

Results of the Virtual Discussion
Creating Gender Sensitive Migration Policy
November 3 – 21, 2008
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INTRODUCTION

In November 2008 UN-INSTRAW hosted the Virtual Discussion “Creating Gender Sensitive Migration Policy” to create a space for experts to share their knowledge and experiences. The discussion was to provide an opportunity for those who work in the field of gender, migration and development to learn what challenges their counterparts in other parts of the world face, what measures have been taken to address those challenges and how successful those measures have been. More than 220 participants from over 40 countries from every region in the world took part.

This paper is a synopsis of the discussion. Part One summarizes what participants identified as the major concerns in the field. It is divided into a) general challenges and b) more specific concerns. Part Two identifies what is needed to address those concerns. Like the first section it is divided into a) general considerations and b) specific steps to take. Relevant ideas from UN-INSTRAW’s first Virtual Discussion about migration and gender held in September 2008 were included where appropriate.

PART ONE: CONCERNS

A) GENERAL CHALLENGES

Lack of Political Will

Participants from all regions of the world identified lack of political will as a major obstacle to writing and implementing effective migration policy. A participant from Colombia wrote the major issue facing migration policy today is “lack of institutional interest and commitment”. A participant from Mexico complained of the “small attention of government institutions and civil society” to migration problems. A participant from the UK wrote that the effectiveness of the measures aimed at assisting migrants is “often impeded by a generally unstable policy environment, threatening the abandonment of potentially progressive policies, or poor administrative regimes, in which migrant welfare policies have far less priority than measures aimed at enforcing compliance with immigration rules”. It was suggested that because the international financial institutions are hesitant to tackle the restricted migration and citizenship policies of receiving states and the frequent mistreatment of migrants they turn their attention instead to remittances.

Harmful Emphasis on Remittances

This heavy emphasis on monetary remittances is worrisome. It doesn’t account for the impact of non-monetary remittances such as technological transfers, social remittances, collective remittances and in-kind remittances. It also risks instrumentalizing the migrants as ‘pawns of development’ and not as development beneficiaries. No thought is given to migrants’ well being or human rights; only the amount they remit is considered.

Lack of Gender Policies

Perhaps the principal concern of the discussion was the lack of migration policies directed specifically at women. The Europeans’ Women Lobby argues that migrant women are not explicitly mentioned in the EU policy debate on a common immigration policy. They tend to be covered by separate policies rather than as part of an integrated approach. Although women make up 60% of Colombia’s international migrants, there are no specific policies for them. A participant from Mexico stated “In general terms what could be said of policies regarding migration in Mexico is that there is no policy at all... And being among the first three countries of the world with the highest expulsion rates, this is quite worrying.” Participants from Taiwan, Guatemala, Albania and elsewhere expressed similar concerns.

Harmful 'Gender Neutral' Policies

This lack of gender policies is especially disconcerting because policies that don't take gender into account can be harmful to women. Immigration policies tend to under value female occupations such as domestic work. For example, national immigration policies such as those of Canada and the U.S. refuse to recognize the skills of many women as actual skills. Under the UK's new points system "pre-migration salary levels are prioritised and, given the worldwide gender pay gaps, are therefore likely to favour men" (testimony from the UK). The EU's proposed Blue Card is designed primarily for finance and IT occupations – activities traditionally dominated by men.

The UK's rule of no recourse to public funds for migrants means recent migrants do not qualify for benefits such as subsidized child care. Because women are usually responsible for reproductive care, they are particularly affected by this rule. The situation is exacerbated by the fact that migrants are cut off from their family and social network who could provide child care support.

Family reunification policies, which have been extended in many European states, can affect women more than men by forcing women to stay in relationships that can be abusive. And, as one participant wrote, "Most national immigration control regimes have no capacity to extend the type of protection which is needed against gender-based discrimination and violence to women who are living as migrants" (testimony from the UK). It is also hard to address abuse of migrant women without simultaneously promoting stereotypes of culture. One participant wrote that abuse of migrant women has often been problematic as "discourses over culture tend to misrepresent minority cultural groups as monolithic entities, and initiatives to protect women become entangled with anti-immigration agendas," (testimony from the UK).

B) SPECIFIC ISSUES

The Demand for Women's Labour

Participants from all regions of the world spoke to the fact that demand for female migrant labour is in areas that are traditionally considered 'women's work' (such as domestic service, residential care, hospitality and prostitution). These sectors are often informal and expose women to most precarious conditions. In the UK migrant women work in "areas of employment where there is inadequate enforcement of national employment standards (minimum wage, health and safety, etc) and where trade union organisation is historically weak". In Taiwan migrant workers who are employed as caregivers and domestic helpers are not protected by the Taiwan Labour Standards Law and are "vulnerable to exploitation, abuse, sexual harassment and even rape." The informal sector provides no health insurance, benefits or compensation in cases of sickness or accident.

Irregular Migration

Participants expressed concern about the increasing number of irregular migrants. It is estimated that 95% of Ukrainian migration is irregular. One participant stated that "The demand for labour by US companies outnumbers the supply of visas every year," and another participant said that the US is making it increasingly difficult to enter the country legally, creating prime conditions for irregular migration. As migration from Africa to Europe becomes more restricted, the number of strategies to by-pass the law increases, such as mafias, smuggling, trafficking and false documentation. Irregular migration isn't without a gender aspect: a one participant stated "worldwide there is feminization of migration taking place."

Undocumented workers face numerous risks. They work in the most hazardous and dangerous jobs and are even more vulnerable to exploitation, low or no payment, and forced prostitution. As one participant stated, "the potential for abuse by employers is high, particularly for women," (testimony from the US).

Besides an increase in irregular migration flows, there is an increase in state penalties imposed on 'illegal' immigrants. These penalties include "workplace and other raids (in schools and homes) that leave illegalized persons very vulnerable: automatic detention policies, repatriation strategies without proper due process of law to avoid lengthy detentions; anti-smuggling and anti-trafficking laws that further criminalize those who assist migrants without any concomitant labour market standards monitoring of illegalized workers in the US," (testimony from the US).

Human Rights & Trafficking

The basic denial of migrants' human rights is, according to many, one of the most pressing issues for migration. Human rights violations can occur at every stage of the migratory process and many migrant workers are unaware of their human rights. In the Dominican Republic the law is interpreted in such a way that Haitians who have lived there for a long time are still considered 'in transit'. Local authorities often refuse to provide them with the necessary identification documents which constitutes a denial of human rights. In the United States the rights of undocumented migrants are violated when migrants are held indefinitely without access to a lawyer and far away from their families. A participant from Guatemala stated 3 to 5 migrants in Central America die in the migratory process daily.

Trafficking is a human rights violation. Participants remarked that trafficked women suffer doubly: at the hands of the traffickers and by the state when caught by police and brought to court for offending immigration law. Trafficked women can stay in detention centers for months before their cases are closed and they are repatriated to their country of origin. Migrant women also face stigmatization in parts of the world where women's mobility is linked with trafficking and prostitution.

There was some disagreement about the effectiveness of the anti-trafficking framework. Many participants bemoaned the fact that traffickers and their crimes often stay unrecognized and called for tougher anti-trafficking measures. Others saw the anti-trafficking framework as succeeding only in making the services of those who would help women migrate more expensive and more precarious. The rhetoric of anti-trafficking has made it more acceptable to apply a stringent approach towards women's involvement in the sex trade and has made raids on strip clubs and massage parlours more acceptable. It has also made deportation seem more legitimate by framing it as 'helping victims return home' which is often the last thing the migrant wants.

Family

Migration causes many problems for families - most obviously it means the separation of families. "Mothers, fathers, daughters and sons face a painful parting and many difficulties brought by [migration]" (testimony from El Salvador). In Senegal migration can mean wife substitution, polygamy and consanguineous marriages. Female migration can have negative consequences for men. In Ukraine husbands of migrant women and single males who cannot find wives for themselves exhibit several kinds of anti-social behaviour such as alcoholism and drug use. This has also led to the spread of sexually transmitted infections as men engage in unprotected sex.

The effects of migration can also be felt by children. As a participant from Peru wrote, "This is the real cost of migration: family disintegration or separation, children being taken care of by other

relatives, school drop outs, lower academic achievements.” Children are often left unattended or with precarious caretakers which can put them at risk for juvenile delinquency and criminal activity. In Mexico children of migrant peasant families have the highest rate of school drop out. In Ukraine one third of children with mothers or both parents abroad are left unattended. Although children of migrants may be better off financially, they are often deprived of the “natural experience of family socialization, they lack pedagogical guidance, emotional and spiritual support and often get into this category of ‘problem children’” (testimony from Ukraine). When parents who are irregular migrants are detained by governments the children are also detained and thus also suffer.

Because women are often responsible for the care of the old-aged population, female migration can also lead to a shortage of caregivers for the elderly in the country of origin. The demand for female labour in affluent countries to care for the elderly creates a lack of female labour for the same work in their countries of origin.

However, it was pointed out that recounting the many problems female migration causes for children and the elderly only reinforces the patriarchal idea that women are exclusively responsible for care and relieves men of any responsibility. Also, although a primary motivation for migration is often to improve the lives of their children, female migrants are sometimes stigmatized for having abandoned them.

Health

Migration often means the spread of communicable diseases like AIDS, cholera and tuberculosis. Migrant agricultural workers suffer prolonged contact with agrochemicals and fertilizers that cause long term conditions including cancer, skin disease, reproductive and birth related abnormalities. Women and young female agricultural workers are more likely to fall sick because of malnourishment and extreme work loads that diminish their health. Access to health services is also challenging for migrants, especially for irregular migrants or those who work in the informal sector.

There are challenges for health programming for migrants. Gearing reproductive health education programmes solely at women and ignoring men, can be problematic. In Guatemala, where this occurred, male migrants returned to their communities of origin with sexually transmitted infections. Women, who had been educated in sexual health and knew the risks, were then at risk of physical abuse and being accused of not trusting their partners or infidelity.

PART TWO: WHAT IS NEEDED

a) GENERAL CONSIDERATIONS

Defining Development

Many participants agreed that the current mainstream approach to migration and development that looks primarily at economic development and market growth is flawed. In this model the chief actor is individual and the focus is on the financial resources derived from migrants' remittances. Instead, development should be defined as 'the comprehensive right to fully enjoy human rights'. At the center of the development process should be the holistic notion of increased capabilities and freedoms which then become rights. This model addresses needs of the entire community and it looks at migration in a transnational perspective. It measures the success of migration on development in both the sending and receiving countries by determining whether

- an improvement in the collective ability to satisfy human needs is observed,
- an increase in economic activity is driven by creating wellbeing instead of capital accumulation, and
- a more equal distribution of work responsibilities and access to resources is observed.

Centering on the Migrant and the Migrant's Experience

In addition to adopting a new definition of development, participants stressed the need to put migrants at the center of the migration and development discussion. 'Centering on the migrant' was defined in several ways. According to one participant it means:

- asking ourselves why people migrate in the first place;
- addressing the immigration policies of receiving countries which ensure that migrants are vulnerable;
- and addressing how differential access to resources and how global capitalist relations are racialized and gendered (United States).

Putting migrants first also means realizing that migrants themselves know their realities and situations best and are best able to identify their needs. Testimony from Peru recommended making women the central actor, not only in the management of domestic issues, but in local community development. It can also mean giving the emigrant community the right to vote – both in their country of origin and destination. A participant praised the Colombian national, regional and local governments for beginning to recognize migrants as social actors and their well-being as an important issue.

Recognizing the Causes of Migration

The formulation of efficacious immigration policy requires the understanding of why migration occurs in the first place. As one participant wrote, to address the growing number of people who are migrating, “we need to address the worldwide disparities between wealth, well-being and peace” (testimony from the US). Participants pointed out the absurdity of the relationship between state policies that “on one hand lead to people’s displacement and subsequent migration and, on the other hand, limit their opportunities to do so with any semblance of rights and entitlements in the places they migrate to” (testimony from the US). Many participants explained that trade liberalization policies are driving migration by devastating rural economies. The North American Free Trade Agreement, for example, so impoverished small farmers in marginalized regions of Mexico that labour migration has become the only alternative. Yet it is very hard to enter to the US as an agricultural labourer and receive permanent residency rights – the large majority of workers in the US are ‘illegal’. As one participant wrote “An alternative way of dealing with the migratory phenomenon...would be to think of ways of improving real causes for migration instead of only trying to distribute public transfers to keep poverty at a manageable level” (testimony from Mexico).

B) STEPS TO TAKE

Strengthening Civil Society

Civil society organizations need to be strengthened. A participant from Mexico lamented that “civil society organizations are still meagre and have not found ways to be included into the actual government’s strategy.” Trade unions need to be encouraged and assisted to “develop perspectives which would allow more effective representation of the interests of migrant workers, with particular attention to the needs of migrant women...and public welfare bodies such as social services and health services need to adapt their operations to ensure they meet the needs of migrants” (testimony from the UK). NGOs can play an instrumental role in improving migrant welfare. A participant from the Dominican Republic noted human rights organizations have made some progress in assisting Haitian migrants, but more efforts are needed.

“There is an urgent need to have an autonomous entity that can foster research, policy making and hold the legitimacy to coordinate all government institutions and levels of administration in order to consolidate a real and sound migration policy.”

Alexandra Aguilar, Ministry of Social Development, Mexico

The Role of the Media

The media can also play a decisive role in determining migrant welfare. Previously, in Nepal, media coverage of women migrant workers was very negative. However, after a series of interventions, trainings and the creation of ‘a space for media to interact with returnees’, the media has become one of the key stakeholders lobbying for migrant women’s rights in Nepal.

Greater Co-operation

Greater co-operation is needed between all actors involved in migration policy. Several countries spoke to the need for better co-ordination between countries of origin and destination to create transnational policies. In Albania migration policies have not been as effective as they could have been because governments of receiving countries remain reluctant to co-operate. There needs to be a more integrated approach among different agencies involved labour migration and different levels and departments of government. More sharing of data between researchers is also needed.

Legal Protection of Domestic Workers

Many participants spoke to the need for legal protection of domestic workers, especially women. “Ensuring a legal status for women migrants”, “proper regulation of domestic work” and guaranteeing access to social rights were mentioned as important priorities.

Support Programmes

Various types of support programmes for migrants, particularly migrant women were recommended at all stages of the migratory process, including pre-departure, arrival, integration and the return home. Women should be provided supportive services related to parental migration, changes in family structure, transnational families, the maintenance of long distance relationships and family planning. Another participant stressed the need to increase education levels and economic opportunities.

One participant stated that “governments should supply specific services supporting migrants’ needs with regard to potential entrepreneurship”. An NGO found success doing exactly that. It trained women in sewing, weaving and entrepreneurial skills which not only helped them generate additional income, but diverted their attention away from their traumatic experiences abroad and allowed them to regain their self-worth and confidence. A representative from the organization said the activity is empowering intellectually, emotionally, morally and financially and it facilitates migrants’ re-integration into society.

The same NGO used theatre to help women deal with the psychosocial aftermath of migration and trafficking. Women migrants were given acting training and taught how to conceptualize a play. Their performances were both a medium for advocacy and a therapeutic way of dealing with their experiences.

Another way to support migrant women is to create a space for their voices. A radio program called “Women’s Voices” that transmits information for and interviews with Guatemalan immigrants in Los Angeles, has empowered many women and could be used as an example for future projects.

Women’s organizations, both local and transnational, can play an instrumental role ensuring migration positively affects women’s empowerment. As one participant writes, “There are needed processes of women’s mobilization and organization in order that really they reach empowerment” (testimony from Guatemala). The organizations that are best suited to empower women are those that have a migrant centered analysis, that don’t see migration as an evil necessity and that don’t wish to criminalize migrants (testimony from the United States).

Mechanisms to Improve the Impact of Remittances on Development

Collective remittances can amplify the impact of remittances on development. They promote a more community based approach to development and can ensure that the benefits of remittances reach all members of society. Participants remarked that benefits of collective remittances can be magnified by government supported programs. The Mexico 3 x 1 Program, for example, in which the local, state and federal governments match migrants’ monetary contributions, was cited as a good example of a government tied collective remittances programme.

Many participants spoke about the potential for co-development policies to maximize the benefits of migration and remittances for development. Co-development is the synchronizing of migration policies of the countries of destination with the development policies of the countries of origin with a focus on the migrants themselves. Co-development brings to the discussion a more transnational perspective which is a goal of the preferred model of development. Yet, many participants cautioned that co-development policies come with their own set of problems. First, they are never politically neutral. Second, despite their 'migrant focus' they do not necessarily solve the problem of the instrumentalization of migrants. For co-development policies to operate better migrants need to be part of the planning – not just the implementation, to co-determine their needs and priorities.

Research

Finally, it was recommended that more research about migration from a gender perspective is needed. Only when women's migration issues are studied and researched can "we start to think about public policies that concern them" (testimony from Dominican Republic). Several participants spoke to the lack of data disaggregated by sex. One participant wrote that more social and culture research is needed for getting a broad and deeper understanding of migrants' realities.

CONCLUSION

The discussion has shown how essential understanding gender is to effective migration policy. Although each region faces specific challenges related to gender and migration, there are many commonalities and there is much to be learned from collaborative work.

Appendix I. LIST OF PARTICIPANTS

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Cristina Sánchez	Tu Mujer, Dominican Republic
Alicia Sangro	FLASCO, Dominican Republic
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Appendix II. Resources

Policies & Recommendations

Council of Europe Convention on Trafficking

Integro de la Ley de Extranjeria

Victims of Trafficking and Violence Protection Act of 2000 (VTVPA)

Migration and Development: Achieving Policy Coherence (IOM 2008)

CEDAW General Recommendation on Migration Workers

Websites

Colombia Nos Une

Conexion Colombia

Fundación Esperanza

GEMMA Gender and Migration

La Otra Frontera

Recommended Reading

Key Messages to the Global Forum on Migration and Development 2008

'When Brussels Trumps Rome' Economist, October 2008.

Report on Migration, Development, Human Rights and Gender International Workshop organized by the Mexican Government and IOM (June 2008)

HIV Vulnerabilities Faced by Women Migrants: from Asia to the Arab States (UNDP 2008)

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