Gender and international migration

During the migration process, women migrant workers often are at a disadvantage due to gender-specific factors and have different experiences by virtue of gender stereotypes of the role of women and the division of labour between the two sexes.

This chapter aims to highlight this by mainly focusing on the specific concerns and issues of women migrant workers, especially those who are most at risk of being exploited, from the key countries of out-migration in the subregion, namely Bangladesh, India, Nepal, Pakistan and Sri Lanka. Issues related to migration and gender are different in other countries of the subregion and would require a separate detailed discussion. The chapter primarily concentrates on temporary labour migration from the subregion, which is dominated by migration to the countries of the Gulf Cooperation Council (GCC). Specific vulnerabilities arise for women migrant workers from these countries due to the nature of the temporary labour migration regime and gender imbalances in countries of origin and destination.

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1 Deepa Bharathi, Programme Manager, Asia Pacific Arab States regional Programme on Empowering Women Migrant Workers, UN Women East and South East Asia, Bangkok, Thailand and Smita Mitra, Programme Associate, UN Women South Asia, New Delhi, India

2 The member States of the GCC are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates.
The gender-based hierarchies established in countries of employment are important factors that influence the incorporation of migrants into the labour market. The gender-based hierarchies that affect all women in general also handicap migrant women in particular, influencing job opportunities, work environment, and wages compared to their male counterparts (Boyd and Grieco 2003). Countries that recruit migrant workers on a temporary basis generally admit women as domestic workers, which include those specializing in childcare. Thus, many women migrants, despite their skill level or aspirations, are channeled into the domestic sector because of these pre-existing gender, cultural and legislative realities in many countries of employment.

A distinctive feature of the current international migration scenario is that almost half the population movement consists of women, a sharp contrast to the relatively lower proportion of women migrants in nineteenth century migration. In this regard, however, it should be noted that the migration of women from South Asia has been lower than the international averages even though the gap has been consistently narrowing over time.

Increasing feminization of international migration in general and from South Asia in particular has spurred new issues and poses new challenges relating to institutions, processes and outcomes associated with female migration.

Increasing remittances by women migrants have reframed the development narratives in some countries, such as Nepal and Sri Lanka. Studies have also shown the empowering aspects of women’s migration for work abroad at the local and micro level in the countries of origin where subtle but important changes are taking place in the gender balance of power both within and outside the household (Bhadra 2007).

Nevertheless, women migrant workers from the subregion are more vulnerable to labour exploitation and human right abuse, mainly because they tend to be single and work in low-skilled occupations, primarily as domestic workers and service providers.

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A regional perspective on migration from South and South-West Asia

Here the term feminization of migration is used to signify the increasing importance of women migrants as the main economic providers, or ‘breadwinners’ for their households, leading to specific female forms of migration, such as the commercialized migration of domestic workers and caregivers, the migration and trafficking of women for sex work and manual labour-intensive industries and organized migration of women for marriage.
At the global level, two features distinguish the current pattern of women’s labour migration. First, an overwhelming majority of international women migrant workers belong to either the low-skilled or semi-skilled category. Second, the increased intensity of population movements has played a major role in shaping the debates over ensuring justice and dignity to workers, both at the national and international levels.

Large-scale migration of women workers from South Asia has well-documented historical roots in the colonial period. Indentured migration to the plantation colonies in the nineteenth century, for instance, was governed by the strict requirement stipulated by the colonial government of a minimum of 40 women per 100 men. Most women who migrated were single, with only a minority travelling with their families. This significantly affected the character of household and community formation in the destination countries as well as the way migration was viewed in the places of origin. The exploitation of single women in the plantations triggered massive nationalist agitation against indentured migration and eventually led to its abolition in 1916. Regulation of women’s migration was thus crucial both at the inception and end of migration systems of the nineteenth century (Northrup 1995, Tinker 1974).

The pattern of women’s migration from South Asia underwent a change starting in the 1970s when migration and emigration of low- and semi-skilled workers from the subregion to Western Asia accelerated (Khadria 2009). The increase of oil prices in the 1970s led to a vast demand for labourers in Western Asia, including domestic workers, and this demand has continued to increase.

Apart from the GCC countries, other destination countries for South Asian women have evolved in recent years, such as non-GCC countries in Western Asia, especially Jordan and Lebanon, and destinations in East and South-East Asia, namely Hong Kong, China; Malaysia, Singapore and Taiwan Province of China. Interestingly, out of 27.35 million international women migrants in Asia, 11.32 million are in Western Asia alone (UN DESA 2009).

Detailed data on migrant stock by country of origin are difficult to obtain for the GCC member States, as these countries are reluctant to publish this information. Embassies of countries of origin often provide estimates on the stock of migrants in respective destination countries, but the information is often not disaggregated by sex.

However, some countries in South Asia publish data disaggregated by sex on annual migrant outflows based on administrative records, with Sri Lanka providing the most comprehensive information in this area. Bangladesh has only recently started to publish this information while the Ministry of Overseas Indian Affairs (MOIA), the government agency that monitors migration, does not publish sex-disaggregated data.4

The majority of women migrant workers from South Asia are from Sri Lanka, with increasing numbers from Bangladesh and Nepal. Notably, Nepal and

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4 For data on women’s migration, also see the country chapters for Bangladesh, India, Nepal and Sri Lanka in this report.
Bangladesh recently lifted bans on women's migration. Although official records are not available, it is also known that women from India also migrate mainly as domestic helpers or as nurses while the number of women migrating alone for work from Pakistan is considered to be very low.\(^5\)

In recent years, the outflow of migrating women from Sri Lanka have been higher than the outflow of men.\(^6\) During 2005–2009, about 120,000 Sri Lankan women left the country annually every year (figure 1), with the eight main destination countries located in Western Asia. Meanwhile, for male out-migrants, the Republic of Korea, where protection levels are higher, ranks number five in terms of receiving male migrants from Sri Lanka. The majority of Sri Lankan women migrate as domestic workers, especially to Saudi Arabia, and Kuwait. In fact, about 60 per cent of female migrants from Sri Lanka went to these two main destination countries in 2009 (SLBFE 2009).

**Figure 1.**
Female migrant worker outflows from Sri Lanka by destination country, 2005–2009

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5. See respective country chapters in this report.
6. See chapter on Sri Lanka in this report.
A gender differentiated demand for labour seems to determine the migration flow of international women workers (Ghosh 2009). The majority of male migrants are engaged in production and construction. Women, on the other hand, are disproportionately engaged in the service sector in care and entertainment services. Characteristically, working conditions in the sector are likely to be more precarious than in male-dominated sectors, but employment generation is less likely to be affected by economic cycles as it is determined primarily by the labour market structure of the host countries and the countries’ social and cultural practices. The demand for domestic workers in GCC countries is a prime example. As indicated in table 1, women constitute the major segment of migrant domestic workers in the GCC countries. The largest groups of migrant women domestic workers are in Saudi Arabia and Kuwait.

Table 1.
Migrant domestic workers in GCC countries

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>YEAR</th>
<th>TOTAL</th>
<th>WOMEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saudi Arabia</td>
<td>2009</td>
<td>777 254</td>
<td>506 950</td>
</tr>
<tr>
<td>Kuwait</td>
<td>2010</td>
<td>569 536</td>
<td>310 402</td>
</tr>
<tr>
<td>Oman</td>
<td>2009</td>
<td>94 592</td>
<td>69 256</td>
</tr>
<tr>
<td>Bahrain</td>
<td>2011</td>
<td>83 198</td>
<td>51 811</td>
</tr>
<tr>
<td>Qatar</td>
<td>2009</td>
<td>80 342</td>
<td>48 147</td>
</tr>
</tbody>
</table>

Note: a first quarter

Several factors have triggered demand for women caregivers to the GCC countries as well as to locations in East and South East Asia. First, with improved economic positions, the hiring of domestic workers is considered a necessary comfort. Second, in several South-East Asian countries as well as some territories in East Asia, there has been a sharp increase in the women work participation rate, which has generated demand for domestic workers (Gulati 1997). At the same time, the hiring of domestic workers has become difficult either due to the shortage of local labourers or higher prices charged by them. Women labour migration from South Asia to Western Asia is essentially related to economic prosperity as the countries of Western Asia register very low women labour force participation rates. Thus, the feminization of international migration is linked to a global demand for domestic workers, reproducing the traditional gendered division of labour, in which women are relegated to lower-wage jobs (Agrawal 2006).
Despite the increased presence of women in the global migration pattern, the contribution of women to the migrant labour force is an issue that has been largely overlooked or neglected in the subregion. This point will be elaborated in the following paragraphs through the contribution of women migrant workers in the form of remittances and other social aspects.

The main reasons for migration in general—lack of viable opportunities in the home country, widespread poverty, desire for a better future and a higher remuneration in the destination country—hold true for women’s migration in South Asia, though the impact of such factors varies among countries. At the same time, as will be discussed later in the chapter, factors such as the harsh realities of family life, alcoholism of the male members of the family and oppressive social systems, seem to play a crucial role in influencing a woman’s decision to migrate. Other causes for migration are natural disasters, conflicts and violence.

In the South Asian context, the feminization of migration is largely associated with the migration of women from Sri Lanka. About 80 to 90 per cent of women from Sri Lanka migrate to work as domestic workers (SLBFE 2009). The composition of women migrants provides clues on the factors that trigger migration at the micro level. In the present decade, the migration of women workers from Sri Lanka is inextricably linked with the employment of domestic workers in Western Asia. Sri Lankan women migrants are predominantly Sinhalese and Muslim; the number of Tamils is much lower. While migrants were drawn primarily from the urban areas surrounding the capital city of Colombo in the late 1970s, they now come from all over the island, including the western districts of Colombo, Kurunegala and Gampaha (Frantz 2010).

Prior to the current rise of women’s international migration, women migrants were mainly working in plantations or in free trade zones (Brochmann 1993, Kottegoda 2006) and comprised a higher workforce participation rate. The vibrant garment industry spread across Sri Lanka also boosted the number of women migrant workers as many women trained in these factories have found jobs in garment factories overseas. The increase in women migrant labour as domestic workers and as low-skilled and semi-skilled factory workers (predominantly garment factory workers) is attributed to a number of other social, economic and policy factors.

Despite liberalization, unemployment remained a major problem and the standard of living of the population further worsened with the withdrawal of the decades-long food subsidy programme in the 1979. The increased demand for workers in Western Asia gave the Government of Sri Lanka an avenue to overcome the low economic growth. In this context, it can be argued that the historical legacies of women employment outside the household also helped women from Sri Lanka to migrate in large scale (Oishi 2006).

Women’s migration from Nepal presents a different trajectory. Migration before the 1990s often meant male migration in which women accompanied their spouses, parents or relatives. Patriarchal attitudes coupled with a lack of reliable and available networks as well as money to support migrant initiatives hindered the independent movement of women migrant workers (Adhikari and others 2006). One significant development in the 1990s was the change in the political organization of the country from that of a monarchy to a democracy.
The failure of the agricultural economy and the resultant poverty after the 1990s prompted many women to go to India to search for non-farm jobs, while a few migrated to other countries (Bohra and Massey 2009).

As in the cases of Sri Lanka and Nepal, widespread poverty, unemployment at home, and wage differences at the destination country triggered international labour migration from India to Western Asia. Academic literature on international labour migration in India is largely focused on male migration. This complements the near invisibility of women migrants in data. This seems ironic in the case of the Indian state Kerala which records high levels of labour migration of women, particularly nurses, to Western Asia. However, the experience of female labour migration in the category of low-skilled (domestic workers) and semi-skilled (health-care workers) is increasingly receiving attention (Bindhulakshmi 2010, Percot 2006). The study conducted by IOM (2010) among labour migrants from the Indian state Andhra Pradesh indicated their decision to migrate was driven by economic benefits. Studies on women's labour migration to GCC countries also indicate that their choice (particularly as nurses) was also guided by a desire to migrate to a better destination (Percot 2006).

Though female migration from Bangladesh continues to be low, there has been a gradual uptrend from the less than 1 per cent share of females in the annual labour flow that prevailed until 2000. It is ironic that the social situation that inhibits women's migration also tends to be a major factor pushing female migration. As indicated in studies by IOM and the International Research and Training Institute for the Advancement of Women (INSTRAW) (2000) and Siddiqui (2001), women who face unhappy social situations, including difficult marriages, harassment and violence, are lumped in a socially disadvantaged group and see migration primarily as a quest for independence and a means of realizing their self-worth.

While migration can be a source of economic empowerment and progress for women migrants and their families, the existing system of migration poses many challenges for women who want to benefit from migration and the potential employment opportunities. Some of the possible consequences under this system are cases of physical violence, sexual abuse, withholding of passports, restrictions on mobility and communications and even death while trying to escape (Migrant Forum in Asia 2004). Notably, migrant women who escape an exploitative work setting and bring legal action against their employers rarely succeed. The lack of access to legal services and redress systems by appropriate authorities leads them to be deported and/or lose their employment income, jeopardizing the livelihood of their families back home. As such, many women migrant workers choose to continue to work in their places of employment no matter the level of abuse and exploitation in absence of a better alternative. Despite these challenges, recent trends suggest that more women workers will go overseas in the search of better employment opportunities in the future.

7 Migration from Nepal to India dates to the provision of free movement under the Indo-Nepal Treaty of Peace and Friendship of 1950 and is facilitated by the long and open border between the two countries, which allows travelling through land routes where cross-border movements often remain unrecorded.
Most countries in the subregion have in place legislation to regulate the flow of migrants and to control migration. A striking aspect of the migration policy of the South Asian countries as noted by Oishi (2005) is that the policies treat men and women on different scales. Despite the increasing presence of women in migration flows, especially as workers, the migration polices in both the countries of origin and the destination countries of the South Asia-Western Asia migration corridor tend to be gender-blind. Migration policies in the subregion are often formulated with women placed at the margins, reproducing existing gender stereotypes. Women are seen as victims of all sort of violations and thus, incapable of deciding on cross-border migration. The State intervenes to protect and control women, thereby curtailing women’s rights to make their own decision and earn a decent living. Kapur (2005) notes that, constructing women as “victims” delegitimizes women’s movement in search of work. In addition, women are left with no option apart from depending on informal and often illegal agents, increasing the probability of women ending up in trafficked networks.

Oishi (2005) explains the relevance of the concept of ‘social legitimacy’ to analyse women’s migration processes in South Asia. She defines social legitimacy as “a particular set of social norms that accept women’s wage employment and geographical mobility and that establish an environment conducive to international women’s migration”. The concept not only seems to mold society’s attitude towards women’s migration, but also influence State policies promoting, regulating and/or controlling their mobility. Kapur (2005) narrates how the categorization of migrant women by the State into groups—such as potential victims and those outside the scope of victimization; women travelling alone and those travelling with family—often leads to impractical solutions.

Table 2. Conditions on the international migration of women workers

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>Ban on recruitment of entertainers but not on nurses, doctors and engineers.</td>
</tr>
<tr>
<td>India</td>
<td>Women must be at least 30 years to work as domestic workers in Western Asia or Northern Africa, with exceptions made on a case-by-case basis. Ban on recruitment of female domestic workers to Kuwait.</td>
</tr>
<tr>
<td>Nepal</td>
<td>Women must be at least 18. Selective ban on employment according to the country of destination.</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Women must be at least 35 years to work abroad as domestic workers. Ban on recruitment of nurses.</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>Women must be at least 20 to work as domestic workers. Ban on recruitment of entertainers.</td>
</tr>
</tbody>
</table>

Source: Kabeer (2007).
Most countries in the subregion have placed some restrictions on the age of women migrants, destinations and occupations (see table 2). For instance, Bangladesh, India, Nepal and Pakistan have put a limit on the age of the women migrants, while Sri Lanka has a minimum age for domestic workers only.

Restrictive migration policies have reduced the possibilities for regular and legal migration for women, forcing them go through risky irregular channels. For instance, in Nepal, due to the alleged sexual abuse and death of a migrant woman worker in Western Asia, which made headlines in the Nepali media, women’s migration to that subregion was banned in 1998 through a Cabinet decision; it was restored only in 2003. Later, this was revoked and a new law, the Foreign Employment Regulation (2008), was introduced. One provision in the law stipulates that international migration from the country is possible only through Kathmandu airport. However, it is estimated that 30–40 Nepali women fly to Western Asia daily through India. Nearly 20,000 to 25,000 Nepali women are believed to be working in Saudi Arabia and most of them are irregular migrants (NIDS 2009). Similarly, a study from India found that as a result of provisions such as age restrictions, women migrant workers often misquote their age in order to migrate for employment (Centre for Labour Market Studies forthcoming).

International migration is best viewed as a process that offers immense scope for social and economic mobility. However, there is a need to incorporate gender sensitivity into the migration policies in South Asian countries in which the rights of women to migrate would be recognized.

Women migrant workers in Western Asia lack recognition, both socially and legally, as workers by virtue of being part of the domestic work sphere. The characterization of domestic work as private household labour leads to exclusion of domestic workers (partially or wholly) from labour legislation. In addition, gendered cultural norms and societal belief systems view domestic workers as part of the family and do not recognize domestic labour as “real work”, thus undervaluing the economic contribution by domestic workers. This, in turn, reinforces the deficient legal regimes that exclude domestic work from protections and regulations that cover other employment sectors. As a consequence, domestic workers often do not recognize themselves as workers with entitled rights and the lack of protective legislation in the destination country translates to a structural inability by women migrant workers to organize and advocate for their rights and entitlements.

Increasingly, formal institutions, especially government agencies, are engaged in providing requisite information to prospective migrants. For instance, the Sri Lanka Bureau of Foreign Employment (SLFBE), through its grass-roots level awareness building programmes, informs prospective migrants, families of the migrants left behind, the wider population in the locality, the police and community leaders on the prospects, problems and coping strategies related to migration. SLBFE also broadcasts customized radio programmes on migration.
In Bangladesh, very little information is disseminated by Government agencies on migration, particularly with regard to women migration. However, in recent years, the Ministry of Expatriate Welfare and Overseas Employment (MEWOE) has been regularly advertising in Bangladeshi newspapers about unlicensed recruiters and safeguards to be followed by migrants so as not to be trapped in irregular migration (Siddiqui 2008). A major part of information dissemination on the prospects and problems of migration in Bangladesh is primarily done by migrants’ associations, such as the Welfare Association of Returnee Bangladeshi Employees (WARBE) and the Association for Female Migrant Workers in Bangladesh (BOMSA). WARBE has set programmes that offer general information about migration and migration processes, such as issuance of passports, medical tests for migrants, getting visas issued, recruitment agents and their fraudulent practices, the cost of migration, and the living and working conditions in the destination countries.

International migration to Western Asia is predominantly governed by the kafala or sponsorship system. Under this system, expatriate workers can only enter, work and leave the host countries with the assistance or explicit permission of their sponsor or employer, who is a local in the country.

The kafala system was drawn from the concept of ‘guardianship’ by which workers are tied to their employers with many countries not allowing workers to transfer to take jobs with other employers. In the case of migrant domestic workers who are predominantly women, this system adds greater vulnerability in that domestic workers work and live in their employer’s abode. Consequently, it is difficult to scrutinize and regulate their working and living conditions.

The kafala system has been criticized by NGOs and human rights activists as it often results in human rights violations in its application due to irregularities in the use of the recruitment system. Other critiques of the system include controlled and limited freedom of movement—migrant workers are not free to move outside the sponsor’s home and forbidden to receive visitors or have partners. Their passports are often withheld. There is minimal recourse if the domestic worker has problems with their living conditions, dietary needs or medical needs. Compounding these problems, female migrant domestic workers have little or no access to health care, support services and legal redress. Male migrant workers engaged as cleaners and drivers also face some of these rights violations. However, cultural perceptions often exacerbate the situation for females domestic workers as employers believe they are protecting them by restricting their freedom of movement.

Moreover, the conditions for employment are set according to the employer’s discretion and in some cases, there is no official contract at all. For example in Bahrain, the Ministry of Labor has created a model contract, but the usage and usefulness of this standard form contract is not clear. The Ministry has further stipulated that employers are required to pay for the flight costs of their employees as a way to rectify the problem created by recruitment agencies that make loans to migrant workers creating indebtedness. However, due to

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This section is sourced from various Human Rights Watch reports, and statements from civil society.
the absence of strong enforcement mechanisms, many employers do not pick up the costs. Furthermore, the lack of a contract leads to unspecified, often multiple forms of work for undefined hours. For example women migrant workers in the domestic sector are often babysitters, kitchen helpers, house cleaners, and also work in the households of the employer’s relatives doing different categories of work under one contract (Khan and Harroff-Tavel 2011).

The result of these violations creates what are described as ‘illegal’, ‘runaway’ or ‘free visa’ workers. Migrant women who manage to escape abusive working conditions have to continue to work outside the extremely limiting framework of the kafala system. Many of them are then arrested as illegal workers, detained, and then deported. As such, many women migrant workers are forced to remain in the abusive and exploitative working conditions of their sponsorship household because of fear of arrest and deportation.

In recent years, in response to concerns expressed by civil society about human rights abuses and violations of migrant workers stemming from the kafala system, some countries, such as Bahrain and Kuwait, have taken steps to reform this system (Khan and Harroff-Tavel 2011).

Women migrants working in abusive employer households have limited options under the kafala system in Western Asia. In fact, there are some reported cases that women who sought help from the authorities to escape abusive working conditions were returned to the employer. If the woman migrant decides to go ahead with a court case, which will carry on for an undetermined length of time with high costs, it is often not successful in providing justice to the victim.

One of the major problems faced by women migrants is emotions tied to the separation from their families and children in particular, which they believe prevents them from giving proper maternal care to their child. In addition, employers of migrant workers in the domestic sector often prevent them from communicating with their families.

Furthermore, most women migrant workers and caregivers who leave their homes to care for others abroad also have their own children and elders to look after back home. Migrant women usually either pass on this responsibility to other female relatives or, with their higher foreign earnings, hire lower-income domestic workers to manage their own households. This phenomenon is known as the ‘global care chain’, an international system of care giving stratified by class and, often, ethnicity (Hochschild and Ehrenreich 2002).

Many domestic workers end up running two households, their employers’ as well as their own, from afar. Notably, women spend 70 per cent of their unpaid time caring for family members, a contribution to the global economy that remains largely unrecognized (UNDP 2006).

Difficult working conditions and inability to participate in any social and cultural activities outside of their workplace isolates domestic workers from their new societies and prevents them from learning about their rights. Consequently, the aggregate result of concern for their families back home,
feelings of emotional deprivation and isolation have sometimes led to serious cases of mental depression and even suicide (Hochschild and Ehrenreich 2002).

Data on sexual exploitation of women domestic workers are not readily available due to difficulty in collecting information from women who have been sexually exploited. Many women are prevented from pressing charges for sexual abuse or to speak publicly about these issues because of cultural norms that fault women for any sexual transgression, even if they are not at fault. In addition, many migrant workers fear for their safety and that of their families if they do press charges for sexual exploitation and or speak openly against their employers. As a result, many cases of sexual abuse and exploitation of domestic workers go unreported and hence unrecorded. Notably, members of the UN Women South Asia Regional Office in 2010 reportedly found during a scoping study that among returnee women migrant workers in India, the number of women who were sexually exploited was staggeringly high.

There are countless reports of women migrant domestic workers being sexually harassed, molested and even raped by their employers. This can be attributed to inadequate social and legal safety nets and limited by domestic workers of their rights. The resultant vulnerability to economic and sexual exploitation, with its attendant consequences of sexually transmitted infection (STI) and HIV, are strong factors supporting the need for more services and institutional protections for women migrant workers. In some countries, women are subjected to mandatory pregnancy tests each year. If the test result is positive, employers assume no responsibility and the migrant workers are deported.

Both the supply and demand sides of the trade in human beings are fed by gendered vulnerabilities to trafficking. These vulnerabilities are the result of political, economic, and development processes that may leave some women socially and economically dependent on men. If that support from men becomes limited or withdrawn, women become dangerously susceptible to abuse. They often have no individual protection or recognition under the law, inadequate access to health care and education, poor employment prospects and little opportunity to own property or to deal with high levels of social isolation. This makes some women easy targets for harassment, violence and human trafficking. Women of ethnic minorities and other vulnerable groups are particularly exploited while women who lack economic security are easy targets if they are willing to leave their country in search of work elsewhere. As explained earlier, women who have been trafficked into domestic work are particularly vulnerable due to their work environment. Without protection, foreign domestic workers may have fewer options for seeking help when threatened or attacked by their employers.

However, the use of terminology for protection of migrant workers is very tricky, especially when it comes to women migrant workers. In some countries, the concept of protection has been used to bar women from seeking meaningful employment. A crucial distinction is often not made between protecting migrant women workers and migrant women’s right of employment and choice of profession. There is, at times, a tendency to overemphasize trafficking and adequate attention may not be given to women’s right to migrate. When male migrants face problems, they are seen as a labour rights violation while
the problems faced by female migrants are viewed as trafficking problems. The dichotomy that “men migrate and women are trafficked” has to be broken in the mindset of people when dealing with migration. Additionally, with regards to the migration of women, the line between migration and trafficking is blurred, especially for poor people. Poverty often pushes families to send boys and girls abroad with little knowledge where they are going or what they will be doing.

 Trafficking has been viewed with increasing concern in South Asia as a subregion and by individual South Asian countries as well. Many of them already had set provisions in their laws in the colonial period which could be used to combat trafficking as in the cases of Bangladesh, India and Sri Lanka, or since the codifications of customary law as in Nepal. Many, however, felt that the provisions in general criminal codes were insufficient and sought to check trafficking by the passing of specific trafficking legislations. Due to the serious nature and the wide prevalence of trafficking for sexual exploitation in the subregion, many of these laws deal with this form of trafficking. Instead of a complete code dealing with different forms of trafficking, laws in this area are scattered across different legislations (UNODC 2011).

In addition to financial benefits, migration provides countries of origin with opportunities to build their human, capital and social assets. Returned migrants usually bring back new skills during employment abroad through what is today recognized as beneficial transfer of know how and competencies called ‘brain gain’. A study on returning Pakistani migrant workers conducted in 1998 found that migrants who had worked abroad as mechanics, welders and machinery operators had learned how to use advanced tools, instruments and machinery and new facets on how to organize their work. Employers in the home country rated them much higher than workers without overseas employment experience (Azam 1988).

Migrants can also play an important role in their home country by strengthening political debate, enhancing the role of civil society, encouraging more formal education of non-migrants and emancipating women and minority groups in countries of origin (de Hass 2006).

The work of UN Women has shown that migration offers women a choice to work and become financially independent. It leads to a change in power relations within the family, especially when the woman migrant worker has been instrumental in lifting the family out of poverty. Women often tolerate abusive working conditions because of the significant contribution their remittances make to their families, especially for the education of children.

Migration and the resultant economic independence can contribute to the development of the individual workers as well as the community and society. However, the full potential of migration is not enjoyed by women nor are the benefits derived to the maximum effect by the country of origin and destination due to the governance issues discussed in sections above.
Remittances to the subregion have continued to increase in the past years and play an important role to the economies of several countries in the subregion, especially in Nepal, where remittances accounted for 22 per cent of the country’s gross domestic product (GDP) in 2010 (World Bank 2011). The number of women migrating for work from Nepal is trending higher, with estimates on the share of female migrants from Nepal out of total migrants from the country varying between 3.4 and 10 per cent. However, in the absence of detailed sex-disaggregated data on migrants and sex-disaggregated remitters’ information, it is hard to pinpoint women migrant workers’ contributions to these remittance data.

One of the major limitations of the remittance data is the lack of any reliable information on the contribution of women in remittance flows. In fact, only few remittance-recipient countries provide national level remittances data disaggregated by contributions of male and female migrant workers (UN DESA 2009).

Through its various activities, UN Women has found that women migrant workers tend to be better managers of their resources than male migrants. They save more money from their earnings and utilize it more effectively in areas that have direct bearing on poverty reduction. This includes better financial management of the household, expenditure on food, repayment of loans, children’s education, and investment in land and business. The role of women migrant workers is not simply as beneficiaries but contributors to the economies of their countries (Khatri 2007).

Two international human rights instruments frame the work of the United Nations with regards to women migrant workers, namely the Beijing Platform for Action resulting from the Fourth World Conference on Women in 1995, and the Convention on the Elimination of All Forms of Discrimination against Women. The International Convention on the Rights of All Migrant Workers and Members of Their Families of 1990 establishes a high standard...
of migrant rights, more recently including even undocumented migrants in its General Comment (Macan-Marker 2003). Other international instruments which are not particularly focused on women migrant workers but cover women are International Labour Organization Conventions 97 and 143.

Migration policies in the region should be gender-sensitive, taking into account the specific accounts of men and women.

**Skills training and improving standard of living**

Migrants should be placed at the centre of the migration policy instead of being mere spectators to the process. Governments need to shy away from efforts to restrict the migration of women by making the process burdensome as this approach ultimately encourages irregular migration. Instead, countries of origin and host countries should work together to create a structure that facilitates safe migration and provides skill training to boost the potential of women migrants for upward mobility.

Thus, the present vicious cycle of low education and low skills, leading to low performance and lack of confidence, with disempowerment and consequent exploitation could certainly and effectively be turned around through various educational programmes targeted towards women migrant workers.

Although governments in both the source and destination countries for women migrant workers have instituted legislation and programmes to protect national workers, more stringent legislation is needed in order to protect the human rights of migrant workers from the South Asian subregion to Western Asia. In addition, civil society and community-peer programmes are needed at the grass-roots level to better inform women migrant workers of their rights, to create peer adviser communities and through education to ensure that migration work for women serves as a source of social and economic progress as opposed to a form of exploitation.

**Pre-departure training**

A pre-departure orientation programme for migrants is recognized as one of the most effective means to address the problems encountered by migrant workers in the destination countries. It also helps migrants adapt efficiently to changing working conditions and a new socio-cultural environment. Pre-departure orientation informs the prospective migrant about the prospects and the risks involved in working abroad. These programmes are designed to lessen the vulnerability of women migrant workers abroad and to keep them informed and empowered in relation to the labour conditions abroad (IOM 2005).

International organizations and grass-roots NGOs have been working to develop safe migration and provide services to women migrants in Western Asia. One of the most effective services carried out by various organizations are pre-departure

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**Recommendations**

**Skills training and improving standard of living**

**Pre-departure training**

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orientations for potential women migrant workers. These orientations can take place formally at training institutes or informally through a network of returnee women migrant workers.

At the training institutes, women migrant workers are taught grooming and other skills, which boost their confidence and alter their personal interaction style with their employer. The training institutes work with women migrant workers and provide personal presentation training.

Language training is also a vital skill to be developed by women migrants and the minimum must include guidance on greetings and introductions, and comprehension of most repeated orders. A better understanding of the culture of the country of destination would make women migrant workers feel more at ease and enable her to slowly adjust to the cultural norms of her country of employment. However, trainings often fail to deal with rights and empowerment, which are essential for addressing rights violations of women migrant workers from South Asia.

Better policies and laws promoting safe migration

All countries have legislation to regulate the flow of migrants and to control out-migration. A striking aspect of the emigration policy of the South Asian countries, as noted by Oishi (2005), is that the policies treat men and women differently. Migration policies in the subregions often place women at the margins, reproducing existing gender stereotypes—women as victims of all sort of violations and incapable of deciding on cross-border migration. The State intervenes to protect and control women, thereby curtailing the right to make their own decision and earn a decent living. Instead, policies should adequately take into account specific needs and vulnerabilities of women, while empowering them and protecting their rights.

Contracts

Specific contracts and supporting legislations for migrant domestic workers are one step in protecting their rights. An example of such a contract is the UNIFEM (now UN Women) supported Special Unified Working Contract for Non-Jordanian Domestic Workers in Jordan in 2003. This provided an important legal framework for protecting the rights of migrant workers in Jordan. The contract is now a prerequisite for migrant workers to obtain temporary residency in Jordan, and is the basis on which a legal visa and a work permit are issued. The contract was the outcome of an MOU signed by UNIFEM and the Jordanian Ministry of Labour in 2001 aimed at developing a legally binding document to help prevent the abuse of migrant workers by employers, and to ensure that all migrant workers in Jordan are covered by a unified contract recognized by the Government. A national steering committee was created to develop the contract, which included a wide range of stakeholders working on migrant issues such as the Ministry of Planning, Ministry of Labour, Police Department, Family Protection Unit, Jordanian National Commission for Women, Jordanian Union for Women, the Embassy of Sri Lanka, the Embassy of the Philippines, the Embassy of Indonesia, Friends of Migrant Women Workers’ Association and UN Women.
References


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The text contains a list of references and sources, including: