are a totally neglected category of migrant workers (Jayaweera et al. 2002). Women are said to return often prematurely for family reasons, but far too little is known about this phenomenon. If premature return was quite widespread, it would seriously reduce any developmental impact. Support structures might need to be put in place for the families left behind to reduce the pressure on early return.

Resource flows

This involves resources sent or brought back by the migrants, and resources needed by migrants themselves as well as their families. The former revolves around social and economic remittances. Much remittance research stems from a concern for economic development. It is not surprising, then, that the interest in the issue of migration and development has mainly centred upon determining the volume and assessment of the contribution to local development through investments in productive activities etc. But most remittance studies do not take a gender approach and have not questioned the decision-making processes involved in remittance behaviour.

Gendered aspects of remittances can be approached from the senders' as well as recipients' perspective. It has been argued that gender affects the volume of remittances, with women sending more than men, but this very much depends on other elements such as migrants' marital and migration status as well as age (UN 2004). Temporary migration seems to result in higher flows of remittances than permanent migration, and unskilled and semi-skilled migrants tend to generate more remittances than highly skilled and professionals whose numbers are anyway much smaller (Ramamurthy 2003). As shown in the previous section, women tend to participate in larger numbers in the temporary and un/semi-skilled migration flows. In this capacity, they also tend to earn less than the average male migrant.

In terms of the recipients of remittances, there seems to be evidence that women tend to use the funds in a more conducive way⁸. There seems to be some evidence that elderly men

⁷ See article by the Economic Resource Center for Overseas Filipinos (ERCOF) entitled "The Development Potential of Migration"; available on the internet (<http://www.philsol.nl/org/ercof/DevPotential-mar00.htm>; downloaded March 10th).

⁸ The content of this paragraph heavily draws on the discussion at the Workshop on Gender Dimensions of International Migration, 23-24 March 2005, at the GCIM, Geneva.

receive lower amounts than elderly women, but it is unclear whether this renders elderly men more vulnerable as they might have their own resources elsewhere. It has also been suggested that once migrant women marry, their remittances shift from their own families to that of their husbands' in patriarchal societies. A study has shown that married men give less than 20% 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. More recently, however, it seems as if some women have started to keep more of their remittances due to their husband's abuse of these funds. This might to some extent also be related to training programs by NGOs that are to improve migrants' "financial literacy".

Although it is hard to assess the financial impact of migration on sending countries, this might be even harder in the context of their social impact. It seems safe to say that social and economic remittances both tend to trigger significant changes in social relations within communities and families. Families are not an undifferentiated unit, but a site of struggle over distribution of resources (Murison 2005). Thus, the impact of both financial and social remittances is mediated by families and gender relations. However, there is a need for longitudinal studies to find out how deep the impact of migration on gender relations actually is – especially in the context of contract overseas migration where the migrant spends only a few years abroad. To assess the effects of remittances one also has to look at the recipients of remittances from a gender perspective. A study from Honduras suggests that many such recipients were middle-aged or elderly women with hardly any schooling and high levels of illiteracy who had no financial skills (UN 2004:27-28).

With regard to acquiring skills while working overseas, the situation is less optimistic for those in the category of 'unskilled migrant workers' who tend to be on temporary contracts. With regard to women, studies have shown that only a few of them were in the labour force *after* migration. They had had minimal skills before migration and had not acquired additional marketable skills that could be used to generate an income upon return. What has been observed as a positive outcome of migration, however, is social empowerment – i.e. the confidence gained by many returning women in managing their lives and their increased decision making power in the family. Unfortunately, their re-absorption into families takes often place in total isolation from state or NGO services so that this newly gained sense of achievement might not last long by not being translated into any sustained form of empowerment (Jayaweera et al. 2002).

Another issue is that of resource support offered to the families where one or both parents are overseas. There is some evidence of left-behind fathers receiving special support (as in Sri Lanka) which seems to be based on findings that children tend to be more neglected by 'stay at home fathers' than mothers (e. g. there is evidence that they sometimes do not get immunized when their mothers are absent or become absentees at school). Left-behind mothers, on the other hand, often do not receive any kind of support which would suggest that resources are more spent on men. But both groups – left-behind mothers and fathers – might be in need of different types of support and this

deserves investigating. Similarly, premature returnees might need different types of support than longer term migrants who have fulfilled their contracts and might have more resources as a result.

A completely under-researched issue is the effect of sending remittances on female and male migrants' own socio-economic development while abroad. The sole objective (and possibly pressure) of earning as much money as possible in a short period of time might severely curtail the potential for personal development of the migrants while abroad.

Diasporas

The recent trend towards encouraging diasporas⁹ to invest in business and manufacturing activities in their countries of origin has not sufficiently been looked at through a gender lens. Diasporas are, however, not a homogeneous entity but can be highly heterogeneous according to class, ethnicity, and gender. To date, little is known about differences between men and women's role in diasporic initiatives in any systematic manner and the impact that such differences might have on gender relations in the country of destination and origin (such as that expatriate women might show more concern that female headed businesses 'at home' are included in investment opportunities, UN 2004). Not only are the activities of migrants' associations and their role for local community development an under-researched topic as observed by Tamas (2003), but women's role in diaspora associations is unclear. It has been suggested that home town associations by Latin Americans in the US are highly male dominated, but there are professional associations such as those by nurses or philanthropic and other associations where women might have a more prominent role. But how these latter contribute to the country of origin's development has not been explored sufficiently.

In the context of temporary contract workers or the undocumented who are more likely to return home after a relatively short period of time abroad, one type of initiatives that is aimed at breaking the self-perpetuating circular or recurrent migratory flows are recently developed reintegration programmes launched by NGOs (mainly in Asia, it seems). In the case of foreign domestic workers, NGOs have attempted to empower migrant women in the economic sphere through such complex reintegration programmes whereby the women contribute part of their earnings to a communal saving scheme to create sustainable economic alternatives on return. Filipino organisations, particularly those based in Asia, seem to be at the forefront of developing such programmes (Gibson, Law and McKay 2002; Villalba 2000). In many instances, members of diasporas are involved in these programmes. How effective this strategy is, and to what extent it benefits migrant women and impacts upon gender equality in the long term, is yet to be seen.

⁹ It should be noted that the concept of 'diaspora' in the context of development and migration is highly contested, but it not the objective of this paper to engage with this debate.

Role of donor agencies

The complexity of the relationship between migration and development means there is no single, one-size-fits-all solution in terms of policy (Skeldon 2004). To maximize the overall development impact, it is critical to put in place pre-departure and post-return support, advice and services that are accessible to, and cater for the needs of, different groups of male and female migrants. Donor agencies have a role to play by, for instance, supporting NGO initiatives.

A recent evaluation report has observed that theoretical perspectives favoured by many staff of donor agencies (esp. economic growth models) are notoriously unaccommodating to a gender perspective. It is suggested that poverty alleviation and women's empowerment models maybe more useful. Migration activities or interventions by donors should be designed and assessed from the viewpoint of women's rights and gender equality (Murison 2005). Co-development policies aimed at involving migrants as active actors of development are seen as having potentially an empowering impact on women through promoting their financial independence and enabling them to exercise their rights more effectively (Council of Europe 2004). This needs to be translated into a concrete rights-based approach to development that includes the mainstreaming of a gender and rights perspectives into all migration interventions.

Irregular migration, state security and human security

Irregular migration, organized crime, and state sovereignty have for quite some time been the subject of highly politicised debates. Human smuggling and trafficking are part and parcel of these debates, being often treated the same as irregular migration and thus viewed by destination countries as a major security concern. Despite the dearth of reliable data, there is a widespread view that the majority of the victims of trafficking are women and children, and there has been an increase in international attention, often expressed in anti-trafficking programmes aimed to address this global problem. Government initiatives typically focus on the criminal rather than human rights aspects. The elimination of trafficking will, however, not be achieved through legislation and increased border control alone, but more so by addressing the root causes to do with the improvement in the socio-economic status of the population at the origin (Skeldon 2000). Poverty is a crucial factor, but socio-cultural vulnerability and discrimination (experienced worst by marginalised groups) are equally important. It is gender-based discrimination that contributes to making women particularly vulnerable to trafficking for the purpose of sexual exploitation, and age-based discrimination that makes children so (Bessell 2004).

At the same time, more awareness is being given to the gravity of trafficking for labour exploitation involving forced labour of both men and women. But there seems even less evidence of such types of trafficking than there is concerning sexual exploitation, with the latter having caught the spotlight despite bits and pieces of information being generated from Central, Eastern, Western Europe, the Middle East, Asian countries and

the US on the former. Chronic labour shortages in agriculture and horticultural industries as well as construction and sweatshops in many developed countries which practice strict immigration policies are bound to result in abusive conditions associated with trafficking and smuggling. Yet, there are few NGOs involved in trafficking for labour exploitation and even labour unions have not given this any priority. However, some recent reports have in fact given attention to the trafficking of male victims, even suggesting that adult males are the primary victims of trafficking in certain regions and contexts (Plant 2002:61).

Demand and supply structures are thus closely interrelated in creating this broad problem of irregular migration. This has serious implications for migrants' human security in general and women's in specific.

The migration-trafficking nexus

Although clearly also a domestic problem, trafficking in humans cannot be divorced from the issue of broader cross-border migration patterns and policies, as well as specific characteristics that have been widely acknowledged as global phenomena: the 'feminisation' and 'illegalisation' of labour migration. In some regions, such as Asia, the stock of undocumented migrants is said to be at least equal if not higher than that of legal labour migrants (Wong, forthcoming).

In most of the existing literature, trafficking is overwhelmingly related to the increasing demand and supply of mainly women in the sex industries. In addition to prostitution, the 'trade in brides' as well as domestic work has also been included in the discussion of trafficking. The overtly inflated estimates on women involved in trafficking, however, has been challenged by increasingly more research which finds that many women are fully aware of the jobs that they are to carry out (Augustin 2005; Freedman 2003). What many of these women do not know are the conditions of employment that await them at the destination. Also, the reasons for women's involvement in sex work have been found to go beyond purely economic factors, including the desire to reject and defy gendered societal norms, the seeking of adventure, independence from family restrictions and to become 'modern'.

Existing studies on trafficking issues can be divided into two broad categories distinguishing those coming from a sexual violence perspective (and thus with a focus on commercial sexual exploitation) and those taking migration as their starting point (the latter can be further subdivided into gender and non-gender analyses). Both perspectives agree on the exploitative and abusive practices, often making reference to human rights violations, but the former perspective typically results in an alarmist tragic victim discourse, whereas the latter tends to look at practical measures which can be used to combat exploitation – one of which is the promotion of rights of sex workers. The disagreement on the definition of the problem has implications for assessing the extent of trafficking in numerical terms. As a result, recommendations and suggestions for solutions to tackle trafficking also tend to differ.

Scholars coming from a sexual violence perspective exclusively focus on women and children, whereas those writing from a migration perspective also acknowledge the possibility of trafficking taking place in non-sexual contexts and, thus, including male victims. However, despite this recognition by those latter authors who take a broader perspective, very little concrete research has been carried out that would have either a clear focus on these other (non-sexual) types of trafficking or that would offer a comparative analysis of trafficking in a ‘non-sex trade’ context with trafficking for the purpose of sexual exploitation. Invariably, it is commercial sexual exploitation that ends up being the main subject of theoretical and empirical works (Piper, forthcoming). This begs the question as to why that is so. Part of the answer seems to be that trafficking research has been dominated by feminist approaches – which explains the focus on sexual exploitation of women and children - and the enormous gains and influence achieved by the political activism of the feminist movement that managed to place ‘violence against women’ firmly onto the agenda of international and national policymakers (Meyer and Pruegl 1999); and, partly resultant from this, the emergence of a gendered understanding within public and policy makers’ discourse associating men with being smuggled and only women and children with being trafficked.

Parallel to the emergence of this literature, numerous studies on international labour migration have been produced, with increasing attention being paid to irregular flows and the documentation of abusive practices involved. But these two strands of literature – trafficking and irregular migration – have hardly engaged with each other which might to some extent explain the little recognition of male victims of trafficking. What invariably happens is that reports or research papers start off by acknowledging the fact that victims of trafficking can be male and female, in a sex and non-sex work context (as also defined by the 2000 UN Convention against Transnational Organized Crime), but subsequently they all focus on trafficking in the context of sexual exploitation and thus, on women and children. This has been explained by the difficulty of “separating trafficking from other forms of labour migration” and men being “arguably less open to exploitation than women” (Skeldon 2000: 17).

As it stands, the evidence of male victims is mainly anecdotal. For Australia, a recent report by an NGO has identified a comparatively small number of male victims (Piper forthcoming). The same is true for trafficking of women in a non-sex context. According to the National Commission for Human Rights in New Zealand, in 1999 there were seven Thai women freed from slave labour conditions in an Auckland factory and the case of trafficked persons from Malaysia to work on vineyards¹⁰. An Indonesian NGO has also reported of trafficked women to perform non-sex work¹¹. A report by GPAT (2003) mentions the case of two male Filipino victims held against their will and forced into slave-like conditions on a Malaysian plantation. Personal interviews conducted with Bangladeshi male workers in Malaysia¹² have shown that there are cases of men that fulfil the criteria of the UN’s definition of trafficking (deception, coercion,

¹⁰ E-mail communication with a staff member (March 2004).

¹¹ The source of this information is the NGO *Migrant Care* in Jakarta, received through e-mail communication in April 2004.

¹² I conducted these interviews in April 2003 in connection with a project on migrant workers’ rights.

debt bondage, slavery like conditions). In spite of this, men have become “the invisible dimension of trafficking” for researchers and policymakers alike (Skeldon, 2000:17), and it is only women and children who are clearly acknowledged as victims of trafficking. This, however, often results in an indiscriminate categorising of any individual in the sex and entertainment industries as ‘trafficked victim’ without a more sophisticated distinction of the very complex and hierarchical nature of these industries and processes involved.

Adopting a perspective on trafficking located within broader migration pattern and policies has often been criticized for disregarding human rights’ issues. However, this does not have to be so. There is in fact an increasing literature analysing the various exploitative and abusive aspects of migration, pointing to the violation of international standards set by various UN and ILO conventions (e. g. ILO 2004a; Pécoud and de Gucheneire 2004; Satterthwaite forthcoming; Piper forthcoming). In this literature, the emphasis is not only on the movement aspects but also on the exploitative aspects of the processes and outcomes of such movement. Furthermore, studies focusing on trafficking for sexual exploitation have pointed to the serious violations of women’s human rights. Thus “human rights are not a separate consideration or an additional perspective. They are the common thread.” (Gallagher 2001:1004).

Despite the improvement of our qualitative understanding of the causes, patterns and processes involved in trafficking, a number of gaps in our knowledge remain. Quantifying the extent of trafficking is an impossible task, largely based upon the use of inconsistent definitions and the very nature of trafficking itself. What the review of existing literature and interviews with policymakers and law enforcers has shown is that the chasms between an all-inclusive conceptualisation of trafficking and the narrow definition of legalistic approaches cannot easily be wedded. To overcome this situation and to move forward, it is the very root causes of trafficking that need to be placed at the centre of analysis and policy-making. To do so, it is not only empirical gaps that are left to be filled, but conceptual and methodological innovations are also called for.

To move beyond the ‘snapshot type’ of existing research as well as beyond an ideologically dividing and criminalizing discourse on trafficking, new conceptual tools and methodologies are needed to capture the complexities of the ‘trafficking’ phenomenon which would lead to a set of principles offering a new way of thinking about trafficking and moving toward a new normative agenda. As indicated above, the two approaches to trafficking (1. trafficking for sexual exploitation and 2. irregular migration) that have dominated the conceptual debate to date have reached an impasse. This debate can only be moved forward in a meaningful manner (and yield important policy recommendations) if it concentrated on addressing the root causes of trafficking by establishing a link between internal and international trafficking. To address the root causes means to address issues to do with development in general and social development in specific. This would require engagement with the development literature and gendered perspectives thereof. To take this matter to a higher level of abstraction, the fairly recent concept of ‘human security’ is suggested here as a normative framework that could shape future research on trafficking, both conceptually and empirically, and the resultant

implications for policy. This would mean a different type of state responsibility, one that is able to address structural issues rather than concentrating purely on border control and the targeting of traffickers/smugglers.

Human security

International thinking and concern about security in general are at historically high levels. Security, moreover, is now being thought about in increasingly broad terms. Within policy circles *human* security in particular has emerged as a new concept to address the persistent problems and vulnerabilities with which the world has long been familiar. The extent to which an individual is free, and secure, from problems such as ill-health, violence, lack of employment opportunities and homelessness profoundly affects the modes and patterns of migration. Gender constitutes one of the nine dimensions human security consists of as identified by UNDP, which first introduced this concept in its 1994 Human Development Report.

Since then this concept has been elaborated by the Commission for Human Security (CHS 2003) as well as by the ILO (2004b), albeit with a focus on economic security. The objective of the CHS was to generate a dialogue between the human development and human security communities in order to develop a practical policy agenda examining how building human security is an essential contribution to the development process. As a consequence, the debate has shifted in recent years. Both security and development actors have been strongly encouraged, and some have actually begun to incorporate a human dimension into their policies in order to expand the debate from a near-exclusive focus on economic growth to incorporate issues such as social and human aspects of development and political governance.

In the specific context of irregular migration and human trafficking, the concept of human security should maybe best focus on aspects of *insecurity*. This would allow for an integrated approach to the three major types of migration that lead to many abusive and exploitative practices: 1. undocumented labour and 2. refugee migration, as well as 3. human trafficking. A future research agenda should be built around the broad objective of investigating human insecurity as the root cause leading to migration (and thus focus on countries of origin). One such dimension to this is discrimination on the basis of gender. Gender specific economic, social and cultural insecurities explain to a great extent different motivations to, and modes of, migration. For instance, there is some evidence that in the case of women, it is often not purely economic hardship as such that leads to migration and trafficking, but also such aspects as violent marriages or family relations, or the stigmatised status of being a widow or single mother. The conditions that foster trafficking are further enhanced by issues such as: a lack of inheritance rights; patriarchal traditions limiting working opportunities resulting in low economic status; low levels of education; removal of women from the family home upon marriage (Mishra 2002; Grant 2005).

This also shows that inadequate social policy and social welfare provisioning is an important source of insecurity which easily translates into a push to migrate. A team of development, social policy, and (internal and international) migration experts needs to collaborate on a research project that maps and analyses various forms of migration to investigate the gendered patterns and to establish indicators of insecurity causing migratory movements of vulnerable men and women. This could yield data and indicators on the worst forms of trafficking that would inform policy making, as well as help to address other precarious scenarios of migration.

Migrants in society

Today's migrant workforce comprises of workers with a variety of skills and legal statuses, moving to an increasing variety of destinations. Considerable migration takes place between industrialized countries and probably more so between less developed countries. This diversity of worker migration has led to complex systems of workforce stratification according to ethnic origin, migration status and gender (as discussed above), and thus is posing challenges with regard to questions of integration, discrimination/racism, entitlements and citizenship at the destination. With much migration being of temporary nature today, integration in its conventional sense (i. e. leading to settlement) does often not apply, but instead needs to be approached from a transnational perspective, involving issues such as political integration via overseas voting rights/dual nationality and issues revolving around re-integration and attitudes or prejudices towards migrants by the origin society (migrants treated as "traitors" for having left the origin country, or female migrants discriminated on the basis of their having worked as entertainers etc.). The importance of government policy in shaping the conditions for emi/immigration and (re)integration should not be underestimated.

Destination society

In developed countries, an increasingly complex system of stratified rights and conditionalities imposed on different categories of migrants has emerged, with a sharper distinction between skilled and lesser skilled. This increasing 'bifurcation' between skilled and unskilled migrations in the ease of migration between countries has been accompanied by the belief that skilled and educated workers will integrate more easily, whereas immigrants with lower skill and educational levels are regarded as hard on the public purse. Thus, a clear distinction is drawn between the skilled who are welcome, and the less skilled whose numbers are to be controlled. Some countries offer easier entry to the skilled: the right to be accompanied by one's family, family members' right to work, a permanent residence permit and citizenship (UNRISD 2005). This has different implications for women and men. As discussed above, men and women circulate differently in the new global economy, with men occupying an elite space of flows in a masculine high-tech world of global finance, production and technology—the commanding heights of the knowledge economy. They have the right to be unified with their families, and it is the predominant scenario of such 'trailing spouses' to be women.

Lesser skilled migrants (most of whom on temporary contracts of undocumented) do not usually have this right, with the notable exception of domestic workers in Italy who are allowed to bring their families. All of these scenarios entail specific integration issues and gender dynamics.

One important societal factor in adjustment and integration is legal status, but it would be wrong to assume that legal status alone speeds up integration. Being legal does not necessarily result in economic integration (as e. g. experienced by women migrating under the category of family unification) and even when engaging in income generating activities, this does not mean working in a job that reflects the migrant's original level of skill and education. Migration entails a complex, often contradictory, class positioning whereby a migrant might experience social upward mobility vis-à-vis the country of origin but social downward mobility vis-à-vis the host country. Research in the context of the US has shown that many first generation immigrant men from South America experience social downward mobility having to accept lower skill jobs and being degraded ethnically/racially; as a result they often find integrating difficult or even resist integrating by maintaining a sojourner mentality. Their wives, by contrast, typically experience migrating to the US in terms of social upward mobility because of their engagement in income generating activities and with this, they become more independent and escape a stricter patriarchal environment. As a result, these women prefer to remain in the destination country. In addition, through their roles as mothers, they engage much more with local authorities (kindergarten, school, social services) and thus engage with the country of destination in a different manner that might lead to their integrating faster. This is also reflected in the fact that women are more likely to naturalize than men (Jones Correas 1998). In this sense, it can be said that women tend to integrate also politically faster than men. The latter tend to be active in ethnic organizations whose orientation is towards politics back at the origin whereas women engage in political activism that deals with issues at the destination (Hardy-Fanta 1993).

However, there are also women migrants who experience social downward mobility by engaging in jobs that are beneath their educational qualifications – such as the numerous examples of domestic workers from the Philippines in Canada, Hong Kong, Europe and elsewhere. How this affects the gender and generational dynamics within the reunified family, such as in Italy, is largely unexplored. There is anecdotal evidence of some children feeling ashamed of their mother's job which results in generational conflicts within the family. These are issues that deserve more in-depth research.

What becomes clear is that our understanding of stratified rights needs to take into account more than formal entitlements based on entry and residence and legal statuses. For instance, there has been heightened discrimination, if not racism, against Muslims since September 11, 2001, with male Muslims being more targeted and controlled than women. Since then, Denmark, France and Germany have introduced or reinforced compulsory integration programmes. The increasing pressure for 'integration' and 'assimilation' has served to reinforce suspicion towards Muslim populations in particular, who are wrongly and simplistically depicted as inimical to Western values, especially in their views of gender relations (UNRISD 2005).

With regard to family unification, it is typically assumed that this is what all migrants want. But some communities hold on more firmly to the expectation of returning to their country of birth and therefore are more resistant to family regrouping (for evidence from Spain, see Colectivo Ioe 2003). What is important for such groups is to obtain the kind of visa that would allow them to move easily backwards and forwards between origin and destination countries, to maintain transnational family life intact and reduce emotional hardship for the migrant and those left behind. This might be especially important for many migrant mothers who might suffer more from being separated from their children than migrant fathers (partly due to cultural expectations of gender roles) and for left behind children, many of whom seem to miss their mothers more than their fathers. With temporary migration schemes becoming more and more significant, an infrastructure needs to be created (backed up by policy) that facilitates transnational family life. One idea could be to arrange for contracts that would enable spouses to swap jobs after a certain period of time to allow for one parent to remain with the children and to avoid children suffering from the prolonged absence of their favourite parent.

Where family reunification is possible, it is in general women who appear more likely than men to migrate to join or accompany other family members or because of marriage. But there is also evidence of men moving for associational reasons (partly related to availability of ‘family reunification’ in countries that draw especially on female migrants, such as domestic workers in Italy). Longitudinal studies are needed to assess long-term impact on gender relations in such context. In North America and Europe, family migration is an important channel for women to migrate, and yet despite the significance of this form of migration, it receives very little attention by researchers (as observed by Kofman 2004). Virtually nothing is known of the professional aspirations of female family migrants and their economic integration. One study conducted on Latin American women who married Swiss men reveals three situations: 1. no professional integration, 2. integration below their regulated professions, 3. equivalent integration (which is the least often experienced scenario) (Riano 2003).

Classical family reunification of primary migrants is not the only form of family migration. There are others such as marriage migration (forced and voluntary), international marriages, and movement of entire families, all posing similar and yet also very different issues of gender relations and integration. International marriages are rapidly increasing in many parts of this world entailing very specific problem areas. In some countries, it is predominantly women migrants who marry local male citizens, as e. g. in East Asia where marriages between Japanese, Korean, Taiwanese, Singaporean men¹³ and mostly Southeast Asian women (Thai, Filipino, Vietnamese etc.) constitute the bulk of international marriages today. This raises issues of residential status, citizenship and children’s nationality. There are also problems of discrimination and prejudice (image of “bogus wife” or “mail order bride”), bullying of children in societies that have until recently been fairly mono-ethnic/mono-cultural such as Japan and Korea. The reverse case also exists whereby marriage is in fact used as a strategy in order to

¹³ Marriage between local men and foreign domestic workers is forbidden in Singapore. The international marriages referred to here are between Vietnamese women and Singaporean men.

receive residence papers. One such scenario is that of arranged marriages with families organizing the wedding of a daughter who has the host country's citizenship or residence status to a compatriot. And there are also cases of local women marrying men of socially less accepted nationalities, such as Japanese women married to South Asian migrant workers, but no research findings could be identified on their experience with discrimination.

For any international spouse, if residence permit is conditional on marriage, the migrant does not obtain a permit in his or her own right if the relationship ceases before the end of the probationary period. These measures affect men and women, but wives are more often subject to domestic violence and thus in situations where they are forced to stay in unhappy or violent relationships (Lesselier 2003). The probationary period for such couples seems to convert in Europe, where it was decreased from four to two years in Germany, but increased in the UK from one to two years (Kofman 2004). In some countries, there is another problem which clearly involves gender discrimination: that of local women not being allowed to have their foreign husbands live with them in their own country of origin, whereas their male compatriots can marry a foreign woman and have her stay with the husband (e. g. in Malaysia where Bangladeshi foreign workers married to Malaysian women are unable to obtain a residence permit).

This also raises the issue of types of social exclusion that might differ in the developed and less developed world. Migration to countries in Asia, for instance, rarely ever results in settlement, naturalization and acquisition of citizenship as such possibilities are simply not provided by Asian governments and regulations. Thus, family unification is not an option either, despite the right to family life being well anchored in international law. It is mainly through the high, and rising, occurrence of international marriages that governments in East Asia, for instance, have been forced to re-visit their citizenship regulations. In other cases, where whole families live in an undocumented manner in the host country, there are incidences in which the UN Convention on the Rights of the Child has been evoked to assist migrant workers: in Japan, the Ministry of Justice allowed the regularization of long-term undocumented families with school children by granting 22 persons from five families special residence permits (Kondo 2002). Such judicial decisions, however, have not resulted in legal changes securing general rights for all migrants, but are instead decided upon on a case by case basis.

In countries where integration in the conventional sense is not possible and where labour migration usually occurs temporarily, there is nevertheless the issue of social welfare of contract workers. There is evidence of this being gendered also, with examples from Singapore where male workers' welfare is looked after better than women's and where domestic workers' mobility (even in their spare time) is far more controlled (Huang and Yeoh 2003). In a highly regulated society such as Singapore this does, however, not have any impact on social cohesion. In Malaysia, on the other hand, Indonesian male migrants have revolted against unfair treatment and there have been reports of occasional outbreaks of violence.

The issue of discrimination also plays out differently for immigrants than it does for contract migrant workers. An issue pertaining to the discrimination of domestic workers in host societies, e. g. , has to do with the ethnic stereotyping by recruitment agencies and the media. Certain national traits are being identified by agencies in Taiwan, Hong Kong and Singapore and used to argue for certain suitability. Filipinas for instance are allegedly better at looking after children, whereas Indonesians are constructed as being better carers of the elderly (the usually less attractive type of domestic work). There is evidence from Europe that Peruvian women are seen as more suitable than Nigerian women to look after old people; and Moroccan women are believed to like doing cleaning. These distinctions and hierarchies between different nationalities are part of the political management of migrants (Scrinzi 2003). In addition, newspaper articles in Singapore have reported of Filipinas being more 'community oriented' assisting their compatriots on their days off, whereas Indonesians are depicted as being only interested in having a good time and going out. In this sense, gendered and ethnic hierarchy among migrants in society also results in different types or levels of discrimination or prejudice - which are also used to justify different wage levels.

Origin society

With regard to the social impact of migration on the origin society, there are two main issues: (1) the situation of 'the left behind' and (2) the extent to which migration results in changing gender roles/dynamics. One of the major social issues relating to international labour migration is the separation of migrants from family. Certainly in interviews both with migrants and origin communities this comes through as the greatest cost of migration. However, with contemporary communication and cheap travel costs it should be possible to allow frequent interaction and return visiting. In fact policy activity prevents this and often even in effect encourages permanent settlement as opposed to circular migration.

The left-behind spouse who is to take on full responsibility for running the household can be the husband/fathers, the wife/mother or the older children in the cases where both parents are abroad. There is some evidence suggesting that left behind men do not adjust to the new situation (by taking on a more 'motherly' role) as well as left behind women. Also, men often shift certain tasks to other female members of the extended family rather than learning to perform these themselves. This is, however, not always so.

There are a number of issues raised in existing studies referring to inter-personal relationships between transnationally split couples. It has been shown that in the case of women going to abroad, this is often not purely for economic reasons, but also because of already existing marital problems, typically to do with abusive or violent relationships (SMC 2004). When such marriages end in divorce, it is therefore too simplistic to argue that this was caused by the overseas migration of the woman.

On the issue of relationships, it has further been reported that the one who migrates often engages in extra-marital relationships while abroad, and this has typically been the men,

but there is also anecdotal evidence from women migrants who do just the same, but little concrete research (which would be interesting from a longitudinal perspective, i. e. in terms of the implications for breaking socio-cultural norms of the country of origin; this could constitute a different type of “social remittance”). Some research has also shown the adverse, i. e. left-behind wives engaging in extra-marital relationships and using remittances for life with the new partner.

An additional element that impacts upon the spousal relationship is the length of time a spouse spends abroad. A marriage might be more likely to escape the migration experience unscathed if the period of separation lasts only a few years. But this depends also on the situation prior to migration and also on gender differences.

Research on the impact of the mother’s or father’s migration on left-behind children is still in its infancy and there are slightly contradictory findings to date on a number of issues, such as whether children do better or worse in school and whether the impact of a mother’s absence is worse than the impact of the father’s absence. In the case of the Philippines, an earlier study (Battistella and Conaco 1998) indicates that children with parents away suffered in their social development and psychological well-being, especially when the mother was abroad. This was not confirmed in quite the same way in a more recent study (SMC 2004) where children of migrating parents were doing better on a number of scores, including their performance at school. This is partly related to the affordability of private education through the remittances, which is of higher quality and children thus do better on the whole.

With regard to gender equity, existing research reports that migration can produce positive and empowering experiences for women. This is because migration can be both a cause and a consequence of women’s empowerment. According to Hugo (2000: 287), migration may be an outcome of empowerment but can also function as a catalyst for setting off the empowerment process. This is especially the case in LDCs [less developed countries] where women often have minimal control over resources and a limited voice in decision-making in the household or community and where their exposure to new ideas and thinking has hitherto been restricted. His analysis of the empowering process of migration has led Hugo (2000: 288) to a tentative conclusion that “an empowering experience for women is influenced by the context in which the migration occurs, the type of movement, and the characteristics of the women involved”. According to him, 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.

Migration can also have an empowering affect on men. Patriarchal structures influence not only gender relations, but also generational relations, i. e. fathers and sons. There is evidence in the Bangladeshi context that migration can lead to sons challenging their father’s power position within extended family structures. With regard to the selection of a marriage partner, for instance, returning migrants have begun to choose their own wives even if this involves opposing their fathers’ wish. As the returned migrant has his own resources to offer gifts to his prospective wife, parents can not oppose their son’s wishes

easily. This might lead to a new polarization of power within households. Also, there is some tentative evidence of male migrants treating their wives in a more equal manner based on their experience overseas (Rahman 2004). Again, this is context-specific and possibly depends on which destination country these migrants went to. There is also the opposite evidence of Muslim migrants who restrain the mobility of their wives more upon return than prior to their migration due to achieving a higher class position based on the accumulation of a certain level of wealth.

So, again there is contradictory, or rather context-specific, evidence. Some women and men gain more autonomy when patriarchal/generational relations are weakened; in other contexts traditional attitudes towards women's roles become stronger when men return and have accumulated a certain level of resources.

For migrants who have spent a number of years abroad as contract workers, there is the issue of reintegration. Migrants need to know how they may satisfactorily return and reintegrate into their families and communities. To maximize the benefits from migration, social reintegration must be discussed prior to departure, setting time lines, budgets and expectations that are continuously adjusted. Unfortunately, most migrants do not have such re-integration plan. Some never get the opportunity to plan their return because they are "terminated" by their employers and forced to return before the end of contract. Many others are compelled to return because of family matters. It is not uncommon for women migrants to return home as soon as they receive information of a developing crisis in the family, such as spouse's infidelity, neglect of the children, children's drug abuse or delinquency, spouses' mismanagement of remittances (Villalba 2002).

Citizenship is also an issue that arises in the context of transnational communities and circular migration, as manifested in increasingly available practices of overseas voting rights and dual nationality. Citizenship can also be approached from a participatory conception in the context of activists campaigning for their compatriots' rights and just treatment, not only vis-à-vis the host country government but also the origin country government. Best known in this regard are probably Filipinos, whose citizens are campaigning on behalf of their own nationals, thereby targeting the migrant sending as well as receiving governments to protect the rights of Filipino workers in a transnational setting, which involves the recognition of citizenship and human rights of migrant workers in general and migrant women in specific (Ball and Piper 2002).

Migration and human rights

This section discusses migrants' human rights in general, and also their labour and health rights¹⁴; for female migrants, the issue of migrant's rights needs to be contextualized with broader women's rights issues. Despite frequent incidences of abuse and discrimination, migrants' rights have remained on the margins of the international human rights agenda

¹⁴ Socio-political rights are dealt with in the section on 'migrants in society'.

for several reasons. These include lack of data; gaps between different institutional mandates of the UN; parallel systems of protecting employment rights and human rights; relatively little reporting by human rights NGOs; the dominance of refugee protection in the migration field; and the fact that until the 1990 UN Convention on the Rights of All Migrant Worker and their Families (hereafter: ICMR) was drafted, human rights law only made explicit reference to migrants – as non-nationals – in the context of free movement. Lack of information – about types of violation, where they occur, their incidence and characteristics - has been an obstacle to policy-making. Violations have been under-recorded particularly in the case of migrant women and of forced or exploitative labour that takes place in the underground economy. The result is a high degree of invisibility of migrants in human rights discussions (Grant 2005:3-4).

Migrants' human rights are at stake in the country of origin, transit and destination. General gender discrimination and the resultant weaker position of many women in most societies are often the root cause for women migrants' greater vulnerability at all stages of the migration process.

Labour rights

In general, unskilled workers, who form the majority of migrants, are more vulnerable to rights violations as opposed to the skilled as they tend to work in the informal sectors of the labour market, or in sectors where labour standards are not applied or not applicable even for local workers. There are common problems affecting both male and female migrants such as non- or under-payment of wages, unfair dismissal, bondage (withholding of travel documents), long working hours, and precarious working conditions. It has been noted, however, that on the whole, abusive and exploitative practices in male-dominated sectors are better documented and more visible since men usually work in groups in construction and agriculture and often in sectors that are organized by trade unions. Abuses against unskilled women migrants are less well known since they are likely to occur in a more invisible situation. Since women migrant workers often go into individualized and unregulated work environments (e. g. domestic service; entertainment), data on migrant women in invisible occupations are not readily available (Esim and Smith 2004:8). This results in cases of exploitation, violence and harassment of domestic workers, for instance, having very low public visibility, if any (as observed in the case of Italy by Scrinzi 2003).

The specific situation of domestic workers has been highlighted by the UN Special Rapporteur for the human rights of migrants (see report on her visit to Canada, 2001), the ILO and UNIFEM as well as a number of NGOs (e. g. Caram Asia, Migrant Rights International, Human Rights Watch). Some of the UN treaty bodies (most notably the CEDAW and CERD Committees), which are charged with monitoring the implementation of human rights conventions, have also called attention to human rights violations against foreign domestic workers (Satterthwaite forthcoming). There are differences between countries as to whether they recognize the domestic sector as an area of employment. In East and Southeast Asia some countries and territories, such as Hong

Kong, Singapore, Malaysia, Taiwan recognized domestic work for visa purposes, while others do not (e. g. Korea, Japan). However, legal status (work permit) does not mean recognition by labour laws. In fact, domestic work is widely excluded from national labour legislation. For instance in the US, some labour laws apply (those governing minimum wage) but not others (those requiring the provision of overtime supplemental wages). This is true in some other countries as well (such as Costa Rica). In Singapore, for example foreign domestic workers do not fall under the Employment Act, as Yeoh et al (2004) note, not because they are non-citizens, but because of the nature of the work they perform. As in Singapore, foreign workers in industries such as construction and manufacturing in Taiwan are covered by industrial relations legislation (in Taiwan's case the Labour Standards Law), but women working as domestic helpers or carers are not (Loveband 2004).

A very complex and highly controversial issue are the human rights of migrant women in the sex and entertainment industry. Feminists are broadly divided into two camps, (1) the abolitionists who argue that all prostitution is a violation of women's human rights and (2) the protagonists of 'sex workers' rights'. This is an ideologically charged and in many ways older debate which often overlooks the multi-layered structure of this 'industry'. The issue of work in this area could be approached from the viewpoint of a short-/medium-term versus long-term solution, advocating for minimum work standards to provide some level of immediate protection and some kind of regulation workers in this 'sector' and NGO advocates can hold onto. Unlike in the case of domestic workers (see e. g. Colombo Declaration), however, activists have not produced many concrete ideas how to go about this.

Trafficking as a human rights issue

Trafficking also involves human rights issues, as can be seen in the Recommended Principles and Guidelines on Human Rights and Human Trafficking set out by the OHCHR (E/2002/68/Add. 1). In this document, governments are called upon to address trafficking not only from a 'crime prevention' approach but to design national policies that protect the rights of trafficked persons.

With most of the trafficking research and policy making focusing on sexual exploitation and thus on women and children, it is women's and children's human rights that are seen as mostly at stake. Trafficking discourse has its origins in political activism by feminists and in fact predates its designation as a migration phenomenon (Ucarer 1999). This framework emphasizes the sexual exploitation and abuse of women in the larger context of women's socio-economic disadvantage. Thus, this perspective of 'trafficking as a women's rights issue' highlights the persisting gender inequalities in the source countries contributing to high vulnerability to trafficking of women for the purpose of sexual exploitation. CEDAW, for instance, contains an anti-trafficking provision and norms in other treaties also have been interpreted to outlaw trafficking, especially as it relates to women.

In the context of children, the UN Convention on the Rights of the Child - which entered into force in 1990 and has achieved the largest numbers of ratifications among all UN conventions – can be invoked to protect the rights of trafficked children. There are also two ILO conventions of relevance in addressing children’s rights issues which have implications for trafficking: the Minimum Age Convention of 1973 (No. 138) which requires States to pursue national policies which will effectively abolish child labour. Secondly, there is the Worst Forms of Child Labour Convention of 1999 (No. 182) which defines as the worst forms of child labour such practices as child slavery, forced labour, debt bondage, trafficking, serfdom, prostitution, pornography, and various forms of work that is hazardous to a child’s health, safety and morals.

Women’s rights

Existing international instruments specifically targeting migrant workers in general lack gender specific clauses such as references to female migrants being prone to sexual harassment or sexual violence. The lack of explicit mention of women in the major human rights treaties does not limit their applicability to women, but may reinforce the invisibility of gender-specific violations. In this context, women specific instruments can play an important role to address these lacunae. A recent position paper published by UNIFEM (Satterthwaite 2004) outlines the usefulness of CEDAW in addressing problem areas specific to female migrants, especially for those working in the informal economy and private households.

In the context of the human rights of women migrants, it has also been suggested that a dominant focus on the UN Convention on Migrant Workers Rights could actually be detrimental because it would allow states to marginalize the obligations they owe to women migrants under existing human rights law (Satterthwaite, forthcoming). Based on the fact that the rights of women migrants are already included in the panoply of standards set out in existing and widely ratified human rights treaties, it would make more sense to focus attention and resources on those when addressing the vulnerability of women migrants (ibid.). Also, by focusing on a single aspect of experience – i. e. that of being a woman or member of a racial minority – human rights professionals may fail to examine ways in which rights standards can provide protection for individuals who experience multi-layered forms of discrimination. The application of the methodology of intersectionality to human rights law has thus been suggested to offer a more robust set of standards relating to women migrant workers. What remains a big problem generally speaking with human rights, however, is the gap between theory and practice, i. e. actual implementation. A number of recent studies have shown that the possibly most important root cause of non-ratification or non-implementation is political will (Piper and Iredale 2003; Pécoud and De Gucheneire 2004).

Rights consciousness

Another important issue is that of rights consciousness and not knowing one's rights because of lack of education and/or information. As strangers to the destination society, migrants may be unfamiliar with the national language, laws, and practice, and so less able than others to know and assert their rights. Lack of a rights consciousness is also sometimes related to the thinking by migrants that "this is normal treatment" because treatment at home is the same or even worse. A study on Bolivian women migrants (Farah et al. 2002:26), for instance, has shown that the lack of a rights consciousness is not the same among all migrant women from the same origin country: those of rural origins do typically not recognize the pattern of discrimination because it is common to those who live in rural Bolivia; however, women of urban origins, with a higher degree of education and knowledge of their rights, are the ones that recognize the discriminatory nature of their treatment. There is also another angle to this issue to do with 'de-skilling' or social downward mobility: according to a trade union leader in Southern Europe, those migrant workers who were highly qualified workers in their own countries often do not perceive themselves identity-wise as a labourer at the destination despite performing such jobs and thus do not claim the rights due to them as such (Scrinzi 2003: 83).

A series of recent papers persistently find that migrant women do not know their rights (see the ILO's GENPROM series). This is to a large extent related to patriarchal systems where women have low status, low educational as well as low skill levels. Traditions and culture that hold women down discourage their exercise of rights and self-will (as reported in the studies on Ethiopia and Nigeria). A new trend reported for Asia is the tendency for "rights-conscious" and militant cohorts of migrant domestic workers to be replaced by less expensive, more docile and less "rights conscious" nationality groups. A good example of this is that of Filipino domestics in Hong Kong who are said to have been partially replaced by less organized, and thus less vocal and assertive nationality groups, such as Indonesians and Sri Lankans. To address the little knowledge of rights NGOs have developed empowerment programmes (Piper 2004). Such programmes need supporting to best protect migrant women's rights and safety. This is also an area where trade unions' involvement would be helpful to ensure the knowledge of rights across nationality groups.

Health rights

Health issues can also be approached from a human rights angle. The major human rights treaties, most especially the International Covenant on Economic, Social, and Cultural Rights and CEDAW, include important provisions relating to the right to health and can provide guidance in policy matters. On the level of the state, governments often live in denial of the existence of HIV/AIDS or do not have the infrastructure and budgets in place to deal with this problem effectively, and seldom from the viewpoint of 'human rights'. At the international level, the controversial nexus of human rights, public health and drug company patent rights can be seen in the fierce negotiations at the World Trade Organization Ministerial Conference in Doha 2001, over the adoption of the declaration

on TRIPS (Trade Related Aspects of Intellectual Property Rights) and health, impacting upon the access of developing countries to AIDS medicines and other essential drugs (Drahos, n. d.). In contrast to state responses to the HIV/AIDS epidemic, socio-political responses in terms of non-governmental (NGO) or community-based (CBO) activism are often framed within the parlance of international human rights standards. For example, what might be quite unique in the context of Asia is the formation of a regional network of NGOs in 1997 called CARAM ASIA (which stands for 'Coordination of Action Research on AIDS and Migration') based in Kuala Lumpur focusing on health and migration issues, thus highlighting the important link between migration and HIV/AIDS in Asia. This network's objectives include the production of information on health issues for migrants, advocacy work to decrease vulnerability to HIV infection, development of grass-roots interventions and action research models. At a regional consultative meeting, this network has established three basic health rights (which find support in human rights treaties):

- 1) the right to healthy working and living conditions,
- 2) the right to health education;
- 3) the right to affordable and accessible health care.

Last but not least, there is the issue of social rights and the question of complementarity or competition and portability of migrants' rights which needs exploring (Tamas 2003). A large number of migrants (typically the older generation) have accrued social rights and are beginning to raise issues of transferability upon returning to their countries of origin. A few existing studies have shown that some rights, such as pensions, are reduced if accessed outside the country in which they were built up. Gender implications need yet to be explored in studies on such issues.

Migration and health

This section discusses some of the gendered aspects of health and migration that have been highlighted in the academic and policy-making literature under two broad subject headings: 1. health of migrants and the left behind; 2. migration of health workers.

Health of migrants

Migration can have a profound effect on the health and well-being of those who migrate and the spouses and/or children who stay behind. The impact on migrants' health is complex and involves broader issues revolving around access to health care services, availability of linguistically and culturally appropriate care, as well as types of illnesses they are exposed to which is directly related to the types of jobs they carry out. With unskilled migrants often engaging in the so-called "3 D" jobs, they are often exposed to serious occupational health problems and prone to accidents. In addition, there are financial and legal issues (migrants not having the funds to seek medical advice or purchasing medicine; precarious legal status compelling them to continue working

despite being ill in fear of loss of job or income) that can affect migrants' health profoundly. Most host countries offer medical services to migrants, but often they have to bear the costs of the treatment. Male workers formally employed are to undergo an annual medical check-up in countries such as the Middle East and in Southeast Asia. In Singapore, female domestic workers are subjected to a medical test every six months which is a control of their reproductive capacity rather than to make sure they are not being abused. A woman found pregnant is usually deported.

Men who work in construction or manufacturing typically suffer broken limbs from falling or injuries inflicted when using heavy machinery (UN 2004). A study carried out over a six month period in a Singaporean hospital revealed a higher rate for foreign worker injuries than local workers (1555 versus 1049), whereby falls made up 27.5% of injuries with significantly more foreign workers (9.1%) falling from height compared to 4.3% of local workers (Carangan et al., 2004). Agricultural work often entails exposure to pesticides. Women who work as domestic helpers suffer injuries derived from misuse of cleaning materials (Esmin and Smith 2004), falling down high rise buildings when cleaning windows (which seems to occur much in Singapore) or injuries inflicted upon them by employers (typically female). These range from being hit with objects, burnt (with cigarettes), having hot water poured over them, resulting among others in broken limbs, head and skin injuries, blindness. In addition, domestic workers in Hong Kong, Taiwan and Singapore were exposed to the 2003 outbreak of Severe Acute Respiratory Syndrome (SARS) (Loveband 2004). The garment industry and manufacturing enterprises are notorious for their lack in healthy, regulated working conditions. Migrants working in the sex and entertainment type of jobs are exposed to sexually transmitted diseases. Mental health problems are also not uncommon, and for women, they may stem from sexual violence and abuse.

Migrant women's mental and physical health might not only be affected by certain working environments or abusive employers, but also by domestic violence, i. e. inflicted upon them by intimate partners who can be either migrants themselves (the violence could therefore be rooted in migrant men's specific experience of social downward mobility, lack of status, socio-economic pressures etc.) or citizens of the destination country. This requires special services that can offer support by catering for cultural and linguistic differences.

HIV/AIDS is also of concern to migrants. The literature relating population mobility to the spread of HIV/AIDS strongly points toward a pattern whereby some mobile groups have a higher rate of prevalence of HIV infection than non-mobile groups. However, it equally shows that mobility may not necessarily be associated with an elevated rate of prevalence of the disease. Indeed, there is nothing about being a migrant *per se*, that is associated with a higher risk of contracting the HIV. The key factor, according to Hugo (2003), is the *behaviour* of some mobile groups which places them at a higher risk of infection. Mobility is frequently selective of young adults, and also often involves the separation of partners and a release from traditional constraints on behaviour, especially sexual behaviour. The growth of a commercial sex industry in locations where there are concentrations of these movers adds to the higher levels of vulnerability. Accordingly, it

is possible to identify 'hot spots' where there are concentrations of migrant workers and an associated commercial sex industry where there often is a greater risk of infection and prevalence rates above the national average. Such hot spots can include transit areas, workplaces employing large numbers of migrant workers, ports and harbours, cities and towns, mining, lumber industry, plantation and construction sites, especially those in remote areas, transport routes and stops and border crossing points. These are what Lyttleton and Amarapibal (2002) call marginal or border zones that shape the 'economies of desire' and health vulnerabilities among migrants and locals. There is clearly a pattern in many cases of mobile people being more likely to engage in high risk behaviour (especially sex with a CSW) than is the case with less mobile groups. The relationship between mobile groups and the commercial sex industry is hence complex but crucial (Hugo 2003). The gender issue are involved in all of this. Men migrating seasonally and engaging in sex with various partners may infect not only themselves, but also their stay-at-home partners/spouses upon return. Research in the context of Africa and Asia has shown that migration disrupts family life and creates a demand for prostitution and thus contributes to the spread of HIV/AIDS. Less is known about women migrants' sexual behaviour while living abroad. Likewise, little is known about male sex workers and their health problems.

Another issue relates to the reality of living with HIV. Although the literature on this aspect is increasing, most is written from the perspective of the experiences of men. But with the proportion of women living with HIV increasing, it would be important to investigate their experiences also to understand the gendered impacts of the disease (Anderson 2003) - and to formulate appropriate policy responses. Apart from a lack in sex segregated data, there is also the general issue of insufficient qualitative research done on this topic. As documented in a recent UNDP (2004: 9) study on migration and HIV vulnerability in South and North East Asia, 'the absence of studies, data and information that explore issues concerning the vulnerabilities of specific sub-groups within migrant workers has contributed further to the lack of comprehensive responses directed at migrant workers and their communities'.

Psychological health and stress factors also involve the issue of moral dilemmas posed by migration when leaving behind one's family. There are ways in which males and females face such dilemmas differently (Suarez-Orozco and Qin, forthcoming). For instance, when men emigrate they leave behind a home whose reproduction is guaranteed through the mother, wife, or sister. When women migrate, on the other hand, they are profoundly insecure precisely because they have left behind their family. They often suffer because of this separation, and in many cases, upon return, they must assume the burden of a broken family, both materially and morally, especially with regard to their children, because the mothers had been separated (D'Angelo and Pasos Marciacq 2002). The deeper psychological and mental health implications of this have, however, not been explored and adequate responses have not been developed. There is some evidence that left behind men are provided with support services (as e. g. in Sri Lanka), but not women, due to the assumption that women can cope very well by themselves as their new role as 'single' parent and head of household is an extension of their former role.

At the destination end, few psychologists have the cultural knowledge that allows them to insightfully contribute to the study of individuals of non-mainstream cultures. Another problem is that the context of origin (i. e. the range of factors that may have propelled the immigrant to leave their country of origin) has been ignored by psychologists, with their interests being primarily focused on adaptive process and outcomes, with little concerns for gender differences. The few studies that do exist on gender and psychological well-being in the context of the US, Canada, and Europe suggest that women tend to experience higher levels of stress than men due to receiving less assistance with personal and job-related problems than men. The group that faced particular risk factors were those women of low socio-economic status. There are also ethnic/racial differences, with Asian women in the US and Canada showing the highest level of depression compared to women from other ethnic groups due to their experiencing increased social pressures and conflicting gender roles (Suarez-Orozco and Qin, forthcoming).

Health issues in the context of ‘left behind’ spouses and/or children are another important subject, especially in countries/regions where temporary contract migration dominates over permanent, settler type of migration. In addition to the scenario whereby one parent (mother or father) is abroad, it is also common for both parents to engage in overseas employment and to leave their children behind. To date, very little research has been conducted on the impact of migration on the left-behind. In terms of access to medical care, financial contributions from migrants usually eases the burden of medical care expenses. Research in the Philippines has shown that the physical health of children left behind is usually better than that of non-migrant children due to the higher socio-economic status which may have some bearing on the nutritional intake of the children. The role of caregivers of parent-absent children may also be a factor. According to the findings of a recent study, the caregivers seem to have ensured that children’s health does not suffer in the absence of their parents (SMC 2004). In terms of emotional health, children in general described themselves as happy to very happy, and only children with migrant mothers and those with both parents abroad said they were less happy (ibid.). Despite the differences having been only slight, children of migrant mothers scored a little higher on anxiety and loneliness scales. As long as the migrant parents communicated regularly and the family was stable, however, it is suggested that the strains imposed by migration could be withstood. There is, however, very little comparative research done in the context of other countries.

Grave concern has also been expressed by NGOs and the UN Special Rapporteur for the human rights of migrants over the situation in detention and jails, where migrants have been reported to be physically harassed (men beaten, women sexually abused) and where they are also often exposed to an unhealthy and unhygienic environment.

At a regional consultative meeting in 2003 the NGO network CARAM ASIA has listed the following main factors exposing migrants to health risks that need addressing:

1. low knowledge about HIV/AIDS and migration realities (with regard to transmission and prevention);

2. poor health seeking behaviour (because of high cost and inaccessibility of health care; but also because of structural constraints such as domestic workers not getting any days off);
3. lack of information given in the pre-departure orientation seminars (migrants are not aware of mandatory testing and the implications of getting pregnant or HIV/AIDS infected);
4. attitude of invincibility on the part of migrants.

Another issue that is beginning to become more significant is how certain illnesses affect peoples' mobility. The fairly recent outbreak of SARS or the bird flu are incidences which put great obstacles to migrants' ability to be granted entry. Family reunification might not be granted on the grounds of an existing illness, such as AIDS. Migrants with disability may also be barred from immigrating with their families because of the potentially excessive demands on social services¹⁵.

Migration of health workers

There is a huge variation throughout the world in the nurse:population, with Europe emerging as the region with the highest ratio (ten times that of the lowest regions, Africa and Southeast Asia). Yet, the problem of staff shortages has been identified a problem in much of the developed and developing world. Some European countries –along with other OECD countries – that experience increasing problems of nursing shortages, have engaged in proactive recruitment of foreign health professionals during the last decade, so much so that for instance in the UK the number of health care migrants is estimated to have increased fivefold (Van Eyck 2004). By contrast, sub-saharan African countries experience a shortfall of more than 600,000 nurses needed to meet the MDGs (Buchan and Calman 2004). The situation in Africa is exacerbated by the impact of HIV/AIDS on the health systems by both increasing demands for health services and by reducing health workforce availability and performance.

The dramatic increase of international migration in the health sector has to be placed in context of structural changes in the global economy. In northern countries, this includes public sector reforms, privatisation and the liberalization of trade, investment and migration rules. In the European context, migrant health workers, most of whom women, need to be included in discussions about gendered welfare states and the crisis of care. Only a few authors, with the notable exception of Kofman, however, have considered the context of the welfare state when analysing the extent to which migrant women have supplied care. In the South, it is the impacts of Structural Adjustment Programmes (SAPs) that have resulted in serious budget cuts and explain to a large extent the state of social services such as health. This situation drives health workers to seek employment abroad to alleviate severe income insecurity and bad working conditions (Van Eyck 2004).

¹⁵ I owe this last point to Leah Bassel and Cathie Lloyd.

The experiences of women migrant health workers from the South are often a world away from the global mobility of (white) male professional workers from the North. Although nurses and other health care workers may be ‘professionals’ and skilled migrants, they are not likely to be provided with the same quality of benefits that other white-collar workers might expect when working abroad such as housing, transportation, family relocation or domestic help (Van Eyck 2004). Migration of health workers does, however, not only take place between the developing and developed world, but also between developed countries (e. g. Canadian physicians in the US) and between countries of the south (e. g. Cuban doctors in Ghana). Some have referred to this phenomenon as ‘replacement migration’. There seems to be a need for comparative studies on ‘northern’ nurses’ migration experience and southern nurses’ experience.

Reports of exploitation by private recruitment agencies reveal that migrant health workers are often misled as to the terms and conditions of work. Upon arrival in the destination countries, they often learn of hidden recruitment or placement fees and other exploitative practices that result in undesirable occupations or work locations, unlawful contract extensions/bonding and other unethical practices (Van Eyck 2004). Other obstacles often faced by migrants pertain to professional certification and under-utilisation of their skills (Bach 2003).

An issue that affects health workers’ own mental and physical well-being is workplace violence which is a continuing concern amongst the predominantly female workforce (ICN 2002:10). Health professionals are vulnerable to physical, verbal and other forms of abuse at work, with nurses in specific taking the brunt of staff shortages, long waiting list, frustrated patients. In South Africa, nurses specifically cited fears about their safety at work as a factor that encouraged them to consider emigration (Bach 2003). HIV/AIDS exacerbates staffing problems as health workers die, contributing to increased workloads and low morale (DENOSA, 2001, cited in Bach 2003).

The legal and normative framework of international migration

Shifts in global norms

The core principles of relevance to migrant workers in general and migrant women in specific are non-discrimination, equality and equal protection of the law. Particularly weak groups in society have been targeted by international treaty law, such as children, women, refugees, and migrant workers, to protect them as a category (although with regard to migrants, there is still a distinction made between legal and illegal, with the latter being granted basic human rights, but not the full breadth as legal migrants). Taken together, existing UN and ILO conventions provide extensive protection but they exist in a fragmented and scattered manner, and it is sometimes not obvious that they could relate to migrant workers when the focus is on the single variable of ‘migration status’ rather than on multiple variables relevant to women and men who migrate for work – including race or ethnicity, occupation, and gender (Satterthwaite forthcoming). It is common that

destination countries single out the migration status, and by treating workers as non-citizens, especially when they are irregular migrants, the rights of states clearly prevail over the rights of migrants with states retaining the right to set the conditions under which foreigners may enter and reside in their territory.

Yet, once in the territory and working, there has been a gradual shift in recent years (coming mainly from trade unions and NGOs) to treat migrant workers first and foremost as workers, regardless of their legal status. There are examples of trade unions, such as in Switzerland, handing out membership cards that give minimum protection to irregular migrant workers (most of whom domestic workers)¹⁶. This development has become evident on the international level also, in the revival of a rights-based approach to migration as manifested by the ILO's latest Plan for Action (result of the International Labour Congress, June 2004). The most recent and ground breaking development is the ruling by the Inter-American Court of Human Rights that clarifies that all migrants – documented and undocumented – are covered by the principles of non-discrimination, equality and equal protection in the host states where they live and work and must not be excluded from the protection of labour laws on the basis of their migration status – which, according to Satterthwaite (forthcoming) has also potential for the protection of foreign domestic workers.

Despite all this, there has been little systematic and critical analysis of the emerging global policy and impact on advancing migrants' rights with special attention to gender differences – especially in light of parallel trends toward a global 'management of migration'. Although this shift in the migration policy debate to international cooperation is primarily concerned with control over entry and exit as well as prevention of irregular migration,¹⁷ broader human rights issues have entered into the discussion and thus, a concern for the basic units of analysis of migration: the migrants themselves. But it is yet to be seen whether this is a matter of paying mere lip service or whether there is in fact a serious concern with migrants' human rights.

The analysis of these global shifts is also crucial with regard to another development that runs parallel to the above mentioned, and that is the negotiations at the World Trade Organization (WTO) revolving around GATS/ Mode 4 which indicate a trend to subsume migration under a broader trade agenda. GATS is the first multilateral and legally enforceable agreement on international trade in services and Mode 4 concerns the movement of natural persons. Developing countries have a surplus in skills in the service sector and GATS provides opportunity to earn higher wages. But the strictly temporary movement of Mode 4 of GATS targeting the highly skilled (which also means it is more beneficial to male migrants than female) with limited commitments by developed countries imposes serious immigration barriers. Although it has been suggested that the GATS negotiations could provide an opportunity to address human rights risks linked to migration (Dommen 2005), the WTO is not a forum that allows for the input from social

¹⁶ E-mail communication with representative from the Collectif de soutien aux sans-papiers de Genève (April 2005).

¹⁷ See e. g. Global Consultation on International Protection, *Refugee Protection and Migration Control: Perspectives from UNCHR and IOM*, 31 May 2001; www.unhcr.ch/prexcom/globalcon.htm.

partners, and thus non-governmental voices which are usually at the forefront of pushing for rights are not given a voice.

Legal framework

The feminisation of migration and specific vulnerability of female migrants in certain jobs such as domestic work are explicitly mentioned in recent ILO reports and documents – although neither of its migrant worker specific conventions (nos. 144, and 97) do so – and there is an increasing demand mainly from NGOs for the inclusion of domestic workers into national labour standards laws. Trade unions, however, still seem to be at loss how to grapple with the organization, and extension of protection to, domestic workers and thus, how to treat them as ‘proper’ workers.

In addition to a rights-based approach pushed by the ILO, the 1990 UN Convention on the Rights of All Migrants and their Families (ICRM) has come into force in September 2003, having finally reached the required minimum number of ratifications. Although the ICRM is unusual among its fellow conventions in its usage of the male and female forms of personal and possessive pronouns (he/she; his/hers etc.) thus making all rights provided specifically applicable to men and women, it does not address gender-specific needs in any way (UN 2004; Cholewinski 1997). In her discussion of protective mechanisms for female migrant workers, Truong (1996:32) has observed that the ICRM has recognized female migrant workers, but not in their role as ‘reproductive workers’ – a term with which she refers to jobs in ‘sex-affective services’ and the ‘care-taking economy’, whereas the Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights, on the other hand, recognizes sexual violence and trafficking in women as an aspect of violation of human rights, but does not give prominence to female migrants as reproductive workers.

An additional problem with the ICRM is that it has only been ratified by a small number of countries, all of which migrant senders. Its significance and overall impact is thus rather minimal at this stage.

Main forms of discrimination and abuse that where there are clear gender differences with either men or women being more affected, can be identified as follows:

1. Exploitative Terms of Work: Pay, Hours & Contracts
2. Restrictions on the Freedom of Movement
Right to leave and return to one’s own state, but not to enter; in countries of origin, women’s mobility being seriously constrained in certain contexts (such as in South Asia and the Middle East); issue of training centres that are more like ‘detention centres’ in Indonesia (Human Rights Watch 2004)
3. Labour Market Discrimination Against Women – at Home and Abroad
Gender wage gap; glass ceiling; labour market segregation;
4. Dangerous and Degrading Working Conditions: Safety and Health
5. Gender-Based Violence in the Workplace

6. Gendered forms of Racism and Xenophobia Against Women Migrant Workers (at home and abroad)
e. g. stigma as domestic worker and ‘entertainer’ or sex worker
7. Restrictions on Migrant Women’s Ability to Organize for their Rights (at home and abroad)

In a forthcoming article, Satterthwaite has summarized all relevant existing UN human rights standards that address each of these seven areas and how governments should go about implementation. The following treaties include protective norms that are applicable to the exploitation of migrant workers: CERD, CEDAW, the ICCPR, and the ICESCR, in addition to the ICMR. The article concludes by arguing that much of the effort to combat these violations focuses on urging states to ratify the ICMR. But as demonstrated by her analysis, this singular focus is misplaced. In fact, such focus could even be counterproductive as it is highly unlikely that the ICRM will be ratified in the near future by a broad range of states that are hosting significant numbers of migrant workers. Arguments that migrants do not have rights or that the existing human rights framework is inadequate should be countered with clear analyses and insistence on enforcing and monitoring the full breadth of international norms pertaining to migrant workers, female and male. Especially women migrants have sat at the crossroads of three major sets of norms: human rights standards pertaining to women (mostly strong, protective standards), the human rights of workers (clearly articulated and robust) and human rights rules concerning migrants (rules that remain in development but which currently offer less protection than the rules pertaining to women and to workers) (Satterthwaite, forthcoming). This poses a clear but not insurmountable challenge to build an analytical approach to women migrant workers’ rights that will encompass all aspects of their experiences. And it is intersectionality that can be used “to uncover empowering norms for migrant women, in particular domestic workers, within the corpus of human rights law” (ibid. , page 32).

With regard to implementation of ILO standards, there is in addition a clear need to look into labour market sectors that are prone to exploitative practices and where labour standards do not exist or lack enforcement and monitoring. Comprehensive studies on the employment situation of male and female migrants are needed to find out whether it is in fact the status as migrant and woman or the specific sector that is the problem. Regulation of labour *migration* should be compared with regulation of *sector* of employment (well regulated versus un- or under-regulated sectors) to see which type of regulation (emi-/immigration or labour market sector) is more effective. This would then lead to the question: are government *unwilling* or *unable* to regulate?

Role of the UN

Within the UN’s standard setting structure, it is the ILO and UNIFEM which have most explicitly expressed a commitment to gender equality dimensions of migration and women’s rights. The ILO’s Gender Programme has published numerous reports on women migrants in various countries and the Migration Section has also given much

attention to migrants' rights with reference to gendered perspectives to such rights also. UNIFEM runs from its Bangkok office a regional project entitled *Empowering Migrant Workers in Asia* aimed at the adaptation of CEDAW to migration.

Unlike CEDAW that has been widely ratified, migrant worker specific conventions (ILO conventions no. 97, 143 and UN CRM) have the lowest ratification rate in the developed as well as developing world and that recent studies have pointed to the largely political reasons for this: the little promotional activity by the UN itself,¹⁸ and the obstacles to the ratification in key regions of migration.¹⁹ The general reluctance to ratify and implement these migrant specific instruments is, on the other hand, paralleled by an increasing interest in combating trafficking and smuggling. This is reflected in the relative success of the 2000 United Nations Convention Against Transnational Organized Crime, also called Palermo Convention, and its two protocols (in terms of coming into force fast). This convention focuses on criminal aspects within migration and is more concerned with national security rather than the protection of trafficked victims. Thus, human rights issues are clearly sidelined in this document.²⁰

To assess to what extent a rights-based approach to migration is in fact becoming global norm and legal practice (in terms of implementation), the influence and standing of such organisations as UNIFEM and ILO has to be analysed. UNIFEM is less well funded compared to other UN agencies²¹, and the ILO has to compete with the IOM in the field of migration. Many western governments in fact support the IOM more wishing to reduce the ILO's mandate for migrant workers. The IOM, however, is not a norm and standard setting organisation and has in fact no normative framework for the protection of migrants' rights (Human Rights Watch, 2003). Also, with the role of state and international agreements among states remaining critical in setting standards and monitoring the implementation of these standards (Skeldon 2004), it would also be a useful exercise to investigate the complaints mechanism at the ILO and to what extent migrant worker and migrant women related issues appear and what the rulings are. Likewise, as much as gender mainstreaming has been pushed for, concerns for migrants should also be mainstreamed in the workings of the Treaty Bodies at the OHCHR (an extension of a study by December 18 and the International Catholic Migration Commission).

Recent studies identifying the obstacles to the ratification of the ICMR conclude that the broadest common result is lack of political will (Piper and Iredale 2003; Pécoud and de Gucheneire 2004). As a next step, an in-depth analysis of lacking political will is needed, engaging with the literature on the processes through which international norms are made part of domestic legal and political systems to see why there is so much resistance to the equal treatment of migrant workers generally, and migrant women in specific.

¹⁸ See *The UN Treaty Monitoring Bodies and Migrant Workers: A Samizdat*, ICMC, 18 December 2004, which can be obtained from grange@icmc.net and/or myriam@december18.net.

¹⁹ See Piper and Iredale, 2003; and Pécoud and de Gucheneire, 2004.

²⁰ See Gallagher (2001).

²¹ It has to be pointed out, however, that its development funds go directly to women in vulnerable sectors, like migrant women, no matter how small is the amount. Despite its limited budget, it stretches funds to do more activities (personal conversation, ex-UNIFEM employee, April 2005).

Governance of international migration

There are multiple arenas of governance involving the state, market and civil society, in a national and supra-national context. In this sense governance involves ‘top down’ (state and supra-state) and ‘bottom up’ (grassroots) processes, or more sophisticatedly put, “(g)overnance theorizes a shift from hierarchical and territorially bounded bureaucracies as a mechanism for delivering public goods to networks of global, state, and non-state actors, leading to the emergence of national and transnational modes of governance not solely controlled by states.” (Grugel 2004:32).

The connection between governance and migration was first made by Rowlands (1999) who discussed the link between economic development and emigration from the viewpoint of migrant sending countries. It was in fact international organizations and donor agencies that revived their interest in the connection between the quality of public administration and economic development largely down to the influential World Bank 1989 report with focus on Africa (Rowlands 1999). A broader interpretation of governance, however, goes beyond the economic sphere to include political dimensions such as democracy and human rights. In this sense, “since aspects of governance presumably affect the welfare of individuals, both materially and in terms of social relations, strong reasons exist for presuming that there is also a direct connection between governance and migration” (Rowlands, 1999:11-12). In the context of migration, governance issues point to the importance of relative standards of living as key determinants of out-migration and thus to countries of origin.

The link between governance and migration has also been discussed from the perspective of female migrant protection and rights, looking at responses to international migration issues by global institutions, states, and non-state (NGO) actors (Piper 2003). Despite the increasing pressure to migrate in developing countries and the demand for low or unskilled foreign labour in the highly developed world, control over, and management of labour migration, has remained one of the last bastions of individual states – particularly the migrant receiving countries which are mainly concerned with the protection of their borders and ‘national security’. As a result of strict and rigid immigration and visa policies channelling women and men into certain employment sectors, undocumented migration – often involving smuggling or trafficking - has been on the rise.

In view of the lack of political will to deal with migration issues on the part of governments, especially those related to the rights and civil liberties of migrants and their families, it is very much up to non-state actors, such as NGOs and trade unions, to take up a political advocacy role in order to assert pressure on policymakers in national as well as transnational settings. But given the highly gender segregated labour market (and the difference in working conditions etc.), migrants’ political organising presumably differs according to gender. Thus, this involves a gendered difference in the influence on the governance of migration.

Global level

There is no global coordinating mechanism or commonly agreed framework to guide policy making on migration, meaning the international regulatory framework to protect migrants is both patchy and poorly developed (Ramamurthy 2003). The World Commission on Social Dimension of Globalisation laments the absence of a multi-lateral framework governing the cross-border movement of people. The GCIM has this mandate but does not have a specific mandate on women or gender equality; although the Commission does give attention to gender equality dimensions of migration and plans to incorporate them into its final report.

To date, global governance of migration is fragmented between various UN agencies, with gender having gained attention in much of the work done by the ILO and women specific issues by UNIFEM, the Commission for the Advancement of Women and the gender programme at UNRISD.

State level

Unless part of a regional block such as the EU, individual states usually design their own immi-/and emigration policies, with some not having any policies in place at all. There is evidence that such laissez faire approach results in a worse deal for migrants and women migrants (as in the case of Nicaragua, D'Angelo and Pasos Marciacq 2002). Where clear policies exist, there is little evidence of policy making in this area being the product of a 'social dialogue'. Some countries have set up special ministries to deal with overseas migration (Philippines, Bangladesh, Sri Lanka, etc.) and there are examples of 'migrant welfare funds' or commissions, but often migrant worker organisations are not part of their boards of management (by contrast, recruitment agencies are represented!) and thus, their voices are not heard, and there is no transparency with regard to the spending of the accumulated fees. Women are often more affected by this as the types of jobs they perform are often not even part of trade union organising. Surprisingly, ministries of women affairs are sometimes not particularly active or outspoken on behalf of migrant women issues (such as in Sri Lanka, e. g.).

Between destination and origin countries, there is the option of negotiating bilateral agreements, but no example of 'good practices' where gender sensitive clauses could be identified. UNIFEM is currently facilitating the establishment of an implementing mechanism for the Memoranda of Understanding (hereafter: MoU) between Jordan-Indonesia and Jordan-Philippines that contain rights protection for migrant workers. It is to be seen what the concrete outcome of this promising endeavour will be. There are also MoUs in place between Thailand and its neighbours Laos and Cambodia which apparently contain clauses on migrants' rights, but to what extent they accommodate gender specific rights' issues is not known. The problem with bilateral agreements is that they give preferential treatment for a specific group of migrants, and by not promoting universal standards across all nationality groups, a hierarchy among migrant workers often emerges. Moreover, international agreements affecting migration at global,

regional and national levels are more likely to be more favourable towards skilled rather than unskilled migrants (Skeldon 2004). This has gender implications as on the whole less women participate in the skilled migration flows.

Non-governmental level

Migratory flows have also given rise to many NGOs and other voluntary associations committed to addressing dire needs and alleviating serious problems of migrants in general and migrant women in particular (see e. g. Piper and Yamanaka 2003; ILO's GENPROM paper series listing NGO activities in several Latin American, Asian, and African countries). This has partly to do with the little engagement that trade unions have shown because they either regard migrant workers as better off and thus in no need of political attention (sending perspective), or because they work in sectors that are regarded impossible or difficult to organize such as domestic work (receiving perspective). The situation also arises because of the transnational/short term nature of much of today's migratory flows, whereby political activism is not only directed against destination governments' policies, but also because of origin governments' policies (and trade unions tend to be too nationally oriented). The extent to which migrant worker NGOs are able to form alliances (with other social movement organisations, including trade unions), especially within destination countries, and assert sufficient pressure on governments to achieve change, however, is questionable and might require more in-depth research.

Contrary to conventional migration theory's binary focus on processes of emigration from and immigration to a specific country, recent transnational perspectives introduce an understanding of migration as involving social processes that bridge countries of origin and destination on a long term basis (Nyberg-Soerensen et al. , 2001). This can also be observed in the realm of politics which can be broken down into five major groupings: (1) immigrant politics (political activities by migrants to improve their situation in the country of destination); (2) homeland politics (political activities directed towards the domestic or foreign policy of the country of origin); (3) home town politics (initiatives from abroad aimed at participation in the development of local communities of origin); (4) diaspora politics (political practices confined to group barred from direct participation in the homelands' political system) and; (5) transnational politics (political activities directed at both country of origin and destination). By taking part in these, migrants have the potential to take on the role as lobbyists in defence of an array of issues implicating the countries at both ends of the migration chain. The gender specific dynamics involved in these processes, however, are largely unknown. There is some evidence that certain types of organisations, such as home-town associations and those involved in homeland politics, are dominated by men.

A study is needed which explores in greater detail the gender perspectives of migrant organising. We need to find out what channels men and women seek and why and how effective they are in bringing migrants' needs across to policymakers at both ends of the migration process. On the basis of these findings, a more effective support system can be put in place.

Regional developments

In addition to bilateral agreements, one further step towards achieving a global policy agenda that aims to maximize the benefits of migration for the individual migrants is the regional level. With states being at this stage intimidated by what they seem to perceive as open ended undertakings which compromise their sovereignty in the migration area, regional agreements are typically seen as less threatening. There are differences with regard to intra-regional structures, with the EU having the most developed common approach to migration, followed by NAFTA and the African Union. It is therefore worth examining how regional initiatives are working to improve the situation of migrants and increase sensitivity to gender issues.

Regional human rights bodies also play an important role in consolidating a rights based approach to migration. The most progressive example here is the Inter-American Human Rights System. It created its own Rapporteurship on migrant workers. The reports, together with those of the UN Special Rapporteur, have documented the failure of restrictive policies to halt irregular migration, the negative consequences of fortified borders in creating opportunities for trafficking and smuggling, leading to increasingly dangerous journeys and a rise in migrant deaths. They also note the effect of restrictive policies in discouraging circular and temporary migration (Grant 2005).

With regard to broader regional agreements, trafficking is the most dealt with and best covered issue. Unlike the management of labour migration about which there has been rather little regional cooperation in certain regions, such as the Asia Pacific to date, the problem of trafficking has been taken up on the regional level to some extent. However, a number of initiatives do not directly relate to human trafficking but deal with this as a subset of other issues, such as irregular migration. Most of these initiatives deal with the control and prevention of such migratory flows, rather than addressing the root causes and putting protective measures in place. Reflecting the common approach to trafficking, the focus has been on women and children. But more recently, there has been a new development on the sub-regional level in Asia, the so-called Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) whose planning and setting up phase is to be finalized by February 2005. In addition, a number of bilateral agreements on trafficking are at various levels of discussion between Thailand, Lao PDR, Myanmar, Cambodia and Vietnam. Among the specific objectives, agreed standards and procedures on repatriation and victim support are mentioned. In addition, COMMIT is one of the few, if not the only, anti-trafficking initiative which explicitly includes men as potential victims. How this translates into victim support is unclear at this stage.

Another feature that seems unique for Asia is that there have been two ministerial level consultations (labour ministries) for Asian labour sending countries in Colombo (April 2003) and Manila (September 2004) to discuss issues of common concern, including the protection of migrant workers. Concrete action has not been taken, other than the plan for a feasibility study on the establishment of a Common Migrant Resource Centre in the Gulf Cooperation Council Countries.

Concluding remarks

There is increased awareness of the important role that gender plays in international migration. This reflects the increased proportion of migrant women in all categories alongside increased recognition by scholars and policymakers alike that their experience of migration differs from that of men (Taran and Geronimi 2003:10). What emerges is a highly complex picture of gendered outcomes of migration. This makes the assessment of gender equalising and empowering experiences that migration may entail highly context-specific and closely connected to legal status, skill level, socio-economic and cultural background in the countries involved.

Contemporary labour migration flows are characterized by increasing diversification and polarisation which has implications on all broad issue areas discussed in this paper. In addition, the key axes of differentiation and stratification between the skilled and lesser skilled, the legal compared to the undocumented are compounded by ethnicity and gender. Migrants' position in relation to these axes influences access to the entitlement of family reunification, access to the labour market, social services etc. The employment experience of skilled labour such as health professionals is more favourable than that of unskilled labour because of their qualifications and bargaining power (Wickramasekara 2002:2). However, this basic distinction should not divert attention from the vulnerability of migrant labour in the health sector. Legal status alone is not a panacea to solve the problem of abuse. Even the highly skilled are subject to gendered and ethnically differentiated forms of discrimination and prejudice.

Channels to achieve socio-political empowerment for all migrant workers, but especially women (for whom there seems to be a weaker support system available all around), need to be fostered, and non-governmental organisations (trade unions, NGOs, human rights commissions, regional human rights courts) have an important role to play in this. Genuine empowerment is about having meaningful institutional alternatives first, through which influence on policy and the normative/legal framework can be channelled at all stages of the migration process (pre-migration, stay abroad, return migration). This is what policy should aim to achieve at every level (national, regional, global) – to empower migrants and reduce their socio-economic and legal insecurities through an institutional set-up that is based upon a comprehensive rights-based approach. Migrants in general, and migrant women in specific, need to be enabled to have a voice in decision making. The establishment of a 'social dialogue' system – by way of national and regional commissions comprised of all stakeholders – might be a way to go about this.

Overall, the mainstreaming of a gender and rights perspective into all migration interventions is desirable as well as the mainstreaming of migration into development interventions. To highlight gender differences leads to a greater appreciation of the social dimensions of migration, and with this to a greater appreciation of not only the economic but also the social dimensions of the development-migration nexus. This helps to address the complex root causes that lead to migration and to maximize the benefits of migration to the individuals involved. It is vital to link rights-based with development approaches,

to highlight that migrants in general and migrant women in specific have rights as individuals and agents of development.

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