Migration in an Interconnected and Gendered World

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"Women, men and children. . . ." Thus begins the opening statement in the principle for action and recommendations of the Global Commission on International Migration. This inclusive start is laudable, for approximately half of all international migrants are female (Zlotnik, 2003). Gender distinctions fade fast, however, in the recommendations that follow. Out of 33 recommendations present in the report, only one principle refers to gender equity (Section IV) a second states that human rights and labor standards should be enjoyed by all migrant women and men (Section V), and only two recommendations specifically mention women and children, stating that:

> 21. Particular attention should be given to the empowerment and protection of migrant women as well as ensuring that they are actively involved in the formulation and implication of integration policies and programs. The rights, welfare and educational needs of migrant children should also be fully respected.
> 26. Governments and employers must ensure that all migrants are able to benefit from decent work as defined by the ILO and are protected from exploitation. Special efforts must be made to safeguard the situation of migrant women domestic workers and migrant children.

These statements highlight both progress and potential challenges with respect to the inclusion of women in discussions about international migration. On the positive side, the presence of women is acknowledged; on the negative side, the separation of women from the remaining set of recommendations carries with it the potential to diminish gender sensitivity when responding to other recommendations. On the positive side, empowerment—defined as increased control over, and participation in, the decisions that affect women's lives—is a cornerstone of many initiatives and goals advanced by the United Nations. On the negative side, in common usage, the term has a substantial grassroots component, most frequently enjoining

women to partake in development projects, to become involved in nongovernmental associations and to engage in civic participation activities frequently discussed under the rubric of "social cohesion." While engagement is a critical step toward empowerment, the emphasis on individual actions carries the risk that states and governmental agencies become either neglectful or listless with respect to the needs of migrant women and the promotion of gender equality. Finally, the reference to migrant women who are domestic workers highlights their very vulnerable position but may deflect attention from other female workers.

The many women and men who participated in the Global Commission, either as members or analysts, will undoubtedly point out that women's issues did indeed shape many of the recommendations and that occasional discussions can be found in the text. Nonetheless, given the general nature of many of the recommendations, my presentation seeks to bring gender "back in." First, I address the issue of why women migrate, emphasizing the intertwined nature of migration, development and gender equality. This sets the stage for an admittedly selective "gender aware" elaboration of several specific recommendations in the sections assigned to me to be reviewed (irregular migration, cohesion, laws and human rights). I also review one mechanism that can be used in future work by the Global Commission's successor(s), as well as by researchers.

GENDER STRATIFICATION, ROOT CAUSES OF MIGRATION AND GENDERED MIGRATION

The first principle stated by the Global Commission emphasizes migration by choice rather than out of necessity. Sadly, most international migration is driven by poverty and political instability, which are described in the report as difficulties regarding development, demographics and political difficulties. However, the global presence of gender stratification[1] in which women have less power compared to men, diminished access to resources, lower status or greater vulnerability, fewer employment opportunities, and lower wages also exists in sending countries. As a result, the propensity for male and female migration does not occur at the same rate.

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[1] In a 1980 report, the United Nations noted that women, who comprise half the world's population, do two thirds of the world's work, earn one tenth of the world's income and own one one-hundredth of the world's property.

Women who are denied basic human rights or who seek to avoid oppressive circumstances arising from discrimination and violence may have high incentives to migrate. In other instances, growing insecurities can cause sending countries, households and individuals to rely increasingly on women's labor for their survival, a phenomenon that has been referred to as the "feminization of survival" (Sassen, 2000).

To be sure, gender stratification also characterizes receiving countries. Inequalities may exist between men and women in labor market practices, in social entitlements and in legal rights; inequalities also may exist in immigration policies that determine criteria for admissibility. Further, even if levels of overt gender stratification are low, practices and regulations may represent covert, indirect and systemically induced discrimination. This type of discrimination occurs when different outcomes exist for men and women as the result of practices and regulations which are not sex-specific in terms of reference, but which become so in their implementation. Not surprisingly, when women migrate to other countries they also bear the imprint of gender inequalities there.

And because immigration regulations occupy a mediating and bridging position between origin and destination societies, they are especially likely to have embedded within them those practices which create differential outcomes for migrant men and women (Boyd, 1995).

SELECT RECOMMENDATIONS

Perhaps gender should be added to the three difficulties stimulating migration: development, demographics, democracy and gender. Certainly the latter is key in determining who migrates and why (see Boyd and Grieco, 2003; Grieco and Boyd, 1998; Kofman and Sales, 2000; Lim, 1995; Tienda and Booth, 1991). Of equal importance to this Forum, the failure to invoke more comprehensive and explicit mentions of gender and migration raises the potential for imperfect enactment of the Commission's recommendations.

Example 1: Irregular migration is the topic of recommendation 12 (and related Recommendations 13, 14 and 15). Yet irregular migration is not gender-neutral. In some countries where family reunification is discouraged or where processing times are lengthy, women who remain in the country of origin may resort to illegal or undocumented entry in order to join family members. And numbers can be large—in the United States, for example,

women about 41 percent of the irregular population, estimated to represent about one quarter of the foreign-born population. In this context, solutions require not just resolving the situation of migrant women by means of regularization (Recommendation 15) but also directing attention to the unanticipated consequences of immigration practices that unduly lengthen the waiting time of families and to adjustment of immigration regulations.

Example 2: Trafficking, along with smuggling, constitutes the core of Recommendation 16. Both are good examples of irregular (illegal) entry. Although persons are trafficked for labor, begging and body parts, the core group consists of sex workers. Most are women, with the heaviest trafficking occurring within Asia but also fanning out from epicenters in Asia, Eastern Europe and Africa to Europe and North America. Root causes are those mentioned earlier—poverty, political instability and systems of gender stratification that either accept the selling of sisters and daughters or prevent women from earning adequate livelihoods. Not surprisingly, organized crime is central to trafficking for sex work, representing a US$7–12 billion industry annually.

Recommendation 16 summarized current calls for action: prosecution of perpetrators, eradication of the demand for exploitative services, and appropriate protection and assistance for victims. The latter is essential within a human rights discourse; and examples of best practices exist. In Canada, women who are victims of trafficking are allowed to apply for permanent admission as refugees, thus addressing Recommendations 16 and 17. However, Recommendation 16 does not address the root causes of a never-ending supply of women, generated by low or devolving levels of development, political instability and gender stratification. A focus on migration and development also needs to incorporate gender inequality if trafficking is to cease.

Example 3: Recommendation 15 is central to one of the harshest realities for undocumented immigrants: that they are vulnerable to deportation at any time for any infraction of the law. While this has grave implications for trafficked women, undocumented immigrant women who suffer physical abuse at the hands of their spouses are also vulnerable. In response to this susceptibility, battered women's advocates pressured the United States Congress to create a provision in the 1994 Violence Against Women Act (VAWA) that reserves green cards for undocumented immigrant women who have been physically abused (although the abuse must be suffered at the hands of a citizen or lawful permanent resident spouse), and allows them to petition for permanent residency without the knowledge or support of their husbands

(Arizona Coalition Against Domestic Violence, n.d.). By 2001, 17,907 women had applied under the provision (Kaneya, 2002).

Example 4: Recommendation 17 reaffirms the primacy of international law that emphasized the human rights of migrants, the institutions of asylum, and the principles of refugee protection. Much as been written about the difficulties facing female asylum seekers because persecution and violence are viewed as personal rather than persecutory (Boyd, 1998; Martin, 2005; Patrick, 2004). Rooted in a post-World War II view of flight and persecution, the UN Convention on Refugees carries the potential for adjudications to favor appeals involving men in contrast to those involving female claimants. Any discussion of refugees needs to be sensitive to differences between men and women in such adjudications and to possible remedial action. For example, on International Women's Day, 1993, the Chairperson of the Immigration and Refugee Board of Canada released guidelines for women refugee claimants who feared gender-related persecution. These were the first guidelines drafted by any country to specifically address gender-related persecution. Since then, guidelines have also been adopted by the United States, Australia, and South Africa as well by the United Kingdom and a number of other European countries (Refugee Women's Resource Project at Asylum Aid, 2005). The guidelines note the need to be gender-sensitive when considering the grounds for persecution, as well as the need to make special efforts for women claimants during the refugee determination process (such as having female interviewers).

Example 5: Recommendation 26 emphasizes the need to safeguard the situation of female domestic workers. Other than six paragraphs on migrant women (Chapter IV), the related text on domestic workers that appears in the report (Chapter V, paragraphs 51–52) is one of the few places that explicitly discuss women. The text summarizes a well documented tale: that the potential is great for abusive, exploitative and even lethal environments to face female domestic workers, particularly in receiving states that are themselves highly gender stratified and where concepts and legal frameworks for human rights are weak. Respect for employer-employee contracts may be unlikely in such situations and the future challenge of convincing recipient countries to do so is great. As well, even in countries where the treatment of domestic workers is more favorable (if only by comparison), the enforcement of contracts may be difficult because of the structure of governance. In Canada, for example, the federal department responsible for immigration, Citizenship and Immigration Canada, demands mandatory employer-employee

contracts for workers entering under the Live-In Caregiver Program, something that the Commission urges (Chapter V, paragraph 53). However, provinces are responsible for their own labor codes and for enforcing labor contracts. As a result, non-compliance is a real possibility; the information sheet concerning the contract, Citizenship and Immigration Canada states: "The Government of Canada is not a party to the contract. We have no authority to intervene in the employer-employee relationship or to enforce the conditions of employment."

WHAT TO DO?

The lament that women for the most part are invisible in the Global Commission's report is noteworthy not as a wail, but because of the consequences. If the generic migrant is presumed male, many of the negative consequences that may be unique to women, or become more severe by their neglect, will remain hidden. One mechanism to increase the visibility of migrant women and their circumstances is to bring a gender perspective into arenas of research, reports and policy analysis. The term "gender perspective" means that male and female roles and the derived social, economic and legal inequalities need to be systematically assessed and explicitly included in all discussions, documents and policies that impact on migrants, both in the sending and receiving countries.

In fact, the Global Commission did encourage the writers of its initial key thematic reports, and the authors of the regional studies, to be gender sensitive and many reports do include discussion of women. However, there was a sense by early 2005 that, *in toto,* the initial reports created the risk that "gender will not have the place it warrants in our final report" (Crispin, 2005). The concern appears not to be that the reports failed to refer to women—most do present material on women migrants (although two of the first eight make no mention of women and a third mentions women only twice). Rather, what apparently was missing was a gender-based analysis (also described as "mainstreaming") in which assessment is made of the ways in which the causes of migration, the process of migration and its consequences can impact differently—and often detrimentally—on women as compared to men. As a result, at the beginning of 2005, the Commission asked for a ninth report on women (Piper, 2005). This report assures that the situation of migrant women is highlighted rather than buried in the pile of papers

produced for the Global Commission. However, as feminists note, the separation of gender issues from major bodies of work carries with it the risk that these issues remain on the sideline. It is scarcely surprising, then, that the gendered nature of migration and the gender-specific issues surrounding rights, entitlement, and integration are not frequently discussed in the main report of the Global Commission.

If the analytical lens used in various reports created a basic structure that permeated the final report of the Global Commission, does it not reflects the absence of studies that report specifically on women and male migrants? The answer is both yes, and no. In some areas of migration research, surveys designers and analysts are either not interested in, or unaware of, gender and gender hierarchies as influencing migration decision making, the process of migration and the consequences of migration. However, recent research on topics such as remittances or transnational activities of migrants confirms that the behaviors of women and men are increasingly being examined and compared. Future studies of the type commissioned by the Global Commission may simply need more than encouragement to include gender. A series of points to be followed at all times may be more useful. Consider the following tasks, taken and slightly modified from an overview document on mainstreaming (United Nations, 2002). As a concluding exercise, one might well ask what basic research, analytical and summary reports, and even the report of the Global Commission, would look like if these tasks were undertaken:

- Ask questions about the responsibilities, activities, interests and priorities of women and men, and how their experience of problems may differ.
- Question assumptions about "families," "households," or "people" that may be implicit in the way a problem is posed or a policy is formulated.
- Obtain the data or information to allow the experiences and situation of both women and men to be analyzed.
- Ensure that activities where women are numerically dominant (including domestic workers) receive attention.
- Avoid assuming that all women or all men share the same needs and perspectives.
- Assess how the following inequalities affect the propensity to migrate, migration decisions, the process of migration, and the consequences of migration for the migrants: inequalities in political

power, including access to decision making, representation; inequalities within families and households; differences in legal statuses and entitlements; gender divisions of labor within the economies of both sending and receiving societies; inequalities in the domestic and unpaid work sectors; gender-based violence; ideologies and beliefs that are specific to women and to men and which shape their experiences.

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