

Gender as a social and cultural construct that creates conditions of vulnerability and values that discriminate women. This concept is further explored within a culture-specific Asian context. Gender impacts the process of migration so that women, as documented and undocumented migrant workers and as spouses of migrant workers, experience migration differently than men who migrate.

The Asian trends in migration provide macro push and pull factors and within this movement shift, there are developments that encourage the feminization of migration. The rise in trends of HIV/AIDS has added to the vulnerabilities faced by women.

Women migrate for a number of reasons - some push and pull factors operate at the macro level and some at a more personal and family level. These factors are also influenced by the gender construct.

Women also migrate in many ways but are most vulnerable when migration is irregular, undocumented, in the informal labour sector or as migrant brides. Each of these ways of migrating has common as well as specific risks and issues that must be understood in the context of the migration process of pre-departure, post

arrival and reintegration impacting the woman migrant and her family.

Women's vulnerabilities are affected by policies that are protectionist, discriminatory, health, HIV related as well as recruitment and employment related. Many players in this process of migration affect the vulnerabilities of women who also have emotional, sexual and social needs that further heightens their vulnerability.

Gender sensitive programming must be empowering, enabling and rights-based. Policies that impact women, migration and HIV/AIDS require review so that some policies may be banned, some strengthened and new ones formulated. Within this frame work, it is important not only to have a gender perspective but to involve diverse communities and non-governmental groups working with women, HIV/AIDS, and migration. Other stakeholders such as police, recruitment agencies, medical fraternity as well as governments should work on issues of gender, migration and HIV in the context of human rights.



BACKgROUNd

Gender perspective takes as its starting point the idea that the behavior of men and women is conditioned by social and cultural expectations, rather than by biological differences between the two sexes.

Gender is a social and cultural construct that differentiates women from men, defines the ways in which women and men interact with each other. Although there are significant differences in what women and men can or cannot do in one culture as compared to another, what is fairly consistent across cultures is that there is always a distinct difference between women's and men's roles. These assumed differences result in injustice to women when they are reflected in differential access to decision-making power and productive resources or when they carry with them discriminatory attitudes and values. Assumptions about gender not only operate between individuals but also within institutions, the family, the community, the state, places of employment, health care facilities; creating further gender injustice. Understanding that the power imbalance favors men and neglects and abuses the needs of women is fundamental to working with gender issues.

Migration creates many conditions, as discussed earlier, that affect the vulnerability of both men and women but more so women because of their gender. The vulnerabilities of women migrant workers (documented & undocumented) or as spouses of men migrant workers must thus be understood in the context of how gender affects the nature and process of migration.

The dominant perspective of prevailing constructs of gender and migrant workers has been to view them as commodities. Women have traditionally been viewed as commodities by men, family and society and in the age of globalisation and liberalisation migrant workers too came to be viewed as mere commodities of labour.

Gender selective policies of receiving countries are the result of changing lifestyles; either because more women in the richer countries join the workforce or because of higher incomes and affluent lifestyles. Women in the industrialised countries having higher educational attainments and social



Pre-departure programme by CARAM Cambodia

aspirations have entered technically superior jobs leaving a vacuum for domestic work at home. It is a paradox that as more women move into recognised labour markets in their own countries, the gaps at home are filled by migrant women workers doing work that is essentially unrecognised as productive labour by receiving and sending countries. Yet,

The Overseas Workers Welfare Association gives following advice to Filipino domestic workers going to Taiwan, Province of China:

- *Be respectful, honest and sincere in your dealings with the employers. Have a cheerful disposition; greet the employer with "Good morning" or "Good afternoon" , say thank you, and please.*
- *Learn to be flexible. You must accept and adjust to your employer's way of life, habits and practices. When reprimanded or scolded for committing mistakes, stay calm and ensure that such mistakes do not happen again in future.*
- *Be diligent and be willing to work overtime, whenever needed*
- *Do not wear tight fitting jeans or shorts or flimsy/transparent blouses, skirt or negligee in the presence of your employer.*
- *Do not abuse the kindness of your*

remittances of this "unrecognised" and "invisible" labour by women are included in the GNP of the host country! In countries like Taiwan, Province of China, Hong Kong, SAR of China, Singapore and Malaysia there is a growing demand for domestic workers encouraged by governments as they provide cheap domestic labour. In the Gulf countries, affluent lifestyles have led to the need for domestic workers. In either case, the gender construct determines the expectations of a "good" domestic worker.

The class perspective of an employer-employee relationship particularly in individual contracts places women workers in the informal sector at risk. Domestic workers may be sexually abused by male employers and may be beaten or provided inadequate living conditions by the female employers as well.

The race perspective also leads to xenophobia, discrimination and stereotypes. These three perspectives of gender, class and race intersect to make the women migrant worker vulnerable.

Such perspectives dehumanise and neglect the rights of individuals. The human rights movement in migration along with its gender perspective advocates the need to understand the human, rather than the economic implications of migration. Although interventions for migrant workers address vulnerabilities, interventions for women, either as migrant workers or as spouses, need to specifically anchor themselves on the special vulnerabilities of gender.

VULNERABILITIES OF WOMEN

Gender roles in society see men as being responsible for productive activities outside the home and women as responsible for reproductive and productive activities within the home. This definitive division has also resulted in women having less access and control over productive resources than men - resources such as income, land, credit and education.

Gender discrimination in societies has resulted in women being less educated, having low social status, lacking access to information and services. Lack of choice and decision making powers make them more vulnerable. Not viewed as entities with legitimate needs

March 8 2001 "We don't discriminate"



and desires that can and should be addressed, they suffer from low self-esteem. Conditioned to ignore and suppress health needs, poor women do not have access to health care services even when available. With little or no skills and education, poor women move into jobs, if they are employed, that typify and reflect the work they do at home and what is expected by society. Most end up in the service industry such as domestic workers, waitresses, cooks, and entertainers.

The **gender construct of women** typifies the ideal of a caring, submissive daughter or wife who must look after the needs of parents, husband, children and family. Women are not supposed to be

Vietnamese cultural values are influenced by Confucianism, which emphasizes the gratitude of children to their parents. In fact, there is a moral duty to honor, obey and love parents no matter how old a child becomes. Girls have the responsibility to keep the whole family in harmony with a life-long debt to parents.....The groom's family expects a daughter-in-law to meet four criteria: skillfulness, beauty, gentleness and virtue.

(quoted by Do Thi Nhu Tam, CARAM Vietnam, 6th ICAAP, 2001)

The wives (of Filipino seafarers) strive to have an 'ideal' family life in their own homes, the 'ideal' being having a complete and happy family. The term 'complete' means having children. Being happy is however more complicated.

(quoted by Dyra Sanga in "Labor Migration and HIV/AIDS", 2000)

knowledgeable about sexual matters nor interested in sex. But as good wives, they are expected to fulfill the needs of their husbands. Being physically less stronger than men, women are expected to seek protection from the men in their families. As mentioned earlier, the gender construct is culture specific and the Asian gender construct is influenced by patriarchal system and religious and cultural values.

The **gender construct of men** on the other hand accepts that men would be more knowledgeable and interested in sex and that they need to seek sexual release with spouses or if unavailable, other partners. Traditional notions of masculinity also emphasize physical and sexual domination over women as the defining characteristic of malehood. Men being providers, are accepted to have economic power and control over women, higher social status and exclusive decision making powers.



Women are often prohibited, due to cultural factors, from learning about their bodies, men's bodies, sex, sexuality and contraceptives. Seeking information on sex and sexuality is taboo. If they remain in the village, information may be passed down subtly by older women; but if they migrate from the village at a young age, they have no information, knowledge or methods of accessing that knowledge. Taught not to ask, they cannot ask. Taught not to need to know, they can only be confused about needing to know to be safe. Women's exposure to concepts of human rights will vary, but most women will have had little experience or space to discuss women's rights and to demand their rights. These gender constructs create conditions that contribute to making women particularly vulnerable to HIV/AIDS and abuse and exploitation in migration.

Being aware of these gender disparities is essential in understanding how migration impacts men and women differently and has different long term consequences in their lives.

TRENDS IN MIGRATION

Globalization strategies have integrated nations into the global economy as well as created inequalities. A major consequence is the migration of people within countries but more so across borders in search of a better life. The economic crisis in Asia further exacerbated inequities and created new sending countries and the adoption of labor export as a viable economic solution to debt relief and the earning of critical foreign exchange. The phenomenal increase in migration, its complexity, the temporary nature (as against earlier immigration trends) of migration and rise in irregular movements has forced countries to address issues and vulnerabilities associated with it. However, it is difficult to obtain accurate data on irregular migration because it is an underground operation involving more than one national jurisdiction. Experiences of NGOs, researchers and victims, however, point out that it is an increasing reality in the region.

One of the distinctive features of Asian migration is the feminization of migration or the large-scale participation of women in labor migration and their heavy concentration in the service industry and in reproductive related work. The Introduction chapter has discussed

Rising Numbers, Changing Trends

A 1996 ILO report estimated that, in the early 1980s, around 1.5 million Asian women were working overseas either legally or illegally. In the 1990s, ILO estimated that at least 80% of those who entered Japan as legal migrants were entertainers, a category of work that does not exist in the labor landscape of Japan. About 700 marriage brokers operating in Japan alone, offered Japanese men a wide range of options for inter-racial marriage.

A survey conducted at Colombo International Airport showed that 84% who left Sri Lanka were women, out of which 94% were migrating to be employed as domestic workers.

An estimated 300,000 women and children are trapped in the sex trade as part of illegal migration, as was reported from Cambodia, Laos, Burma, Thailand, Vietnam and the two southern Chinese provinces of Yunnan and Guangxi.

In Australia, hundreds of foreign sex workers are trapped as sex slaves, being bought and sold while illegally working in local brothels. Estimates by the Australian Institute of Criminology put the annual earnings from undocumented foreign sex workers at more than \$50 million. Many of the women are sold into virtual slavery, imprisoned in a brothel or an overcrowded 'safe house'.

(quoted by Aida F. Santos, CATW-Asia Pacific at Mobility and HIV/AIDS: Strengthening regional interventions, a satellite symposium organized by TENAGANITA and Ford Foundation, 5th ICAAP, 1999)

the increase in magnitude of overall migration and its feminization.

In 1976, only 15% of labor migrants were women; this number rose to 27% by 1987 and continues to rise. Women predominate in labor migration flows in some countries like Indonesia, the Philippines and Sri Lanka where women account for 60-80% of yearly deployment flows. The demand for women is expected to increase in the future in the light of expansion of the service sector in many of the developed and newly developed countries. However, the full extent of female labor migration cannot be accurately calculated as large numbers of women are forced to migrate through irregular channels with little or no record of their movement. Despite the greater participation of women in the migrant labor force, it has not been reflected in the participation and representation of women in the policy making bodies on migration.

The exploding HIV epidemic in the region has also forced countries to look at the migration trends. As Asia is home to over 60% of the world's adult population, what happens in the region probably has a major impact on the global HIV pandemic.

The UNAIDS and WHO report stated in 1998 that about 6.4 million people were believed to be living with HIV in Asia and the Pacific just over one in five of the world's total. By 2000, it was expected to be one in

four. Countries in the region have differing rates of infection but HIV knows no boundaries and the movement of people will clearly change the infection rates of countries. Countries in the region are heavily populated so that even low rates of infection translate to a huge number of people affected. The HIV virus has also forced countries to review policies and rights of migrant women and spouses left behind, as non-attention to the specific vulnerabilities of women is creating space for the virus to spread.

The increase in women migrants and their sheer numbers has led to a review of how the migration process affects women and their families, be it regular or irregular, and what are the needs and vulnerabilities and the effect of policies on them. With increasing number of male migrants, spouses face many problems during their husband's stay away from home as also when they return.

WOMEN AS MIGRANT WORKERS

WHY DO WOMEN MIGRATE?

Migration of women in Asia is a complex issue and needs to be understood in the context of a host of macro and micro push and pull factors, such as economic disparities in the region, new survival mechanisms available in richer countries, gender selective recruitment policy (as a pull factor), a paradigm shift in the traditional gender construct of accepting women as earners outside the home, and personal reasons influencing the growing demand for and increase in women as migrant workers.

Economic disparities in the region, where poorer countries and richer ones coexist, have resulted in a need for migrant workers to fill menial jobs in the richer countries and an economic opportunity for migrant workers in poorer countries. The migration of women workers from one Asian country to another must be seen in the context of this nature of development within Asia - a section of industrially developed, service-oriented economies that are developing structural labor



shortages on the one hand; and less industrially developed economies with a surplus labor, on the other. It is this cheap, available labour reserve that is required by developed countries to do the menial, domestic and demanding jobs.

A number of micro development and economic factors have contributed to the



increase of female migration. Women in poor countries who are literate and have received some education, migrate, although skills may be confined to the care, domestic work and service sectors. Many highly educated women in the poorer countries are willing to take on menial, unrecognised jobs often in domestic work because of high demand for this type of work and gender selective policies in receiving countries. In this sense, education is not the liberating influence one would expect. A high standard of living, atomization of the family, break up of the extended family, and an increase of women in the formal labor force in richer countries have created the need for women domestic workers. These new opportunities within the region have encouraged the growth in migration of women. It is no surprise that many studies have shown that women's primary purpose for migrating is to repay debts and earn money, to support their parents, children and the family back home..

In Japan, as more and more Japanese women began to make career their major focus, and the Japanese tradition of women as entertainers continued, the phenomenon of the 'Japayuki' emerged. Thousands of Thai and Filipino women found themselves enchanted by the mighty yen. Others were tricked into the trade of flesh, while the rest longed for the possibility of making it big in Japan.

(quoted by Aida F. Santos, CATW-Asia Pacific at Mobility and HIV/AIDS: Strengthening regional interventions, a satellite symposium organized by TENAGANITA and Ford Foundation, 5th ICAAP, 1999)

Socially and culturally, this has resulted in a major paradigm shift in which women are being viewed as autonomous economic providers even though most of the jobs, that they are eligible for, are found in the informal sectors.

Traditionally, women in Asia have played a subordinate role in society as discussed earlier in the gender social construct for women. It was thus easy for men to send off their women to work in foreign lands when opportunities arose since they were seen as mere appendages of men. For the same reason, it was easy for other Asians to receive foreign women into their homes. The patriarchal system in Asia, in which a 'good' female is a docile subservient woman with domestic skills could extend the notion of women as domestic workers and informal labor.

The rigid and demanding work ethics of Japanese companies expected from their Japanese employees raised stress levels. To compensate for this sex tours were arranged by companies to Thailand, Indonesia, and Malaysia. Major demonstrations by women's groups halted this practice but Japan began to recruit women as entertainers. (Fernandez, CARAM Asia)

Other reasons for women to migrate include a means to escape abusive families, and to free oneself at least temporarily from restrictive cultural and social values and expectations.

In Cambodia, women have to conform to certain ideals. The ideal Khmer woman is shy, reticent and a virgin. Divorce is shameful and once a woman is no longer a virgin, she is considered 'used goods'. Such attitudes contribute to a marginalization of these women.

Once she was married she was no longer the responsibility of her parents and was not allowed to return and live with them. The following case illustrates that often disintegration of marriages are blamed on women.

After my married life I was aware that all work was difficult...My husband did not work but courted village girls and looked for having other wives, or he was jealous of me and beat me... at the end of my patience I asked for a divorce. I swore that I wouldn't stay with my parents-in-law or my parents either.

(Crossing Borders Crossing Realities-CARAM Cambodia 1999)

For some women, the choice to migrate is made by their families for them; it is not an individual choice. When choice is completely controlled by families, it places women in positions of vulnerability to being trafficked. With poor information, growing poverty and the anxiety of seeking survival mechanisms, women have fallen prey to traffickers and fraudulent recruiters.

Besides the above push and pull factors, new pull factors have emerged in the region. Tourism and the rising demand for sex workers in richer countries, host country's male population as well as the increasing number of male migrants, also contribute to pulling women to migrate. Commercialization of recruitment of labor across borders and an organized criminal network has led to an increase in the luring of girls from villages and the hinterlands which consequently increases irregular migration.

In Indonesia, known as a tourist paradise for long, milk vendors have turned to prostitution to earn more income. The customers are mainly tourists booked in hotels around the area of Central Java.

(as quoted in Mobility and HIV/AIDS: Strengthening regional interventions, Satellite Symposium organized by TENAGANITA and Ford Foundation, 5th ICAAP 1999)

HOW DO WOMEN MOVE?

Women move as migrant brides, irregular and undocumented migrants, trafficked persons, migrant workers in the informal sector, and as professionals in the formal sector. The last category is perhaps the least vulnerable as women are educated, informed and hold formal, legal and lucrative contracts. They move as a matter of choice in search of better opportunities but with support and assistance from family and friends.

Poor women who choose to migrate are the most vulnerable. Many women are lured and trafficked because of their ignorance and economic vulnerabilities, even when legitimate channels of recruitment are available. Sometimes, during the process of recruitment, existing policies and conditions push women to become undocumented migrants. Many women who are formally and legally recruited for employment in the richer countries generally move into the informal sector of labour with all its concomitant problems. Some women choose to marry a rich foreigner thinking it will be their passport to a better life.

Migrant brides

Marriages are arranged between men from the richer countries and women from the poorer countries. Marriage brokers and agents paint rosy

pictures of life in foreign lands, luring girls and their families to accept marriage to strangers by instilling the hope that they will be able to escape poverty and difficulties in the villages. Little do they realize that not only is the marriage, like all marriages, equally susceptible to failure but that they expose the women to possible sexual and physical risks. Thailand, Philippines and Vietnam are major recruiting centers for migrant brides. For a migrant bride, marriage to a man in a rich country seems like security and a husband who would be the "provider" and "protector". However, they are often unaware that the man is looking for a person who will service his needs. These differing perceptions and expectations lead to abuse, violence and mental health problems.

Japanese and Korean farmers find it difficult to find Japanese or Korean wives because farmers are seen as 'not good', having poor lifestyle and hence are not eligible and attractive bachelors. As a result, they look for women in countries like the Philippines or Vietnam to look after their land and themselves in their old age. (Fernandez, Irene, CARAM Asia)

Then, there are 'mail-order' brides. This practice makes marriage an essentially economic transaction and places migrant woman at the gravest disadvantage. Culture shock and abuse are not uncommon experiences of "mail-order brides" as is evident

in the case of Filipino and Thai women in Japan, Germany, Canada and other receiving countries.

More than this Japan's marriage law do not favor foreigners. Only the name of the Japanese spouse is entered in the marriage registry so that in case of divorce, the non- Japanese partner loses his/her residency status and may be deported.

Mr. L.F. (from Taiwan, Province of China) came to Vietnam for marriage the third time. He is 46, worker, married the first time to a Taiwan, Province of Chinaese, then divorced. He had come to Vietnam for the second marriage. After two years, the Vietnamese woman returned to Vietnam and wouldn't come back. He came this time to marry the seamstress V.T. from the Delta, age 22. Her father is also 46, and her mother is 45, a year younger than the bride-groom.

Another 'prospective' groom explained " I just went to Vietnam the first time. I see that Vietnamese girls are all right, well - behaved." (He smiled, showing betel stained teeth)

(quoted by Do Thi Nhu Tam-CARAM Vietnam in Labor Migration and HIV/AIDS by KALAYAAN Inc. and CARAM Asia 2000)

Many of these 'unions' are not legal marriages and the bride finds herself on a 'tourist' visa rather than a 'spouse' visa and if she does not behave as expected she can be returned having lost everything. Many of the girls also end up being trafficked or drawn into sex work, as "bride" export falls out of the purview of most laws. Like all other migrant women, these women are very vulnerable to physical and emotional abuse as also health problems including HIV/STDs.

An ILO report (1996) that looked into the import of women in Japan, estimated that there were 700 marriage brokers working in Japan, offering Japanese men a wide option in inter-racial marriages.

False marriages of Chinese with Koreans to gain entry in the country have been noted to be on the rise and estimates hover around 80% of disguised marriages. On the other hand, hundreds of Filipino women were wed in mass weddings in the Philippines to Korean nationals sponsored by a religious sect. One woman escaped back to the Philippines and filed charges of sexual exploitation against her Korean husband who pimped her into prostitution. She narrated that there were a number of Filipino women tricked into such marriages but had not been able to escape.

(Report - Mobility and HIV/AIDS: Strengthening regional interventions, Satellite Symposium organized by TENAGANITA and Ford Foundation, 5th ICAAP 1999)

The following flowchart (adapted from the presentation from Do Thi Nhu Tam, CARAM Vietnam) explains how the 'migrant bride' is vulnerable.

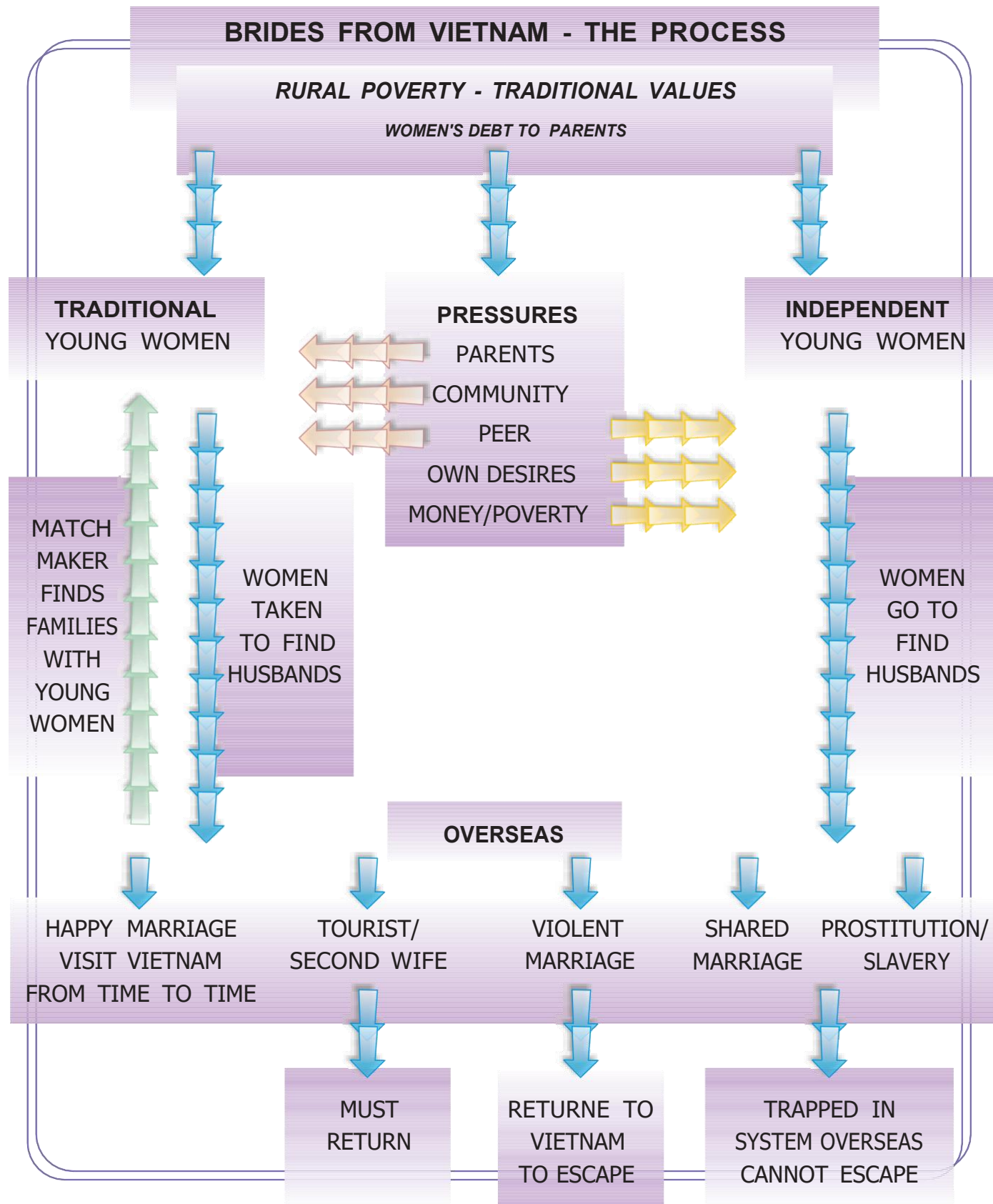
Women Migrant Workers in the Informal Sector

Women migrants generally occupy cheap, low skilled jobs as domestic workers, child/elderly caretakers, nursing related work involving terminal or difficult illnesses, cleaners, hairdressers, waitresses to name a few. Often these are jobs that citizens of the receiving country do not wish to be engaged in, being

dirty, demanding and sometimes dangerous. Most women migrate because of low-paid jobs, unemployment or political instability at home and so the choices in overseas work become constrained. The jobs available for women migrants in receiving countries are often risky and make them vulnerable because they are isolated and so expose women to abuse, sexual assault and violence.

Sex workers tend to be undocumented as their "work" is not recognised. As a result they are forced to be mobile to sustain job security as remaining in one country for long can increase the chance of detection and deportation. Since their environment is prone to violence and excessive control by syndicates, they too prefer to move as a measure of safety for themselves.

The following section highlights issues related to women migrants in the informal sector, as well as undocumented and trafficked women through the migration process as they form the most marginalized and vulnerable groups of women in migration.



Mig RA Nt W Om EN AN D PR Oc ES S Of Mig RA TI ON: P RE -D ep AR TURE Is sU ES

Violation of the rights of female migrant workers is of serious concern. UDHR, the Convention on the Elimination of all Forms of Discrimination Against Women, and Convention 1990 on Migrant Workers, all emphasize the equality and dignity of each person and that all rights are inherent, inalienable and universal. The inability to negotiate safe sex practices and the consequence of violence and physical harm for women in sex work, in the entertainment industry and as domestic workers, reveals women's condition to the risk of infection. The inability of migrant women to control their partners' sexual behavior back home again brings about risk. Thus women migrants' vulnerability is beyond the health concern. It is integrally connected to inequality brought about through culture and social status, and involves marriage, children, property, divorce and inheritance.

Women migrant workers not only experience migration differently from men but are affected seriously by it. The pre-departure, post arrival and reintegration process impacts women and their families in their own countries as well as in the receiving countries. Women's vulnerabilities in the migration

process begin at pre-departure, often setting the pattern for increasing vulnerabilities in the ensuing process of post arrival and reintegration.

ABUSE, DISCRIMINATION AND EXPLOITATION OF MIGRANT WOMEN: ISSUES OF VULNERABILITY

During pre-departure, prospective women migrants move through regular and often irregular channels in their attempts to migrate. In some instances the distinction between the two blurs, one overlapping into the other as women become victims as a result of lack of information or institutional and policy deficiencies.

Most women have no contacts at all in the country they are going to . An agency or a middleman arranges the migration since they have the contacts in the receiving countries; the women just have contacts with that agency or middleman.

“Actually I did not know anything clearly about the migration process, my husband knows everything”.

A domestic worker from Kuwait

“My brother filled in an application form for a passport and I signed it, and the middleman collected it. Normally one has to go there personally, but money fixes everything.”

A garment factory worker in Malaysia

(Excerpts from Health Compromised two preliminary studies of Bangladeshi female migrant workers, CARAM Asia, 1999)

The legal system is not gender sensitive and provides little protection to the victim. In fact, further victimization takes place and judgements are passed on "lack of documents" instead of considering the conditions of entry such as in trafficking.

Protecting Rights vs. Protectionism

“ The barriers that some nations create to artificially contain migration create a black market of human trafficking, illegal recruitment, fixer's trade and willful mis-documented migration. If there is too much regulation and red tape, it creates the opposite effect of worker protection. It is useful to draw mechanisms, which are low key, less formal and have more operational focus. “

(Ricardo R. Casco, Director of Dept of Labor and Employment, Philippines Overseas Employment Administration. Regional Summit on Pre departure, Post Arrival and Reintegration of Migrant Workers, organized by CARAM Asia, 2000)

1. Protectionist policies were formulated by a number of countries to ban or regulate the migration of women as an answer to the many examples of abuse and exploitation that women face. From the human rights perspective, these countries ignore that it was necessary to monitor and target the perpetrators of abuse and exploitation rather than punish women by banning them from migration. In a sense, the

responses have reflected the view that women are somehow to blame for the abuse, that men cannot be expected to control their behaviour in the face of women, especially young women.

Protectionist policies come from a perspective of the failure of men to "protect" women. As a response, women are, therefore, to be "protected" and their movement restricted or controlled. This perspective does not look at the protectionist systems and laws that are required in the receiving countries. The protectionist responses fail to understand the inherent contradiction that it is the patriarchal system itself that

Some Protectionist Examples

Bangladesh, for example, banned the migration of women in 1982. Even when this ban was withdrawn due to public pressure, women were not given equal mobility rights. To be recruited as a migrant worker, a woman has to show an approval letter from a legal guardian.

The Philippines raised the age a woman could migrate to Saudi Arabia to 30. Young women falsified their age opening the way to exploitation by recruiters.

Burma banned women travelling through the country (and to borders) alone under the age of 25; they have to be accompanied by a guardian. Thus, allowing traffickers to move women freely under the guise of guardianship.

Nepal has signed four out of seven ILO Human Rights Conventions, but these are not effectively implemented. Nepal banned young women from migrating to the Gulf countries, forcing them to migrate through irregular channels.

places women in the vulnerable position in the first place. The more restrictions that are imposed on women's migration, the greater the opportunities for illegal recruitment, exploitation and abuse.

While protection of the vulnerable is the motivating force behind these policies, it also needs to be balanced by respect for women's rights. Any policy of protection must recognize that migrant women are individuals with their own histories, skills, strengths and capacities who live in already existing social networks.

2. Gender selectivity in recruitment influences the feminization of migration.

The Philippines today holds the record of being the second largest labor-sending country in the world. Women migrant workers comprised 61% of all land-based new hires in 1998 (POEA). The percentage share of deployed women OFW (Overseas Filipino Workers) has steadily increased from a mere 12% in 1975 to 47% in 1987 to 58% in 1995 and 61% today. These figures point to a continuing trend of feminization of overseas employment.

(Kanlungan, Fast Facts on Filipino Labour Migration, 1999)

In Sri Lanka, in 1981 only 30,385 female workers migrated and in 1996 it rose to 121,257. The corresponding figures for males was 27,265 and 41,315.

BATU- SAARC Migrant Year Book 2000 (based on Sri Lankan foreign Employment Bureau)

Migrant women are channeled into areas of work that have little formal recognition in labor laws, such as domestic work, entertainment and sweatshops. These jobs are accorded no status and are not acknowledged for the essential part they play in developing the economies of receiving countries. Women are recruited for jobs which are menial, low-skilled, low-paid, repetitive service oriented jobs that require stereotypical characteristics like patience, tolerance, submissiveness and hard work, reflecting the culture-specific Asian gender construct.

Gender stereotyping of OFW occupations: *women dominated the service workers category (91%) as well as the professional and technical workers (75%). An estimated 600,000 women OFWs are domestic helpers in 19 major destinations worldwide. There are at least 47,017 Filipino entertainers in five countries in Asia, 95% of whom are in Japan. Men, on the other hand, are in production and related work (79%). Even among sales workers, the men are the supervisors and buyers, while the women are the salespersons and shop assistants.*

(1999 Fast Facts on Filipino Labour Migration, Kanlungam)

3. Women migrants are also subjected to a battery of tests- including pregnancy and HIV-conducted in complete violation of human rights. By subjecting to these tests, women not only are discriminated with respect to other women in their community but if they are found to be pregnant (and

not married) or HIV+, are devastated personally, subjected to great stigma within their homes and communities, and face the loss of recruitment and a better future in a foreign land. Their experience shows that not only pre or post counseling is not provided but results are callously given to the potential migrants with indifference. In some cases results are disclosed even to an outsider.

4. Women are especially vulnerable to sexual abuse and exploitation because of **cultural prohibitions** regarding knowledge about sex, about their bodies, about contraceptives and poor awareness about rights of women and workers. Lacking basic sexual and reproductive information they are at greater risk of contracting STDs and HIV/AIDS.

5. Increasing numbers of women and children (in comparison to male migrants) are falling prey to **trafficking** because of their low education, urge to earn, inability to access the right information and the legal channels to help them move and find appropriate work. Trafficking has become a billion dollar industry though outlawed by all governments. Some recruitment agents even double up as traffickers visiting villages, misinforming potential women migrants and tricking them by promises of fraudulent employment.

6. Family issues including fears and anxieties regarding their life in a new,

An ILO report states that in the 1990s, about 80% of the Asian female migrant workers entering Japan worked as entertainers. Most of them are from Thailand and the Philippines.

Tenaganita- CARAM Malaysia- from its experience indicates that Malaysia is on the map of global trafficking in women as a sending, receiving and transit country.

CARAM research in Cambodia on sex workers also shows a strong interlinkage of migration, sex work and trafficking of women. An estimated 200,000 Bangladesh women have been trafficked to Pakistan over the last decade and thousands more to India.

unfamiliar country are some of the problems faced by women who do complete the recruitment process and are going abroad for the first time. They, as traditional care-givers, are also worried and tense about the uprooting of the family and the impact on their children and spouse. Arrangements have to be made regarding domestic affairs and the care of children.

Spouse Program-Bangladesh, SHISUK



Concerns about the fidelity of their spouse and the lack of parental supervision of the children over-ride the dream of a better life for their family. Often, because of these very concerns and need to communicate with their family, migrating women are approached by middlemen and brokers at transit points and exploited.

Pre-departure programs conducted generally by recruiting agencies do not address the gender concerns although some NGOs have begun to address gender issues by complementing preventive information with contact information in countries of destination.

CARAM Cambodia's pre-departure program has classes on reproductive health for female migrants leaving for Malaysia. This helps women to become aware of their vulnerability and options. They are also given contact information in Malaysia so that they could contact them and discuss when they reached their destination.

While considering the vulnerabilities of migrants and in particular migrant women, governments and agencies need to support women's empowerment and to challenge the underlying causes of gender imbalance. Issues around creating supportive enabling environments are discussed in later sections.



Vietnamese migrants in Cambodia. Group discussion on condom use negotiation.

Mig RA Nt W Om ENAN D POst ARRIVAL Is sU ES

Migrant women are vulnerable to employment related, policy related vulnerabilities as well as those arising out of emotional and social needs. In some respect, they share vulnerabilities with those of migrant men, as has been discussed in post arrival section, but in many ways their gender related vulnerabilities heighten risk of abuse and exploitation.

Vulnerabilities During Transit

Most of the human rights violations during the transit stage contribute to increased HIV vulnerability and arise from irregular migration and other irregularities in the migration process.

Recruiting agents and other intermediaries place the health and lives of the migrant workers into jeopardy.

Undocumented migrant workers, particularly female, who are without legal identities, are more vulnerable to abuse by recruiting agents, and enforcement and border officials.

When additional risks occur such as the trafficking of sex workers, forced labour, rape and sexual abuse the threat of HIV infection is even greater.

Extremely poor living conditions, threat of abuse, limited sanitation and denial of medical care, are faced by female migrant workers housed in overcrowded houses for long periods of time, up to one year during their transit as in Indonesia and Cambodia. This can expose women to rape and sexual violence. Having entered sexual relationships, many migrant women reach the receiving country only to find themselves pregnant, face deportation and personally devastated.

Adaptation to a new environment

The Single entry policy creates conditions which encourage men and women to seek relationships often with unsafe sex practices. Women (and men) migrants are particularly vulnerable because they are young, often single and in the prime of their reproductive age having sexual, emotional and social needs.

Migrant women, afraid, lonely and apprehensive, in a new land faced with a new culture, people and language seek to develop social support networks and identify ways to satisfy their basic needs. This is a time when they may be particularly vulnerable to situations where sexual contacts expose them to STDs and HIV. Economic and gender inequalities also contribute to the higher rate of STDs among women in developing countries.

According to the World Bank, women aged 15-44 years in developing countries experience STDs as the second leading cause of years of healthy life lost. Women have no or little control over the sexual behavior of their male partners and over condom use to prevent HIV infection, other STDs or pregnancy. In addition, many women do not recognize symptoms of STDs or are too embarrassed to seek treatment. The

In Indonesia, Malaysia, the Philippines and Singapore, infection rates are well under 1%. Elsewhere in South-East Asia, the picture is mixed. In Cambodia, one in 20 pregnant women, one in 16 soldiers and policemen and one in 2 sex workers tested positive in sentinel HIV surveillance. Vietnam and Myanmar are also seeing a rapid spread of HIV. In Myanmar, HIV infection among sex workers rose from 4% in 1992 to over 20% in 1996, while two thirds of injecting drug users are infected. Among pregnant women in the general population, an estimated 2% are infected.

(As reported by Meena Sheshu, Interventions with regard to reducing HIV Vulnerability of Trafficked People, at Mobility and HIV/AIDS : Strengthening regional interventions, satellite symposium organized by TENAGANITA and Ford Foundation, 5th ICAAP. 1999)

burden of most STD complications falls on women. The consequences of STDs are more serious in women because of the risk of infections ascending the reproductive tract, leading to pelvic inflammatory diseases.

Fulfilling emotional needs

Faced with loneliness and isolation, women seek comfort in temporary relationships. Most are young, in their reproductive age and come from villages with strict rules of conduct. Without social restrictions, life in the new city is much more free and comes with new perceptions and challenges.

" In the village, some neighbors were good with me. They liked me. But some others were bad and critical of me. They ill-spoke of me such as to distort a visit of my friend as of my sweetheart, my sexual partner, etc....In Phnom Penh even if people know me they have never slighted me. They are indifferent to other peoples' affairs. In the village, people are jealous of others."

In Hong Kong, SAR of China, where the ratio of women migrants vis-à-vis men migrants is almost four to one, men are valued like gold.

"For instance, a five-dollar coin gets dropped. The Filipinos would say, Oh, bummer, if only it was a man that got dropped."

Because of this inequity, it is not very uncommon for women to initiate the first moves.

"There are women who really wait to be courted somehow, but nobody pays them attention. What they do, so that they are not edged over by other women, is that they make their intentions known."

"Some men take advantage when it is the woman who is making the first moves. There are men who want to score. They think that whether the woman responds back or not, it is okay because they don't lose anything. "

(Source: CARAM Asia)

In satisfying these needs, women face discrimination not only from the host country but also by their male counterparts who can look down on them as not being "traditional women"; if they adapt to their new environment they are blamed for "betraying their culture"

Because of the migrant women's cultural dependence on men, there is little room for choosing safe forms of sexual practice, and limited opportunity for negotiation.

Male migrant workers view women migrants through the gender construct

In Cambodia, female garment workers in Phnom Penh are called “as bad as prostitutes”. This has to do mostly with their social status: girls who live far from their homes without any social control are regarded to be easily involved in “inappropriate sexual relationships”.

Male Bangladeshi migrants have many negative stories about their female fellow migrants from Bangladesh. Many tell that they have heard or seen that these girls are involved in prostitution. Sometimes they tell with some jealousy about the girls who can earn a lot of money in Malaysia with their ‘machine’, while the male respondents themselves return to Bangladesh with almost no money. Also here we clearly see double moral standards; while some men expect their fellow female migrants to keep their virginity, at the same time they are having sexual contacts with girls.

“The relationship between male and female workers here is very complicated. Due to them living far from their families and their parents, they live indulgently. Exile girls are considered losing 100%”

(Source: CARAM Asia)

Sometimes, migrant women develop sexual relationships with migrants from different countries because of the proximity where they work or stay. Language differences make it difficult to communicate about safe sex.

In South Korea, sexual relationships between Vietnamese migrants arose among male Vietnamese contract workers and especially among the female Vietnamese irregular workers.

Female irregular workers are in a vulnerable position, they are dependent on their male partners, who can quit them when they want.

One female migrant tells about her friend, who started a relationship with a man:

“I advised her to think carefully. We can earn money but we can’t get our virginity back if it is lost. When she returned home, she got married. It was not worth losing her virginity. At first she listened to me, she didn’t make any friends but later on, she was lonely. In addition, she was unemployed and she was broke so she met a Vietnamese man and she fell in love with him. He had sex with her but he was not a good man. He abandoned her.”

(Source: CARAM Vietnam, 2001)

Same sex relationships are rarely discussed because in most countries homosexuality is a big taboo. Some consider it a disease but some come to terms with it.

A Cambodian woman talked openly about the homosexual relationship she had with a woman in the factory.

"In fact, I talk and work with them (men) and I like to dress up as a boy. When I sleep with my roommate, we have oral sex and it is extraordinarily enjoyable...Regarding my sweetheart, she has the right to love a boy and marry him and I won't disagree with this, provided the boy is good."

"I witnessed many couples in the factory. There was a girl working with me. She had been a plump girl before she got that disease. Vietnamese people are quick minded. So we recognized that they got that disease through their strange behaviour. They went to the toilet..to caress each other. When she got that disease she became thinner and thinner. When they glance at the toilet we knew that it is time for them to have homosexual relationship."

(Source: CARAM Cambodia, 2001)

Whatever the sexual orientation and sexual relationships of the migrant women, they usually had no or little negotiating power for safe sex. Their sexual needs fuelled by loneliness, homesickness and the wish to belong to a community in a relatively free environment, leads them to rationalise the conflict of their culturally accepted "ideal" notion of a woman. Through a process of multiple identities and parallel lives, women are able to disassociate their identity in the host country from that in their own country.

Gradually, Fatima got used to the situation in Malaysia. She had made some good friends with whom she could share her experiences. These friends were from a completely different Bangladeshi village. The people in her own village would never hear something she shared with these friends. Fatima had changed a bit. She did no longer wear a sari, but used the Pakistani dress (a shirt and long trousers). Fatima had also bought jeans, which she sometimes wore on Sundays.

(Excerpt from Health Compromised two preliminary studies of Bangladeshi female migrant workers, CARAM Asia, 1999)

Employment related

Migrant women occupy the lowest and most exploitative strata in the global division of labor exposing them to risk of abuse, sexual assault and violence. The gender selectivity in recruitment for domestic workers, sex workers, entertainers or cleaners, places them in isolated and individualized work conditions. Even where migrant women work alongside migrant men on construction sites, in factories, in agricultural work; they receive less pay and less status.

Without status, labor and social rights and visibility, migrant women are vulnerable to exploitation, physical and sexual abuse. They are marginalised as women, as migrants and as non-workers, put on the periphery of mainstream society, invisible and isolated. These multiple barriers deny women the possibility of forming and accessing

networks of information and social support. Without an outside support system, migrant women have no choice but to depend on their employer.

Women migrants face various exploitative working conditions of accommodation, food, long and demanding hours, controlled mobility and sexual advances from the employer.

A study of Filipino domestic workers in Hong Kong, SAR of China by KALAYAAN Inc./CARAM Philippines described the complaints about their employment

- *The most common complaint were the long demanding hours and some got to sleep for only 3 to 4 hours. One woman said that her employer's mother would keep a tight watch over her so she had to be on the move all day. She would try to get rest by going to the bathroom to sit on the bowl while crying over her situation.*
- *Meals were irregular, late, and inadequate. Some women were fed porridge or noodles or hamburger which was to last them for the whole day.*
- *Some slept on the floor, near the bathroom often wakened at night when the employers went to the bathroom; some were not able to sleep because their employers entertained until late at night.*

- *Some were not allowed to use the phone or talk with other workers.*
- *Some were not given days off and were underpaid*
- *Some, who were summarily dismissed, were locked out of the house or were forced to leave late in the night without nowhere to go. Some gave negative release papers making it difficult to look for another employer.*
- *Some had to face sexual advances from the employer. A woman reported how the wife got suspicious of her husband and got her fired. But the male employer continued to meet her and helped her out with money until she got another job. " I had no job..I had no money..How would I feed myself?"*

Women are not only offered low wages but are cheated and given less than what is agreed to in the contract. Women's wages are lower than those of men. Surviving on a male migrant worker salary is usually extremely challenging; when women receive even lower wages, it is sometimes impossible to survive. Currency fluctuations also decrease the value of what they have earned.

Women turn to sex work to supplement their wages selling sex for survival. Not identifying themselves as sex-workers, not working in sex worker establishments, these women are at particular risk of contracting STDs and HIV. They cannot access the information and education that sex workers in establishments get from other sex workers, sex workers groups, NGOs. and government programs; nor can they get access to condoms and lubricants easily.

Female migrants simply do not have a choice and are sexually harassed; along with this, when physical or psychological pressure is used, one wonders if the difference between choice and forced sex is important or meaningful.

Health and HIV related

Many receiving countries, like Malaysia, Saudi Arabia, Singapore and South Korea follow a policy of mandatory testing for migrant workers to renew their work permits and if women are found HIV positive or pregnant, they are notified and deported. As a result of the fear of losing job and deportation, women do not seek access to treatment for STIs. In the case of pregnancy, she is faced with a dilemma. If she decides to terminate the pregnancy, she will have to depend on word of mouth for information with regard to where she might be able to get an abortion and the cost involved. Clinical safety will rank below the fear of deportation. If she decides to continue with the pregnancy, she will lose her job, her income, and her documentation; her child will become stateless and she will additionally face stigma on her return home. Current policies do not support the reproductive rights of women migrants to bear children.

Female migrants, like domestic workers, because of restrictive employment policies in

some countries, cannot change employers although skilled workers and professionals can. A growing number of cases of domestic workers being sexually abused and tortured by the employer have emerged. Many women have contracted STDs, become pregnant and have had forced abortions in order to maintain their jobs. It is ironic that when migrant women become infected by STDs, HIV or are pregnant, they are not asked whether they have been raped or sexually abused. Instead, they are punished by being deported with no investigations, medical care, counseling or compensation.

Apart from the repeated rape which was about twice a week, and unprovoked beatings he would call me a "pig" and a "dog"...I didn't think of going to the police. I wouldn't in any event have known where the police station was.

(Testimony of Diah binti Didih, 16 years from Malaysia, doing domestic work in Saudi Arabia)

In the publicized Sarah Balabagan case, who was reported to have stabbed her employer to death in self defense after having been raped at knife point by him, Sarah was sentenced to one year's imprisonment and 100 whip lashes (after the death sentence was quashed following a strong campaign).

(as reported in NGO discussion paper for Regional Summit on Foreign Migrant Domestic Workers.)

Reproductive and sexual health care systems are difficult for women to access because of the cultural taboo on asking for information about sex. Consequently, women do not get information or access to contraceptives or treatment for STIs. Prevention programmes for STDs and HIV, though available, may not be in the language and terminology of the migrant women.

According to CARAM Malaysia,

Indonesian women in Malaysia take pills, use traditional methods such as herbal drinks called 'jamu' to abort and foetus and massage their stomachs to avoid pregnancy.

Another woman said, "Although I can speak Korean, and can express my sickness in the Korean language, I dared not go to see the doctor, because I was afraid that they would fire me"

Even where health services are available, access is often difficult because many women do not know where it is, or find it too costly, because of the differential costing of health services for the migrant population.

The issues of employment, policies and human needs described above contribute to further increasing already existing gender

vulnerabilities and pushing women migrants to abuse, exploitation, undocumented status or trafficking.

Legal entry can become undocumented. As explained above, a number of factors push migrant women into sex work to earn more. Some women migrants become undocumented because they have run away from exploitative employers and as a result their existing contracts become void. Some are forced to overstay on completion of contract for economic reasons as they have not earned the money they had planned for. Others choose to become undocumented to escape deportation due to health notification. These desperate situations increase their exposure to trafficking by unscrupulous brokers.

Trafficked Women

Trafficked women are particularly vulnerable when they arrive in the host country as their whereabouts are uncertain, their address constantly



Tenaganita anti trafficking campaign

changing and being at the mercy of the traffickers. They remain clandestine, undocumented and so difficult to reach. Their position is so vulnerable that they are forced to accept work they had not bargained for with no recourse to protecting themselves. They are 'stateless', unrecognised by their own home as well as receiving countries. Many women who are trafficked as sex workers suffer from critical health problems because of the dismal working conditions- lack of proper food, shelter and rest. Untreated, because of lack of access to proper treatment, the health problems of trafficked women are bound to increase. Many factors also put the women at grave risk of contracting HIV/AIDS.

Trafficked women are forced to entertain many clients a day as reported by Tenaganita. The women are made to undergo unsafe abortions and are forced to accept clients a few days after the abortion. Consequently they suffer from injured vaginas or STDs. Vietnamese women trafficked to Cambodia and then to Thailand for prostitution, as also Cambodian sex workers suffer the same fate. Women have no right to refuse or choose clients. They are forced to receive clients who are drunk, violent, abusive and who refuse to use condoms.

(Report Mobility and HIV/AIDS: Strengthening regional interventions, satellite symposium organised by TENAGANITA and Ford Foundation, 5th ICAAP, 1999)

Families and partners left behind

Women migrants worry during their stay abroad about the spouses left behind particularly their fidelity, management of the home and the children. Not being able to communicate regularly, they worry about the welfare of the children and

Families of Bangladeshi migrants in Sirajgung SHISUK



family. Additional worries are whether remittances have reached and how they are utilized. Husbands also exploit the woman's economic contribution to the family. In some cases, husbands who pushed women to migrate for the economic betterment of the family, utilise the money sent home by the wife to take a second or even a third wife.

As indicated in the Migration issues paper on Sri Lanka by Ms Nimalka Fernandes, majority of the women who migrated abroad were married women driven by poverty and unemployment. Often men volunteered to remain in the house to look after the children and the wife's remittance became his wage

as well as the income for the family expense.

Some of the problems that arose were:

- Misappropriating of finances by men by drinking, and finding another woman
- Rape and sexual harassment of the girl child within the family
- Early marriages because young girls felt abandoned by the departure of the mother and unable to cope with the harassment of the father who got involved with another woman and eloped
- Increase of school drop out rates because the father had refused to give money to buy school supplies, or he needs to look after younger siblings or to manage the household

family disintegration- spouses having extra-marital affairs or having taken another spouse. Children have been without adequate parental supervision and are likely to be violent, disobedient or resorting to drug addiction.

My husband changed. He does not believe me any more. His mentality was totally changed. Before I went abroad, he loved me very much. Now I can't help thinking why I went abroad...

People's behaviour changed towards me after returning. People were saying that it would have been better if I had not gone to the Maldives.

My daughters do not behave as they behaved earlier.

(Excerpts from interviews with Bangladeshi migrant women, in Health Compromised- two preliminary studies of Bangladeshi female migrant workers, CARAM Asia, 1999)

Mig RA Nt W Om ENAN D REI Nt EG RA TI ON Is sU ES

Women face several issues related to reintegration whether it includes returning to home or issues related to reintegration in the host country itself. Issues could be cultural, social or even economic.

Reintegration back home includes several issues. Most women return home only to face

Many women migrants are also likely to face the risk of HIV and STDs from their husbands who have been involved in multiple partner relationships. However, these women are defenseless and lack negotiating skills in practicing safe sex. As a result, women are faced with dual burden of being a caretaker of the husband/partner who may have HIV, and also the risk of contracting HIV herself. Being HIV+ and a migrant returnee also adds to the isolation, stigma and discrimination faced by her.

In some communities, women who have been overseas, or have traveled and lived alone are considered to have transgressed social mores and

therefore are no longer considered or treated as “good women”. Having experienced some freedom overseas, developed new survival skills and coped with multiple identities, women migrants, at a personal level, experience difficulties in re-adapting to restrictions at home.

Social implications on families where women have migrated are many. Among them, mishandling of finances by men, rape and sexual harassment of the girl-child, early marriages of young girls who feel abandoned, and increase of school dropouts are prominent.

(Source: AIDS in South and Southwest Asia: a development challenge
UNDP, 1999)

Without proper financial planning, returning women migrants soon realize that savings are inadequate and so, in spite of the problems faced by themselves and the family, try to migrate again. Where migration is not possible, they look for alternative comparable work offering similar remuneration (as that of the host country) in their own country. When their search for alternative employment ends in failure, the need for money may create conditions for them to take up sex work in their own country.

In cases of deportation where migrants are rounded up and deported, women are in

particularly vulnerable positions, forced to stay in ever-more isolated areas and exposed to corruption and police brutality. If women are deported without proper documentation, they can face discrimination and harassment by the immigration officials in their own country and if women are deported before they have paid off their debts, they can face harassment, threats of violence including violence by the brokers/traffickers.

“We women and children have been staying in the jungle for about ten days. I have five children. I gave birth to the youngest one only two weeks ago. We had no food or drinking water on the first night.”

(Interview at a hiding place in the jungle near Mae Sot, Thai-Burma border Nov 1999. Dignity Denied APWLD)

Women who are trafficked and later deported face the stigmatization of having been involved in sex work, prostitution and become vulnerable to verbal and physical abuse and sometimes even sexual abuse at home. In such cases trafficked women try not to return or if forced to return, try to return to their former exploitative status.

Women are also deported due to health notification if they are pregnant, have STDs or are HIV positive. Having invaded their right to confidentiality, HIV+ women are deported to their countries to face stigmatization as “loose women” and confront an uncertain and dismal future. They

are stigmatized (more than men who migrate and return with HIV), lack support from their husbands and families and are faced with the specter of economic survival during their illness. Pregnant women face the threat of deportation and since the state policy criminalizes abortion, they have no choice but to go to quacks or return home to face stigmatization.

Many women choose to come back due to exploitation and abuse faced abroad. Migrant women who face physical abuse including rape, unbearable working conditions like long hours, verbal and physical abuse, low wages etc. often have no place to lodge their complaints. They thus often make the choice of coming back. However, the home country also does not offer any support financially or emotionally, to these battered women.

One of the major concerns of rape victims are the children born to them. The children often born of mixed parentage, look different and are stigmatized in the society. They often do not have any legal rights in their own country and are not recognized for education, medical care etc., since they do not have their 'father's name' attached to them. Many women face a major problem for delivery of their children since not many hospitals are willing to admit them if they can not prove paternity.

Some women migrants may choose or decide to settle down in the host country itself after marrying a man from the local community. However, this also puts the woman in a highly vulnerable situation as her visa status now has to undergo a change and is dependent on the husband. Also, she may not be allowed to work any more in the host country, which takes her economic independence away from her.

These issues have been discussed in detail in the chapter on Reintegration in the manual.

Women may be thus caught in a vicious circle. They migrate to escape the grinding poverty at home, face enormous difficulties, and undergo abusive and exploitative work conditions and return home only to find a whole new set of family and economic problems which force them to migrate once again regularly or irregularly with its accompanying abuse and exploitation. The vulnerabilities of women as they migrate, stay and re-emigrate, increase and traps them further in the vicious circle.

WOMEN AS SPOUSES OF MEN MIGRANT WORKERS

Women are affected by migration when they themselves migrate or as spouses who are left behind when their husbands migrate. These women have to adapt to living on their own.

Many husbands do not even consult their wives regarding migration.

Faced with loneliness, and needs for sex and companionship, women are vulnerable and can get into unsafe relationships and face the risk of HIV because of their poor negotiating skills. Further, their access to health

“We need to accept that as a wife of a seaman, we will always be abandoned.”

Jennifer, the wife of a Filipino seafarer bringing up their children alone, making family decisions alone, and then readapting to the return of their husbands.

“I’m happy when he comes home from abroad but sometimes, I feel ambivalent.

I feel shy when we talk and when we lie down together.”

Mayet, the Filipina wife of a seafarer

(Source: ACHIEVE, 2000)

information and services is limited, increasing their risk to HIV in their own country.

Often, male migrants do not communicate to their families nor do they send the remittances regularly. Control over husband's remittances is limited by the requirements of their in-laws. In fact, without the husband as a 'protector', many women face abuse from their in-laws.

Faced with the same economic issues that contributed to the migration of her husband, there have been cases where she seeks employment with low skills and education, and becomes vulnerable to sex work and HIV.



Children often go through their young life without the presence of their father and so become emotionally distant from them. On the father's return, aware of his financial advantage, they try to please him, rather than the mother, so that they can get the material benefits they want.

Spouses are aware of their risk to contracting STD and HIV from their husbands on return. Some have heard stories of women contracting infections from their husbands but are helpless. Condom use is also not an option because it implies mistrust of her husband. They also fear that it may arouse suspicion in that they, the women, had indulged in extra-marital affairs.

One of the neglected groups has been the spouses of migrants. One initiative by SHISUK in Bangladesh reports that the response in forming groups of spouses has been overwhelming. The income-generating programme and livelihood has helped women

As a pilot program, CARAM Bangladesh-SHISUK has been undertaking community based pre-departure and reintegration programs. The community-based interventions have brought about a real understanding of HIV/AIDS. Further to this through the involvement of returnees and the development of the peer educators, the community now has begun to see the relationship between migration and HIV/AIDS. While the information outflow has been developed, the community has also begun to respond in coming forward for more information on various aspects related to migration and to reintegration; on issues of health; and on increasing their quality of life within the community.

towards economic empowerment. Through the health education programme they have been able to look after their health better as well as protect themselves from STDs and HIV.

Women, Migration and HIV

HIV rates in Asia among the general population are still low. The prevalence among 15-49 year olds exceeds 1% in only three countries- Cambodia, Myanmar and Thailand; in other countries, the prevalence rate is far lower. In Indonesia, the world's fourth populous country, fewer than 5 people in 10,000 are living with HIV. In the Philippines, the rate of HIV infection is only slightly higher, at 7 per 10,000.

However, China and India together account for around 36% of the world's population. With such huge populations, even low HIV prevalence rates mean that huge numbers of people live with the virus.

In Cambodia, the spread of HIV is driven by a norm of premarital and extramarital sex for men, usually with women who are paid. As in India, high infection rates among prostitutes and their male clients are followed by a wave of HIV transmission to wives.

(UNAIDS, 2000)

Many other countries in Asia have yet to see a significant spread of HIV, despite evidence that many men regularly have sex outside of marriage. It may be just a matter of time before infections reach a critical level in populations with the highest risk behaviour and begin to spread more widely.

Women are biologically, socially and culturally vulnerable to HIV/AIDS. Transmission of the virus during heterosexual sexual relationships is easier because of the biological vulnerability of women. Women of all ages are more likely than men to become infected with HIV during unprotected vaginal intercourse. The lack of power to negotiate, low status and lack of control over their own reproductive status create vulnerabilities in which women are particularly at risk of getting HIV. Migration enhances HIV/AIDS vulnerability of women as compared to male migrants.

The following table illustrates how gender differences in migration impact and add to HIV/AIDS risk.

Following gender discrepancies have been noted in the area of migration and HIV/AIDS:

- *Gender differences in current laws and policies on migration and labor*
- *Different recognition, acknowledgement and status given to jobs done predominantly by men, and those done predominantly by women*
- *Gender discrepancies in the right to residence of spouses*
- *Different social mores regarding heterosexual men and women, and regarding homosexual men and women*
- *Different social roles and pressures for the spouses left behind and for men and women*

- *Women and men have different perspectives and concerns on safe sex, sexual health, and relationships*
- *Women and men do not have equal or the same control over sexual negotiations*
- *Men and women access information regarding sex and sexual health from different sources*
- *Men and women have different experiences in accessing health care*
- *Culture and social norms allow different levels of freedom and impose different levels of restriction on men and women*
- *Men and women may have different interpretations of the new environment on the basis of old conceptual frameworks*
- *Men and women may have different responses and reactions to feelings of estrangement and stigma*

Violence against women, a blatant sign of male domination, contributes both directly and indirectly to women's vulnerability to HIV. It is estimated in population based studies conducted world-wide that anywhere between 16-50% of women report physical assault from an intimate partner; and a third to a half of these, also report sexual violence. Physical violence, threat of violence and the fear of abandonment are significant barriers for women to refuse unsafe sex. Migrant women who are married or have partners face domestic violence (which can often lead to sexual violence) and are vulnerable to HIV/AIDS although the degree

of vulnerability is extremely high where women are trafficked or in abusive employer - employee relationships.

HIV/AIDS affects women in many ways. As women with HIV, they face discrimination and stigma and so are doubly burdened- they are infected and they are women. Even as caregivers they face the burden of looking after their spouse and facing discrimination from family and community.

HIV/AIDS affects women migrants and spouses in different ways.

For migrant women, HIV diagnosis involves

- Fear of deportation, immediate loss of job, loss of shelter
- Loss of opportunity to migrate, loss of income
- Further isolation, further discrimination
- Disclosure (telling family), issues of confidentiality, fear
- Finding support : close friends, HIV positive support groups, women's groups
- Staying healthy, food, exercise, relaxation
- High cost of medical treatment
- Pregnancy, childbirth, breast-feeding
- Relationship with boyfriend, husband and sex

- Personal feelings and going through the range of feelings (denial, anger, sadness, grief, acceptance)

As a caregiver for HIV+ migrant spouse, she

- Wants to cook good food and take care but lacks resources and time
- Has problems with money for hospital visits and transport to hospitals
- Faces loss of labor and income into the household
- Needs support from family and friends, but fears discrimination
- Lives in fear that other people will find out
- Feels sad and grieves that spouse will die too young
- Feels afraid that she may be infected with HIV
- Has confusing emotions, feels angry as well as sad, annoyed as well as compassionate

6.34

GENDER SENSITIVE PROGRAMS

Since the mechanisms for transmission of HIV infections are intimately embedded in gender relations, a gendered approach is required in all AIDS programming¹. At the same time, looking at migration from a gender

Gender and Migration Pose many Questions

- what happens when men migrate and women are left behind,
- where do women migrate
- how do they migrate
- how are they lured
- what happens to them during the migration process
- what are the recruitment and employment policies for women
- what jobs do they perform
- what are their working conditions
- what is their health status and ability to access health information and services
- what conditions make migrant women more vulnerable to HIV
- what are the implications of migration on women personally, families and communities.

¹Women, Gender and HIV/AIDS in East and Southeast Asia

perspective provides insight into a number of issues relating to the planning and implementation of pre-departure, post arrival and re-integration programs.

A gender approach requires project planning to be based on an understanding of the varied contexts in which interventions are implemented and the impact of programs on social change.

Gender sensitive policies and practices need to involve both practical needs and strategic needs. Practical gender needs involve those arising from the concrete conditions that women and men experience. Strategic gender interests are those interests and needs which arise from the analysis of existing gender relations and normally involve questioning those relations and creating, supporting and enabling the environment that addresses these interests.

Gender sensitive programs must not focus on only risk behaviour but be empowering, contribute to an enabling environment, be rights-based and address women's special conditions of vulnerability.

A gender approach can ensure that women's practical needs become more visible, and that their own efforts to improve their social position can be supported:

Addressing women's and men's practical needs is essential in programs for migrant workers

Women's Practical Needs:

- Information on sex and sexuality
- Training on counselling for key migrant women
- Identifying and supporting existing social networks
- Supporting link-up with appropriate support groups in home and receiving countries; workers groups, women's groups, sex workers groups, HIV positive groups
- Supporting migrant women's initiatives to stop violence and protect victims of violence
- Health care/reproductive health care
- Shelter/counseling/safety

Men's practical needs

- Educate boys and men to respect girls and women,
 - engage in responsible sexual behavior,
 - share responsibility for protecting themselves, their partners and their children from HIV and STDs,
 - take an equal share in the care of family members and community members with AIDS,
- Raise awareness of the relationship between men's behavior and HIV
- Encourage men and adolescent boys to make a strong commitment to preventing the spread of HIV

- Assist men to confront internalized views of "good/bad" women and recognize that in a human-rights framework, all women should be treated with the same respect
- Develop alternative strategies to violence to deal with frustrations and problems and feelings of powerlessness



SUPPORTIVE AND ENABLING ENVIRONMENT

To create an enabling environment for women and men migrants, institutions that have assumed gender discriminatory policies and practices have to be challenged, be they the family unit, the community, the state, the health system or places of employment.

A supportive and enabling environment to transform the gender injustice into equality of treatment, opportunity and rights should be promoted and developed collectively by governments, agencies and the community.



Daw Aung San Suu Kyi's birthday Women of Burma, June 19 2001

AN ENABLING ENVIRONMENT FOR WOMEN MIGRANTS

Labor and Migration:

- Increasing women's educational and economic opportunities
- Developing job markets for women
- Giving legal recognition to and social recognition of the work women do
- Determining workers right to migrate on skills and experience; not gender or HIV status

Networks/community groups:

- Supporting and facilitating formation of networks and information flow
- Supporting the creation and sustainability of community groups
- Recognizing and supporting sex workers groups' abilities to work collectively with their migrant sex workers
- Actively promoting the linking up of migrant women and local women's groups, sex workers groups, workers groups and HIV positive groups
- Recognizing and supporting women's own initiatives to move along the continuum from debt-bonded labor to self-sufficiency
- Sensitizing the local population to the needs and the culture of the incoming migrants

Holistic health care:

- Providing health workers and police with training in human rights and women's rights
- Providing health workers with training to recognize symptoms of domestic abuse and violence and to offer appropriate services or referrals

- Ensuring access to accurate and comprehensive information and counseling about the prevention of HIV transmission and risk of vertical transmission of HIV,
- Providing counseling and services to pregnant women with safe, informed and supportive options
- Encouraging men to share in the responsibility to stop violence by other men

Legal:

- Providing legal assistance to victims of abuse
- Implementing policies to provide witness protection and temporary shelter/residence for victims of violence, abuse and trafficking
- Improving women's legal status

Policy:

- Supporting and promoting the representation and participation of women in public policy and law making.
- Ensuring a greater political voice for women

Family:

- Ensuring the right of migrant women to choose their partner and to settle together
- Ensuring the rights of migrant women in divorce settlements
- Ensuring the right of children of migrant workers to citizenship and education

Culture:

- Creating space for questioning and challenging unfair traditional practices
- Addressing resistance to women's empowerment: from women from higher classes, from men of the same community, from male-dominated structures (unions, governments etc)

Source : Jackie Pollock, MAP Thailand

Programs for pre-departure, post arrival and reintegration need to ensure the participation and representation of both migrant women and men in the design, development and implementation. Programs need to address all issues with gender sensitivity and awareness.

Gender sensitive HIV/AIDS Education

- Ensure that education deals with wider perspective of intimate and sexual behaviour, with a focus on sexual health care
- Confront their personal difficulties in adopting strategies to preserve their health, including condom use and to make them aware of possible difficulties for their partners
- Develop interpersonal skills for using or requesting the use of preventive methods
- Familiarize with support groups
- Develop strategies, other than avoidance and denial, to cope with the stigma associated with HIV and ethnic origin
- Gender sensitive HIV/AIDS education
- Promote the ability to protect against threats to health
- Increase access to appropriate preventative and curative health
- Train mediators in the community to bridge the cultural gap through translations and contact with host support groups

All programs also need to be sensitive to the fact that migrant women and migrant men are not necessarily homogenous groups. There exist rankings and status, discrimination and intolerance. Documented migrant workers can discriminate and blame undocumented migrant workers; there can be tensions between long-term migrants and new arrivals.

Documented Vietnamese migrant workers in Korea viewed illegal workers as leading easy-going lives, gathering to drink and visiting sex-workers; while they saw themselves as bound by strict regulations, cultural bonds and social ties.

These are discriminations and forms of intolerance and prejudices that can be addressed alongside gender discrimination and intolerance in pre-departure, post arrival and reintegration programs.

Policy in Asian female migration needs to be reviewed, especially the gender selectivity policies of receiving countries in dealing with temporary entry on the basis of labour market criteria, employment, and conditions for admission, work permits and stay. Many sending countries must review how recruitment and departure policies and procedures as well as protectionist policies can make women vulnerable to exploitation.

Neither policies nor regulatory measures have addressed issues related to health, accessibility to health care services, and the need to reduce vulnerability and protect and promote women's reproductive rights along with the rights of all migrants. Migrants are human beings with social and sexual needs and not just economic tools; vast majority of migrants are in their reproductive age and need social networks and new relationships; with the growing AIDS pandemic, health is very significant having political and economic implications. In that respect, all policies must reflect the migrant perspective and the involvement of the communities themselves in the processes for policy changes.

The gender approach can address the factors that cause women to be vulnerable to violence and abuse, and both men and women migrants to be vulnerable to exploitation and HIV/AIDS. It can explore how gender roles shift during migration or because of migration. It can identify experiences within the migration process that contribute to greater gender balance. For example, women taking on a greater decision making role, and provide an enabling environment for migrant women to build on these experiences positively. Reducing the vulnerabilities, and supporting the competence and capabilities of migrant men and women, gender sensitive pre-departure, post-arrival and re-integration programs can challenge gender inequity and contribute to a **more gender friendly migration process**.

SENDING, RECEIVING AND IN-COUNTRY MIGRATION PROFILES

ISIS International Manila

INTRODUCTION:

This matrix is an initial attempt to put together some of the existing information on women and migration by using the following classifications: country, patterns of migration, types of work, causes of migration, effects and problems faced by migrant women and responses from government and non-government organizations

	Patterns Of Migration	Types Of Work	Causes Of Migration	Effects And Problems Faced By Migrant Women	Responses By GOs/NGOs
Philippines	<ul style="list-style-type: none"> Sending country Internal migration 	<ul style="list-style-type: none"> Domestic help Prostitution Hospital work Factory work 	<ul style="list-style-type: none"> Poverty Lack of job opportunities Need to support families Patriarchal culture 	<ul style="list-style-type: none"> Lack of documentation Housing difficulties Harsh working conditions and work Humiliation Lack of support groups and social centers Cultural differences Language barriers Family breakdown Exploitation (especially sexual exploitation) Discriminatory laws Racism/ Stereotyping 	<ul style="list-style-type: none"> Creation of support Groups/organizations providing legal and medical aid, counseling and support Conscientization on women's issues Campaign to legalize unauthorized workers Campaign to improve vocational skills Language courses Cultural activities Lobbying on behalf of migrants
Hong Kong, SAR of China	<ul style="list-style-type: none"> Receiving country from Asia SAR of China are 	<ul style="list-style-type: none"> 84.5% of all migrant workers in Hong Kong, Domestic helpers: Filipino 90.2% Thai 6.2% Indonesian 1.66% The remaining 15.5%: professionals/ managers, technical experts, semi-skilled Workers, 	<ul style="list-style-type: none"> Poverty Hong Kong, SAR of China's need for migrant workers to ease tight local labor market Women's need to make money due to prematurely terminated Contracts Augment a domestic helper's income Agents trapping them in Hong Kong, SAR of China and forcing Them into prostitution 	<ul style="list-style-type: none"> Squalid working Conditions Physical and sexual assault Loneliness, alienation Loss of dignity Emotional and psychological trauma Health risks Exploitation 	<ul style="list-style-type: none"> Services from support Groups



	Patterns Of Migration	Types Of Work	Causes Of Migration	Effects And Problems Faced By Migrant Women	Responses By GOs/NGOs
	<ul style="list-style-type: none"> • Sending country 	Catering industry, construction workers, prostitution work in sex tourism industry	<ul style="list-style-type: none"> • Fear of repercussions in 1997 due to the change in sovereignty 	<ul style="list-style-type: none"> • Stressful to the family • Separation of family members • Changes in lifestyle • Lack of direct communication • Threats to family stability 	
Laos	<ul style="list-style-type: none"> • Sending country • Internal migration (before and after the Revolution) 	<ul style="list-style-type: none"> • Waitressing • Bar work • Prostitution 	Before the Revolution Militarization where ever soldiers were based, there were clubs) Poverty, After the Revolution Improved relations with other countries boosted tourism and the need for sex workers and entertainers Commercial clubs flourished	<ul style="list-style-type: none"> • Increase in social problems Rate of divorce Orphans Thievery Increased Health risks 	<ul style="list-style-type: none"> • After the Revolution Sex workers sent to re education centers for treatment and training • Laos Women's Union started helping development in all aspects of women's lives • Government recognised of women as a key to economic advancement
Nepal	<ul style="list-style-type: none"> • Sending country • Internal migration Across the border to India 	<ul style="list-style-type: none"> • Garment and carpet factory work • Prostitution (not practiced openly middle Class prostituted women for foreign clientele) • Work in sex tourism Industry 	<ul style="list-style-type: none"> • Extreme poverty change from barter to cash system • Regional disparities an imbalance between highlands and lowlands. in agricultural resources 	<ul style="list-style-type: none"> • Women left by their husbands to find work, live like widows, becoming prey to other men • Large number of workers competing for the same factory jobs are vulnerable to Exploitation • Congestion in cities with people looking for jobs, forces women into prostitution Health risks 	<ul style="list-style-type: none"> • Government illegalized trafficking of women • NGOs conducting awareness workshops in heavy trafficking areas • Conducting in-depth research



	Patterns Of Migration	Types Of Work	Causes Of Migration	Effects And Problems Faced By Migrant Women	Responses By GOs/NGOs
Sri Lanka	<ul style="list-style-type: none"> • Sending country to Middle East, Europe, Asia (Singapore, Hong Kong, SAR of China, Taiwan, 		<ul style="list-style-type: none"> • Poverty, unemployment • Lack of opportunities • North/East conflict 	<ul style="list-style-type: none"> • Inability to adjust to new job, country, traditions, customs, workload, etc. • Homesickness. • Violations of employer/employee US\$contract Language barriers Sexual abuse • Mental and physical Abuse 	<ul style="list-style-type: none"> • Migrant workers' training Project on housekeeping, financial management, provides counseling, help with travel formalities and language Labor officers take steps to ensure 100 as minimum wage • Attempts to eliminat illegal and unlicensed Agents
	<ul style="list-style-type: none"> • Internal migration 	<ul style="list-style-type: none"> • Factory work • Semi-skilled work • Prostitution • Work in sex Tourism industry 	<ul style="list-style-type: none"> • Search for employment in the free trade zone • Migration to areas coming within development projects which have necessary infrastructure for cultivation and industries • Government sponsored re-settlement in Tamil areas Search for safer areas because of ethnic tension Poverty Ignorance • Hotel industry enticing young women to boost tourism 	<ul style="list-style-type: none"> • Rise in social diseases • Sexual and physical Harrassment 	<ul style="list-style-type: none"> • Create multi-sectoral task force Awareness and rehabilitation programs • Legislation to preven hoteliers from admitting or recruiting young women into prostitution
Thailand	<ul style="list-style-type: none"> • Sending country • Internal Migration • Cross border Migration 	<ul style="list-style-type: none"> • Domestic help • Factory work • Selling • Prostitution Work in sex tourism industry (a result of international migration) flourishes because of the: social value of self-sacrifice for the good of the family; value of a "mistress" to the men; • government's Tourism policy 	<ul style="list-style-type: none"> • ECONOMIC Industrialization created an increased need for cheap labor Exploitation of land and natural resources forced movement from rural areas Dry season forces seasonal migration in order to augment family income • SOCIAL Desired change of income, occupation or social mobility Poverty and low educational attainment forcing women into unskilled Labor 	<ul style="list-style-type: none"> • Although supposedly beneficial to the economy, there are several effects on the women involved: • Separation from the Family • Emotional and psychological trauma due to maltreatment • Physical health problems including AIDS, Loss of self-respect and feelings of guilt and shame because of prostitution • Migrant women, at the mercy of their agents • Gender bias in jobs • Difficulty in saving money because of high 	<ul style="list-style-type: none"> • Grouping within the Community provides support in times of crisis NGOs • Education and information Support for local economic schemes • Campaigning at policy level to stop environmental destruction Information dissemination to foreign "friends" GOs • Provide vocational training Increase opportunities for higher Education • Expand health services

	Patterns Of Migration	Types Of Work	Causes Of Migration	Effects And Problems Faced By Migrant Women	Responses By GOs/NGOs
			<ul style="list-style-type: none"> • POLITICAL Militarization Government projects Such as deforestation 	<ul style="list-style-type: none"> cost of living and Consumerism 	
Malaysia	<ul style="list-style-type: none"> • Receiving country Internal migration Receiving Country 	<ul style="list-style-type: none"> • Factory work • Prostitution • Work in sex Tourism industry (although not too rampant due to Muslim religion) 	<ul style="list-style-type: none"> • Poverty Job benefits Exciting, fast-paced lifestyle in the city • An attraction to western culture and ideas which seem to be an acceptable norm in a Fast growing economy 	<ul style="list-style-type: none"> • Many young women are duped into prostitution by family or friends • Media plays a role in perpetuating the mail order bride phenomena by portraying women as sweet, submissive and seductive Health risks 	
Taiwan		<ul style="list-style-type: none"> • Prostitution • Domestic help • Mail-order bride • Factory work 	<ul style="list-style-type: none"> • Lack of communication Low education level Rampant alcoholism Insufficient crops to feed families No employment opportunities • Consumerism Parents selling their female children into prostitution • Poverty Lack of employment Opportunities 	<ul style="list-style-type: none"> • Cultural breakdown • Physical and mental trauma • Under the table recruitment'- illegal status Vulnerable to Exploitation 	<ul style="list-style-type: none"> • Prostitution illegalized Pimps, customers and guardians who sell their children into prostitution are penalized Laws passed stating that girls will not be returned to unfit guardians • Educational lectures on the dangers of living in the city Support group providing for: Language classes Labor laws Chinese culture and society Financial assistance for medical needs
	<ul style="list-style-type: none"> • Internal Migration 	<ul style="list-style-type: none"> • Aborigine teenage women Into prostitution 	<ul style="list-style-type: none"> • Poverty Desire to earn money to help families • Desire to improve way Of life 	<ul style="list-style-type: none"> • Cultural and communication differences leading to breakdown of marriage • Problems with in-laws • Physical violence 	<ul style="list-style-type: none"> • Support group