



REPORT OF A WORKSHOP ON GENDER DIMENSIONS OF INTERNATIONAL MIGRATION

**23 – 24 March 2005
Geneva**

I. Welcome session

1. Dr. Jeff Crisp, Director, Policy and Research, Global Commission on International Migration (GCIM), chaired the workshop on 23 March, and Dr. Khalid Koser, Senior Policy Adviser, GCIM, chaired on 24 March. Rebekah Thomas, Associate Policy Officer, GCIM, organized the workshop, and Christina Lee, Policy Analyst, GCIM, acted as Rapporteur.
2. The following organizations, universities and consultants were represented: Migration Team, Policy Division, Department for International Development (DFID); Special Rapporteur for the Commission on Human Rights, on the Human Rights of Migrants office of the High Commissioner for Human Rights; Refugees Studies Centre, Nuffield College, Queen Elizabeth House, University of Oxford; The Migration, Globalisation and Poverty Development Research Centre at the University of Sussex; Institute of Development Studies, University of Sussex; The Capacity Development Group; Joint Council for the Welfare of Immigrants; Institute for Peace and Democracy; UNIFEM Asia Pacific and Arab States Regional Programme on Empowering Women Migrant Workers in Asia; Refugee and Migratory Movements Research Unit, Dhaka University; South Asia Migration Research Network (SAMReN); Asia Pacific Region, Amnesty International; South African Migration Project, Center for Population Studies, Faculty of Arts and Social Sciences, Eduardo Mondlane University; Human Security Section of Humanitarian Policy and Migration, Federal Department of Foreign Affairs Political Division IV, Switzerland; Women's Commission on Refugee Women and Children; International Organization for Migration (IOM); Gender Bureau, International Migration Branch, International Labour Organization (ILO); Protection Policy & Legal Advice Section, Division of International Protection, United Nations High Commissioner for Refugees (UNHCR); Afghan Research and Evaluation Unit; and Migrant Rights International.
3. The Chair provided a summary of GCIM's activities, including the commissioning of eight thematic studies, six regional studies and the publication of a working paper series on global migration perspectives. GCIM will publish a final report consisting of 55 to 60 pages, along with a volume of supporting evidence, which will contain all of the commissioned papers and reports of meetings held, including the Gender Workshop. GCIM is currently looking for contributions to the global migration perspectives series, and would welcome submissions from those attending the workshop, ideally by the end of June 2005.
4. Regarding the context of the final report, the Chair discussed the first meeting of GCIM in Stockholm, where eight priority areas for the final report were identified: Migrants in the global labour market; international migration, poverty reduction and development; irregular migration, state security and human security; migration and health; international migration and human rights; the legal and normative framework of international migration; governance of international migration; and migrants in society. Some changes regarding the structure of the final report have been made since the meeting in Stockholm: a commissioned paper on gender and migration

(which will soon be made available), there will not be a separate chapter on migration and health (as these issues appear in other parts of the report), migration and human rights and the legal and normative framework of international migration will be conjoined (as there is much overlap here).

5. The Chair explained that from GCIM's inception, gender issues have been recognized as a priority and would be duly noted in its final report. Instructions for GCIM's commissioned papers included requests to provide a specific gender perspective, which would promote gender mainstreaming in its final report. Unfortunately, gender issues were not sufficiently raised and remained unclear in both the papers and in various meetings. In order to remedy this problem, corrective steps have been taken to ensure that gender is sufficiently addressed in the final report. These steps include: the commissioned paper on gender and migration, expert comments on GCIM's core documents from a gender perspective and the Gender Workshop. The agenda for the workshop includes questions which have been incorporated from the expert comments of GCIM's core documents. The workshop is structured in this manner in order to obtain input for the final report.
6. Lastly, the Chair discussed GCIM's expectations and goals for the workshop, as well as thanked the participants for their attendance. Special thanks were given to DFID for its continuing support. GCIM aims to develop a better understanding of what a gendered approach to international migration means, to identify gaps in the literature and discourse, and to flesh out gender issues that have been neglected. In this regard, GCIM seeks to establish specific conclusions on gender and migrant women that can be incorporated into GCIM's final report.

II. Presentation and discussion regarding *Gender Dimensions of International Migration*, by Mr. Jorgen Carling, International Peace Research Institute, Oslo

7. In understanding the key mechanisms of international migration, it should be recognized that gender relations affect migration dynamics. Accordingly, to appreciate how gender impacts migration, it is necessary to know the dynamics at home. Gender relations affect who moves where and why, and also how women and men are represented by researchers and policy makers. For example, the development potential of remittances is affected by the bargaining power between men and women on how to use their resources – some reports show men tend to spend on status symbols, while women tend to spend on family and community development. Another example of how gender impacts migration is that the migration of domestic workers is based upon a sexual division of labour.
8. Most of the research on gender migration has focused on oppressive structures. This in turn has led to the labeling of women migrants as victims, with adverse consequences for policymaking, as it is often influenced by gender stereotypes that may discourage women's free movement. In addition, the victim label fails to consider that women act within these structures in dynamic relationships with other people. It is important to avoid stereotypes, such as 'poorly integrated Arab women', when conducting research, especially as it may lead to policies adversely affecting the labeled party. In light of this, gender should not simply be a label for sex, or only to be viewed in an oppressive way, but to reflect actual context-specific and dynamic relations.
9. Inherent problems with gender mainstreaming include its potential for invisibility in research and policymaking. However, addressing this issue should not mean that it should be segregated as one point on the list. Gender needs to be mainstreamed in order to understand the dynamics in other areas. There is a need to move away from the idea of gender as a dimension in its own right because it always overlaps with other areas – age, class, ethnicity, etc. Research on gender should not be seen only

as a sub-theme, but as a generally relevant dimension. In addition, when something is termed 'gender', it should really mean gender, and not just women. Research on vulnerable groups of female migrants is not the same as research on gender and migration. This would be research on 'women', which also deserves serious attention, however, it needs to be under the correct heading.

10. Eight steps towards gender awareness in migration research were identified: 1. Gender rather than women, 2. Dynamism in oppressive structures, 3. Gender as socially constructed, 4. Gender sensitivity at different levels, 5. Gender as an universal feature, 6. Gender as part of the picture, 7. Diversity of migration experiences, and 8. Don't let the best be the enemy of the good. Complete definitions as well as case studies can be found in Mr. Jorgen Carling's paper, *Gender dimensions of international migration*.
11. In the discussion of Mr. Carling's presentation, participants tended to agree that gender relations are determinative of migration outcomes. One participant questioned to what extent the autonomy of the state, and how it makes policies, impacts international migration. An example of the UK's point's system revealed that migrant labour programmes do not consider gender in their assessment, and that an institutional form of discrimination exists. For example, it is more difficult for women to fulfill the point's requirements for skilled-workers, as they may have taken time off from work to have children, the obtainment of education in their home country may have been more difficult, etc.
12. The above participant continued that the transaction costs when seeking to migrate in a professional capacity are higher for women. They have to do more in this system, such as having to make significant life decisions at times when it would not ordinarily be necessary (e.g. when to have children, when to attend university, when to obtain work experience, etc.), in order to have accumulated sufficient points for migration. In addition, there are intrinsic difficulties involved in trying to assess gender issues within groups labeled simply as skilled or unskilled. It was questioned how gender can be critiqued from that perspective?
13. Another participant asked what can policymakers do to add gender to their migration management? More specifically, how can Mr. Carling's analysis be integrated into the development frame of her country for better migration management? When trying to link the process of migration management with the objective of development, how can gender mainstreaming be added? She requested that GCIM advise countries on how to use tools, at the national level, when determining their policies.
14. One participant responded that there are a number of examples where ministries are responsible for their nationals abroad and develop relationships with the diaspora, such as Algeria, Morocco and Ireland, and that perhaps these could be used as models of best practices.
15. Mr. Carling responded that when drafting policy, policymakers need to ask: How is gender going to affect the outcomes of these policies? How can we, through policy, interact with the gender relations that are already there? There needs to be a mix of researchers and policymakers to determine how these issues can be matched. The analysis cannot be generalized, as regional differences on gender relations will have an impact. Policymakers are not autonomous – they will have their own beliefs, which influence the outcomes. The incorporation of gender mainstreaming needs to be part of the policy process. Regarding best practices and diasporas, in the case of Morocco, contacts with the diaspora tend to be elite, as they are linked with the royal family, and therefore do not provide a model for best practices in this area.
16. Turning to the issue of migration for social recognition, one participant discussed that migration is not only driven by social needs, it is part of masculinity and self

maturity in parts of Africa. Men from certain countries prefer to migrate in order to achieve social recognition. The participant also discussed the historical and social construction of gender, and questioned: how can gendered migration lead to a reconstruction of gender? How does this apply in the world system? We need to look at the practical implications of gender – how does gendered migration affect health, property, family relations, etc.? For example, female migrants may have different family responsibilities, with excessive working conditions undermining the education of children.

17. The above participant continued that in the case of female domestic workers, where the work is largely unregulated, women become vulnerable and may turn to prostitution or become victims of abuse. Recommendations: 1. Men should be involved with gender equality. For example, men should be sensitized that FGM is detrimental to the health and development of girls, 2. Concrete issues need to be tackled first – health, education, poverty, family constructions – to increase positive impacts and minimize risks. For example, the spread of HIV may increase when partners are separated for long periods of time, and 3. Migration for social recognition in certain countries should also be considered when formulating policies.
18. Addressing problems with the word ‘gender’, one participant suggested that it may be better to get rid of the word ‘gender’, and instead focus on women’s rights. However, there are issues concerning masculinity and problems that male migrants face, which also need to be addressed. An UK study on understanding prejudice revealed that people in the UK are most ready to discriminate against migrant men. She questioned, how can we promote women’s rights, while still addressing men’s issues?
19. Regarding migrants associations, one participant recommended that we need to work more closely with them, and not just focus on the research and literature. The migrants themselves are the experts, and they have a lot to say.
20. Voicing her frustration with the UN system, one participant explained that getting gender issues on the table has been an uphill battle. The Secretary General’s report, ‘In larger freedom: towards development, security and human rights for all’ was very limited in its content on women and gender. She recommended that there be deliberate efforts made to pose these questions in UN materials. She put forth the challenge to the UN to adopt gender in its reports and policies. She also raised a concern that there is exhaustion with the need to have the word ‘gender’ as a focus, as men are now concerned with being disadvantaged, and it is colouring the debate. She stated that there is a need to go back and deal with the discrimination and power issues, which have not been adequately addressed. We are now cow-towing to a gendered approach. She further remarked upon the widespread sexual exploitation and abuse by peacekeepers. The response by the Department of Peacekeeping – that there will be no fraternization with the local population - clearly falls short of being adequate policy, and does not go to the heart of the issue.
21. Concerning gender relations, one participant stated that there is a need for change in this area. When making policy affecting migrants, it is fixed in a particular structure, which does not ensure women’s equality of movement. In some countries, women’s freedom of movement has not yet been realized. She recommended that the patriarchal process needs to be convinced that it should allow women to migrate. A change in gender relations may result from migration, as there would be changes in development, poverty reduction, a change in women’s roles and bargaining power, etc. However, until equal movement is allowed, it is not possible to accurately assess the impact of migration on gender relations.
22. Turning to the issue of ‘brain drain’, the above participant stated that the idea of this has become deeply entrenched at this stage of the migration discourse. However, we

should take the opportunity to reflect more on 'brain gain', considering the positive contributions migrant women are likely to provide their home countries if allowed freedom of movement. In that sense, we can more fully appreciate gender and migration. She then asked, how will GCIM help those groups of people who want to move? In addition to GCIM promoting orderly movement and managed migration, she also expects that the right to work and women's equal rights will receive due consideration.

23. Regarding research and implementation, one participant mentioned frustration in that much research on gender and migration has been done, but not implemented. She recommended that we look at the Canadian context of gender mainstreaming in international organizations, as a model for best practices. She explained that in each organizational structure, there should be a gender analysis unit (e.g. in federal agencies, departments of foreign affairs, trade agencies, departments of justice, etc.). The work of the people in these units would push for the implementation of policies that correct injustices.
24. Noting that migration networks are primarily male, one participant stated that the region networks UNIFEM has at the ground level are not gender sensitive, as they have grown out of men's experiences. Yet, space remains for a gender sensitive rights approach. It is necessary to look at the differences of women and men in the migration cycle, and to show rights violations from a gendered perspective throughout that cycle, in order to know the appropriate direction for policymaking. In summary, she recommended that a rights based approach must be at the centre of migration policy.
25. Mr. Carling responded by thanking everyone for their comments. He reiterated the problems with using the term 'gender' incorrectly. When talking about women's rights, as opposed to gender issues, the term 'women's rights' should be used. Families, whether they are referred to as 'spatially disaggregated' or 'transnational', require policy work that considers the context of the family, and not just female labour. Turning to gendered discrimination, providing Norway as an example, he explained how women are seen as passive victims and men as sexual predators. These stereotypes have negative impacts for both women and men. Lastly, he advocated that the objective of gender mainstreaming needs to be carried out, and it is an area where we should be very ambitious.
26. The Chair stated that GCIM is committed to writing a short, simple report aimed at policymakers. The report needs to be finished fairly quickly. The Chair suggested that perhaps it would be more efficient to write the report from a women's rights approach, as opposed to gender. The participants were asked to think over this idea. During the break, a consensus seemed to develop that the report should address gender, and not just women's rights. Although it was acknowledged that gender may be more complicated to write about than women's rights, and that there is an inherent danger of invisibility when gender is mainstreamed with the other data, it was fairly clear that the participants believed it necessary to include gender. Whether gender should be mainstreamed throughout the report with an additional chapter on the subject, or simply mainstreamed without its own chapter, did not find a consensus among the participants.

III. Gender and international migration: key patterns and trends

27. Some participants expressed concern that the number of topics and questions to be addressed during the workshop were too ambitious of an undertaking. One participant questioned how will these issues find their way into policy? She advised that GCIM should start backwards and think about what it wants in the policies first. She also questioned the global emphasis of the Commission, and whether or not

there would be emphasis placed at the national level? She stated that if there was not an emphasis at the national level, the gender issues would be lost.

28. The Chair responded that GCIM would like to keep the recommendations at the global level, however, there are many regional specificities to be considered. The challenge is to take a broad concept like the feminization of migration and make general recommendations. But, ultimately, it may become necessary to specify by region.
29. Concerning strategy in the final report, one participant recommended that the key issue of intervention is partly the language leverage. She noted that there are impressive experts attending the workshop, who have developed powerful languages which should be packaged in the report (e.g. right to decent work, etc.). This is a way to get attention and leverage in the policy field.
30. The Chair discussed the expert gender comments on the core documents and advised that some papers appeared to be quite sensitive, while others were lacking in their gender perspective. He reiterated the inherent difficulties in gender mainstreaming, mainly that the issue tends to become invisible in context with the other data.
31. One participant responded that the more macro the level of the report, then the less gender that is discussed. For example, global perspectives do not look at gender. She also expressed concern over the different roles of government and how that affects migrants. She added that there are gaps between government institutions.

The feminization of migration

32. Regarding the feminization of migration, one participant discussed her experience with the women's diaspora and labour movement in Bangladesh. She stated that there is much data regarding the Philippines and Sri Lanka, where a clear feminization of labour has taken place. However, migration and domestic work have not really been feminized in some parts of Asia. Statistical information is weak in many regions, including the Middle East. There is a new trend in the feminization of migration in Asia, but it has been slow going due to the fact that India, Pakistan and Bangladesh have cumbersome restrictions regarding women's freedom of movement.
33. The above participant continued that due to this, there are many irregular women migrants coming from these areas, with huge numbers crossing the borders. Problems with trafficking are linked with these migrant women's irregular status, which is fostered by systems not allowing women to migrate on an equal footing with men. State policies are ultimately responsible for only allowing certain types of migration.
34. The above participant added that the feminization of labour has increased to 70% in Sri Lanka, where migration is being encouraged. How does this impact family and marriage? Studies on the family in the South Asian context show negative and positive affects. Male members of households would not take 'female jobs', therefore extended family members were brought in for this purpose. Extended family households are now becoming more common. In some respects, this is a benefit from migration, as many older women have found renewed purpose in their lives and see themselves as supporting the family. However, the impact on children is mixed, as extended family and primary caregivers operate in a different manner.
35. The previous participant explained that, for example, although migration provides the finances for a better education, children may stray from their studies and get into trouble when the parent is absent. In another example, it was discussed how some women migrate because of oppression in patriarchal structures, which may lead to

the break down of marriages, and the development of new relationships. The impacts here are also mixed. Because of the mix of impacts on marriage and the family, there is no common answer or solution. She recommended that state programmes be in place to minimize the negative impacts. She questioned, how can the balance be improved here?

36. In the South Asian context, one participant discussed how family work is managed when the women are not there, and its effects on society. It was looked at if fathers used daughters, domestic workers or older family members to take on the family tasks. In some cases, men took on more responsibilities, however, cooking and other more traditionally female roles were not undertaken. The data showed only small changes in the male role pattern. The results for children and families were both positive and negative.

Gender and policy

37. Regarding the use of gender as a tool for policymakers, one participant explained how the use of gender in this way may allow for improvement of managed migration. Through a gender perspective, we can more accurately assess social capital, access to services, motivation forces, land ownership, demography, fertility rates, empowerment, etc. Gender opens the discussion to fields we would not otherwise discuss or which would remain largely neglected. By using gender as a tool, we can propose some concrete indicators in the field of migration.
38. Concerning gender objectives, one participant recommended that they need to be addressed at the highest level of organizations, so that they are also considered all of the way down. As some organizations are operating through bilateral support, it may be difficult to measure what an organization is doing with gender.
39. Adding to this discussion, one participant discussed how her organization is working with another organization to review their gender mainstreaming. They are looking at what is happening in other organizations, providing complementary research.

Gender statistics, data collection and skill valuation

40. Concerning statistics, one participant raised a concern that researchers only study the legal statistics of migration. However, as irregular migration is not a statistic, the information that researchers and policymakers actually have is quite lacking. The feminization of migration has large numbers of irregular female migrants, which are not being accounted for in the numbers. This lack of data has a direct consequence on our understanding, and ultimately our policies on trafficking, which is one of the largest indicators for the feminization of migration.
41. The Chair agreed that there are problems with the data. He stated that we need to try to identify trends from the data that we have.
42. Responding to the problems with data, one participant advised that the best database is at the UN Population Division, which shows trends in migration stock. It covers the years 1960 to 2000, based upon census data, however it is often limited to countries of destination. The data can be accessed per country and per region. This data proves clearly that regionally there has been a feminization of migration. In addition, there is a small database at ILO, which is by sector and occupation in Western European countries. Unfortunately, the data is poor because of a lack of resources. An article is being prepared on the conditions of migrant women in different regions and by sectors. Also at ILO is the trafficking database in the Forced Labour Department. It shows flows between Eastern and Western European countries. There are also small reports per country, showing conditions of employment, including

decent work and migration. For migrant work in the Gulf States, it shows hours of work, wages and freedom of movement.

43. Regarding statistics and skill valuation, one participant stated that Kaufman and Jorgens are valuable sources, and that the UK's Department of Working Pensions keeps records by gender. Although the old gender divisions of labour have been maintained, the implications are gender neutral. In health and medical services, there has been an expansion for women, yet doctors remain predominantly male and nurses female. He conceded that the skill qualifications of women continue to be undervalued. The system for the appraisal of skills involves an assessment that is often prolonged in privatized sectors, where much exploitation takes place.
44. The above participant continued that although the UK's current system is enabling more migration, there is a reproduction of gender assumptions and capacity for discrimination to take new forms and to become deeply rooted in the systems managing migration, ultimately becoming more difficult to change. In addition, there are many cases where women and men with high skills are working in lower skilled sectors. He recommended that policies should match migrants with employment vacancies, as there are many categories of migration linked to types of employment. The rights for all migrant workers should be expanded, and not just for women. The most beneficial outcomes for migration should be on a range of different issues, including workers' rights. In this sense, the problems of gendered migration do not necessarily require a gendered answer. As for the numbers, there has been an increase in work permits given to women, along with men's numbers also increasing. Currently, there are three female migrants for every five, which has risen from one in four.

Patriarchy and migration

45. Turning to the issue of patriarchy and migration, one participant discussed how the increase in women's migration is linked to patriarchal relations: women and children moving to escape from domestic violence, to survive conflict and war, stigmatization by the community, labour demands in women's sectors (e.g. domestic work, prostitution) government's labour export policies (e.g. Nepal – sending women to Hong Kong), women losing their jobs and subsidies (for children and services) in their home countries, marriage (marrying Western men for mobility), demographic imbalances from wars, and persecution. She also discussed how the feminization of migration impacts the roles of women and family relations.
46. The above participant continued that on the benefits side, women may be more empowered, better able to negotiate in public space, have increased self-esteem, obtain increased decision-making in the home because of being an income earner, and to emulate a more liberated role model for future generations, as opposed to the patriarchal, subjugated one. However, in order to take care of children and other family needs, there is a consequence in that there is a reproduction of women's roles, with poorer and older women in countries of origin having to take over these responsibilities.
47. Adding to the discussion of patriarchy and migration, one participant explained that while some women and men may seek family reunification, others may want to get away from the family. She noted that there has not been systematic research about men chasing women, heterosexuality, the pervasive belief that everyone should be married, sex work, asylum grounds for sexual orientation, etc. Challenges to these practices, beliefs and institutions need to be acknowledged. She recommended that a human rights based approach concerning sexuality is needed, where the choices of women and men are respected. An example of this can be seen in the Netherlands, where sex work for regular migrants has been regularized. These issues have been

largely ignored in migration discussions, but it is real for women and men and requires attention.

48. The Chair asked if there is a trend to get away from the family, and if people's tolerance has become less regarding the above issues.
49. The previous participant responded with an example that gays in the US are migrating from rural to urban areas, and that these inclinations have been there for some time. Whether or not there has been a change in people's tolerance could not be assessed.

Family reunification

50. Turning to the issue of family reunification, one participant discussed problems that may arise in this context. As an example, she explained how French policies in the 1970s, which closed migrant labour channels, encouraged male migrants to remain in France and to bring their families. When the families arrived, they imported their traditional, harmful practices (e.g. FGM, forced marriage, polygamy, etc.). The French authorities tolerated polygamy until 1993, when a law was passed that men in a polygamous household must separate from the additional women in order to have their permits renewed. During the renewals of 2003, the additional women were asked to leave the country, as their residence status was linked to their husband's. However, they could not be deported because they had French children. These women had to leave their homes, but remained in France, often under severe financial stress and with the added difficulty of having to cart their children to and from visitations with their father.
51. The above participant continued that factors complicating the polygamous household in France are that the men are often older than their spouses, they are approaching retirement, yet there are young children to rear. In many cases, the retired husband returns to his country, while older siblings are left to take care of younger ones, often in overcrowded apartments and deteriorating living conditions. She recommended that family reunification be reexamined, but not just in the context of labour and trafficking. For example, in France, the issue of forced marriages as a channel for migration needs to be addressed. The girl or woman in this situation is trapped with the man in France because when the wedding takes place in another country the authorities claim they cannot intervene.
52. Responding to the family reunification issue, one participant expressed concern that family reunification should not be proposed as problematic, as it remains one of the only channels for women's migration. The previous participant responded that everyone is putting the responsibility of integration on women. This in itself is a gender issue when women must be shouldered with this responsibility. She stated that this issue has not been adequately addressed.
53. Adding to the family reunification discussion, another participant addressed the heavy costs imposed upon families when they are denied family reunification. He explained how the estrangements of families and their ability to maintain family life have consequences for integration. This has been especially difficult for those migrating from South Africa to the UK. In the UK, family reunification policies have been restrictive, embittering the immigrant community for the last 15 years. However, the concept of formulating social capital in receiving countries has started as part of the integration process, where migrants have more ability to negotiate their presence in the country. In this sense, the arrival of children generates the need to look beyond immediate sources in the community. The education and health care of certain ethnic groups needs to be given attention.

54. Continuing with marriage and family reunification, one participant noted that there has been a tightening of this route for women's migration. For example, Denmark is making considerations in this area, which demonstrate a general shift away from these routes. If migration routes are gendered, such as economic ones, are they being tightened for women? Does this shift women into irregular routes with detrimental effects on their safety? The data confirms that there are increased rates of women and children in trafficking.
55. Also addressing family reunification and polygamy in France, one participant noted that it was the women who had to move out of their houses, but not the men. She also noted an increasing trend in Western Europe (Norway was discussed in particular) where men are bringing in foreign women, abusing them, putting them in shelters, and then bringing in new women. There is no tracking of these men. Another issue mentioned was the problem of FGM, honour killings, forced marriage, etc., being brought into receiving countries. The reaction of host communities has been an increase in xenophobia and racism, with migrants responding in a more defensive manner of their traditional gender practices. How will this affect integration, gender relations, and women's rights?

Labour issues and temporary work programmes

56. Addressing the issue of gendered labour markets, one participant expressed concern that she did not see any time during the workshop to examine this phenomenon. She recommended that the report should address the visualization of different labour markets, otherwise only certain areas will be supported and protected. For example, some labour markets are made invisible for women or men, such as restaurants in the UK predominantly hiring male migrants. We need to address these issues, providing a direct link, which can then be gendered in a specific way.
57. Addressing labour exportation issues, the Chair asked how the developing economic strategy of exporting labour would affect competition in the global market? Responding to the Chair's question, one participant advised that IOM has been engaged in conferences regarding this issue with sending countries. Indonesia recommended that sending countries develop a consensus on the relevant issues so that they do not undercut each other. Some agreement was reached on this proposal, but nothing concrete is in place at this time.
58. The Chair shared that within the Commission there is generally a favourable perception concerning temporary migration programmes, as they fill the labour needs of developed countries, reduce irregular migration and provide remittances to developing countries. There is also an article by IOM claiming that temporary programmes are ethical and feasible. What are the gender dimensions of temporary programmes?
59. Several participants expressed concern over temporary work programmes, and cited the Canadian programme with Mexican migrants as problematic. In many of these programmes, children born in the destination country have no right to nationality, no right to live in the host country, and often have parents living in different countries. The paradox is that there are millions of women and men in developing countries who want to leave, but developed countries do not want to allow for their indefinite stay.
60. Another participant expressed his reservations about temporary migration schemes, as they are designed at the outset for workers to be kicked out at the end of the temporary period. The programmes are always for the benefit of corporations and developed countries, and do not provide for the interests of migrant workers and their goals. Ultimately, temporary programmes will have the opposite effect, as migrants will be encouraged to overstay if they believe that they cannot re-enter later. In some

cases, this leads to government amnesties in order to rectify the problems associated with large numbers of irregular migrants.

61. Concerning gender equity and temporary programmes, one participant recommended that we need to ensure that these programmes are gender equitable, with a sufficient number of jobs also offered to women. Most of the jobs that have been made available have been in the agricultural and construction sectors, which have not been inclusive of women. Therefore, she argued that the nursing and domestic sector need to be included if there are going to be temporary programmes. One participant responded to these comments by asking whether or not we want more projects that are female-oriented? Or, do we want women to have access to construction and other traditionally male dominated sectors? As these issues have not been talked through, she stated that quick decisions should not be made in this area.
62. Adding to the discussion of temporary workers, one participant advised that Switzerland still invites temporary foreign workers, however, it does not provide any openings in the domestic sector, thereby providing an inequitable labour market and encouraging female irregular migration. She also related countries promoting the exportation of their labour as akin to selling their nationals. However, she conceded, if these programmes were not in place, women and men would still migrate abroad, and most likely with less protection than they have when employed through a temporary programme. As many countries do not provide migrants with a framework of protection, she recommended that the benefits of temporary work programmes should also be considered.
63. Regarding migrants' rights and temporary programmes, one participant responded that rights are very limited in these programmes, noting that there is a conflict between pragmatism and rights. Families should not see temporary programmes as a way to send a family member away and to live off of their labour. The gender implications of these programmes needs to be looked at in specific contexts. It cannot be generalized that it is not beneficial for women or men. The key reason for much of women's migration is for them to be financially independent from men and to provide for their children, especially when men have left the family.
64. Concerning NGOs and their view on temporary programmes, one participant discussed how most NGOs find temporary labour exportation policies to be problematic. It has become a prescription for developing countries, more specifically a perverse trend, to send health workers to satisfy the shortages in developed countries, with little compensation. Consequences in developing countries include decreases in public health spending and a de-skilling of their professionals. For example, doctors migrating from the Philippines may need to become nurses when they work abroad, due to economic and family survival needs. The implications for gender show that women do not enjoy the same rights when it comes to family reunification, nor do they have independent status. She recommended that the relations of women vis a vis men need to be considered. For example, women need reproductive rights. There are many social impacts here for women and their communities back home.
65. The above participant continued that ultimately, caution should be exercised when increasing migration channels in order to first determine the impacts on women and men. If regular channels are opened, they need to be equitable and respect the human rights of migrant workers. She recommended that best practices currently in place, which mainstream gender and respect women's rights, be identified. For example, 'migrant friendly hospitals' in Europe, supported by the EU, have quality control, professional standards, available services, and provide helpful observations on how women and men in immigrant communities behave and documents whether or not they have access to healthcare.

66. Addressing further impacts of temporary programmes, one participant explained that there is evidence from the Philippines that men are taking the place of women migrating as nurses. However, individual decisions to migrate are not always based upon economic needs. Higher levels of education prompt women to look for brighter lights, which may also be found in lower-skilled work. Women are beginning to negotiate spaces for themselves when migration becomes available to them. For example, although women going abroad to collect money for a dowry and coming back is still within the same gender stereotypes and works to maintain them, it is an opportunity for women to enjoy equality in their freedom of movement, as well as to expose them to additional opportunities in their lives.
67. Regarding migration and empowerment, one participant discussed an IOM study on the de-skilling of migrants, where it was questioned if the feminization of some sectors will change the migration labour demand, such as women going into construction and men going into nursing. Is migration a tool of empowerment? Whether or not women will be empowered through migration and the feminization of certain sectors needs policy attention. She suggested that a tool such as migration supported with many rights can create empowerment.

Other issues

68. Regarding abuse and violence, one of the participants stated that these issues have not been addressed in the agenda questions. She advised that this issue cuts across everything, and therefore needs to be highlighted.
69. Concerning gender and resettlement issues, one participant questioned what has happened to women and men in the refugee resettlement stream in receiving countries, which are usually in the North? In cases where polygamy existed, the receiving country would often require the man to choose one wife. The response would be to refer to the additional wives as sisters. The issue of violence is a pervasive thread in all of these issues. How do patriarchal relations determine flight? It is normally considered that women who are single heads of households are in need of protection from violence.
70. The above participant continued that however, in two-headed households, women may also need protection from the man. The two-headed household is not a solution for protection. When it comes to family unity, we have been insistent on that, but in some cases the women would prefer not to be reunited. She recommended that identifying women at risk in the resettlement community should be woven into resettlement policies.
71. Regarding trends that are developing in response to the ageing population of developed countries, one participant stated that an agreement has been made between Japan and the Philippines to send women from the South to work abroad in places where this need is arising.
72. Addressing migration and social mobility, one participant questioned how women cope with their various roles of being a migrant, a woman and a mother? He discussed the phenomena of globalization, and how Cameroon women use technology, such as internet personal ads, to marry Western men. In this way, women are using international migration for social mobility, to increase their opportunities and in many cases to escape poverty. How do external factors, such as poverty, work as push and pull factors? How can migration be a factor to promote gender equality? He noted that coping strategies can lead to vulnerable positions for men and women.

IV. Migration and development

73. The Chair advised that GCIM held an expert meeting on migration and development, noting that much of the literature and discussion has become repetitive in nature. GCIM's approach to migration and development and gender replicates many of the same issues and conclusions regarding division of labour, remittances, role of the diaspora, brain drain, skilled versus unskilled workers, etc. Perhaps some new perspectives on these issues can be identified. For example, what exactly are social remittances and how are they gendered?

Social remittances

74. Responding to this question, one participant advised that social remittances are both tangible and intangible, including access to education and health care. Another participant added that they include ideas, behaviours, cultural values and network gains (e.g. professionals out in the global space, making business contacts, etc.).
75. Another participant was skeptical about using 'social remittances' to describe values and other intangible benefits. He argued that values are not a one way transfer, such as tangible remittances. There are other ways to talk about these benefits, without categorizing them as remittances. It is too simplified and does not help the analysis.

Gender and remittances

76. Regarding gender and remittances, one participant stated that elderly men receive lower remittances than elderly women, specifying that elderly women with children abroad are the most likely to receive remittances. He explained that this is the case because the mother usually plays the key role in the family, while fathers may come and go, playing less of a role. The relationship that children have with their father is often more variable, and therefore children may not feel the same obligation towards their father. In this context, elderly men become more vulnerable.
77. The Chair asked the above participant to clarify if what he was stating is that both men and women are remitting, but that the remittances are predominantly going to women? The participant responded affirmatively.
78. Questioning the previous assertion that elderly men become more vulnerable due to their number of remittances being lower, one participant proposed that it may be the case that men have their own resources, and therefore are not actually more vulnerable. The previous participant acknowledged that men are more likely to have other sources of income, however, this may only be until a certain age.
79. The Chair asked about the use of remittances and the debate about how they should be used (e.g. for consumption, development, etc.). Responding to this question, one participant advised that there has been a trend away from that split, with consumption now being seen as investment (e.g. education and housing). He noted that the remittances literature has not been gender sensitive, and questioned what are the decision-making processes for how men and women interact with regard to their remitting behaviour?
80. Addressing this question, one participant advised that there have been studies showing that gender affects the volume of remittances. The evidence suggests that women remit a larger volume of their income abroad, although they receive lower wages. Women tend to be more stable resources for remittances, covering a longer period of time and intend them to be used for more productive uses, which have a long-term positive impact on the family (e.g. education, improvement of skills for the next generation, etc.). When women receive remittances, they tend to use the funds in a more conducive way, focused on the needs of the entire family, and not just the father. This helps to reduce poverty, empowers women and allows them to make

decisions about their use. The participant offered to provide a copy of the presentation made by four authors, which makes the above assertions.

81. Concerning the issue of remittances and family relations, one participant expressed concern over how women's savings and remittances may be squandered if sent to the husband and family, which is often spent on conspicuous consumption and property placed in the man's name. There is a danger here of women becoming alienated and losing their finances, making them vulnerable to trafficking and other forms of exploitation. On the other hand, some migrants start new relationships in the countries of employment, leaving behind spouses in the home country. Responding to this dilemma has been the establishment of an NGO working with spouses who have been left behind, which involves peer support groups, counseling and education for children.
82. Agreeing with the previous assertions regarding gender and remittances, one participant discussed 3 studies focusing on Taiwan, the Philippines and Singapore, where women tended to remit almost all of their remittances. The women's remittances were sent very regularly to the families for family use, and they faced more pressure by their families to continue sending. Women tended to spend on consumer durables, such as education and land. However, land rights for women continued to be a problem. Although men also sent remittances, the studies showed a tendency to spend on personal ends, such as drinking, friends and other forms of conspicuous consumption.
83. Adding to the discussion on gender and remittances, one participant explained that study results in the UK reveal cultural specificities. For example, in the case of Albanian women in the UK, they are considered 'good' remitters until they are married. After marriage, they carry on remitting, however, the remittances then go to their husband's family. This pattern is also reproduced in other patriarchal countries.
84. Regarding remittances, gender and family relations, one participant advised that in a study it was shown that married men give less than 20 % of their remittances to their wives when there is more than one receiver in the family, and that the wife is the last one to receive these remittances. When there are no other family members, then the wife is normally the first to receive. On the other hand, when husbands are the receivers of remittances, they are the first to receive, regardless of the existence of other family members. However, some women have started to keep more of their remittances due to their husband's abuse of these funds. This coping strategy has led to more efficient management of remittances.
85. Adding to the above comments, one participant observed that although remittances are private monies, there is often tension within the families on how it should be spent. For many migrant women, there is a concern that the family will not spend the money as she has intended. Migrant women need to have a bigger say in how their remittances are used, such as opening up ways for them to pay for the things they want without having to go through the family. This would further develop migrant women's empowerment.
86. Regarding investment of remittances, one participant explained how it is affected by the age group of the remitter. Studies showed that fathers more than 55 years of age were not interested in economic ventures, but applied for savings instruments and buying land. For those up to 25 years of age, economic ventures were primarily sought. Wives tended to invest where they could maintain control (e.g. small shops, groceries, cattle rearing). Yet, most often, women used their remittances to buy land, the safest form of investment, as they often faced more situations of insecurity.

87. The Chair asked what are the reasons for the differences in men and women's remittance behaviour? Does the data presume or in some way reliably conclude that women are more generous or feel a greater social responsibility than men?
88. Questioning the previous assertions, one participant stated that more demographics are needed to know what the data is actually asserting (e.g. information needs to be segregated by the person's status - married, single, with children, etc).
89. Acknowledging that remittances are a sensitive topic, another participant expressed his concern that it cannot be generalized that women send higher amounts than men, as there is no concrete data on this. He added that we have not addressed the methodological problems here. In many cases, men have been the sole remitters for entire families. The amount of remittances is influenced by many factors, and not just by gender. For example, highly-skilled migrants tend to send less remittances, there are less remittances sent if the family is already in the host country (e.g. integration), different historical contexts need to be considered (e.g. whether or not migration is criminalized in different places), differences in income level, etc.
90. One participant noted that there are additional factors besides gender, which affect remittance behaviour: 1. The migrant's migration status, 2. Educational attainment, 3. Diploma recognition, 4. Occupational status, 5. The labour market, 6. The amount of time abroad, 7. The family situation, 8. The border channels used, and 9. The type of recruitment.
91. The Chair asked what the implications for migration and development would be if we assume that the assertions are correct?
92. Expressing concern over the use of remittance data, one participant discussed a series of studies on the use of remittances in Bangladesh, Colombia and Tunisia, as well as the OECD conference on remittances. The studies showed remittance use by gender on disaggregated data. She recommended that although these studies should be reviewed, remittances should be placed in the broader context of development and migration. She noted that it is interesting to study the different types of behaviour regarding remittances (e.g. changes in financial expenditure, local to local moving of remittances, entrepreneurship investment, trade relationships, etc.), however, it attracts attention as a core development migration issue. She argued that development is much more than this, encompassing job creation, education, health, etc. The focus on remittances is very narrow, and does not allow for the different reasons for migration to be translated. For example, integration in host countries has an important impact on how people will remit back home (e.g. some countries are encouraging remittances in an attempt to capture the flows).
93. The Chair asked what are the policy implications based upon the previous assertions made? It would seem from these assertions that if we want migration to promote development, then women's migration should be promoted, and not men's. Several participants expressed concern regarding the social costs of such a policy. One participant stated that women want the right to migrate, but not for it to be promoted. Wherever there are opportunities, women should be allowed to participate.
94. Addressing remittances and the next generation, remittances normally only continue with the first generation, but some studies show that remittances from the US to Mexico continue to be channeled into hometown associations, instead of the family, in later generations. It is very investment focused (e.g. improving schools, upgrading economic and cultural infrastructure). In the US, these activities seem to be male-led, engendering prestige, but with less participation from women. He questioned how this may differ in the Asian context?

95. Responding to this question, one participant advised that Bangladeshi diaspora in the UK send large remittances, often establishing businesses linking the two countries, as a husband-wife venture. While male long-term migrants tend to channel their remittances towards infrastructural development and more visible large scale programmes, women are involved with remitting for social, community-level development work, which receives less recognition.
96. Adding to this discussion concerning the use of remittances, one participant noted that men are often involved in investing in public monuments and other more noticeable, public projects, while women tend to invest in chicken rearing, buying a family car, operating a store and purchasing smaller family items.
97. Turning to the issue of remittances and informal channels, one participant discussed the social and cultural impact of social remittances in Algeria from France. Narratives show a lack of confidence in formal channels of remittances. As a formal banking atmosphere is lacking, trust is thereby shaped in an informal context. Although remittances appear officially to be low, there is an informal network sending large remittances regularly, often by dropping off goods at the airport (similar to a courier service). This shows a great deal of social solidarity within the Algerian community abroad. In the context of the family, certain members of the family are given a promotion in education or health through a family decision-making process. In Algeria, certain people have the right to travel, affecting the decision for which family members will be sent abroad for education.
98. The Chair noted that generalization of remittance behaviour will be difficult for GCIM to conclude in its final report, as the studies regarding Mexico, Algeria, Bangladesh and other locations are often local phenomena. In the case where official channels may develop from informal ones, what is the inherent value of remittances sent officially or informally? Is there a need for more financial literacy from remittance receivers?
99. Responding to the above questions, one participant stressed that whether we are dealing with formal or informal channels, we need to help migrants send the money where they want it to be sent. It should be remembered that these are private monies. She recommended that working with local governments and emphasizing the gender element would be a way to develop migrant women's empowerment.
100. Regarding informal channels, one participant stated that informal channels have more costs than formal ones. For example, in Nepal, there is a migrant organization which sends money home through friends, using informal networks, where a high commission is paid, yet the money may not reach the family. In this case, banks and financial institutions would be more safe. She recommended that because migrants provide many contributions to their host countries, this fact should be used as a tool to advocate for the human rights of migrants.
101. Adding to the discussion on remittances and unofficial channels, one participant stated that remittances moving through unofficial channels may end up being used in smuggling. Governments are concerned about money moving through unofficial channels, and desire to keep track of migrants' remittances. An increasing number of governments and banks are becoming competitive in order to be like an informal network. Migrants will naturally take whichever offer is more attractive for them.
102. One participant questioned what can we do for irregular migrants who do not have access to formal channels? As there are large numbers of irregular migrants, there is also a corresponding large amount of irregular money. She provided an example of irregular Chinese migrants having to send money to their smugglers, where a lot of additional funds are lost in the informal process.

103. Responding to this question, one participant advised that there have been changes in the banking sector affecting irregular migrants, primarily in the Middle East and South East Asia, where banks are beginning to close their eyes a bit (e.g. not requiring passports to be shown, but only a driver's license, etc.). While it was expressed by one participant that there are no centres for formal channels except for in the urban areas, where people may not be able to reach, it was answered that competitive banks are now offering home delivery. In other cases, banks are operating through other banks, offering programmes through the internet, etc.
104. Continuing the discussion regarding unofficial channels, one participant stated that infrastructures are broken down because of conflict in many places, rendering official channels for sending remittances to be a less viable solution. She recommended that because informal transfers have always occurred, we should not try to formalize them in any way. She also stated that in regard to financial literacy, anyone who can organize their household budget, often operating with several exchange rates, should already be considered financially literate.
105. Countering the above assertion, one participant stated that she supports the concept of financial literacy, as not everyone is an entrepreneur or knows how to invest their money. Migrants should be shown how to make deposits and investments. This idea should not be completely ruled-out.
106. Responding to the issue of financial literacy, one participant recommended that what is needed is the development of financial systems and behaviours. As women in some countries may not be able to receive money from banks without their husbands' signatures, it is more important at this time to develop financial systems than financial literacy. She advised that Ireland and Portugal are examples of best practices regarding benefits to migrants in this system.
107. Adding to the discussion on formal and informal channels, one participant raised the issue of the trust factor when sending remittances, and that migrants will most likely continue to trust informal networks of families and friends over formal banking institutions. However, the remittance system needs to pin larger scale investment, which is too large and complex to be handled by informal channels. He recommended that we should work with the World Bank on this issue.
108. Concerning formal channels, one participant recommended that there is a need for a systematic mechanism at the regional and national levels. She also noted that most remittance studies do not have a gendered approach; therefore gender needs to be addressed in this context, especially given its integral nature regarding social issues.
109. Regarding the costs and benefits of informal and formal channels, one participant explained how policymakers want access to remittances and are currently discussing ways it can be channeled. However, she urged us to think like a migrant. For example, why would a migrant want to use formal channels? When you give money to someone in your family, you know it will not be lost. However, there is a high cost in terms of reward, as the money will not be invested in a bank. Why do we want them to use other forms of investment? If we want to change how they send and invest their remittances, we need to come up with an explanation as to the benefits. In most cases, we do not know better than the migrants themselves.
110. Concerning remittances and policymaking, one participant argued that migrants should not just be considered as an economic force, but as rational individuals, whose strengths we can draw upon when determining policies. Migrants will develop their own coping strategies, however, policymakers have a responsibility to create an attractive environment with access to benefits and rights, sufficient infrastructure and to address governments' often indifferent attitude toward migrants. He further stated

that the responsibility of states is fundamental, and that migrants should have the right to participate in the democratization of their own countries.

111. Expressing concern over the aggressiveness of international financial institutions, one participant noted their attempts to capture remittances for development and poverty reduction. There is some hesitancy to look at the human rights situation and the human dimension of remittances. Research at the household level in the host country is needed; however, it is difficult to conduct research at this level. Working on rights is not sufficient, there also needs to be work on the roots (e.g. the rights and roots campaign – economic migration for economic reasons). Regarding financial literacy, there is a need to help educate migrants on rights and savings, which has an impact on integration and in paving their way home. A programme on financial literacy is currently being piloted in Asia. Another participant responded that data regarding families' social remittances at the household level is nearly impossible to obtain (e.g. who works, who goes to the bank, etc.).

112. One participant shared her personal experience with sending remittances. She sent money for her aunt's dental work, but instead her cousin ended-up with a new television. In this case, she demanded reimbursement and was fortunate to receive such. She advised that although we must respect that remittances are private funds, we also need to look at how cultural mentalities affect where the money goes. This has an effect on development. The Chair noted that we cannot just look at international migration concerning remittances, but that urban to rural remittances should also be considered, which may be greater than international ones.

113. Regarding remittances and its affects on migration, one participant discussed the urbanization process in Sub-Saharan Africa, where remittances are building hospitals and providing education. This is also having an affect on rural to urban migration, which should be further considered.

114. The Chair noted that what is also important and often neglected are remittances that are sent at the expense or impoverishment of the migrants themselves. As an example, he mentioned the case of Africans working three jobs in the US in order to maintain economic and social obligations back home. The personal situation of the migrants themselves should not be forgotten.

Loss of women and social costs

115. Turning to the loss of women in sending countries, one participant noted that the loss of women in local economies has an impact on social development, but less on economic development. She questioned whether or not the economic benefits are sufficient when compared to the social losses, such as for children and on infant mortality rates.

116. Also addressing the social costs when women are outside of their countries, one participant noted that women are missing from the debate. In the case of Liberia, the loss of certain women from the debate has led to a breakdown in class. The urban, elite women can now no longer dominate the discussions. War and migration have been equalizing factors between women. However, many qualified women are outside of Liberia, leaving the debate to be hijacked by warlords, which are men.

Regional concerns

117. Concern was expressed by one participant over the ambiguity of international migration. Regarding migration and development, she stated that regional underdevelopment is the major reason for many kinds of migration flows. She recommended that development policy needs to look at these regional issues.

118. In South Africa, one participant discussed how her organization is involved with research on migration in different fields and training courses. In terms of research, they have been working with various issues, such as labour migrants, HIV, remittances, and gender relations. Training has been provided to stakeholders working in migration offices. The objective is to put the different governments of the region together in order to harmonize the migration policies. She described South Africa as boiling with political instability and civil wars, with many refugees and migrants seeking refuge or better employment there. Different parts of the region are in different stages of development, and working with these governments has been a struggle.
119. The Chair mentioned some of the regional concerns, in the African context, which were discussed at the Cape Town Hearing. Along with these concerns, a concern was also raised that GCIM's final report may be Eurocentric, especially as GCIM is supported by European countries. The Chair conceded that it is difficult to write outside of one's own experiences, however, every effort will be made to ensure that the final report does not embrace only one point of view.

Migration and education

120. Turning to education as a route to migration, the Chair mentioned that migration for education is becoming more common. He asked what the gender breakdown is, and stated that this area needs to be reviewed. Responding to this issue, one participant expressed concern that after September 11th, many students from Muslim countries have been discouraged to enroll for undergraduate degrees. Although this has lowered men's admissions, it has opened up more opportunities for women.

Brain drain versus brain gain, diasporas and labour issues

121. The Chair questioned what are the conditions of work for women in developing countries? Do these conditions cause them to go to other countries? Is it different from what men experience? Addressing these questions, one participant stated that there is now much migration from South to South. She stated that many high level professionals may not have the opportunity to work in both the home and host countries. She suggested that the displacement of professionals should be studied, such as the impacts on mental health, social capital and brain drain.
122. One participant questioned how many women have helped in development? She noted that there is a development link with the diaspora; however, there is not data on this that is gender segregated. Another participant questioned how do governments recognize diasporas? In Mozambique, only certain groups are recognized. In terms of gender, this should also be examined.
123. Addressing the issue of 'brain drain' versus 'brain gain' in migration and development, one participant advised that the brain drain scenario is still dominate in regards to skilled labour, however, regarding education, the scenario has changed. In some places, education has been privatized; therefore the state is no longer losing out when women and men leave. There is now a circulation of experiences taking place, where people are coming back who left in the '60s and '70s. New things are being developed that could not have been developed without the circulation of these people and their skills. In Bangladesh, the promotion of migration for nurses is linked with aid programmes, which provides a win-win situation for the migrants and the state.
124. Concerning the gender dimension throughout the migration process, one participant asked what are the aspirations, fears, expectations of women and men? How do they contribute socially, financially, scientifically and in other ways to their home countries?

V. Irregular migration and asylum

125. The Chair stated that there are evident connections between smuggling, trafficking and asylum. Irregular labour migration was not specified in the questions, but it should be kept in mind. There is a great deal of literature on trafficking, which seems to focus on women and girls. Should the Commission just take note of what has been done? Are all of the recommendations already available, or is there something new to say?

Trafficking statistics

126. Regarding statistics on trafficking, one participant cautioned that many sources are not competent to come up with the figures, as proper methodology has been lacking. The Chair asked if there has been an inflation of the figures due to advocacy efforts? The participant responded positively, adding that there is often no basis for the numbers, no actual studies in many cases and numbers that are over inflated.

127. Responding to these concerns, one participant suggested that we should not allow the numbers to be a problem nor to become a stumbling block. She recommended that the UN Protocol concerning trafficking should be utilized, providing as many rights as possible. The Chair suggested that perhaps we should not accept the existing figures and terminology. Participants seemed to agree with this. He then asked what would be the alternative?

Trafficking and sex work

128. Responding to this question, one participant recommended that the term ‘trafficking’ should be dropped, and that it may be more useful to take the migrants’ rights and sex workers rights approach, regardless if they are migrants by choice. In India, there is a sex worker’s collective, which is also involved with combating trafficking. They are in the best position to know what situation the women are in, and to act in terms of their best interests, as opposed to having the police involved. It has been noted that police measures are often problematic for migrants.

129. Another participant expressed concern that there are a wide range of views concerning trafficking and that the data is problematic. She recommended that the term ‘trafficking’ should not be dropped, as there is already an international convention in place for this issue. In addition, sex workers protection would not be sufficient, as issues regarding deportation need to be addressed.

130. Joining the above participant’s concern, another participant agreed that changing terminology would be problematic. She added that trafficking may become the basis for an asylum claim, and therefore there is a need to keep the terminology. UNHCR is currently working on guidelines in this respect. She also mentioned that state discourse on trafficking tends to be a way for governments to keep out refugees and asylum-seekers. This issue needs further attention.

Trafficking and smuggling: links and differences

131. Addressing the differences between trafficking and smuggling, one participant recommended that the differences between the two need to be made clear. However, trafficking and smuggling have links, as a person may be taken away with smugglers and then become a victim of trafficking. When she visited jails in various countries, she found persons who were the victims of trafficking, yet were facing deportation.

132. Regarding the overlap between smuggling and trafficking, one participant noted that while there is some overlap, it is important to acknowledge the distinctions, such as

voluntariness and consent. She warned that anti-immigration policies should not be used as an excuse, nor should policy recommendations be subverted by the migration agenda. A woman's vulnerability when going back to the place she was trafficked from should also be recognized. Concerning violence faced upon arrival, we need to look at those who place the demands for labour and exploitation. In addition, the asylum regime needs gender guidelines for assessing claims, which can be widely adopted by countries receiving applications. She recommended that gender-based persecution should be recognized as a ground for asylum.

133. In agreement with the necessity to distinguish between smuggling and trafficking, one participant stated that he hopes that these two issues will be far apart in GCIM's final report, especially as there is a tendency to put them together. He noted that some policies have been developed to prevent asylum-seekers from entering; therefore the categories should not be confused. He asked that we look at the gender dimensions of migrants in transit during smuggling, which can extend for long periods of time, where they are vulnerable to sexual exploitation by officials.
134. Regarding men and trafficking / smuggling, one participant expressed concern that while women's rights and trafficking have received much attention, the trafficking of Afghan and other men has been sidelined. The rights of men also need to be considered in this context.
135. The Chair asked how trafficking is gendered in the above context? The previous participant responded that there were not women migrants in the area that she studied, but that they were smuggled into Iran and left for labour reasons. Many people had left Afghanistan, or were moving back and forth because of the Taliban. At this time, men are moving for economic reasons, and less for protection reasons. There is an IOM study on trafficking in Afghanistan for further information.

Trafficking and state responsibility

136. The Chair stated that the Commission may want to say something about state responsibility and trafficking in GCIM's final report, but it is unclear if states are unwilling or unable to address this issue. Regarding state responses to trafficking, one participant stated that there is a lack of implementation by states. States often do not have the capacity, resources nor political will to follow through. She questioned, how can a police officer differentiate an irregular migrant from a trafficked person? Regarding Switzerland, sexual exploitation connected to trafficking is more common than forced labour and trafficking. However, there are also problems involving forced labour. How can forced labour and its victims be addressed, and not just the issue of sexual exploitation?
137. Responding to the above issue, another participant suggested that humanitarian groups may be able to assist with communities in crisis. She noted that there are a lot of resources and money available for trafficking victims. However, we need to be aware that this money tends to have nothing to do with women's rights, but is controlled by women and men who seek to impose a rigid morality.
138. One participant stated that she has had frank discussions with government officials about the sex industry, where many victims of trafficking can be found. Although many officials did not want to admit to the problem, those who recognized it as a problem stated that they did not have any answers.
139. Expressing his concern, one participant stated that he was uncomfortable with trafficking being linked to other forms of irregular migration, as the solutions to be advocated will vary in differing contexts. Women and men who have been trafficked are victims of crime, which requires a different set of solutions than for other types of irregular migrants. An administrative system for migration may not meet these needs,

however, human rights requirements will need to be recognized for all types of migration.

140. The above participant continued that students are currently being attracted to new forms of managed migration encouraged by states. Many of these students may find barriers and obstacles when wanting to make their own choices. This may lead to breaking the rules (e.g. overstaying visa periods) and becoming irregular migrants, making them vulnerable to labour exploitation and other ills. At this point, little has come out of the debate on trafficking, which only seems to look at super exploitation. It needs to be understood that these various scenarios require different policy responses.

Asylum policies

141. One participant noted that there has been a lot of legislative development on gender-based persecution. Regarding UNHCR's policy, there is a terminology issue – referring to some refugees and asylum-seekers as 'humanitarian forced migrants'. She does not agree with this terminology and stated that they should be called refugees and asylum-seekers. There is currently an anti-immigration agenda, with more asylum-seekers now being called irregular migrants. These women and men go into detention and then are deported. In the case of Italy, UNHCR has not been able to gain access to visit people in detention. Family reunion policies also need to be reviewed, as husbands may get status while wives have to be smuggled to get in.

142. Another participant noted that asylum-seekers, who may also be victims of trafficking, are being recognized less and less. They are instead being considered as illegal migrants. She advised that the Report of the Special Rapporteur on the human rights of migrants, visit to the Islamic Republic of Iran, should be reviewed. The report discusses the situation of Iranian women and Afghan men. There are serious problems with voluntary repatriation, which is not really voluntary, and victims of trafficking can also be found in this context.

Burdens on victims of trafficking

143. Regarding the legal responses to victims of trafficking, one participant expressed concern over the burden placed on victims of trafficking. For example, in France, a victim must go to the Ministry of Interior (the police) and try to get permission to stay. Now that these measures exist, she recommended that we obtain the statistics on them and the burden that they impose.

144. In the South Asian context, one participant discussed how the issue of trafficking has spoiled the image of migrant women. Before they were seen as workers, makers and doers, but now they are being stigmatized as having been involved in sex work and other exploitative contexts. HIV and migration is another area that has stigmatized them, as they are seen as probable victims. Consequently, their reputations have been negatively effected, and the prospects for future generations of migrant women may be compromised. She recommended that the positive sides of migration need to be highlighted, and not just the negative ones.

VI. Migrants in society

145. The Chair acknowledged that with the time constraints it would be difficult to get through all of the agenda questions. He asked that the participants look at the relationships between women and work, to focus on gender roles in destination countries, to examine first and second generation issues and to think about how gender intersects with the various themes presented in the agenda.

Intersections: racism, cultural rights and gender

146. Addressing the issue of promoting and protecting cultural heritage, one participant expressed concern that when giving these rights to cultural groups, there may not be a proper consultation process. A traditional male leader may be identified, who would promote a particular tradition that continues their vested power relations. Cultural defenses are now being used in legal cases. In Canada, there is a proposal to allow Shar'ia courts in Toronto for divorce and inheritance cases. She questioned if multiculturalism is sliding into relativism?
147. Responding to the above problem, another participant discussed the deeply problematic issue of policymakers deferring to male cultural leaders. They promote a very conservative, patriarchal culture, making it difficult for women's rights to surface. Anti-racist forces are also involved here. For example, anti-racists would not distribute women's rights literature to women from Pakistan stating that it was racist. Secular and feminine voices are very isolated in this context. State policies are cowardly and make these issues more problematic. In situations of forced marriage, most states do not protect women, stating that it is their policy to avoid family disintegration. Regarding honour crimes and forced marriages in the UK, the family is a carrier of risk. Women do not want to return home and take on these cultural practices. They are seeking protection in the host country.
148. One participant expressed concern that we do not allow the anglo debate to dominate how we think about these issues. She stated that the secular issue plays out differently in France. In that context, feminists have aligned themselves with conservatives against young women wanting to assert their cultural rights. She advocated that we approach this in a way that does not exclude or alienate certain cultural or religious groups. Another participant responded to the above stating that we should never agree that relativism (e.g. honour crimes, forced marriages, etc.) are okay. Yet, we also must not fall into the trap of racism.
149. One participant noted that feminist and secular groups are being isolated, and that there is little political space for women to act. In this context, for women to claim their rights would require the denial of their ethnic identity. Following this line of discussion, one participant acknowledged that the context is therefore significant. She recommended that the UK government consult more widely within ethnic populations and dissenting groups.

Outreach efforts and integration issues

150. Addressing the lack of communication between policymakers and the migrant community, one participant noted that not many migrants are affiliated with an organization supporting their interests. As many migrants prefer not to be involved with organizations, an alternative way to engage with migrant populations is needed. How can we reach out to migrants? In the communication model of home countries, he recommended that perhaps migrants can communicate through consulates and community leaders, which are assumed to have a direct relationship with the people. He also recommended that we focus on emerging ethnic websites that attract many young people involved democratically, but not necessarily in an organized way.
151. It was advocated by one participant that countries need to have associations for migrant workers and unions for the same (e.g. union of Nepali migrant workers). In addition, she also recommended that conditions of stay that are discriminatory need to be abolished. For example, in Hong Kong and Singapore - women are deported if they become pregnant, with the employer forfeiting their bond. In Malaysia - a person cannot change job categories, there is no right to marry, no family reunification and after seven years, men and women are still not considered residents.

152. Concerning integration efforts, one participant advised that migrant settlement programmes inform men and women about gender issues, however, she recommended that a more specific focus on intercultural dialogue, executed in a sensitive way, could be helpful for integration efforts. There is a need to speak with more people and to see what issues get identified. In the example of honour killings, they are consistently identified, yet the issue is not being addressed. When requests are made for government funding on programmes to address these issues, they are consistently refused.
153. Continuing the discussion on integration, one participant advised that an ILO study identified that temporary work programmes do not have integration policies. However, a need to integrate does not exist when men and women are only in the host country for six months. When reviewing the needs of migrants in OECD countries, it was revealed that there are large impacts on women (e.g. health, language, cultural, etc.). Contract work in the Middle East places Pakistani workers in concentrated labour camps, in big city ghettos. In addition, many countries do not recognize domestic contract work in their legislation. In an ILO report, it was researched why women from Muslim countries were not going to medical checkups.
154. The above participant continued that the report showed how these migrant women have become more conservative and cannot be seen going out in big cities alone, such as in Vienna. This is probably attributable to the large scale of domestic violence inflicted upon women in immigrant communities. For example, when the husband is the contract worker, the brother would exercise more control and not let the women go out. These men had decent work in their home countries, but were working in dirty and dangerous jobs in the host country. Bad jobs and poor treatment at work had a negative effect on their self esteem. This translates into power relations in the family, negatively impacting on women in their vulnerable situation.
155. The above participant added that at the World Conference against Racism, lobbying for the rights of women and out reach programmes were envisioned. She recommended that there should be more out reach programmes, advocacy and work with migrant communities, such as the work that the network RESPECT does. The migrants are not only concentrated locally, but are within the diaspora networks. She noted that there are many intergovernmental venues where international policy is shaped, but there is not much activity from civil society regarding immigrant communities. She also stated that it is important to support migrants' right to organize and recommended that we encourage unions to work on this. Concerning migrants and freedom of speech, one participant discussed how only clerics with education in the Netherlands are being allowed to preach in mosques there.

Second generation issues

156. Another participant discussed the multicultural context of Bangladesh. She stated that there are roles for the receiving and sending states to play. She recommended that British embassies consider second generation linkages with secular culture, in order to prevent going back to conservative doctrines. These types of linkages with the host and home countries can engender cultural, secular identities.
157. Regarding second generation issues, one participant expressed concern about reports on violence between first generation fathers and second generation children. In some cases, the second generation is opposed to the culture and beliefs of the first. The differences between high class culture and poor people should also be given attention.
158. Addressing the issue of second and third generation migrants, one participant was concerned about the labeling of second and third generations as migrants. At what point do people become settled in the population, and are no longer labeled? The

Chair stated that the Commission has not yet determined if it will also be concerned with the descendants of migrants.

Labour, family reunification and gender

159. Turning to the relationship between migrant women and work, one participant observed that the dynamics here have been established by patriarchy and tradition. An important issue determining how women will fare in the labour market is the space that is allocated by official society for migrant women. Most receiving countries presume that female family members enter under male heads of household. In fact, women are often admitted on family reunification grounds, which affects their relationship with the labour market, access to health, education, etc. Further problems arise when the marital relationship is eroded or strained, where the rights of the female family members are curtailed at that point. When women are the head of household, they may be refused to have their dependent children join them. This has a negative influence on their ability to migrate, as most women will not abandon their children.
160. The above participant continued that although there has been a vast extension of labour categories, there continues to be an undervaluation of female qualifications, as the standards used for skilled workers are based upon traditional male roles (which do not take into account the inequality and discrimination against women as part of the formula). A critique of points based systems performed by Canada established that managed migration needs to operate with a broader notion of human capital.
161. The above participant added that for women in unskilled labour (e.g. hospitality, food processing, etc.), it is usually short-term, with little opportunities, the possibility of exploitation and no family reunification. The world of employment is not the world of egalitarian employment. These structures are likely to reinforce gender inequality, and not to address them. There are very few policy prescriptions that can be made in relation to this. The world of work should be translated into the world of opportunity, but this can only be done through rights. We have to think of the business of migration as being associated with the basic fundamental rights of workers.
162. Responding to the above discussion, one participant urged that the distinction between the private and public spheres needs to be broken, asking how can domestic work become part of the public sphere, as a wage employment. The private sphere is connected with a great deal of exploitation, such as trafficked persons in the sex industry. For those in the public sphere, they enjoy holidays, wage rights, etc. She advised that a mechanism in this regard seems to be working in Singapore, which should be reviewed. She recommended that countries which recognize sex work and provide licenses should implement labour laws. For those countries which do not recognize sex work, she recommended that they work on the demand side in the receiving country.
163. Regarding sex work, one participant referred to ILO's published Sex Sector book, which has raised a great deal of controversy in certain circles. Conservatives were against it and did not want sex to be considered as a work sector. Until present, ILO is still receiving messages that they are promoting prostitution. Turning to the issue of domestic workers, it is not difficult to determine what their rights should be, however, in certain countries (especially the Gulf States) it is difficult to change the cultural views about how a domestic worker should be treated. Much support is needed from high political spheres in order to advance this issue. Now that all of the issues have been identified, there is a need for political will and cultural change.
164. Providing Jordan as an example, another participant explained how Jordan has amended its labour laws to recognize domestic work. It has endorsed labour contracts that cut across all ethnic groups, providing many benefits. It introduced

regulations for recruitment agencies, compelling them to conform through incentives. Bilateral agreements / memorandum of agreements between Thailand and other countries provide an example for the protection of workers' rights in certain sectors that have been agreed upon for recruitment, providing them with the same rights as nationals.

165. The Chair questioned why this difference regarding work contracts exists in Jordan. The above participant responded that Jordan is a more liberal country in the Arab region, displaying more political willingness. She recommended that the 'rights and obligations approach' should be used when trying to convince policymakers in this area. In Jordan, initially there was resistance in the different sectors, however, the built-in clause regarding the obligations of workers worked to modify the resistance of the policymakers and employers. These efforts were pushed in a way that avoided finger-pointing, which allowed for embassies, ministries, etc. to get on board.
166. The above participant continued that UNIFEM's strategy was quite critical and asked each government agency, employer, etc. to make a contribution. This strategy successfully created a sense of ownership for each of the involved parties, and showed that their individual roles were important for the process to be effective. As Jordan has ratified CEDAW, it was possible to remind them that they are signatories to the convention when developing the aforementioned labour contracts. Although there has been no consensus on minimum wages, a provision was built into these contracts which allows for embassies to fill-in what wage is appropriate for their workers.
167. The Chair noted that the Jordanian contract has been discussed at GCIM's meetings. There has been concern regarding paragraph 8, which states that the migrant worker gets one day of rest *if they do not leave the residence of the employer*. The previous participant responded that these contracts are now endorsed, and that now there are efforts being made to look at how it is being monitored. At present, it is the worker's word against the employer's. She recommended that the ministries of labour in various countries should state all of the conditions necessary for work on their websites. She is also working on information dissemination to migrant workers, but stated that publication of this information before they enter the country would be more helpful. She also recommended that NGOs be established to work with migrant workers as information programmes phase out, which explains whom they can go to for protection of their rights. In addition, some countries have a governmental department where complaints can be received.

Migration experiences

168. The changing role of South Asian women after their migration experiences was also discussed. The experience of crossing international borders, handling passports and other legalities were often new experiences for these women. Staying outside and taking independent decisions created a sense of achievement for certain groups of women. The migration experience has been positive for some, negative for some, and also mixed. When they return, a stereotype has been broken, showing that women can go out, and that they can work. Once they have returned, they often come into positions of leadership in the societal context, developing associations, and in some cases, going on to political positions. One of their major achievements abroad was developing friendships with other internationals, providing fulfillment in their lives, which they shared with others in their society. She recommended that policy changes should include giving migrant women's associations a voice.

VII. Migrant worker guest speakers, Eva and Nimfa; Mr. Dennis de Guzman, Kakkampi (Migrants Rights and Economic Prosperity Association); and discussion with participants

169. Eva explained that she has been in Geneva for 10 years. She initially arrived as a tourist, but had the intention to stay and work. She stated that she felt lucky to be invited by her friends to try to find a job in Geneva, compared to Filipinos who went to Saudi Arabia, where it is less peaceful. Initially, she was fortunate to be working for a Swiss family who treated her like a member of their family. Otherwise, the depression of being far from her family and the sacrifices that she was making for her three children would have been more difficult to endure. It was very painful for her not to see her children while they were growing up. She has only seen them twice in 10 years. Her oldest child was supposed to be graduating from high school, but has failed some of her subjects. She has wondered whether or not if she was home, would her daughter have passed her classes? Her family has encouraged her to go back home, but they do not have money. The children live with her parents, which has been a complicated situation for everyone.
170. For four years, Eva worked in Geneva without papers, and then had the very upsetting experience of being caught by the police. She was told that she would have to return home, being given just 10 days to leave and an exit card. Her employer tried to help her, but was not successful. She departed Geneva for Nyon. Her husband came for a short period, but under the pressure of their separation, the marriage ended. The new employer in Nyon did not treat her well. She explained that Filipinos are very patient when it comes to their work. She worked for a year and a half waiting to obtain her papers. During that time, the new employers paid her less than the minimum domestic workers are supposed to receive. In the end, she did not receive her papers.
171. Later, Eva found a new employer, who was also a diplomat. The new employer protected himself by following the law – giving her the minimum pay, days off, etc. However, the character of the family was not good. She described how Filipinos are victims of racism, and how the new family looked at her as if she were a slave. Yet, she did her best to please them during the two years that she worked with them. Their standards were very high and she felt she could not reach them. They decided to take someone with more experience, and gave her 30 days notice, which is all that is necessary under Swiss law.
172. Eva desperately put her name up at Migros, Co-op and at the UN looking for a new employer, but did not receive any suitable responses. She was offered from 700 to 1,500 CHF per month, to work weekly from nine am to five pm. However, these are not sufficient wages to live in Geneva. How would she be able to live on this money and to also send money to her family? Although she has a Bachelors degree, there is no work in the Philippines nor Geneva for her qualifications; therefore she must work as a domestic labourer. In addition, when there is work in the Philippines, the wages are still substantially less than the salary for a domestic worker in Geneva.
173. At present, Eva's papers have expired. The Swiss Mission is tough, and even a one day lapse is not acceptable. She is working part-time with different employers, trying to save her money for insurance. She stated that as a domestic servant, she is always struggling. She hopes that the regularization programme will be pushed for them, and that the Swiss government will hear their cries. She does not want to stay forever, but just to help her children prepare for their future.
174. Nimfa discussed how she has been working as a domestic labourer in Geneva since July 1988. She has not seen her children since then. In her absence, her children have grown up, graduated from school, and her father has passed away. It has been very upsetting for her not to be able to go to their graduations and not to be

home for the one year anniversary of her father's death. She acknowledged that it would be easy for her to leave Switzerland; however, she would have no right to return. Her children are now studying at the university, so she must continue to sacrifice working here in Geneva. She is the only one supporting them, as their father was not supportive when she was home, nor has he made any efforts to take care of them during the time that she has been gone. His lack of support was one of the factors that encouraged her to leave the Philippines. After she left, her husband left her for another woman.

175. Nimfa explained that she has a Bachelors degree, and although she was able to find some work in her profession in the Philippines, it was less than sufficient financially. Similar to Eva's story, she came to Geneva through an invitation from her friends to find work. It was her first time to go abroad. She did not know what her work would be like, but assumed it would be in her profession. Her friends did not tell her before her arrival that the work would be domestic. Domestic work has allowed her to support her family and three children; however the pay was only 1,500 CHF per month. She asked for an increase in pay, but the employer could not due to her own personal situation. She was fortunate to find a new employer who would pay her a higher wage. The family has treated her well, however, her problem of being without a permit and unable to see her children remains.

176. Nimfa went on to describe the deep feelings of fear that she has been experiencing while living as an irregular migrant in Geneva. She is scared when she sees the police, especially when they come on the bus. She mentioned that there have been increased numbers of police on the trains, where she is always careful to have a ticket. Some migrants with papers exacerbate the situation by offering their permits, seeming to encourage her to be caught without one. She feels disheartened to see other migrants using their permits in this manner. She stated that her only weapon is her prayer, and that she must take medicine for her nervousness. She is praying that she will be able to obtain a permit to be able to leave and return to Geneva.

177. Mr. Dennis de Guzman described how Kakkampi assists domestic, migrant workers. He noted that there are 2,000 to 4,000 undocumented Filipino workers in Geneva. Kakkampi first helps migrants in protecting their rights, and then they provide them with economic assistance. These migrants come to Geneva to earn money, but even after 10 years they may find themselves still in a situation of poverty. The KIS project helps them to participate in a savings group. Most Filipinos become involved with Kakkampi through their large church community, however, not everyone joins the association.

Discussion

178. Eva and Nimfa were asked what they do to relax in their free time. Nimfa answered that she reads the Bible, church magazines, prepares pamphlets for the church and studies French. One participant asked Eva and Nimfa what their plans are for the future. Nimfa answered that she would like to settle her family in their own house, have her children go to the university, to save money and to start a small business, within five years.

179. The capacity of Filipinos to organize and to provide leadership in many circumstances was noted by one of the participants. She asked if the community in Geneva is too small for this type of leadership? Mr. Dennis de Guzman answered that Geneva is unique, in that there are not many Filipinos. The main problem facing them is language; however, there are free French classes here. They are learning through Kakkampi how to use capital, business skills and how to set-up businesses.

180. One participant questioned whether or not the Swiss government provides regularization programmes on a regular basis? She also noted that regarding the

savings mobilization programme in the Philippines, private sector engagement is needed. In addition, the production skills being taught to the migrants are good, but that they need to work on other skills. Further, she stated that a range of investments is needed, as everyone is not an entrepreneur.

181. Mr. Dennis de Guzman responded that the upcoming migrant regularization programme is only for Geneva, not Switzerland. Most of the beneficiaries from this programme will be women, as many surveys show that 80 % of the undocumented workers are women in the domestic sector. It is largely a regularization for vulnerable groups, which will cover approximately 5,000 to 6,000 women and men. Through this regularization, migrant men and women are supposed to receive the correct minimum wage, better working conditions, days off, etc. However, although these rights are guaranteed on paper, the programme may not be monitored, which could affect whether or not migrants actually receive the correct minimum wage and are treated fairly. Regarding investment and financial training programmes, he advised that when migrants return to the Philippines, they have to start a business, as they cannot find a job. He stated that they have to become entrepreneurs.

182. One participant discussed the structural rigidity of the Swiss system and its strict monitoring of migrants. The migrants are always dependent on their sponsor, and have only 30 days to find a new sponsor when their employment ends. Once the sponsor is gone, there is no longer any legal right to be in the country. It is dismaying to see the great efforts the migrants go to in order to work and help their families, only to have their living situation continue to be precarious no matter how much time they have spent here. She went on to advise that UN staff can sponsor domestic workers, however, this is only allowed for high level professionals, barring levels P1 to P4. She noted that even rich, Swiss people normally do not have the right to hire these migrant, domestic workers. She hopes that the regularization programme will open channels allowing for the invitation of more domestic workers.

183. One participant asked Eva and Nimfa what recommendations they would like to make. Eva responded that first they would like the regularization campaign to be pushed through, thereby giving them legal status and a permit. This will enable them to go to their country and see their families once per year. The regularization programme will also provide for their insurance, which they have had a difficult time being able to afford. Lastly, she hopes that they will still have enough money left for retirement when they go home.

VIII. Legal, normative and human rights issues

184. Addressing the issue of documentation, one participant advised how refugee experience has fed into the broader migration experience, yet refugees have other characteristics and can also become workers, etc. Regarding the formal legal framework, the question of documentation is the key to any discussion on migration. In this regard, there are gender aspects concerning documents, legal status, etc. For example, UNHCR has well-formulated gender policies, but the reality on the ground is that they are gender blind on questions of documentation. It is done in a traditional way, with the head of family (usually a male) being documented and everyone else being listed as dependents. This has impacts on the family members, where in many instances females are dealt with as mere dependents. The challenge for female migrant workers is getting documentation, as their work is not recognized and feeds into their societal invisibility, which in turn affects their access to services, healthcare, etc.

Treaty ratification / Legal framework issues

185. The above participant recommended that a legal framework with ratification of the 1951 Convention relating to the Status of Refugees and corresponding legal systems that allow for proper advocacy work should be implemented. With the 1990 Convention on Migrants Rights and its treaty monitoring body, perhaps a broader discussion for types of legal frameworks in states, or amendments that can be made, will have an opportunity to be addressed. However, many countries are not signatories to this convention. She recommended that the core group of signatory states of the 1990 Convention may have the scope for determining which legal frameworks, with a rights based approach, would be appropriate.
186. The Chair acknowledged that there is a clear set of rights for refugees, but that this is not the case for migrants. He asked how we can look at refugee rights to get ideas for migrants' rights? Responding to this question, one participant expressed concern that although refugees have legal protection, asylum-seekers are not being recognized in many countries, and often wait for long periods in legal limbo. She provided Colombia as an example, citing the fact that border countries lack policies which recognize refugees. Regarding the legal framework for migrants, she conceded that the culture in the UN is that only refugees enjoy protection. Host countries continue to be resistant to ratifying the 1990 Convention. Deportation of migrants remains as a non-issue, and only becomes relevant when a woman or man's status is recognized as a refugee. In this context, migrants may end up being refouled. She recommended that UNHCR's presence should be greater, as the legal framework for migrant workers is low.
187. One participant recommended that attention also be given to CEDAW. If CEDAW has been ratified by countries of origin and destination, although there is not a specific article on migration, it can address migrant workers concerns (e.g. state obligations) at all stages of the migration process. She also recommended that CEDAW adopt a gender recommendation on migration, which would institutionalize the process.
188. Regarding existing ILO Conventions, one participant recommended that they should be brought back to the discussion. For example, ILO's Convention No. 97 has been ratified by some important receiving countries. In addition, ILO's Conventions have a follow-up mechanism, where a committee of experts meets every year for discussion, and every two years governments must provide information on how the conventions are being implemented. The experts then provide their recommendations. She also discussed ILO's new mechanism in 1999, concerning the eight fundamental principles and rights, which all ILO member states need to report on even if they have not ratified the conventions. Migrant workers are in the main body of the declaration, as they are considered in the section addressing the most vulnerable types of workers.
189. Agreeing with other participants, one participant stated that UN core treaties and the ILO Conventions should also be used as an example. She stated that there are three different campaigns – ratification, treaty body monitoring, and monitoring by NGOs. We need to encourage UN mechanisms and treaty bodies. She also noted that CERD has made recommendations for migrant workers.
190. Regarding conventions, one participant stated that there is a need to develop people's ability to work with conventions, and to avoid diversionary tactics. She also stated that we need to understand the reporting process of CEDAW, as well as how to intervene, how to claim redress, and how to perform shadow reporting. She asked if there are shadow reporting mechanisms in the migration area?
191. In drawing upon the existing legal framework for refugees in order to develop policies for migrants, one participant warned that the existence of the asylum regime is due to a certain historical context, which does not apply with regard to migrants.

The normative framework and protective mechanisms surrounding the asylum regime cannot be duplicated today. She recommended that we should abandon any optimistic notions of creating new norms or a legal framework like the 1951 Convention relating to the Status of Refugees. Instead, we should focus on existing norms, such as asylum or human rights, by analogy, and use them as effective tools in the migration arena. The Chair responded that there is a need to make existing laws stronger.

Policy development and capacity building

192. Turning to the problem of bi-lateral policy coherence, one participant raised the issue how many countries have bilateral policies which are different from their domestic policies. In these cases, the legal framework becomes counter productive. She recommended that bi-lateral policies look at domestic policies in terms of coherence before their implementation.
193. Regarding the development of national policies, one participant noted that migration work done in sending countries is often abrupt and with little coordination. She recommended that policy development is needed here, and that the Philippines model should be given consideration as a model for best practices. Additional policy development issues include the problem with exploitation in the migrant recruitment process. She asked how can we streamline that process and ensure rights? She recommended that we look at ILO and the private sector – regulation is needed in the private sector and national capacity needs to be developed there.
194. The above participant continued that memorandums of understanding and bilateral agreements cannot be shared with other countries, as these are secret documents where others do not have the ability to learn from these experiences. She questioned what an ideal memorandum of understanding would look like, and how would it enhance civil society? She recommended predeparture orientation training by civil society organizations for outreach and to reduce corruption, advising that governments can monitor this.
195. One participant expressed concern over the low level of consular protection for migrant women. Countries of origin do not provide any effective protection, claiming that they do not have a sufficient budget for this. She recommended that consular protection in countries of origin should be enhanced. Sending countries should take more steps to protect the health of their nationals, as they are benefiting from the remittances that their nationals send back home.
196. Also addressing the role of the home state and consular protection, another participant discussed how behind the professed lack of resources, there are also major political dynamics at play. Host countries that are negative towards migration have been manipulative in limiting the scope of the consular and encouraging deportation.
197. Regarding regulations for recruitment agencies, one participant recommended policies applying the incentive / disincentive system. For example, in the Philippines, illegal migration is defined in terms of recruitment agencies when they violate the human rights of migrants, which is considered illegal behaviour. Responding to the above recommendation for predeparture training programmes, she recommended that they need to be gender sensitive and rights based. In addition, information needs to be given about the host country, what their rights are in both sending and receiving countries, and how they can invoke mechanisms. Lastly, she recommended that community awareness raising needs to be pursued, as many potential migrants may be unaware of available resources in their home countries. This may put a brake on some of the out migration.

198. One participant recommended the development of a passport model, where membership of a worker in a trade union in a sending country is mobile, providing him or her with the same membership and services in receiving countries. The passport model is likely to be very strategic for protection.
199. It was recommended by one participant that information sharing must be both regional and global. Countries can share their experiences and space can be provided in meetings and negotiations supporting migrants' rights and addressing gender issues. This will lead to the governance of migration, and not simply migration management.
200. One participant discussed how the migrant experience precipitates women's leadership roles. Because of this background, it is more difficult for women to attempt to sponsor husbands, fiancés and children. Immigration policies operate based upon certain gender aspects. As leadership capacities are being developed, left-of-centre think tanks are looking at the gender dimension of migration policies. It is possible that we may be able to move forward from these grass roots efforts.
201. Responding to the above comments, another participant noted how most policies have been focused on male migration, and that the women's movement has not yet taken migration on board. She advised that UNIFEM is making inroads here, as the issue of gender mainstreaming was successfully put on the agenda in Nepal, Indonesia and Jordan. In Hong Kong, there has been capacity building for domestic worker unions and also for migrant women's rights.
202. Adding to this discussion, another participant mentioned that trade unions have lately been concerned about migrant women's rights, and are trying to provide them with more protection. There is a newsletter regarding the activities of trade unions, however, it is mostly limited to covering Western Europe.

Convention on Migrants' Rights (CMW)

203. The Chair discussed how it has been difficult for GCIM to come to a consensus on recommendations concerning the legal and normative framework for migrants. The external environment has been hostile regarding these issues, while within the Commission, there is a clear division of opinion that needs to be resolved. There are 3 different positions to consider: 1. Promote more signatures for the 1990 Convention on Migrants' Rights, 2. Place less emphasis on ratification of the 1990 Convention, instead focusing on practical ways to ensure the protection of migrants, or 3. Amend the 1990 Convention to make it acceptable to more states. If amendment of the 1990 Convention is seen as a viable option, how will this work in practice, as the amendment procedure is extremely complicated and time consuming.
204. Regarding national capacities in applying the 1990 Convention, one participant advised that 27 countries have ratified the Convention, and that half of those countries are Latin American, with none being from developed countries. There is a need to bring the developed countries into the group and to oblige them. She recommended that capacity building in developing countries is necessary for them to be aware of migration issues. Currently, they are receiving their information from developed countries. Developing countries should have the capacity to obtain information on their own.
205. Joining what appeared to be a developing consensus among participants in support of the 1990 Convention, one participant expressly stated that UNIFEM supports the 1990 Convention. Also expressing support for the continued viability of the 1990 Convention, one participant described it as the most comprehensive set of human rights norms for migrants. She advocated that we need to look at the human dignity of

the individual. If international migration is taken outside of the discussion on human rights, then migrants become more like goods than like people. We have to be careful not to strip the person of their human dignity. She encouraged that GCIM should keep this focus, within the governing structure of the UN, and mentioned that UNHCR is also promoting its ratification. The Convention is one of the seven core human rights treaties of the UN. She stated that it does not need any changes, but only to be promoted and for people to be made aware of it. She advised that we need to dispel the myths about the Convention. The Convention does not encourage migration, but respects and protects the human rights of migrants. Governments need to be challenged as to why they have not yet ratified the Convention. Governments may claim that they already protect migrants through other instruments, but why not ratify the Convention as well? The same countries who drafted the Convention are afraid to ratify it. NGOs and international organizations are working together for ratifications. The Convention needs teeth for individual complaints.

206. Acknowledging the low ratification of the 1990 Convention, one participant stated that there is no expectation that the Convention will be ratified in the short-term. Making the case for migrants' rights is still a long way from being accepted in many countries. In the UK, for example, the Labour Minister has expressed that they are against providing these rights for migrants. Those who are governing countries are against these rights because of the political agenda, as claims for higher wages and integration are not met well. Corporations are looking for migrant workers who are disposable. The only platform that seems to get any attention is the needs of business and the developed world. He recommended that all of the legitimate interests, such as human rights, need to be represented and promoted in order to resolve the chaotic conditions surrounding migration. The technical virtues of treaties often confuse the process, preventing us from reaching more practical aims. Ultimately, migrants need to be the authors of their own destiny in the migration process.
207. Expressing her skepticism about changing the existing 1990 Convention, one participant stated that we will end up with lower standards in the quest for more ratifications. One participant recommended that we keep promoting the 1990 Convention in countries that do not want to sign it, but to also look for other ways to assist migrants, and that it is necessary to find the middle ground. The focus should not be on the Convention or the practical, as both need to be promoted. International organizations can help NGOs push for ratification, which also helps capacity.

Civil society

208. Turning to the issue of civil society and government relations, one participant noted that it is important to have members of civil society at the negotiating table and to bring representatives of migrants into the dialogue. Most of the money available is moving upstream, supporting government, and not civil society and its representative organizations. Unless policies are actually grounded with the assistance of people on the ground, migrants' rights do not have the possibility to move forward. She recommended that existing capacities supporting migrants should be channeled to decision-makers. She also recommended that we need to build networks with academics, enhance connectivity with civil society, develop civil society's capacity to speak with policymakers and to bring them to the discussion.
209. One participant recommended that it should be common place to have migrant workers resource centres in receiving countries. Migrants can develop skills, share information, enjoy recreation, and create a social identity, and not just an economic one. She further recommended creating associations of returning migrant workers, such as the Bangladesh and Pakistan experiences, which reintegrate those who have returned.

210. One participant acknowledged that although it is a struggle to find resources, helping migrants organize in both sending and receiving countries is a very effective tool for their empowerment. She provided the Philippines and Japan as examples, where there are large organizations for supporting migrants' rights. She cautioned that although these organizations support migrants, they should not replace the responsibility of states. She noted that civil society activities exist because states are lacking in meeting their obligations.

Organizational grasp of gender issues

211. Regarding to what extent organizations have a grasp on gender issues, one participant advised that UNHCR is gender aware in the context of trafficking, but with broader migration issues, gender is not being handled well. In addition, men have been made invisible in the trafficking debate, and women are often mislabeled as trafficked victims.

212. Regarding good examples of best practices, one participant noted that in the UK, Asylum Aid, has projects focusing on refugee women, where both case and advocacy work are combined. She also mentioned that Amnesty International has a migration unit, however, it will be shifting to campaigns on violence against women. Organizations that are taking on migrant issues need to understand discrimination, race, ethnicity and gender, and to mainstream gender in their policies and activities. For GCIM's final report, she recommended that close attention be paid to wording (using 'he' and 'she', instead of 'migrants' or 'they' when possible). She also recommended that a list of organizations should be provided that are properly handling gender issues.

IX. Female migration from Bangladesh – film and presentation by Dr. Tasneem Siddiqui, Dhaka University, SAMReN

213. Dr. Siddiqui discussed how the general ban on Bangladesh women migrants has been removed, however, there are still many restrictions preventing their free movement. For example, Bangladesh women are not allowed to migrate until after age 30.

214. One participant addressed the need for predeparture training by NGOs throughout Bangladesh, and control of recruitment agencies. She noted that host countries are already very much involved because they process the recruitment information. Dr. Siddiqui responded that a large part of migration takes place through social networks, which already address many of the predeparture issues. It was questioned by one participant if the range of migration from Bangladesh is limited to the Gulf states? Dr. Siddiqui answered that in the past, the majority of migration went to the Gulf States, but that now it is reaching additional locations.

X. Closing session

215. The Chair explained that the report for the Gender Workshop will be circulated and that there will be an opportunity for participants to provide their comments. When the final version is completed, it will be placed on GCIM's website. Comments made by participants will be non-attributable. Critical readers, including those with gender expertise, will be reviewing the report before the Commission makes its final conclusions. The Commission will also review the recommendations which have come out of the Gender Workshop for its preparation of the final report.

216. Regarding future directions after the Gender Workshop, GCIM is in the process of establishing a network on Migration and Gender. The network will allow participants from the workshop and other interested parties to continue discussions on gender and to share information on upcoming events regarding gender issues. Information regarding the network will appear in GCIM's gender newsletter, which will soon be made available on GCIM's website, www.gcim.org.