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development - gender

GENDER and MIGRATION

Overview Report

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* Gender and ICTs, 2004
* Gender and Citizenship, 2004
* Gender and Armed Conflict, 2003
* Gender and Budgets, 2003
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Acronyms

ATC	Anti-Trafficking Centre (Belgrade, Serbia)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DFID	Department for International Development, UK
GAATW	Global Alliance Against Traffic in Women
GATS	General Agreement on Trade in Services
GCIM	Global Commission on International Migration
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICRM	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IDC	International Development Committee (UK)
IDPs	Internally displaced persons
INSTRAW	United Nations International Research and Training Institute for the Advancement of Women
ILO	International Labour Organisation
IOM	International Organisation for Migration
MDGs	Millennium Development Goals
MOU	Memoranda of Understanding
NGO	Non-governmental organisation
OHCHR	United Nations Office of the High Commissioner on Human Rights
SAARC	South Asian Association for Regional Cooperation
SAMP	Southern African Migration Project
Sida	Swedish International Development Cooperation Agency
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNHCR	United Nations High Commissioner for Refugees/United Nations Refugee Agency
UNRISD	United Nations Research Institute for Social Development
UNSC	United Nations Security Council

Executive Summary

Over the past four decades total numbers of international migrants have more than doubled but the percentage of the world population migrating has remained fairly constant. There are now 175 million international migrants worldwide or approximately 3.5 per cent of the global population – about half of whom are women, despite the common misconception that men are the migrants.

This Overview Report on Gender and Migration takes a broad approach to migration – it looks at the gender dynamics of both **international** and the lesser-researched **internal** migration and the interconnections between the two. People may choose to migrate, or have no choice, or the decision may fall somewhere on the continuum between the two. This report therefore covers both **forced** and **voluntary** migration, including covering economic and other voluntary migrants, refugees and internally displaced persons and trafficked people. These migrants in turn come through regular (conforming to legal requirements) or irregular channels.

Gendered movements: causes and impacts

Individuals may migrate out of desire for a better life, or to escape poverty, political persecution, or social or family pressures. There are often a combination of factors, which may play out differently for women and men. Gender roles, relations and inequalities affect who migrates and why, how the decision is made, the impacts on migrants themselves, on sending areas and on receiving areas. Experience shows that migration can provide new opportunities to improve women's lives and change oppressive gender relations – even displacement as a result of conflict can lead to shifts in gendered roles and responsibilities to women's benefit. However, migration can also entrench traditional roles and inequalities and expose women to new vulnerabilities as the result of precarious legal status, exclusion and isolation.

Migration can provide a vital source of income for migrant women and their families, and earn them greater autonomy, self-confidence and social status. At the same time, women migrants, especially if they are irregular migrants, can face stigma and discrimination at every stage of the migration cycle. Before departure, women can be faced with gender-biased procedures and corrupt agents. In fact, gender discrimination, poverty and violence, can provide the impetus for women to migrate or enable women to be trafficked in the first place. During transit and at their destination women can be faced with verbal, physical and sexual abuse, poor housing and encampments, sex-segregated labour markets, low wages, long working hours, insecure contracts and precarious legal status. And upon return to the source country they may be faced with broken families, illness and poverty.

Gender and migration in the development context

Although migration is only now emerging as a development issue, migration may lead to development in receiving communities through the contribution of labour and skills. On the other hand, remittances and diaspora investment can provide much-needed economic support to sending communities. However the labour and skills that are brought in – and in turn who benefits – depend on sex-

segregated labour markets and gendered migration policies which provide differential opportunities for women and men. Sometimes immigration policies push "unskilled" women workers into irregular and more risky migration channels. Migration may also hinder development through the social disruption of displacement due to conflict, or through "brain drain" and possible increases in HIV/AIDS rates, to which women and men are at different risks.

Current policy approaches

Theory, policy and practice that link gender equality concerns with migration from a development perspective are rare. Migration is still primarily seen as the concern of the state and migration as a development issue is only just emerging, with limited attention being paid to gender. Indeed, migration remains on the margins of the global policy agenda, with the exception of that which is conflict- and disaster-induced. While there is increasing recognition that women are also migrants and that the causes and impacts of migration are gendered, attempts to mainstream gender issues into policy are patchy. Work has focused primarily on "adding women" as a discriminated and vulnerable group, particularly in relation to displacement due to conflict and trafficking for sexual exploitation. The many women-focused policies and programmes initiated by NGO and civil society organisations largely focus on empowering, protecting and supporting women migrants.

Shift to a gendered human rights approach

If women and men are to benefit from the empowering and development potential of migration, a shift is needed to a gendered human rights approach to migration. The key elements of such an approach could be:

1. Immigration and emigration policies that enable women as well as men to take up opportunities that safe and regular migration may offer, and which will foster the positive impacts of migration for the social and economic development of migrants, and the receiving and sending countries. This would include measures to ensure sufficient regular channels for women's entry, to avoid them being pushed into more risky irregular channels and bilateral agreements between sending and receiving areas which protect women migrants' rights.

2. Mobilise around and support for international rights frameworks that offer protection for women migrants to ensure that governments ratify and adhere to such. This includes not only those relating to migrants, trafficked peoples, refugees and displaced peoples, but also women-specific frameworks such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UN Resolution 1325 and the Beijing Platform for Action.

3. Support for the acknowledgement and realisation of the rights of migrants throughout the migration process, including providing pre-departure information on legal rights, facilitating remittances, ensuring access to basic services such as housing, education and health, and supporting migrant organising and solidarity between different migrant groups to address issues of exclusion and isolation.

1. Introduction

'While working in Hong Kong I experienced many things – the way people treat a dependent or independent woman. I have gained much experience and my confidence has grown. Now, I have a say in decision-making at home. My husband does not shout at me. I have bought a piece of land and four rickshaws and I am creating a means of livelihood for four other families…'

Sushila Rai, Nepalese migrant domestic worker (UNIFEM 2004, section 2, p1)

'I can't believe I did it. If I had someone to talk my problems over with, this would not have happened'. Twenty-one-year-old Leonor Dacular, is reported to have said this to a Philippine embassy official in a prison cell in Saudi Arabia as she awaited execution. She had complained to her employers that she had been raped twice by their 16-year-old son, but they did not seem to care. She had no one to turn to as she was not allowed to use the phone, her letters were confiscated and she was often locked in the house. She finally killed the son and his parents in their sleep and tried to kill herself. She was executed in Saudi Arabia on 7 May 1993.

UNIFEM 2004, section 2, p4

Sushila Rai's experience above, shows how migration can provide new opportunities to improve lives, change oppressive social relations and contribute to both sending and receiving societies. But it can also expose people to new vulnerabilities as the result of precarious legal status, abusive working conditions, social isolation and exclusion, and particular health risks and discrimination, as was the case for Leonor Dacular. How can policy and practice help make migration experiences more like those of Sushila and less like Leonor's? This report seeks to provide some answers.

Theory, policy and practice that link gender equality concerns with migration from a development perspective are rare. This is not surprising. A prevailing misconception has been that men migrate and women do not. Women migrants have often been "invisible" – assumed to be economic dependants of spouses – despite the fact that consistently over the past 40 years, nearly as many women as men have migrated. However, women migrants are becoming more visible as they take up income-generating opportunities.

Concern with migration flows across national borders has dominated international migration theory and policy. International migration theories over the past 25 years have failed to address the gender causes and gender-specific experiences of migration. It was feminist researchers and activists in the 1970s and 1980s who questioned the near invisibility of women as migrants, their presumed passivity in the migration process and their assumed place in the home (Boyd and Grieco 2003). The 1980s and 1990s brought more of a focus on gender equality and gender relations, albeit still on the margins of international migration theory (Piper 2005). Indeed migration is only just now emerging as a development policy issue, with limited attention to gender and remains sidelined on the global policy agenda.

This *Cutting Edge Pack* seeks to map out the disparate policy and programme responses and identify good practice and further entry points to enhance the potential benefits of migration and mitigate the risks. This entails moving towards a gender-sensitive rights-based approach to migration, from a development perspective. This move towards national immigration policies needs to: recognise the right to move safely between countries and areas for both women and men; mobilise around international rights frameworks that offer protection for women migrants; and provide practical support to redress exclusion and isolation. It also needs to realise migrants' rights throughout the migration process, including ensuring migrants can access basic services such as housing and education, taking account of the different needs and priorities of women and men.

The Pack seeks to bring a holistic approach to migration, by looking at both internal and international migration, regular (conforming to legal requirements) and irregular migration, as well as across the spectrum from "forced" (such as trafficking) to "voluntary" migration. It explores the gendered patterns of migration – including how gender impacts on decisions to migrate in terms of who goes and why – and in turn how this affects the benefits and risks of migration for women and men, including impact on gender relations. How levels of development may influence migration decisions and the consequent impact are then explored from a gender perspective – including a review of remittances, "brain drain" and HIV/AIDS. Current policy approaches are reviewed before the way is pointed towards a gender-sensitive rights-based approach to migration that also recognises the development potential of migration.

This Pack is particularly written for the range of policymakers engaging with gender and development and migration and development issues. The Supporting Resources Collection, which forms part of this Pack, identifies key resources and tools of value to policymakers, practitioners and migrants' rights advocates.

Concepts

Migration	Moving internally within countries, or internationally between countries (from sending to receiving country). May be a move for the short or long term, for economic, political or social reasons. May be regular (conforming to legal requirements) or irregular. The migrant may have varying degrees of choice over whether or not they move – the decision may be somewhere between "forced" and "voluntary".
Development	Development as a *goal*: i.e. improvement in human well-being – both economic and social. Includes but is not limited to poverty reduction. This is as opposed to *programmes*, which may contribute to improvements in well-being or have unintended negative effects, such as displacing people who wish to stay put.

Gender	Gender refers to the differences and commonalities between women and men which are set by convention and other social, economic, political and cultural forces. In this report we are particularly concerned with roles, relations, power dynamics and inequalities between women and men.[1]
Gender discrimination	The systematic, unfavourable treatment of individuals on the basis of their gender, which denies them rights, opportunities or resources.
Gender mainstreaming	An organisational strategy to bring a gender perspective to all aspects of an institution's policy and activities, through building gender capacity and accountability.
Sex-segregated labour market	The gender division of labour consists of the socially determined ideas and practices that define what roles and activities are deemed appropriate for women and men. This in turn can lead to a sex-segregated labour market where men are recruited into certain types of jobs and women into others.
Trafficking of people	This refers to the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation, by means of deception, threat, force, or abduction.

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[1] Some transgender people consider themselves to be neither women nor men, or at least not simply either women or men. In this report we also consider the gender dynamics of migration by transgender people.

2. Gender and migration flows

2.1 International migration

Available statistics give an incomplete picture, but nevertheless may indicate general trends.

Snapshot of international migration trends

- In 2000 there were 175 million international migrants in the world, meaning one out of every 35 persons in the world was an international migrant (including both refugees and other international migrants).

- Numbers of international migrants have more than doubled since 1960, and as a percentage of the world population, have risen from 2.5 in 1960 to 2.9 per cent in 2000. A significant part of the increase was due to population movements following the disintegration of Czechoslovakia, the USSR and Yugoslavia.

- 25 per cent of all international migrants are in Asia, 23.3 per cent in North America, 18.7 per cent in Europe, 16.8 per cent in the former USSR, 9.3 per cent in Africa, 3.3 per cent in Latin America and 3.4 per cent in Oceania.

- The Philippines is the largest exporter of migrant labour throughout the world, the majority of whom are women. Mexico is the second largest exporter of migrant labour throughout the world. The majority are male and leave to work in the USA (Engle 2004: 25).

- In 2000 there were 17 million refugees in the world, or 9.7 per cent of all international migrants. While there are as many women as men in refugee camps, in several countries more men apply for asylum (UNRISD 2005).

(Where not otherwise specified, figures are from IOM 2005a)

The common perception is that migrants are predominantly male. In fact, global estimates by sex confirm that since 1960 numbers of female cross-border 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 female proportion of international migration has risen slightly, to reach 48 per cent in 1990 and nearly 49 per cent in 2000 (International Labour Organization 2003: 9). While there has been no major change in the percentage of women and men moving internationally overall, there have been changes in patterns of migration – with more women migrating independently and as main income-earners instead of following male relatives (Martin 2005). There have also been changes in patterns between different regions and countries.

Some discussions of international migration refer to a "feminisation of migration". This term is contentious as women already made up almost half the numbers migrating several decades ago. However, there has been an increase in the numbers of women migrating in certain regions (e.g.

Asia), so in this sense a "feminisation of migration" has taken place in particular areas. Furthermore, the term is sometimes used to describe the change in migration patterns, wherein women are increasingly moving as independent migrants, for example in search of jobs, rather than to rejoin male family members.

2.2 Internal migration

Snapshot of internal migration trends

- Combined internal migration within China and India alone exceeds total international migration worldwide (Deshingkar 2005).

- Internal migration is most commonly rural-to-urban, but migration from poorer to more prosperous rural areas is also significant and more common in some countries, for example in India. Here, where rural workers travel to more prosperous green revolution states, it accounts for roughly 62 per cent of all movements in India 1999–2000 (Deshingkar 2005).

- In Africa, women tend to move shorter distances than men. Women migrants are more likely to migrate internally or just across borders than migrant men.

- In most countries in Latin America, women migrate internally in larger numbers than do men (Davis 2003).

- Rural-to-urban internal migration in South Asia (India, Pakistan, Bangladesh) is still largely male-dominated, although women's migration is on the increase, in part due to relocation of light industries such as textiles to areas where labour is cheap.

- In Japan, the Philippines and Thailand, women make up the majority of internal migrants (IOM 2005b).

- There are 25 million internally displaced persons (IDPs) in more than fifty countries, half of these in Africa (UNHCR 2004).

Statistics on total internal movement generally underestimate the scale overall and fail to disaggregate by sex. However, there is some evidence of increasing internal migration generally, and particularly of increasing internal migration by women (Deshingkar 2005). Gender dynamics of internal migration have been most researched in Asia. More women are now migrating for work independently of husbands in Asia, especially East Asia, because of increased demand for female labour in some services and industries, and because of greater social acceptance of women's economic independence and mobility (Deshingkar 2005). Export-oriented labour-intensive industries are significant employers of women. The end of the Multi-Fibre Agreement in 2005 will change the pattern of demand for women workers in the export textile sector – meaning many women will be laid off in Bangladesh and Cambodia unless efforts are made to re-train workers and open up other areas for diversification (Deshingkar 2005). In many Asian countries, such as Thailand, the sex trade is also a significant employer of women internal migrants.

Internal and external migration are often interconnected. People may move from a rural to an urban area internally before organising their journey on to another country. International migration may create a demand for internal migrant labour. For example, when women from the Philippines migrate internationally to become nannies in Hong Kong, Europe and elsewhere, they usually leave their own children behind. These children may be cared for by their fathers, aunts or grandmothers. However, often a rural-to-urban migrant woman may be employed to provide childcare (Parrenas 2001).

2.3 Knowledge gaps and limitations of statistics

Statistics on migration have their limitations. Irregular migration (that does not conform to legal requirements) is hard to document. The predominance of women migrating as "dependent spouses", the invisibility of women's labour (e.g. domestic labour), restrictions on their right to work and involvement in activities that are deemed to be criminal offences or against public order (e.g. sex work) mean that a higher proportion of women are statistically invisible and undocumented (UNRISD 2005). By far the most international migration takes place among countries in the southern hemisphere and goes largely unreported (GCIR 2005). In general, less information is available on internal than on international migration, and sex-disaggregated statistics on internal migration are particularly rare. Migration among African countries is possibly the least well-documented migration flow globally (IOM 2005a). More research and documentation has been done on gender and migration in Asia than in other regions.

3. Gendered movements: causes and impacts

3.1 Gendered causes of migration

The connections between gender and migration are illustrated in the diagram below:

Migration influences gender relations, either entrenching inequalities and traditional roles, or challenging and changing them

Gender influences:
• who migrates and why, and how the decision is made
• how migration impacts on migrants themselves, on sending areas, and on receiving areas
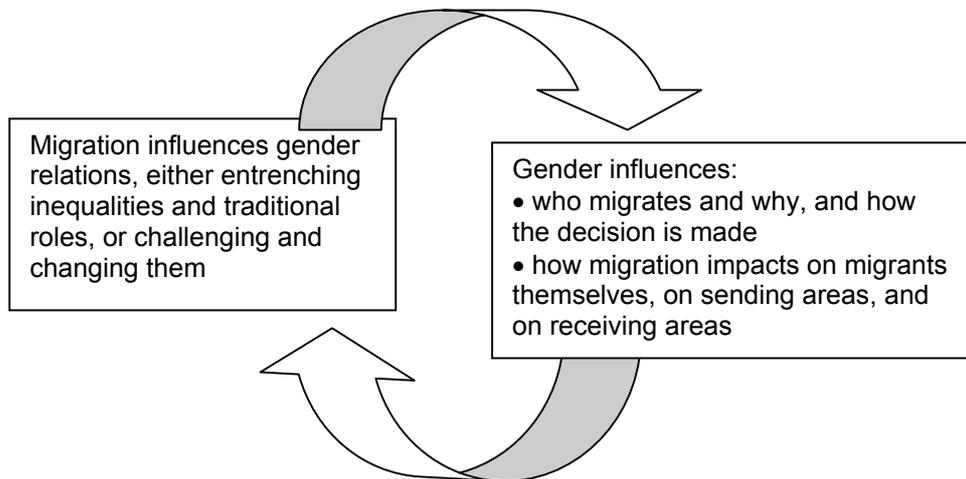
Most decisions to migrate are made in response to a combination of economic, social and political pressures and incentives. Inequalities within and between countries create incentives to move. Seeking to make money is one important motivator of migration for both women and men. However, economic motivations are only one among many factors influencing decisions. The motivation may be to join a spouse who has migrated (family reunification) or to escape gender discrimination and constraining gender norms. Yet migration may be forced by traffickers or displacement may be forced by natural disaster or conflict. Conversely, cultural constraints and gendered international emigration and immigration polices may limit women's ability to migrate.

Real life examples show the problems in categorising the motivations of migration as either "forced" or "voluntary". To what extent these people's migration was coercion or choice is open to debate: a family from Niger faced with famine moving for survival; a daughter in the Philippines sent by her family to work as a maid and send her earnings back home; a Bangladeshi woman divorced by her husband who is sent back to her parents' village; a woman fleeing feared violence from the militia to a displaced people's camp in Darfur; an English boy who runs away from home to escape sexual abuse; a Serbian woman who has willingly migrated for sex work, but has been deceived to believe that she will earn good money rather than be trapped in conditions of virtual slavery. In recognition of the ambiguity in the division between forced and voluntary migration, this pack will consider both.

In a family or household, who makes the decisions on migration? The ongoing gender relations and hierarchies within a household context affect such decisions – the interests of women and men do not necessarily coincide and may affect decisions about who manages to migrate, for how long, and to

what countries (Boyd and Grieco 2003). Women may have little influence on migration decisions in the household. Even where women migrate alone this is likely to be with reference to, or even determined by, the household livelihood strategy and expectations of contributions through remittances. Several studies of internal Filipino migrants show families are more likely to send daughters to migrate because they perceive them to be more reliable in sending remittances. In addition, the family assigns the roles of women and girls, which in turn determine their relative motivation and incentive to migrate, and controls the distribution of resources and information that can support, discourage or prevent migration (ibid.). However, a decision to leave is not the same as being allowed to exit the country or to enter a specific country – there is a gendered international migration process, with government immigration policies playing a key role (ibid.).

Here we will particularly focus on the following mixture of motivations and coercions: seeking economic betterment for self or family; migrating to escape gender discrimination or to conform to or challenge gender norms; being trafficked; and moving to escape conflict. We will see later how government policies relating to migration can also impact on decisions to migrate – including selective migration based on skills, family reunification policies and response to asylum-seekers.

3.1.1 Income generation

A person's economic power and labour opportunities and rewards in sending areas influence their incentive and capacity to migrate. Migration may be the only option for women in the face of family poverty, or the best option for personal or family betterment. The desire is often to send remittances - money earned or acquired by immigrants that is sent back home to their country of origin. However, gender-segregated labour markets in receiving areas offer different opportunities and rewards to women and men migrants. Jobs more often done by men are classified as skilled and jobs more frequently done by women as unskilled, with greater rights awarded to skilled workers. In receiving countries, policies managing immigration often give greater rights and possibilities of regular migration to those taking up jobs usually done by men. Women are therefore more vulnerable to being pushed into irregular (or illegal) channels.

Globally, it is the case that most women who migrate find work in unskilled occupations, for instance as domestic or care workers, as so-called "entertainers", or in manufacturing (especially garment) and to a lesser extent in agriculture. In manufacturing, male migrants often join higher management while women are concentrated at lower levels (Piper 2005). Whilst the majority of female migrants fill the less-skilled jobs upon entry, they are not absent from the ranks of the skilled. 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 per cent or more of the nursing workforce being comprised of women.

Indicators of immigrant women's labour market marginality include lower labour force participation, low-status occupations and jobs, poor working conditions and low earnings (Piper 2005). For example, Bolivian women and children working in clothing factories in Argentina and Brazil are subject to

exploitation – such as 18-20 hour working days – fuelled by their lack of legal documentation (Lean Lim *et al.* 2003).

Changing labour markets globally have increased both opportunities and pressures for women and men to migrate internationally in larger numbers. For example, in Latin America the shift in economic emphasis to service sectors has led to an increased demand for female labour, which in some areas has given women an incentive to migrate into these areas. In Eastern Europe and Russia, the opposite has happened, with economic transition leading to a rise in women's unemployment and an out-migration; for example, Russian women migrating to Thailand to become sex workers. Research highlights the significant degree of deskilling and disqualification that many migrant women with full high school and even graduate-level education experience – this applies particularly to women from the Philippines, Eastern Europe and Latin America (Piper 2005).

3.1.2 Family reunification

Where family reunification (right to migrate to join other family members in the destination country) 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. In Europe, North America, Australia and New Zealand, migrating under the family reunification category is still clearly dominated by women and there is evidence that women encounter difficulties finding work which matches their qualifications once they have entered as "dependent spouses" (Piper 2005). 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. However, if men find it difficult to accept the change in gender roles, particularly if they themselves are not working, such frustration can lead to domestic violence.

Unskilled regular migrants (among whom women are more highly represented) are less likely to be entitled to family reunification and irregular migrants have no entitlement. This encourages permanent settlement (and family separation) due to the difficulties of returning home or family visiting. While family unification is often an important demand, this is not the demand of all migrants. Some communities hold on more firmly to the expectation of returning to their country of birth and therefore are more resistant to family regrouping. Some individuals migrate to escape the constraints of family life – particularly gender roles. Contemporary communication – such as texting – and cheap travel costs make it easier to allow frequent interaction and return visits to maintain transnational family life without necessitating reunification.

3.1.3 Gender discrimination and norms

Gender discrimination and norms in the household and society push particular groups of people to migrate in particular ways, and push others to stay put. How this happens varies according to the different contexts. For example:

- men may be expected to support the family economically, so migrate to try to earn money while their wives stay behind

- migration might be seen as a rite of passage for young men
- it may be less acceptable for women to move about and travel on their own so women may find it more difficult to migrate, or migrate shorter distances than men, internally, or within the region (as is the case in Africa)
- it may be the norm for women to move to husbands' families upon marriage
- parents may see it as a duty for daughters to migrate and send money home to support the family, so encourage them to migrate.

Migration and marriage

In Ghana earning money to buy the goods needed to make a good marriage is a key motivator of migration for both boys and girls migrating from early to late teenage years. While boys have more opportunities for employment and migration, parents are also very accepting of girls migrating because girls traditionally move to their husband's family upon marriage, so will leave anyway. One father said of his daughter's migration *"I approved because she is a girl and so has to leave"* (Hashim 2005: 35).

Some people may migrate to escape pressure to conform to gender norms or to escape gender-specific discrimination, for example:

- women wanting to earn more and have more economic independence rather than stay put
- young men leaving the country to escape being forced to become soldiers
- women migrating to escape sexual violence and abuse, sometimes related to a conflict situation
- single women, widows and divorcees migrating to escape social stigma
- young women migrating to escape restrictions on their freedom, pressure to marry, or to remain chaste until marriage (see box *below*).

Stories of women migrating within China

'My clash with my mother came from the so-called "important event in my life". The custom of "Marry a chicken, follow a chicken; marry a dog, follow a dog" was to me like a huge black net in which all my dreams and aspirations would be swallowed up ... I had always considered myself no ordinary person. I was a girl with some ideas and some know-how, already rewarded for years of struggle with the fortune of publishing a collection of short stories called *Bamboo Walls*. In our county, which has a population of over a million, I became the only female member of the provincial writers' association. But I was still just a 24-year-old woman with rural household registration in a remote mountain village. In the countryside, I should long ago have become someone's wife or mother. But I didn't want that. When my mother lost patience and gave me an ultimatum, I couldn't go along with it, but I could also no longer say no. All I could do was run away' (Zhou 1998).

> 'The year I turned 18, I eloped with a man from another county. Later, I gave birth to three daughters. My husband was a gambler and a drunkard and boozed until he was completely legless every day. When he lost money he'd come home and beat up me and our children. One of those awful beatings three years ago made me determined to leave him, and that's how I started my life as a migrant worker' (Pang 1998).

- lesbians, gay men and transgender people migrating to places where they can be more anonymous away from family scrutiny, or to countries with more progressive legislation and greater social acceptance.

Transgender migration

Transgender populations are traditionally mobile. Although there has been little systematic research on transgender migration, much anecdotal evidence suggests transgender people are a highly mobile population with specific migration patterns, for example migrating from rural to urban areas, or across borders, to escape discrimination and abuse from their communities of origin (Sangini 2005), and to join transgender communities – more likely to be in cities (Kulick 1998).[2]

The traditional work of *hijiras* in South Asia, *travestis* in Brazil, and transgender people in Indonesia, is sex work – partly because discrimination limits the availability of alternative livelihoods.[3] Sex workers are generally more mobile than other populations because they leave their home areas so as not to lose their reputation at home, because they go to towns from rural areas where there are more brothels, and because they are doing a job which is relatively easy to get and can be done anywhere with no fixed contract so they are free to move.

Stories of young travestis migrating in Brazil

Accounts by *travestis* or transgender people in Brazil tell how they left home or were thrown out due to their gender identity. Mabel left home at 14 because her older brother harassed her when he discovered that she was having sex with her friend Paulo. *'Suddenly he called me names, mistreated me, hit me, beat me… he even took me to a bordello, took me to a red-light zone, so that I could have relations with a woman'* (Kulick 1998: 59). When Adriana "came out" as a *travesti* at the age of 12, *'I was thrown out. Ave Maria, that was one of the saddest moments in my life'* (Kulick 1998: 60).

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[2] Source: also includes personal communications (2005) with: Dede Oetomo, Indonesia; Giuseppe Campesino, Transvestite Museum, Peru; and Mauro Isaac Cabral, International Lesbian and Gay Human Rights Commission.
[3] Source: personal communication Dede Oetomo 2005.

3.1.4 Trafficking

There are an estimated 2 million people, mainly women and girls, trafficked annually (approximately 2.3 per cent of female migrants) (Murison 2005: 1). However, accurately quantifying the extent of trafficking is an impossible task and some suggest that estimates are exaggerated (Piper 2005). The focus has been on trafficking women and girls and, in particular, their trafficking for sexual exploitation – this has primarily been due to the success of feminist campaigning. However there is increasing recognition that both women and men, boys and girls, may be trafficked for either sex work or other exploitative labour purposes, although women are at particular risk (Kaye 2003, Committee on Feminism and International Law 2004). The following case shows the context which makes a young woman wish to migrate as a survival strategy, yet be deceived into being trafficked by an agent.

Noi – moving for family and personal survival

'Noi is from a poor family in the Shan state of Burma. Burma operates under a military regime, the State Law and Order Restoration Council (SLORC) army. Forced labour is a common human rights abuse inflicted upon citizens by SLORC. However, the potential victim can avoid it if a porter fee is paid to the authorities. Poor people like Noi's family, however, do not have the money to pay such fees. Consequently, young women often are forced to work for SLORC and become victims of sexual abuse by SLORC soldiers. Many of Noi's friends were victims of this kind of rape.

Noi knew that she had to leave home if she was to find money to save her parents from forced labour and also to save herself from becoming the victim of rape. She knew that she could work in Thailand as a prostitute to make money for her family. She decided to go to Thailand; however, the agent who helped her reach Bangkok was a trafficker. Once in Bangkok, the trafficker forced Noi to work everyday [*sic*], never paid her any money and did not let her leave the brothel'. (Pearson 2000: 37–8).

The main international legal framework on trafficking – the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (UN 2000) – defines trafficking as follows:

> "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In the negotiations for the development of this protocol, two main feminist positions emerged:

The debates on trafficking and prostitution/sex work

Two dominant feminist positions were: (1) those that see all prostitution as sexual slavery who argued all migrant prostitutes should automatically be considered trafficked (including the Coalition Against Trafficking in Women and the UN Working Group on Contemporary Forms of Slavery); (2) those that argued for a distinction to be made between forced and voluntary prostitution (including Global Alliance Against Trafficking of Women, UNHCR and UNICEF). In the end, the Protocol did not assume all prostitution to be forced but the debate between the different sides continues (Committee on Feminism and International Law 2004). The US political administration has since aligned itself firmly with position (1). In May 2005 it pledged to withhold HIV/AIDS prevention funding from any US-based or foreign organisations that do not adopt policies that explicitly oppose all forms of prostitution (Human Rights Watch 2005).

These two positions shape the preferred policy solutions. Those arguing for position (1) generally argue that while trafficked women may agree to travel, they do not realise they are doing so for the purposes of prostitution. The solution is seen as the suppression of prostitution by rehabilitating prostitutes and/or penalising their clients and, if trafficked, returning prostitutes to their place of origin where possible. Those arguing for position (2) generally argue that trafficked women may be fully aware that they are travelling for sex work, but be deceived as to the conditions of their work upon arrival. The solution is seen as supporting rights for sex workers, with the best hope for women trafficked into the trade being to give them greater possibilities to make their own choices as to whether to stay in sex work or leave. An article by the Durbar sex workers' collective in the *Gender and Migration In Brief* bulletin, which forms part of this Cutting Edge Pack, presents this argument.

Some suggest the need to shift emphasis to a focus on addressing the root causes of women's vulnerability to trafficking, drawing on a rights-based approach centred on human security and insecurity. The UN Special Rapporteur on Violence Against Women expressed the following about the root causes of trafficking (and migration):

> The root causes of migration and trafficking greatly overlap. The lack of rights afforded to women serves as the primary causative factor at the root of both women's migrations and trafficking in women. While such rights inevitably find expression in constitutions, laws and policies, women nevertheless continue to be denied full citizenship because Governments fail to protect and promote the rights of women … By failure to protect and promote women's civil, political, economic and social rights, Governments create situations in which trafficking flourishes.
>
> *(Pearson 2000: 33)*

3.1.5 Conflict, disaster and persecution

'Forced displacement is the clearest violation of human, economic, political and social rights and of the failure to comply with international humanitarian laws' (Moser and Clark 2001: 32). People have often been uprooted from their homelands due to political, religious, cultural and/or ethnic persecution during conflict. Displacement disproportionately disadvantages women, because it results in reduced access to resources to cope with household responsibility and increased physical and emotional violence (El Jack 2002).

The Beijing Platform for Action (UN 1995) gives insight into both how women are displaced during conflict and the impact on women of such forced migration:

Women, movement and conflict: extract from the Beijing Platform for Action (UN 1995)

Clause 134. Women and children constitute some 80 per cent of the world's millions of refugees and other displaced persons, including internally displaced persons. They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity. Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. Women may also be forced to flee as a result of a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation. Women often experience difficulty in some countries of asylum in being recognised as refugees when the claim is based on such persecution.

Asylum can be sought on a number of grounds. However, some asylum systems give fairer consideration to those who have been persecuted by the state for engaging in anti-government action (more likely to be men), than to those who have been victims of sexual violence by non-state agents (more likely to be women), or those claiming asylum on grounds of sexual orientation or transgender identity. Some states recognise all as grounds for asylum, but the processes continue to discriminate. There is some evidence that there may be as many women as men refugees, but women face more obstacles in travelling to claim asylum and being granted asylum (UNRISD 2005). Statistics for refugee camp populations assisted by the United Nations Refugee Agency (UNHCR) show that women aged 18–59 outnumber men of that age. However, throughout the 1990s women of all ages represented less than half of refugee status- and asylum-seekers in the US, and of Canadian refugee admissions (UNRISD 2005). IDPs are at particular risk as the governments with responsibility to protect them are often the ones persecuting them during conflict (Human Rights Watch 2005).

3.2 Gendered impacts of migration

Gender is an integral part of the migration process. The impacts of migration for women and men depend on many factors, all of which have gender implications. These include: the type of migration (temporary, permanent, irregular, regular, labour, natural disaster- or conflict-induced, independent or as dependent spouse); policies and attitudes of the sending and receiving countries; and gender relations within the household. Gender affects how migrants adapt to the new country, the extent of contact with the original country and the possibility of return and successful reintegration (Boyd and Grieco 2003).

3.2.1 Impacts on migrants themselves

- On the migration journey women may suffer specific risks. Particularly if women have been illegally recruited or trafficked, the actual journey to the country of destination could be in appalling conditions – very risky and dangerous, possibly subject to sexual or physical violence from transporters, fellow male travellers, or border guards. False documents mean they may also be more likely to be caught by the authorities in the country of origin or destination (Lean Lim *et al*. 2003, Moreno-Fontes 2002).

- Similarly, in cases of displacement due to conflict or flight from natural disasters, people are unprepared and ill informed about how to reach a safer destination for themselves and their family. Women are particularly vulnerable to sexual violence during the journey and in displacement or refugee camps, from militia but also from hostile local populations as women and girls go about their roles in water and firewood collection or small market commerce (El-Bushra and Fish 2004).

Sexual violence against displaced women in Chad and Darfur

Thousands of girls and women have been raped and/or beaten in Darfur and in Chad. In most camps the Women's Commission [for Refugee Women and Children] visited, there were reports of women who had been raped by members of the janjaweed militia. Some of these rapes had resulted in pregnancy ... Health staff reported that women pregnant as a result of rape did not report the rape due to the social stigma attached ... In Chad refugee girls and women are sometimes beaten and raped when they are collecting firewood. They must walk for hours to get firewood; in some areas, attacks on girls collecting firewood by host communities are frequent. In addition to competition for scarce firewood, local communities resent the basic services the refugees receive, which they lack.

(Women's Commission for Refugee Women and Children 2005: 2)

- Gender-segregated job markets influence women migrants' work opportunities, money earned, and risks of exploitation. In the unskilled sector, women dominate in isolated jobs and therefore may be at greater risk of exploitation – nannies, sex workers, entertainers. Men tend to dominate in more regulated/visible sectors, e.g. construction generally, mining in South Africa, agriculture in

North America. Illegal migrants usually try to remain invisible to escape deportation, so in this sense men may be at a disadvantage in that they tend to work in more visible sectors.

- Women may feel empowered by taking on labour participation in a new country and gain new skills with increased employment prospects on return, and gain kudos due to the remittances they are able to send back home. Much depends on the conditions and remuneration of such work.

- Entry status (irregular, regular, refugee, asylum-seeker, dependent spouse) often determines residency and employment rights, ability to gain legal citizenship, access to social services such as health and education, access to language training and income security programmes. Women tend to have fewer entitlements due to their different entry status – indeed if women are viewed as "dependants" their rights may be legally based on the migration and residency status of their husband, keeping some women in abusive relationships (Boyd and Grieco 2003).

- Gender norms of the host society affect integration of women and men differently, e.g. men may be perceived as more threatening and be more likely to be harassed by police, women may suffer discrimination in the labour force. In North America foreign-born women were the least likely of all groups, defined by birthplace and gender, to be in the formal labour force in the 1990s – although there was a great variation between nationalities (Boyd and Pikkov 2005).

- One of the major social issues relating to international labour migration is the separation of migrants from family. In interviews with migrants and origin communities this comes through as the greatest cost of migration (Piper 2005).

- The above factors affect duration of stay. Returning home earlier than planned and without preparation may reduce benefits of migration. Women are more likely than men to return home suddenly when they hear of a developing crisis in the family, e.g. husband's infidelity, neglect of children, children's drug abuse or family mismanagement of remittances (Villalba 2002).

- Expectations of remittances and pressure to remit vary according to gender, age, and position in family, e.g. a husband may be expected to support the family and unmarried daughters may be expected to remit more than unmarried sons.

- HIV/AIDS risks increase due to separation from regular sexual partners for those migrating and left behind – with those migrating possibly desiring intimacy and connection in new environments.

- There may be tensions and conflict between migrants and the indigenous population, or between different ethnic groups. Receiving area populations may perceive in-migration (whether internal or international) as a threat, and respond with suspicion, fear or violence. In interviews with unemployed urban Chinese women and men, both expressed resentment at rural-to-urban internal migrants and argued that migrants should be sent home (Cook and Jolly 2000).

- In some cases hostility may be directed more from or towards one gender or other. Since September 11th, Muslim men in particular have been scapegoated as a threat to security (UNRISD 2005). A recent survey in the UK shows white men express more prejudice than white women and both express more prejudice against ethnic minority men and male asylum-seekers than against women (Valentine and McDonald 2004).

Southern African women migrants' reflections

'A man can leave his wife home and come this side and sit and just forget. Maybe you will be sitting at home and the next thing your husband has another wife in Johannesburg but a woman will come to Johannesburg and still think of going back home to her children … A man can stay here for 10 years without returning home … He would say, "Can't you hear when I say where I work from there are no phones". And you are just a woman and maybe you are in the rural areas there is nothing like phones. He will tell you that you don't have to write him a letter 'cause once you do he'll be arrested. So you just stay at home and wait.' *Female Zimbabwean migrant interviewed in Johannesburg*

'Yes, it's different because we women are here because we seek survival for our kids to eat. But with men, they come this side and tend to forget about their kids, entertainments of this country excite them.' *Female migrant from Swaziland interviewed in Johannesburg*

'Situation like when your husband is staying here and you see that he is no longer doing things that he is supposed to do as a husband, then you don't have a choice but to join him here so that you can be together to help each other in life ... when we are together we can be able to do something because a man doesn't think of doing anything. We know that a home is a home because of a woman because women know what are the needs of the family.' *Female Zimbabwean migrant interviewed in Johannesburg*

Source: All based on interviews undertaken in Johannesburg, South Africa, as part of the South African Migration Project (Willis and Yeoh 2005)

3.2.2 Migration and gender relations

Challenging traditional gender roles

Migration may challenge traditional gender roles – absence of one spouse may leave the other spouse with both greater decision-making power and a greater burden of responsibility and labour. Where men migrate from rural to urban areas, women are left with a greater burden of agricultural labour, but at the same time may have more control over how crops and any revenue are used. Women may gain economic independence, confidence and greater freedom through migration.

Displacement due to conflict often leads to shifts in gendered roles and responsibilities for both women and men – sometimes to women's benefit and sometimes to their further marginalisation. Women may suffer from the added work burden or transfer this to younger girls who have to assume more responsibilities such as caring for children, the elderly and the sick (El Jack 2003). This shift of responsibility impacts on the welfare and future of female household members. However, women may be given priority for training and development programmes in health and education, as well as in income-generating activities. The skills women gain enable them to assume new roles within their households, becoming the main breadwinners when men have been killed or have problems finding

employment after removal from their homes and communities. Men however may react to these changes with depression, alcoholism and an escalation of violence against women in public and private (ibid.).

Men and the home in times of migration

A handbook developed for men migrating from Nicaragua to Costa Rica, encourages men to consider issues of masculinity, relationships, fatherhood and gender equality. Differences in women's and men's migration from Nicaragua to Costa Rica are explored – for example nine out of 10 women send money home, while only six out of 10 men do. The booklet argues that "real" men take responsibility for their families and see themselves as neither superior nor inferior to women. Men are encouraged to show affection to their children and not to hit them and to take over childcare tasks if their wives migrate. The strains migration can put on men's relationships with their partners are discussed and it is suggested that machismo (the idea of masculinity associated with strength, aggression and domination of women) will exacerbate these strains, while greater equality can help reduce them. The Association for Men Against Violence in Nicaragua developed this Handbook (Avellan 2003).

Entrenching traditional gender roles

Migration may entrench traditional gender roles. A study of two villages in Pakistan shows how women's seclusion was reinforced by migration to the Middle East of their husbands, who maintained control at a distance through other male relatives. Upon return, husbands brought back stricter ideas on purdah (seclusion) they had seen in the Middle East, and with their migrant earnings they could afford to keep their wives indoors at home and limit their mobility. This is in contrast to before migration, when they needed their wives to go out and earn money (Lefebvre 1990).

Children may be left behind by mothers migrating internally or internationally. Sometimes fathers take on new gender roles and look after their children. One Nicaraguan man explains:

'My wife goes twice a week to Costa Rica to sell things. I'm a builder and don't have a stable job. When she travels, I have to take charge of all the housework and the children' (Avellan 2003: 34). However, this is not necessarily the case. For example, with internal and international migration in Southern China and the Philippines, where more women migrate, women may sometimes organise other women family members, or another internal migrant woman, to do the childcare before their departure then take over the task again themselves upon return.

3.2.3 Contradictory effects of migration

Migration, both international and internal, can bring gains and losses. Migration entails a complex, often contradictory class positioning, whereby a migrant might experience social upward mobility vis-à-vis the place of origin but social downward mobility vis-à-vis the host environment. If women are trailing spouses they may find it more difficult to establish a footing in the new community and maintain

their status within the family. Some women migrants experience downward social 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.

Sometimes, in contrast, women integrate more quickly than men. Research in the context of the US has shown that many first-generation immigrant men from South America experience downward social mobility, being forced to accept lower-skill jobs and lower social status due to racism. As a result they often find integrating difficult or resist integration by imagining they are always there only temporarily and will be going home soon, however long they stay. Their wives, by contrast, typically experience migrating to the US in terms of upward social mobility because of their engagement in income-generating activities and, with this, increasing independence. As a result, these women prefer to remain in the destination country. In addition, through their roles as mothers, they connect much more with local authorities (kindergarten, school, social services) and thus engage with the country of destination in a different manner that might foster faster integration. This is also reflected in the fact that women are more likely than men to become US citizens (Jones-Correa 1998). In this case it can be said that women tend to politically integrate faster than men. The latter tend to be active in ethnic organisations whose orientation is towards politics back home whereas women engage in political activism that deals with issues at the destination area (Hardy-Fanta 1993).

3.2.4 Gendered effects of changing to a more settled lifestyle

Just as migration changes gender relations, so does a change in migration patterns to a more settled lifestyle. One example is provided by the move to a more settled lifestyle by Tibetan herders. Due to political changes, the traditionally nomadic lifestyle of Tibetan herders in Qinghai and Tibet has become more settled over the last 40 years. Previously, herders moved biannually between winter and summer grazing pastures. Now herders increasingly manage livestock (mainly yaks) in fenced-off grazing grounds in one location. Traditionally, men were responsible for grazing, transporting pack animals, moving tents and fighting. Women's main tasks were milking, cooking, butter churning, fuel collecting, wool spinning and weaving. The more settled lifestyle has reduced the work burden traditionally done by men as livestock no longer need to be followed around all day. Men now have more leisure time and increasingly do business, which has led some women to take over the grazing tasks. Women's work hours have on average increased while men's have decreased (Zhaoli *et al*. 1996).

So far this report has focused on connections between migration and gender. The next section examines the interactions with development and hence the impact of migration on sending and receiving countries.

4. Gender and migration from a development perspective

Levels of development may lead to migration or encourage people to stay put. Migration has the potential to challenge *and* support the achievement of the Millennium Development Goals (MDGs) at the same time (IOM 2005c). Yet migration does not feature prominently in development debates and the MDG framework. In fact it is only recently that the links between migration and development, and in turn the MDGs, have been recognised by both the migration and the development "communities" (Usher 2005). Gender, in turn, influences how development and migration impact on each other. Gender dimensions of migration, it has been suggested, are important to the achievement of the whole range of MDGs and not just the gender equality Goal 3 (Murison 2005). Working for greater gender equality in migration not only benefits women migrants but also increases the development impact of migration, moving us closer to meeting the MDGs (Usher 2005).

However, there is a clear lack of research on the impact of migration on broader social development and gender equality. In fact over the last 25 years there has been little concerted effort to incorporate gender into theories of international migration. This is partly because these theories have emphasised the causes of migration over questions of who migrates, therefore failing to address gender-specific migration experiences (Boyd and Grieco 2003). Similarly, the development impact of migration has been sidelined in international migration theory. In Section 5 on current policy approaches, the emerging development policies on migration and gender will be reviewed

The interrelations between gender, migration and development are outlined in the tables below, drawing together some of the issues raised so far and relating these to development. The issues currently highlighted by development policy will then be discussed in further detail – i.e. remittances, "brain drain" and HIV/AIDS.

4.1 Development[4] impacts

4.1.1 How levels of development affect migration decisions

Development effects	Gender issues
Levels of development encouraging people to move: • Faster development in some areas than others can lead to inequalities which create an incentive for people to move from one area to another in search of a better life.	• Are opportunities equal for both women and men in the home country? Do sex-segregated labour markets mean only men can find jobs, or that jobs for women are restricted to less-skilled and lower-paid job types? What compels women to migrate? Is it poverty and seeking economic betterment, or gender discrimination or violence?

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[4] Here the term "development" is used to mean: improvement in human well-being – both economic and social. It includes but is not limited to poverty reduction.

• Development can open opportunities to migrate by generating resources needed for people to make a migration journey from a sending area, or creating a demand for certain kinds of labour in a destination area. • Government or international aid programmes such as dam- or road-building, which are intended to promote development, causing displacement as well.	• Do gender norms and policies restrict women's ability to move or pressurise men to move? How are decisions to move affected by household gender and power dynamics? • Are women empowered by migration or put at greater risk or both? Does the home country context or do the restrictive immigration policies of receiving countries make women vulnerable to trafficking? • In the event of displacement, are women affected differently from men? They may have less economic resources to cope with displacement, or bear the burden of maintaining and caring for the family in a time of change. • Where provisions/support are provided for the displaced, who are they provided to? If provided only to the "head of family" this may discriminate against women. If provided to women as well as men, this may promote greater gender equality.
Levels of development encouraging people to stay put: • Higher levels of development providing an incentive for people to stay put rather than go elsewhere in search of a better life. • Higher levels of development resulting in less mobile lifestyles for those traditionally on the move such as herders, nomads, gypsies.	• What level and type of development would give more women and men the choice to stay put? • Do women and men benefit equally from higher levels of development? • Who makes the decisions to stay put? • How do women and men gain and lose from the settled lifestyles?

4.1.2 How migration impacts on levels of development

For migrants themselves	
Migration impacts	**Gender issues**
• Migration may be a response to poverty – but may or may not result in a better life for women and men. • Migration may be a response to gender discrimination or constraining gender norms – challenging these may open new possibilities for social and economic development. • Returning migrants may gain kudos as well as bringing home new skills and enhanced career opportunities. However, if migrants have undertaken sex work, for example, they could be stigmatised. • Migration may lead to higher incidence of HIV/AIDS for those migrating and those left behind. • If migration is in the form of trafficking, women may experience further discrimination, exploitation or violence.	• Are there opportunities for both women and men to migrate? Are spouses and families entitled to "family reunification"? Including unskilled women migrant workers? • How does the sex-segregated labour market in the destination country affect who benefits from migration? Does this affect the opportunities for entry, including whether regular or irregular? • Do gender norms and policies restrict women's ability to move through regular channels? Does this push women into more dangerous irregular channels? • Once there, are the expected possibilities for social and economic development realised? For women as well as for men? • Does migration change gender relations? And, if so, is this in a positive or negative way? • Are women and men migrants (and those they may leave behind) at greater risk of contracting HIV? • How does migration affect when women migrants return and how prepared they are for reintegration?
For sending societies	
• Economic and social remittances and diaspora investments may provide opportunities for development in the sending country. • Returning migrants may bring new skills and new ideas. • Women, men and transgender people who migrate to escape gender discrimination and constraining gender norms may bring	• Who are remittances sent to? Older women rather than younger women? The men in a family rather than the women? Who benefits from the remittances? Do women or men send more of their income in remittances? • Who is empowered by migrating? Are women empowered? Are transgender people empowered? Do those women left behind gain more independence or a greater work burden? • What jobs are open to women in the receiving

back new ideas on social development and gender equality.	country? Do women bring home new skills as much as men as migrant workers? Are women able to gain jobs in line with their qualifications and experience?
• Women left behind may gain more independence and confidence.	
• There may be an economic impact of loss of skills with "brain drain".	• What skills are exiting the sending country? Are the skilled workers leaving primarily women or men? What impact is this having on economic development in the home country?
• While migration in itself does not cause HIV infection, returning migrants or those left behind may be at more risk of HIV infection due to separation and desire for intimacy.	• What increases the risks of women and men contracting HIV as migrants or as those left behind? Are women who end up as irregular migrants more at risk?
• Migration may result in increasing inequality between migrants and non-migrants (e.g. in Pakistan, Tamas 2003).	

| **For destination societies** ||

• Migration may meet demands in the labour market for additional skills and cheap labour.	• Are the opportunities for women and men to enter through regular channels the same? Are women being forced into irregular channels or into being trafficked?
• Migration may bring in new perspectives and enrich cultural diversity.	• Are women migrants more vulnerable to exploitation and sexual violence in isolated workplaces, e.g. as domestic labourers or sex workers?
• Restrictive immigration policies may push women in particular into irregular channels, including being trafficked.	• What legal rights do women and men have, including rights to citizenship and political participation?
• Migrants may be seen as competing for jobs, creating a drain on resources and hence feared or stigmatised by host societies (whether internal or cross-border migrants).	• Is there access to health, education and other services for migrants (irregular and regular)? Is access to services dependent on legal status?
	• Does migrant domestic labour liberate host society women to pursue careers?
	• Do men and women in the host society have different attitudes to migrants? Do they feel differently about women and men migrants?

4.2 Remittances

Remittances can have a huge development impact on sending societies, whether they are purely economic or take the form of a transfer of skills or new ideas. There has been increasing attention paid to remittances as a motor of development, including by development policymakers (de Haan 2000). Remittances from overseas workers add up to more than US$100 billion a year. About US$60 billion goes to developing countries, exceeding funds from all overseas development assistance. Rural–urban remittances account for at least 12–15 per cent of the rural income for Asia and Africa, possibly far more, as most remittances through informal channels are not recorded. There has also been increasing attention paid to diasporic investment in the home country. 70 per cent of the foreign investment which fuelled China's economic growth comes from the Chinese diaspora.

With internal remittances, the person remitting tends to retain greater control of the spending. With international remittances, the migrant usually remits to another family member who has more control over how the money is spent. It is generally believed that women send home a greater share of their earnings in remittances (Sorensen 2005 and Alvarado and Sanchez 2002) and that women are also the greatest receiver of remittances. Remittances can be a vehicle for changing gender relations – winning respect for women who remit, and providing more resources and control of resources to women who receive them. However, this is not automatically the case. The expectation that women will remit more may put a greater burden on women migrants. Sometimes husbands' remittances may be sent to male family members, such as brother or father, rather than wife, thus reinforcing gender hierarchies (Sorensen 2005). Further gender analysis is required into remittances and diasporic investment (Piper 2005).

4.3 The "brain drain"

Every year 23,000 graduates leave Africa for opportunities overseas, mainly in Europe. The emigration of technically skilled people has left 20,000 scientists and engineers in Africa, servicing a population of about 600 million. A submission to the UK International Development Committee (IDC) session on migration and development in 2003 declares: 'In many ways, the loss of skills could be counted as Africa's foreign assistance to the developed world!' (Commonwealth Business Council AfricaRecruit 2003: 2). The IDC's report states:

> It is unfair, inefficient and incoherent for developed countries to provide aid to help developing countries to make progress towards the Millennium Development Goals (MDGs) on health and education, whilst helping themselves to the nurses, doctors and teachers who have been trained in, and at the expense of, developing countries.

(IDC 2004)

However, data on such "brain drain" is inadequate and some claims about quantity and impact may be exaggerated, with significant benefits accruing to the sending areas from remittances and diaspora investment and connections.

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The IDC report, however, also states that

> It is too simplistic to say that the export of skilled labour necessarily results in a net loss to developing countries … to developed countries it can be a way of filling skills gaps in their economies; to migrants it is a way of improving their lives; and to some developing countries it is a way of tapping into the benefits of remittances and the eventual return of skilled labour.

(IDC 2004)

Little gender analysis has been done on the "brain drain". However, it is clear that the sex-segregated labour market influences which professional categories are able to migrate – for example the flow of nurses from the less developed to the developed world is overwhelmingly female, yet the flow of other professionals such as scientists, engineers and doctors is overwhelmingly male. Research amongst Chinese migrants in Australia reveals a "brain waste" as migrants drift to lower-skilled jobs. This is particularly pronounced among women who are most likely to migrate in order to accompany their spouses (Ho 2004). The researcher Christina Ho reveals: 'I encountered dozens of women cleaning hotel rooms or sewing clothes in their living rooms and garages, who had previously worked as teachers, engineers and in other professions.' Many women had become financially dependent on their spouses for the first time (ibid.).

4.4 HIV/AIDS

In some migrant populations there are higher rates of HIV/AIDS infection than in more stable populations, such as in South Africa (Lurie 2004). Mobile populations, including refugees and labour migrants, may be more likely to have unsafe sex due to: isolation resulting from stigma, discrimination and differences in languages and cultures; separation from regular sexual partners; desire for intimacy, comfort and pleasure in a stressful environment; sense of anonymity; power dynamics in buying or selling sex; and lack of access to health and social services, information and condoms (Inter-Agency Group on Aids 2004). Women may be at risk of unsafe sex due to lack of negotiating power in sex, including in transactional (or paid-for) sex, and due to ideas of femininity as submissive and sexually innocent. Men may be at risk of unsafe sex due to: ideas of masculinity as aggressive, risk-taking, and sexually dominant; and greater power to set the terms for sex.

Disruption and displacement caused by conflict may lead to changes in sexual behaviour, an increase in the rate of sexual abuse (e.g. by armed forces), and to decreased access to blood screening facilities. Studies conducted in Rwanda and Sierra Leone found sexual favours from women were often demanded in exchange for food, which led to an increase in the number of women's sexual partners and hence vulnerability to infection (Benjamin 2001).

The care burden is also an issue. For example, men have commonly migrated within and from Botswana for many decades, leaving women to care for children and maintain the home. It was also common for children to be sent to older women to be looked after. Previously, these women would rely on some remittances and financial support, usually from their migrant husbands or sons, for up to half their income. Now, however, rates of HIV mean men are increasingly falling ill and unable to provide income, and mothers are ill and dying, so older women are caring for more children with less income.

Government and international aid agencies have undertaken initiatives to address the rapidly growing epidemic, but few measures address the current crisis of care as a key element in that process (Upton 2003).

Migrants are sometimes stigmatised as disease carriers and it is important to make the point that migration does not in itself cause HIV infection, rather it depends on how migration happens and under what conditions.

The next two sections review current policy approaches to migration and how we can move towards a more gendered human rights and development approach to migration.

5. Current approaches

The previous section looked at how gender influences migration and outlined the possible impacts of migration, both positive and negative, for development and gender equality. In this section we will map out and assess the value of the current approaches to migration (focusing on national policy, international frameworks, bilateral development agency policy and NGO policy and programmes) before exploring in more depth what a more gendered human rights and development approach to migration would look like.

5.1 National policy

Migration is still seen as primarily the concern of the state (Newland 2003). Unless part of a regional block such as the European Union, individual states usually design their own immigration and emigration policies, with some not having any policies in place at all (Piper 2005). Although the main policy focus is on managing inward migration, governments may also restrict internal movements and outward migration. The literature on migration remains very much state-centred, focused on developed countries and on economic development, with little attention to social development and gender issues. Migration is often cast as a "problem" to "control" in the domestic politics of richer countries, heightened by recent concerns with "national security" (Engle 2004, Piper 2005). The prevailing approach of national policymakers is accordingly one of managing the flow of migrants (de Haan 2000, Lucas 2005), driven by domestic concerns rather than more global interests or the interests and rights of migrants. The intergovernmental body, the International Organization for Migration (IOM), works under the banner of 'Managing migration for the benefit of all' and has gained significant support from governments (112 members and 23 observers).

Official government approaches, particularly of richer countries, tend to focus on "stratified entry", i.e. controlling migration through allowing entry to certain categories of migrants (to fill skills gaps) and limiting entry of others (usually unskilled), limiting family reunification eligibility and tightly defining rights to asylum. These are usually accompanied by stratified rights with gendered implications. While in Europe and North America information technology workers and paid domestic workers are both in short supply, the former (usually men) have enjoyed a considerable array of rights while the latter (usually women) have subsisted in low status employment with few entitlements (Piper 2005).

Even the traditionally "settler" countries[5] of the US, Canada, New Zealand and Australia are moving to a more European-style "guest worker" model for migration, admitting increasing numbers of temporary skilled/business migrants, a category dominated by male migrants (Khoo et al. 2005, UNRISD 2005). This model focuses on allowing people in for limited periods to fill skills gaps in the labour market, with limited rights, including for family reunification and to obtain citizenship or permanent settlement (ibid.).

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[5] Populations largely consist of migrants rather than the indigenous American Indians/aboriginals. These countries have allowed and continue to allow immigration and access to citizenship to a greater degree than Europe (UNRISD 2005).

But it is not only the richer countries. South Africa, for example, controls migration through restrictive immigration policies (Crush and Williams 2002).

While these policies are seen as being "gender-neutral" they in fact affect women and men differently due to gender-segregated labour markets, differential skills levels and ideas of appropriate roles for women and men in sending and receiving countries (Piper 2005). If entry is restricted to only skilled workers, then women are more likely to be excluded as the majority of women fall into the "unskilled" category (Piper 2005). For example, the General Agreement on Trade in Services (GATS) Mode 4 seeks to facilitate the movement of high-skilled workers, business managers and executives. However, research in Canada showed that this did not benefit Canadian women as much as men since women occupy comparatively fewer senior management positions than men (Blouin *et al*. 2004).

So while official government policies focus on management and control, the demand for migrant labour and the motivations to migrate continue. With stronger restrictions on entry, illegal or irregular migration thrives (Anderson and Rogaly 2005). Industries profit from irregular migrants as a cheap and flexible labour force with reduced means to demand rights, safety standards or social security benefits, a situation of which governments may be unofficially aware and complicit in.[6] Irregular channels put women at particular risk of sexual harassment during the migration journey and make it harder for them to protect their rights in destination areas.

Some countries still place restrictions on the cross-border emigration (outward migration) of some categories of women, particularly young and unskilled women, in the name of protecting them (e.g. Bangladesh and Nepal). The effect of such restrictions, whether internal or cross-border, is to increase incentives to use irregular channels to migrate, which put the migrant at greater risk. Women's groups in Bangladesh and Nepal have lobbied with some success to ease restrictions on the migration of women.

When it comes to internal migration, governments tend to prefer to deal with fixed rather than mobile populations. This means there is little support for mobility or support to migrants coming into cities. Urban slums, for instance, are often seen as a problem to be removed whereas, in fact, those dwelling there are an essential informal labour force. Some countries impose legal restrictions on internal migration, such as China, Vietnam, and Ethiopia during the Derg regime. Since 2000 the Chinese government has made serious attempts to review the official approach to labour migration and restrictions on movement internally have been much relaxed. However, several restrictions remain in force as well as discrimination in access to social services and insurances for migrant workers (Huang and Zhan 2005). Getting permission to migrate, especially from rural to urban areas, can still be difficult and complicated. The few officially sanctioned recruitment channels may reinforce gender segregation in the labour market. For example, the Women's Federation in some provinces organises migration by women for the purposes of becoming a domestic worker for city families.

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[6] Source: personal communication, Special Rapporteur for the Human Rights of Migrants, Ms. Gabriela Pizarro Rodriguez, 2005 and Anderson and Rogaly 2005.

For asylum, government policies also seek to manage numbers. Some restrictive systems are more concerned with cutting numbers rather than with providing refuge for and protecting the human rights of those seeking asylum. In particular, gender-related grounds for asylum are often sidelined. Human rights abuses as grounds for asylum are often conceived of as persecution by the state for political actions in the public realm (to which men are more at risk, given their greater access to participation in politics). Abuses which take place in the private realm such as sexual or domestic violence (to which women are more at risk), or violence on grounds of gender identity, or sexual orientation (to which lesbians, gay men, bisexuals and transgender people are more at risk), are less often conceived of as grounds for asylum.

Research by the Refugee Women's Resource Project in the UK showed that the Home Office dismissed Kenyan women's claims for asylum from torture. The grounds for refusal were that they could not have been tortured, raped or sexually assaulted, given the open human rights debate in Kenya, or if they were so, this was due to "misbehaviour" by individual police officers or prison wardens, rather than a systematic abuse of human rights (Cenada 2003). A gay man applying for asylum in the UK on grounds of persecution on the basis of his sexual orientation, which had included being raped by policemen in his home country, was refused asylum. The grounds for refusal were that if police in that country are engaged in same-sex sexual activity, then homosexuality cannot be said to be marginalised there and should not constitute grounds for asylum in the UK.[7]

5.2 International rights frameworks

5.2.1 Migrants' rights

The core human rights principles of relevance to migrant workers in general and migrant women in specific are non-discrimination, equality and equal protection of the law (Piper 2005). However, with migration continuing to be seen primarily as a matter for the state, there has been a relative silence from international organisations on migrants' rights despite the increasingly recognised importance of migration for development goals (Newland 2003). There is no global coordinating mechanism or commonly agreed framework to guide policymaking on migration, meaning the international regulatory framework to protect migrants is fragmented, poorly developed and distinctly marginalised within the UN system (Piper 2005). Contributing to this are the gaps between the institutional mandates of the UN bodies and the parallel systems of protecting employment rights and human rights (Piper 2005). So while UN and International Labour Organization (ILO) treaties, for example, provide much protection for migrants (and migrant workers in particular), their provisions are scattered and lack gender-specific clauses which would recognise women migrants as prone to sexual harassment and sexual violence (ibid.). The sole exception is refugee flows, dealt with by UNHCR (Newland 2003).

The key treaty on migrant rights, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRM), finally came into force in September 2003, having reached the required minimum number of ratifications, all of which are by migrant-sending countries. So far not one Northern, migrant-receiving country, has ratified the convention nor have

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[7] Source: personal communication, Brett Lock, Outrage, 2005.

other important receiving countries such as India, Japan, Australia, or the Gulf States. In terms of gender, 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) thus making all rights provided specifically applicable to men and women. Although it recognises female migrant workers it does not address gender-specific needs in any way, such as specific protection in their roles as domestic workers or sex workers (United Nations General Assembly 2004; Cholewinski 1997). There is scepticism that this Convention will ever have a significant impact, due to the lack of ratification from receiving countries in particular (Piper 2005).

The ILO is the standard-setting agency of the UN working on migration (outside of conflict) and has two Conventions on Migrant Workers.[8] While these conventions are not specifically gendered, ILO (along with United Nations Development Fund for Women [UNIFEM]) has a significant commitment to the rights of women migrant workers and has a strategy to mainstream gender in all ILO work. Their Gender Promotion Programme (GENPROM) has produced 'An Information Guide – Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers' and 10 Reports on Women and Migration across 10 countries revealing that migrant women are not aware of their rights. The new ILO 2004 Action Plan on Migrant Workers includes specific coverage of women in domestic service and the informal economy who are most at risk of rights violations and falling outside of labour legislation.

It is, however, encouraging that the UN system is beginning to explore the importance of migration from a development and human rights perspective, adding to the valuable work already undertaken by the ILO on migrant worker rights. The mandate for the Special Rapporteur on the Human Rights of Migrants was established in 1999 by the Commission on Human Rights. The forthcoming 61st Session of the UN General Assembly in 2006 is on International Migration and Development. The UN Secretary-General also established the Global Commission on International Migration (GCIM) in 2004, with a mandate to place international migration on the global agenda and to report back in 2005 on how to improve cooperation among UN and other international agencies in order to provide a more comprehensive response to migration issues.

When it comes to gender and migration issues, the main UN players – the ILO and UNIFEM – are the relatively less powerful players in the system and focus particularly on women migrant worker rights. While the GCIM does not have a specific mandate on gender equality, they are making efforts to ensure gender features in their final report. In fact, following a two-day workshop on gender and international migration (2005), a Global Migration and Gender Network (GMGN) was set up to facilitate sharing of information and ideas. In turn, the IOM's Working Group on Gender Issues has formulated a gender policy, a mainstreaming strategy and a Five-year Action Plan. Little progress has yet been made by development cooperation agencies on mainstreaming gender into their new work on migration and development.

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[8] The ILO has approved two major conventions on migrants, number 97 (1949) and number 143 (1975) that aim to regulate migration and protect migrants.

Given the lack of ratification of the migrant-specific conventions, it is important that other human rights instruments are drawn on to protect migrants' rights, and particularly those of women migrants.

5.2.2 Trafficking

The general reluctance to ratify and implement migrant specific instruments is paralleled by an increasing interest in combating trafficking and smuggling. Indeed the 2000 United Nations Convention against Transnational Organised Crime, also called the Palermo Convention, came into force relatively fast. This is primarily a law enforcement treaty to combat the growth of transnational organised crime and is more concerned with national security than the protection of trafficked victims (Gallagher 2001). However, one of its supplementary protocols is the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children' (UN 2000). Signed by 117 states and ratified by 87 states, this came into force in 2003. It aims to: prevent and combat trafficking in persons, particularly women and children; protect and assist the victims of trafficking, with respect for their human rights; and promote cooperation between state parties to meet these goals. A key issue in the negotiations of the formulation of the Protocol was the trafficking of women for prostitution/sex work as discussed earlier. It is, however, critical not to conflate trafficking with sex work or prostitution (Lean Lim *et al*. 2003).

The Special Rapporteur on Violence Against Women calls for a move away from the focus on rescuing, rehabilitating and deporting trafficked women, to a rights-based approach that seeks to support and provide sustainable incomes (Pearson 2000). UNIFEM similarly promotes a rights-based approach to trafficking that integrates a gender perspective – seeking a balance between interventions providing immediate post-trafficking assistance and more long-term preventative interventions.

Trafficking cannot be adequately addressed through short-term and micro projects – it is a national development issue linked to larger regional and global development processes (UNIFEM East and South East Regional Office 2002). The use of the concept of "human security" and "insecurity" has been suggested as a way to move on from the contentious debates on trafficking – it enables a focus on the root causes of trafficking of women such as "insecurity" brought about by ill health, violence, lack of employment opportunities and homelessness. This requires a different state response – addressing structural problems rather than border control and criminal aspects (Piper 2005).

5.2.3 Women's rights

General gender discrimination and the resultant weaker position of many women in most societies are often the root causes of women migrants' greater vulnerability at all stages of the migration process. Given that the existing international instruments targeting migrants lack gender-specific clauses and have had low levels of ratification, we need to draw on the provisions of women's rights frameworks. These have achieved wider ratification than the ICRM. These women's rights frameworks (such as CEDAW and the Beijing Platform for Action) recognise that it is imbalances of power between women and men (at household, community, national and international levels) that lead to discrimination against women relative to men and that these need to be redressed in order for women to have

equality of life outcomes (which includes the ability to have a real choice to move or not, to safe passage, and access to services and equal rights in the country of destination).

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), has been far more widely ratified than the ICRM. UNIFEM South East Asia runs a regional project entitled *Empowering Migrant Workers in Asia,* which uses CEDAW among other conventions as a basis for arguing for rights for migrant women (see article in *Gender and Development in Brief*). They have used this to positive effect to bring about policy changes and mobilise migrant women. The Beijing Platform for Action (UN 1995) identifies the need for governments to reduce the incidence of human rights abuses against women in conflict situations and more specifically 'provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women'.

5.2.4 Refugee and displaced persons' rights

When it comes to situations of conflict, international policy is stronger, although not necessarily gendered. The 1951 UN Convention Relating to the Status of Refugees does not consider gender specifically. However, in the early 1990s, Canada became the first country to recognise that women suffer from gender-specific forms of persecution that should be recognised under the 1951 Refugee Convention. Case law has indicated that these abuses also constitute asylum grounds, as long as the state is unwilling or unable to protect against them (Kumin 2001). Since then, women have successfully sought protection from many gender-specific forms of persecution including "honour" crimes, female genital mutilation and sexual violence, particularly in conflict situations (Human Rights Watch 2005). UNHCR provides guidelines on refugee status on grounds of gender persecution and Canada, UK, USA, Australia, and most recently Spain, have adopted policies along these lines. While this is an important step forward, such measures are not necessarily implemented.

Internally displaced persons (IDPs) are left with even less legal protection than those displaced to another country where they can seek asylum. The UN Refugee Convention protects refugees outside of native borders, but does not cover those internally displaced. Some measures have been taken to increase the possibility of protection. In 1992 the United Nations appointed a Representative on Internally Displaced Persons, Francis M. Deng (OHCHR 2003). He has since developed 'Guiding Principles on Internal Displacement' (OHCHR 1998) and has been working on an institutional framework to encourage their implementation. The guidelines stipulate that the participation of women should be ensured in the planning and management of their relocation and in the planning and distribution of basic supplies. Women's specific health needs should be addressed and women are entitled to documentation in their own name. While positive, these guidelines remain difficult to implement if home countries do not cooperate and IDPs remain much in need of greater protection. Some IDP organisations are mobilising around these guidelines (UNHCR 2004).

Women in conflict situations are given specific protection under the United Nations Security Council (UNSC) Resolution 1325 (UNSC 2000), which represents a comprehensive commitment to recognising women's human rights in armed conflict. In relation to refugee and displaced women, the

resolution urges that states, their armies and peacekeeping forces should receive training in the rights of women and girls to protection and invites those responsible for camp design, protection, repatriation and resettlement to take into account the special needs of women and girls (El-Bushra and Fish 2004). If ratified, implemented and enforced by member states, it will make a significant contribution to mainstreaming gender into institutions concerned with armed conflict. The NGO Working Group on Women, Peace and Security is striving to raise the visibility of Resolution 1325 and ensure its implementation.

5.3 Bilateral development agency policies

As with international institutions, the work of development cooperation agencies on migration has been strongest on refugees and internally displaced persons, usually with a significant focus on gender issues and women's rights. Until recently, other types of migration were not recognised as relevant to development policy (de Haan 2000, IDC 2004). Or if they were recognised as relevant, the focus was similar to that of government policies on immigration and emigration, with a focus on managing and implicitly or explicitly reducing migration rather than focusing on migration as a way to reduce poverty (de Haan 2000). Some policies (for example from the Netherlands and of the Swedish International Development Cooperation Agency [Sida]) also see migration as a failure of the home country to provide for the needs of its residents. The broader development of the home country (hence reducing the need to migrate) is therefore seen as a significant part of the answer. A need to shift from a focus on the quantity to quality of migration was identified in the 2003 UK International Development Committee (IDC) session on 'Migration and Development: How to make migration work for poverty reduction'. A Department for International Development (DFID) submission to this suggests that the debate on migration and development has reached the same stage as the debate on trade and development had 10 years ago. People are beginning to say that there is a development dimension to migration but there is a lack of joined-up thinking at national and international levels and some resistance to connecting the issues (IDC 2004).

Current policy interest is on the economic contribution or impact of migration rather than the social impact – with migrants as potential agents of development (Piper 2005). Most existing analysis of the connection between migration and development still focuses exclusively on economic development within the countries of origin – on increasing remittances and diasporic investments and counteracting the "brain drain" in particular. As with other areas of development policy, difference (including gender differences) and rights are not integrated well into development policy or action at global and national levels (Murison 2005), despite the fact that migration has enormous potential for improving gender equality and women's rights (ibid.).

The UK has contributed significantly to putting migration onto the international development agenda. From 2000, DFID was supporting a more positive view of migration, seeing it as a possible livelihoods strategy with the potential to promote gender equality. In 2003 DFID established its Migration Team. Other development cooperation agencies, such as Sida,[9] are also now exploring the positive links

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[9] Source: personal communication with Prudence Wodford-Berger (Sida), August 2005.

between development and migration[10], although specific policy documents on migration and development are rare. Works on gender and women's rights, however, are relatively germinal.

Some in-country DFID programmes have undertaken work aimed at facilitating women's labour migration, reducing exploitation of migrants and promoting migrants' rights. A recent evaluation of DFID migration policy from a gender perspective identified several important interventions around migration journeys, resource flows and managing migration for poverty reduction. Coverage of women's rights and gender equality was stronger in interventions around migration journeys and managing migration than in work on resource flows connected to migration. The evaluation report recommends that DFID: expand its role, collaborating with others to enhance global statistical information and capacity in migration, gender and development; support expanded application of CEDAW provisions to migrant women (through support to UNIFEM); and document and disseminate examples of its several good practices (Murison 2005).

Some agencies are seeking to mainstream migration across their agencies' policies and programmes – in 2005 the IOM, DFID and the Netherlands convened a conference on mainstreaming migration into development. Some agencies, such as DFID, are seeking policy coherence between their development-focused policies on migration and their government's other policies on immigration and emigration. The UK Home Office introduced, just before the 2005 elections, its new five-year strategy for asylum and immigration 'Controlling our Borders: Making Migration Work for Britain' (Home Office 2005). However, this policy sits uncomfortably next to the UK Department for International Development (DFID) position which advocates migration as a potentially important livelihood strategy for poor women and men that makes a vital contribution to the economies of poor countries such as Pakistan, Vietnam and Bangladesh, with the potential to promote gender equality (Home Office 2005, Sriskandarajah and Hopwood Road 2005).

5.4 NGO and civil society policies and programmes

NGO work on migration from mainstream and gender-focused NGOs has similarly been much stronger on migration in the context of conflict, including promoting and protecting the rights of women displaced by conflict. National-based organisations, including gender and women-focused organisations and migrants' organisations, have focused on lobbying governments on emigration and immigration policies (including asylum) and working to secure and protect the rights of migrants including ensuring access to basic services and housing. Also, women's organisations have placed a particular emphasis on preventing trafficking, especially trafficking for sexual exploitation, and on upholding the rights of those trafficked. Few organisations, including labour unions, are prioritising work on trafficking for other types of labour exploitation, including those likely to involve men (Piper 2005).

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[10] Source: personal communication with Prudence Wodford-Berger (Sida), August 2005

NGO support to migrants in Turin, Italy

In 1994 the NGO ALMATERRA was set up in Turin, Italy, by Italian and migrant women of different nationalities to create a focal point for, and meet the needs of, migrant women. The Centre provides a range of services including: legal support; documentation centre; cross-cultural mediation and support including for those who have just arrived; nursery/kindergarten; and workshops and vocational courses. The Centre has also undertaken many initiatives to promote migrant women enterprises, in particular a cooperative and a traditional *hammam* (Arabic public baths) managed by migrant women (Lean Lim *et al.* 2003).

The majority of the above organisations are working alongside and being funded by multilateral and bilateral agencies, with many using international rights frameworks at the core of their work. The following section features much interesting work of NGO and civil society organisations that put gender and rights at the forefront of what they do.

6. Conclusions and recommendations

Theory, policy and practice that link gender equality concerns with migration from a development perspective are rare. Migration is still only emerging as a recognised development issue and remains on the margins of the global policy agenda, with the exception of conflict and disaster-induced migration. More joined-up thinking between the agencies of the UN system and other actors is required. The focus of bilateral development agencies is on the economic development aspects of migration – such as the significance of remittances, diasporic investment, and the "brain drain". In fact it is only as economic migrants that women migrants have started to gain visibility in development policy. This economic focus needs to be extended so that development policy embraces social development and gender equality concerns.

The continuing preoccupation of states, particularly richer states, with managing migration flows can be at odds with development and gender equality goals – restrictive and stratified approaches to entry disadvantage women in particular and place them at further risk if forced into irregular channels. While there is increasing recognition that women are also migrants and that the causes and impacts of migration are gendered, attempts to mainstream gender into policy (whether it be national government, multilateral or bilateral development agency policy) are still patchy. Work has focused primarily on "adding women" as a discriminated and vulnerable group, particularly in relation to displacement due to conflict and trafficking for sexual exploitation. The many women-focused policies and programmes initiated by NGOs and civil society organisations (and often supported by funding from multilateral and bilateral development agencies) focus on empowering and protecting women migrants. These policies and programmes mobilise various rights frameworks to support the rights of women migrants (including trafficked women and migrant women workers) and provide direct support for women migrants, such as measures to protect women from sexual violence during migration, information on workers' and legal rights and access to legal, health and education services.

If both women and men are to benefit from the empowering and development potential of migration, a shift to a gendered human rights approach to migration from a development perspective is needed. More research into the links between gender, migration and development would help convince policymakers of the centrality of gender equality concerns. For example, there is currently limited sex-disaggregated data on migration flows (particularly irregular), little research on the gender implications of remittances, diasporic investments and "brain drain", and insufficient research on the differing contributions and priorities of migrant women and men. More examples are needed of practical ways to foster the potential positive impacts of migration on women and gender relations. Evidence is also needed of the most strategic ways to prevent trafficking and protect the rights of those trafficked and those displaced due to disaster and conflict.

What would a human rights approach to migration look like and how would gender be part of it? The remainder of this report explores these questions and provides recommendations for various actors,

including governments, development cooperation agencies and civil society organisations, on how to move toward such an approach.

6.1 Working towards a gender and human rights approach to migration

Key elements of a gender and human rights approach to migration

The following three elements inform the remainder of this report:

1) Migration policies that foster positive gender and development impacts of migration rather than seeing migration as a problem and thus steering migrants and particularly women migrants, into more risky irregular channels.
2) Mobilisation around international rights frameworks that offer protection for women migrants to ensure that governments ratify and adhere to these frameworks.
3) Support for the acknowledgement and realisation of the rights of migrants throughout the migration process, including ensuring access to basic services, housing and education – taking into account the different needs and priorities of women and men.

6.2 Policies on migration flow

6.2.1 Sending areas

Sending countries need to facilitate migration, internally and externally, both to enable safer migration for the migrants themselves and to foster the positive effects on the country's development. During the late 1970s Sri Lanka was among the first countries in Asia to allow women to migrate to work in the Middle East and the only country to do so without any restriction. Women now account for nearly 65 per cent of Sri Lanka's recorded migrant population. Most of them are domestic workers. In 2002, remittances from Sri Lanka's migrant workers contributed to 27 per cent of the country's foreign exchange earnings (Siddiqui and Hossainul Haque 2005).

While there are concerns with "brain drain", governments need to face the reality that people will leave one way or another, and take measures to address this, recognising the value of remittances in terms of money and skills gained. Some governments and national NGOs go further and support their own citizens with information and services before migration, during the journey and while abroad. Sri Lanka provides pre-departure training to migrants and has developed a model contract for use between migrant workers and employers in ten countries.

Recommendations:

- A government approach that allows people greater scope to make their own decisions on whether to move or stay put would be a positive step forward. Governments should therefore:
    - *reduce any existing restrictions on internal migration and emigration so that women in particular are not forced into irregular and hence more dangerous channels for migration;*
    - *seek to redress conditions in their country – such as poverty, lack of job opportunities, gender discrimination – which may force people to migrate or make women more*

> *vulnerable to irregular migration including trafficking (working with the support of development cooperation agencies).*

- Sending countries need to support their own citizens migrating to other countries, including specific policies on recruitment agencies, agents and other related business to reduce abuse of potential migrant workers, including unreasonable fees and harassment during transit.

- Embassies in receiving countries should establish resource centres there so that migrants, and migrant women in particular, can access information on, for example, how to obtain their rights, access services and how to deal with abuse. If a resource centre is not possible, as a minimum, embassies should designate and train an officer to be responsible for migrant women.

- To counter the effects of brain drain countries of origin need to manage migration better so that the loss of certain professionals, such as teachers and nurses, is factored in and treated as an employment opportunity. Governments should encourage return and circular migrants by using their skills on their return and helping them to maintain links with diaspora groups.

6.2.2 Destination areas

Restrictive and stratified entry policies, including entitlement to family reunification and grounds for asylum status, hamper the ability of women to benefit from migration and force them into irregular channels. However, where destination countries are experiencing acute shortages of certain professions – for example, nurses and teachers – there is some potential for leverage in persuading receiving countries to provide a better deal for women migrants, as well as respond to "brain drain" issues. The Commonwealth Secretariat has been encouraging destination countries to adhere to Codes of Conduct on recruitment of nurses and teachers. These include clauses on the rights of migrant workers, as well as commitments to respond to "brain drain" effects – for example by supporting training for new nurses and teachers in the sending countries. Canada is now undertaking such programmes in Jamaica, and the UK in South Africa.

Recommendations:

- Government immigration policies should enable freer movement for migrant women through regular channels so that women are not forced into irregular and hence more dangerous channels. Development cooperation agencies would need to work towards this end with their immigration/emigration ministry counterparts and seek to achieve policy coherence.

- Destination countries, particularly those in the North, need to recognise the economic contribution of migration, including migrant women, not just to the South but also the North. Where "brain drain" is happening, destination countries need to mitigate the effects by providing training and capacity-building in countries of origin.

- During immigration and emigration policy formulation, researchers and activists should carry out a gender analysis of upcoming policies and input this into the process. Key questions to ask are: how do policies affect women and men? What are their different needs and priorities? How can policies challenge rather than entrench gender inequalities and foster the positive potentials of migration for women's empowerment?

- Similarly, multilateral and bilateral development cooperation agencies need to undertake a gender analysis of their work and formulate a strategy to mainstream gender into all their work on migration (GCIM 2005 and IOM 2005d).

- Immigration policies should enable family reunion for migrant workers in all categories. Short-term visiting should also be facilitated for family members, to help those who wish to maintain family links but remain living in different locations.

- Governments need to adopt gender policies on asylum and civil society needs to continue efforts to pressurise governments to implement gender-sensitive asylum policies, recognising gendered forms of persecution.

- Any government approaches to combat trafficking need to put the rights and the protection needs of the trafficked persons at the centre. Trafficked women need to have full information about and access to the asylum system.

- Governments need to adhere to guidelines on IDPs, including women-specific clauses. Civil society should continue to mobilise for their implementation.

- Civil society organisations need to continue campaigning non-signatory countries to demand that they ratify the ICRM to give more weight to this tool for protecting the rights of both women and men migrants.

6.2.3 Bilateral agreements

As international migrants' rights frameworks lack impact, a shorter-term solution to help empower and protect women migrants is provided by bilateral agreements between sending and receiving areas. UNIFEM South East Asia is currently facilitating the establishment of an implementing mechanism for the Memoranda of Understanding (MoU) between Jordan-Indonesia and Jordan-Philippines that contain rights protection for women migrant workers. UNIFEM has brought together the governments of Jordan and the Philippines to develop a model contract for domestic workers from the Philippines working in Jordan. Bilateral agreements are being forged between some sending and receiving provinces in China, which include some stipulations on the rights of migrant workers.

Recommendations:

- Governments should forge bilateral agreements between sending and receiving areas on women migrants' rights generally, and covering women entering categories of work where they might face more abuse of their rights (such as domestic and sex work).

- All types of institutions should seek to support contact and collaboration between and solidarity among women migrants from different ethnic groups and areas to encourage alliances between those with and without protection from bilateral agreements.

6.3 Mobilising around rights

6.3.1 International frameworks

Given the lack of ratification and hence impact of the migrant-specific conventions, it is important that other human rights' instruments are drawn on to protect migrants' rights, particularly those of women

migrants. Several conventions relating to human rights generally (such as the Universal Declaration of Human Rights), women's rights, trafficking, migration, or racism, include clauses that can be used to support the rights of migrants – whether forced or voluntary, internal or external. The ILO Information Guide, featured in the Supporting Resources Collection of this *Cutting Edge Pack*, provides a comprehensive discussion of conventions that can be used as a basis to argue for the rights of migrant women.

6.3.2 Mobilising around rights for different constituencies

Migrants are often exploited both because they are migrants, but also for other reasons – for example because they are women, transgender people, young, old, an ethnic minority, a domestic worker, sex worker, asylum-seeker, or trafficked. They may fail to gain the support needed precisely because of these intersecting identities.

Albanian male sex workers

Albanian male sex workers in Italy face many challenges, including the risk of transmitting HIV from or to their clients, girlfriends and boyfriends, and they are rarely targeted by HIV/AIDS prevention or care services. They are neglected by migrant organisations because these organisations see them as gay. Italian gay groups do not reach out to them because these groups see them as migrants. And services for sex workers largely target women, so fail to reach them because they are men. However, such intersections could in contrast provide fruitful potential for alliances and forms of organising through linking with local groups – either gay or sex worker groupings – as well as for organising in alliance with other migrants (Mai 2004).

The French HIV/AIDS organisation AIDES, in their 2004 report on the situation of migrants in France, asks:

> Is there a need to organise specific actions targeted to migrant women? Are their issues taken into account in the category migrant, or in the category woman? Are their issues specific or shared by other women? Some organisations have created women migrant groups, others have preferred to set up women's groups without specifying their origin. Will the separation into sub-groups further isolate them? Migrant women have the answers to these questions. Let's listen to them.

(AIDES 2004:31)

6.3.3 Challenging isolation and prejudice in the host society

Women can become particularly isolated in the home society. For example, female literacy in the host society language is likely to be lower than male literacy and work can be more secluded in jobs such as domestic work or sex work. Also the stresses families face after migration, including any change of gender dynamics, can trigger domestic violence, which may further isolate women.

Domestic violence: Evidence from the US Department of Justice shows that reporting levels from immigrant women of domestic violence is much lower than the levels reported by US women (30 per cent compared to 55 per cent). However, illegal or undocumented migrant women reporting stands at only 14 per cent (Terzieff 2005). In 2000 the Violence Against Women Act (1994) was amended to provide legal immigration options for women regardless of their abuser's immigration status. Services available in the US that have proved very popular to immigrant women who have been abused include English classes, job training and vocational education (ibid.).

Domestic workers organising: Many NGOs have been organising with migrant domestic workers, both internal and foreign. On an international level, NGOs have been active and more recently there has also been a gradual shift on the part of trade unions to treat migrant workers first and foremost as workers, regardless of their legal status. In many European countries, trade unions are seeking to establish contact with these women to push for their regularisation. However trade unions find them difficult to organise, precisely due to their precarious status. Swiss unions are proactively trying to recruit foreign domestic workers. Despite these efforts, according to SIT (Interprofessional Workers' Union): 'the sector remains largely impermeable to unionisation, as only 200 migrant women domestic workers have become SIT members' (International Confederation of Free Trade Unions 2002: 2). Italian unions however have succeeded in securing changes that will benefit such workers. With strong lobbying they have achieved two amnesties for undocumented workers. The vast regularisation effort resulted in half a million dossiers filed of which 340,000 relate to domestic employees.

Filipinas have emerged as the best-protected group of foreign domestic workers. This is partly related to the specific political activism on behalf of, or by Filipino migrants, mostly carried out by NGOs. Uneven levels of organising can result in competition between migrants of different nationalities unless trans-ethnic NGO organising and exchange takes place. In some locations, such solidarity is emerging, for instance in Hong Kong where the Asian Migrant Centre supports all domestic workers, not only Filipinas (Piper 2005). In Beijing, the NGO 'Rural Women' set up a 'Migrant Women's Club' in 1996, staffed by migrant women, to support internal migrants from other parts of China:

> **Migrant Women's Clubs in China**
>
> The club provides legal aid, an emergency fund for those who are ill or in danger, organises get-togethers and lectures for migrant women, and publishes a migrant women magazine targeted both to migrant women themselves and also to promoting a better image of migrant women among the urban public. Most migrant women in Beijing are domestic workers and the club has also set up a Domestic Workers Support network which links sending agencies (largely Women's Federations in sending areas) with receiving agencies to share knowledge on migrants' legal rights.
>
> *(Cultural Development Centre for Rural Women 2003)*

Sex worker organising: some NGOs have also organised around sex workers' rights, such as the Indian sex worker collective, Durbar, which advocates for the rights of women, men and transgender sex workers:

> **Durbar: working for sex workers' rights**
>
> Durbar rejects the "raid and rescue" operations favoured by the police, social workers and some anti-trafficking NGOs, in which sex workers are evicted from their homes and workplaces, often insulted and abused and then detained in remand homes for destitutes and delinquents. They see a more effective way to end trafficking as taking measures to ensure all brothel owners and managers abide by norms barring them from recruiting trafficked sex workers. To this end in 1999 Durbar established local Self-Regulatory Boards in Calcutta (and later across West Bengal).
>
> These Boards serve to: mitigate violence against sex workers by brothel keepers, room owners, pimps, local hooligans or the police; establish channels of information within the "red light" area through which the Board members can monitor whether any children or adults are trafficked into sex work or whether anyone is being made to work against her will; identify those who have been trafficked and encourage them to seek the help of the Board to escape the situation; provide trauma counselling and health services; and in the case of children, organise repatriation, with representatives of the Boards accompanying them back to their homes, or if they did not want to return home, to government residential homes, and maintaining contact with them to ensure that they are not stigmatised or re-trafficked (adapted from Bandyopadhyay 2004 :7–8).

Challenging prejudice and harassment: Prejudice against migrants in host societies is wide-ranging. Muslims in particular have been stigmatised as a security threat in Europe and North America since September 11th 2001. Refugees and asylum-seekers may be particularly stigmatised by the population, the media and government. There has been a tendency in Europe to label asylum-seekers as illegal immigrants and in turn place them in detention while their case is being processed (GCIM

2005). The Southern African Migration Project documents violence and harassment against foreigners – both legal and illegal immigrants – by South African state agents such as police, as well as sexual harassment and assault by soldiers of refugees and migrants detained in army bases on the northern border (Crush and Williams 2002). In Zimbabwe, government troops are physically demolishing urban slums, largely populated by rural-to-urban migrants.

Fighting prejudice

In the Netherlands in 2002, the openly gay right-wing politician Pim Fortuyn and his party 'the Pim Fortuyn Party' stood for elections on a platform that called for a 75 per cent cut in immigration and a suspension of the constitutional article forbidding discrimination, and attacked Islam as a backward and gay-hating religion. He was set to become a significant political force in the Dutch parliament before his murder in May 2002, just nine days before the election. A few months later, in September 2002, a Dutch Syrian dual national, Omar Nahas, established the YOESUF Foundation in Utrecht in part to respond to the climate of opinion that made Pim Fortuyn so popular. The YOESUF Foundation, a centre for information and education about Islam and sexual diversity, organises dialogue between Muslim and gay groups in the Netherlands, as well as promoting such exchange on an international level, and works to increase possibilities for gay Muslims to live out their lives without being attacked by either side.

Source: personal communication with Omar Nahas, 2003, and YOESUF website, www.yoesuf.nl/engels/

6.3.4 Transnational organising

Some activism for women's rights or gender change works transnationally – linking people in both origin and destination societies, working with those in the home country, in diasporas, and challenging attitudes in host societies as well as among migrants. The Coalition Against Violence toward Women and Families at the US-Mexico border is an example of such organising. Over two million people live in the region of Ciudad Juarez, on the Mexico side of the US-Mexico border, many of them related to residents on the USA side through kinship, friendship, interdependent work and consumption. A large number of foreign-owned export processing factories are located in Ciudad Juarez, which employ a largely female workforce working for 10 times less than the minimum wage in the US. Since the mid-1990s, more than 300 girls and women have been murdered, a third of them raped and mutilated before death. Hundreds of others are missing. Police have taken very little action. However, a cross-border campaign has mobilised support in both the USA and Mexico, in media and government, raising the international profile of the situation and pressing for police action, as well as raising funds for victims' families (Staudt and Coronado 2004).

Recommendations:

- Given the weakness of migrant-focused international frameworks, there is a need to mobilise not only around organisations and conventions relating specifically to migration, but also around other human rights instruments which can be used to support migrants – for example using CEDAW, The Beijing Platform for Action and Resolution 1325 to defend the rights of women migrants. Development cooperation agency support is needed for this mobilisation.

- Various organisations need to support organising by both internal and international migrants, including organising by migrant women – both as migrants and in alliance with other intersecting groups such as women's groups. Trade union involvement is crucial. Support is also needed for trans-ethnic exchange and solidarity to promote rights for all migrants rather than just the better-organised ethnic groups.

- Governments need to ensure that anti-trafficking measures do not further penalise victims of trafficking. Ask those trafficked what they want. Do not deport or return to place of origin unless this is their request. In cases of trafficking for sex work, consult with the sex workers and sex worker organisations as to how to address this.

- Governments need to ensure services such as HIV/AIDS and sexually transmitted infections (STIs) programmes respond to the specific needs of women, men and transgender people. Confidential and sensitive HIV/AIDS and STI programmes are needed for both migrant women and men, including clients of sex workers and male sex workers.

- Common gender issues straddle national borders. Financial support for transnational organising to support women's rights and challenge gender violence is needed from development agencies.

- Governments and migrants' organisations need to recognise tensions between receiving area populations and migrants. There needs to be a recognition that different groups subject to discrimination may see themselves as in competition with each other rather than as unified. Creative exchange should be promoted to foster solidarity, and to challenge hostility from host area populations.

6.4 Supporting migrants throughout the migration process

6.4.1 Pre-departure and during the journey

Pre-departure information is needed for potential migrants on safe migration channels and legal rights such as who to contact in case of abuse, on cultural differences, as well as about HIV/AIDS and particular health risks. This can be provided in training before departure or from information desks at bus or train stations, or at the airport. Evidence suggests that in general more migrant women who have received pre-departure information have safely escaped abuse situations than those who have not (Moreno-Fontes 2005). GAATW's 'The Migrating Women's Handbook' offers practical tips for migrant workers or women getting married to foreign nationals (GAATW 1999). The DFID China HIV/AIDS Prevention and Care project supports an NGO which runs an exhibition and gives out information on safer sex to internal migrants in migrant job recruitment centres in Chengdu – women trainers seek out migrant women to talk in a quiet and separate room.

In areas at risk of trafficking, the causes of trafficking such as gender-based violence, poverty, unemployment and lack of opportunities need to be addressed. The Anti-Trafficking Centre (ATC) in Belgrade has carried out information campaigns, delivered training on alternative income sources and run workshops to raise self-esteem for young women and men, targeting those considered most at risk. In summer 2004, ATC conducted the 'Stop Human Trafficking' campaign at the 'Exit' music festival, the biggest festival in South Eastern Europe held in Novi Sad (Serbia and Montenegro)[11]. During the campaign, around 100 volunteers trained by ATC distributed campaign materials and talked to people about trafficking.

Recommendations:

- Governments or civil society organisations need to provide pre-departure information on rights and risks to migrants and potential migrants. Information needs to be provided in a location and form accessible to both women and men.
- Governments need to tackle the root causes of trafficking including gender-based violence and discrimination, poverty and unemployment.
- Sending countries' policies on recruitment agencies can reduce abuse of potential migrant workers.
- Increased opportunities are needed for women to migrate through the regular migration channels in order to reduce the incentive to negotiate more risky irregular channels.
- Governments need to recognise and implement the 'Guiding Principles on Internal Displacement' (OHCHR 1998) and the UNHCR 'Guidelines on the Protection of Women Refugees' (UNHCR 1991) and their gender-specific provisions in order to protect displaced women, including during journeys to camps, ensuring women's access to health services and the participation of women in the planning and management of camps.

6.4.2 In the destination area

Women migrants' entry status – irregular, regular, refugee, asylum-seeker, dependent spouse – affects recognised rights, citizenship status and access to services, including housing. Women's and migrants' organisations, such as the UK Refugee Women's Resource Project, provide important legal advice and information on rights and welfare entitlements to women migrants including refugees. This project also provides gender awareness training and support for professionals and legal representatives working with refugee women. Other organisations in the UK have been set up to visit detained asylum-seekers in UK detention centres, providing psychological support, a link to the receiving society and legal advice, including on gender-based grounds for asylum in the UK; these organisations are brought together under the Association of Visitors to Immigration Detainees (AVID). Migrant women's clubs also play an important role not only in sharing information on rights but also by providing a support network for isolated women migrants.

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[11] With the support of the United States Agency for International Development (USAID), Freedom House, MTV Europe, and the Swedish International Development Agency (Sida).

Women are important actors in situations of displacement, although their contributions often go unnoticed. In recent years UNHCR has encouraged women in camps to become involved in the design and management of services and projects. For example, in the Nepal-based camps for Bhutanese refugees, 50 per cent of members of the management committees must be women. Both the Afghan Women's Welfare Department and the Afghan Women's Resource Centre provide health and education services, income-generation skills training and relief distribution to displaced women (El-Bushra and Fish 2004).

For women migrant labourers, affordable remittance services are really important. The formal financial system often charges high costs to send remittances. Use of the formal financial system may also require knowledge of the local language, an understanding of the system, and requirement of proof of identity. All these may pose obstacles to migrants and those receiving remittances, particularly irregular migrants, and women with lower literacy rates or reduced access to information. In some countries, financial systems specifically discriminate against women, for example requiring approval from a male family member in order for women to open a bank account or apply for credit. Informal channels for the financial system may be unregulated and leave migrants open to exploitation. However, some – such as the *hawala* [12], one of the most widespread informal transfer mechanisms – are efficient and cost-effective relative to formal channels. Some alternative financial systems have been created, such as Fonkoze, 'Haiti's alternative bank for the organised poor', a micro-finance institution offering loans largely to women, along with literacy and business skills training, and cheap-rate transfers to Haiti for both individuals and non-profit organisations (Ramírez *et al*. 2005).

Recommendations:

- Governments need to ensure all women migrants can access basic services (including education, health, and housing) and access other rights, such as to political participation, regardless of their entry status and that of their spouse.
- Governments and humanitarian assistance bodies must recognise the rights of displaced people and refugees, in line with international conventions and guidelines. This includes recognising the particular needs of women (including for reproductive health and HIV services and counselling for sexual violence), assessing the risk for women inside and outside camps, and involving these women in decisions including those relating to camp design and management.
- Provide information accessible to both women and men migrants on the real costs attached to remittances through the different channels.
- NGOs and migrant organisations need to create cheap and efficient modes of money transfer which do not exclude women or irregular migrants.

6.4.3 Those left behind

Family members left behind by migrants have particular needs. Some national and international NGOs in India are working to address the needs of women in areas of predominantly male migration to other

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[12] *Hawala* is an informal value transfer system used primarily in the Middle East, Africa and Asia for migrant workers' remittances.

parts of the country. Measures include support for women to diversify their income-generating activities in the face of the precariousness and unpredictability of remittances, and programmes to support education and gender equity to build on the opportunities for women's empowerment created by men's absence. In Mexico, the Corner Project works in an area of predominantly male migration to the USA. Most who migrate do so illegally so cannot come home to visit their families for fear that they will not be able to get back to their jobs in the USA. The Corner Project helps provide schooling for children left behind when their parents (usually fathers) migrate to North America, leaving them with only one parent, or grandparents. They also provide adult education and income-generation skills training for women.[13]

Recommendations:

- Government, NGO and civil society organisations should support family members left behind. Diversification of income-generating activities may be needed in the face of the unpredictability of remittances.
- Support changes in gender norms – empower women where men have migrated, encourage men to take on reproductive tasks where women have migrated.

6.4.4 Upon return

How migrants return to their place of origin affects the development impact of their time away – for example if and how they are able to use the new skills and perspectives they have gained, and if they have difficulty readjusting and so migrate again quite soon. If women's self-confidence has increased due to migration, does this increased confidence last upon return? If men have taken up reproductive roles, do they hand these back to returned women migrants? In the Philippines, the migrant workers' NGO, Unlad Kabayan, in partnership with UNIFEM, has started a pilot savings and investment scheme for women migrants, either abroad or returned. Several women's savings groups have been set up, providing information and training relating to women saving and to the development of technical skills and entrepreneurship. The organisation has also won support from local government for gender-responsive support for reintegration and remittance services. Bosnian women's organisations took the lead in providing services to returning refugees, welcoming back returning displaced and refugee populations into their communities of origin and providing gifts of food and supplies to displaced women (El-Bushra and Fish 2004).

In many Arab countries in North Africa and the Middle East the right to pass on national citizenship is something that only applies to men. Therefore, problems may occur if women migrants return having married foreign nationals. Women who are national citizens cannot pass on their citizenship to a "foreign" husband or to children born of marriages to foreign nationals. In such cases husbands continue to be foreign citizens and since children are required to take on their father's citizenship, they become foreigners in their mother's country. The Women's Right to Nationality Campaign, organised

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[13] Source: The Corner Project website, http://www.elrincon.org/english/index.html.

by the Machreq/Maghreb Gender Linking and Information Project (MacMag GLIP), brings women together across countries to challenge governments over their exclusion from full citizenship.

Recommendations:

- Government and NGO support is needed for returned migrants to readjust and use their new skills and experiences.
- Support is needed from families and spouses to consolidate gender changes such as women's increased self-confidence and men's greater involvement in reproductive roles.
- Governments need to recognise the right of women to pass on citizenship to their children.

6.5 Further research

Section 2.3 of this report identified knowledge gaps and limitations of current statistics. Sex-disaggregated statistics and research on gender and migration trends are lacking, particularly in Africa. Irregular migrants, who are among the most vulnerable, are also the most difficult to record. More gendered research and a building of research capacity is needed to provide the knowledge for context-specific and evidence-based migration policies. Such research could enable policies to better take account of the real contributions and priorities of migrant women and men.

Recommendations:

- Development cooperation agencies could support national capacity-building – both governmental and in research institutes – for gender-disaggregated research and policy analysis to enable the development of evidence-based migration policies and policies that are affected by migration, such as urban planning and access to services.

- Development cooperation agencies should undertake more research and produce more documentation (or support such activities) on gender and internal and international migration, particularly in under-researched areas such as Africa and on under-researched themes such as the gendered aspects of remittances and diasporic investment. Such research and analysis on migration should include those left behind. Household surveys should be constructed to reflect mobility so that migrants become visible.

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